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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 920

[Docket No. FV02–920–1C IFR]

Kiwifruit Grown in California; Relaxation of Pack Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Correction to interim final rule.

SUMMARY: This document contains a correction to the interim final rule published on October 29, 2001 (66 FR 54411), concerning kiwifruit grown in California. The correction is made in the amendatory instruction section of the interim final rule.

EFFECTIVE DATE: October 24, 2001.

FOR FURTHER INFORMATION CONTACT: Rose M. Aguayo, Marketing Specialist, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (559) 487–5901, Fax: (559) 487–5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 205–8938.

Small businesses may request information on compliance with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 205–8938 or e-mail: *Jay.Guerber@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

This rule allows handlers to pack more individual pieces of fruit per 8-pound sample for seven size designations, eliminates one size designation, and adds two new size designations. These changes were unanimously recommended by the Committee and are expected to increase grower returns and enable handlers to compete more effectively in the marketplace. The rule was issued under Marketing Order No. 920, as amended (7 CFR part 920). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Need for Correction

The interim final rule as published contains an error in the amendatory instructions affecting 7 CFR part 920. The amendatory instructions incorrectly indicate that the revised table in § 920.302 appears at the end of paragraph (a)(4)(iv). The revised table actually appears at the end of paragraph (a)(4)(iii) of that section.

Correction of Publication

Accordingly, in FR Doc. 01–27205, published October 29, 2001, page 54411, make the following corrections:

§ 920.302 [Corrected]

1. On page 54414, in column 1, the amendatory instructions in number 2, are corrected to read as follows:

2. In § 920.302 the table in paragraph (a)(4)(iii) is revised to read as follows:

2. On page 54414, in column 1, in § 920.302, the paragraph designation (a)(4)(iv) is corrected to read (a)(4)(iii).

Dated: January 3, 2002.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 02–578 Filed 1–10–02; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF STATE

22 CFR Part 41

[Public Notice 3858]

Documentation of Nonimmigrants Under the Immigration and NationalityAct, as Amended—Additional International Organization

AGENCY: Department of State.

ACTION: Interim rule with request for comments.

SUMMARY: This rule adds INTELSAT (following privatization) as an ''international organization'' to the current definition which includes within that term only organizations so designated by the President.

DATES: Effective January 11, 2002. Written comments may be submitted on or before March 12, 2002.

ADDRESSES: Written comments may be submitted, in duplicate, to the Chief, Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20520–0106.

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Harper, Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20520–0106, (202) 663–1221, e-mail harperbj@*state.gov,* or fax at (202) 663–3898.

SUPPLEMENTARY INFORMATION: Section 301 of Public Law 106–396 (47 U.S.C. 763, October 30, 2000) provides that certain aliens who were officers or employees of INTELSAT before its privatization and who had had and had maintained the status of ''international organization alien'' under the terms of section 101(a)(15)(G) of the Immigration and Nationality Act will continue to be eligible for such classification as long as they are officers or employees of INTELSAT or any successor or separated entity of INTELSAT. The current regulation (22 CFR 41.24) defines an ''international organization'' as one designated by the President as entitled to the privileges and immunities provided under the International Organizations Immunities Act (22 U.S.C. 288). Although INTELSAT was and is so designated (while not yet privatized), it would appear that its status (and that of separated or successor entities) as an international organization for non-immigrant visa purposes after privatization would be contingent upon this legislation. It is believed, therefore, that the regulation should so specify in the interest of clarity.

No other changes are effected by this regulation.

Regulatory Analysis and Notices

Administrative Procedure Act

The Department is publishing this rule as an interim rule, with a 60-day

provision for post-promulgation public comments, based on the ''good cause'' exceptions set forth at 5 U.S.C. 553(b)(3)(B) and 553(d)(3). The rule makes no substantive changes in visa operations. It simply acknowledges that a different statute conferred the designation of ''international organization'' in this instance.

Regulatory Flexibility Act

Pursuant to § 605 of the Regulatory Flexibility Act, the Department has assessed the potential impact of this rule, and the Assistant Secretary for Consular Affairs hereby certifies that is not expected to have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

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

Small Business Regulatory Enforcement Fairness Act of 1996

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

Executive Order 12866

The Department of State does not consider this rule to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review. Therefore, in accordance with the letter to the Department of State of February 4, 1994, from the Director of the Office of Management and Budget, it does not require review by the Office of Management and Budget.

Executive Order 13132

This 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, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement.

Paperwork Reduction Act

This rule does not impose any new reporting or record-keeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

List of Subjects in 22 CFR Part 41

Aliens, Nonimmigrants, Passports and visas.

Accordingly, the Department of State amends 22 CFR Chapter I as follows:

PART 41—[AMENDED]

1. The authority citation for part 41 continues to read:

Authority: 8 U.S.C. 1104.

2. Amend § 41.24 by revising paragraph (a) to read as follows:

§ 41.24 International organization aliens.

(a) *Definition of international organization.* ''International organization'' means: (1) Any public international organization which has been designated by the President by Executive Order as entitled to enjoy the privileges, exemptions, and immunities provided for in the International Organizations Immunities Act (59 Stat. 669, 22 U.S.C. 288) and

(2) INTELSAT, following privatization, and any successor or separated entity thereof, as so designated by section 301 of Public Law 106–396.

* * * * *

Dated: November 28, 2001.

Mary A. Ryan,

Assistant Secretary for Consular Affairs, Department of State.

[FR Doc. 02–271 Filed 1–10–02; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

22 CFR Part 42

[Public Notice 3857]

Documentation of Immigrants Under the Immigration and Nationality Act, as Amended—Immediate Relatives

AGENCY: Department of State.

ACTION: Interim rule.

SUMMARY: The Department is adding to the definition of immediate relatives the widows and children whose spouses/parents were the victims of the terrorist acts of September 11, 2001.

DATES: This interim rule is effective on January 11, 2002. Written comments must be received on or before 60 days from January 11, 2002.

ADDRESSES: Written comments may be submitted, in duplicate, to the Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20520–0106, or by e-mail to *visaregs@state.gov.*

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Harper, Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20520–0106, (202) 663–1221, e-mail (*harperbj@state.gov*) or fax at (202) 663–3898.

SUPPLEMENTARY INFORMATION:

How Does This Differ From the Present Provision for Widows/Widowers?

INA 201(b)(2)(A)(1) grants the right to self-petition for status as an immediate relative to widows/widowers (and any children thereof) who had been married to a U.S. citizen for at least two years prior to the citizen's death. Section 423 of Pub. Law 107–56 (the ''USA Patriot Act'') expanded that entitlement for those widowed as a direct result of the terrorist acts of September 11, 2001, without any regard to the length of the marriage. As in INA 201(b), the widow(er) must have not been legally separated from the spouse at the time of the citizen's death, and must file a petition for immediate relative status within two years of the death, having not remarried in the interim.

Were Any Other Such Changes Made?

Children also benefitted from Sec. 423. Any child of a U.S. citizen who was killed in one of the terrorist acts of September 11, 2001, may file a petition for status as an immediate relative child within two years of the death of the parent, regardless of changes in age or marital status. Both of these provisions are being added to 22 CFR 42.21, the regulation governing immigration by immediate relatives.

Regulatory Analysis and Notices

Administrative Procedure Act

The Department is publishing this rule as an interim rule, with a 60-day provision for post-promulgation public comments, based on the ''good cause'' exceptions set forth at 5U.S.C. 553(b)(3)(B) and 553(d)(3). The provision of law being incorporated has been in effect since the date of enactment, October 26, 2001, and the prompt implementation thereof is for the benefit of victims of a national disaster.

Regulatory Flexibility Act

Pursuant to § 605 of the Regulatory Flexibility Act, the Department has assessed the potential impact of this rule, and the Assistant Secretary for Consular Affairs hereby certifies that is not expected to have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

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

Small Business Regulatory Enforcement Fairness Act of 1996

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

Executive Order 12866

The Department of State does not consider this rule to be a ''significant regulatory action'' under Executive Order 12866, section, section 3(f), Regulatory Planning and Review. Therefore, in accordance with the letter to the Department of State of February 4, 1994 from the Director of the Office of Management and Budget, it does not require review by the Office of Management and Budget.

Executive Order 13132

This 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, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement.

Paperwork Reduction Act

This rule does not impose any new reporting or record-keeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

List of Subjects in 22 CFR Part 42

Aliens, Passports and visas.

Accordingly, the Department of State amends 22 CFR, part 42 as set forth below.

PART 42—[AMENDED]

1. The authority citation for part 42 continues to read:

Authority: 8 U.S.C. 1104.

2. Amend § 42.21 by revising paragraph (b) and adding paragraph (c) to read as follows:

§ 42.21 Immediate relatives.

* * * * *

(b) *Spouse of a deceased U.S. citizen.* The spouse of a deceased U.S. citizen, and each child of the spouse, will be entitled to immediate relative status after the date of the citizen's death provided the spouse or child meets the criteria of INA 201(b)(2)(A)(i) or of section 423(a)(1) of Public Law 107–56 (USA Patriot Act) and the Consular Officer has received an approved petition from the INS which accords such status, or official notification of such approval, and the Consular Officer is satisfied that the alien meets those criteria.

(c) *Child of a U.S. citizen victim of terrorism.* The child of a U.S. citizen slain in the terrorist actions of September 11, 2001, shall retain the status of an immediate relative child (regardless of changes in age or marital status) if the child files a petition for such status within two years of the citizen's death pursuant to section 423(a)(2) of Public Law 107–56, and the consular officer has received an approved petition according such status or official notification of such approval.

Dated: November 29, 2001.

Mary A. Ryan,

Assistant Secretary for Consular Affairs, Department of State.

[FR Doc. 02–270 Filed 1–10–02; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

22 CFR Part 42

[Public Notice 3856]

Documentation of Immigrants Under the Immigration and Nationality Act, as Amended—Issuance of New or Replacement Visas

AGENCY: Department of State.

ACTION: Interim rule.

SUMMARY: The Department is updating and clarifying the regulation pertaining to the issuance of replacement visas by deleting a citation which is no longer in force and making some editorial changes.

DATES: This interim rule is effective January 11, 2002. Written comments are invited and must be received on or before March 12, 2002.

ADDRESSES: Written comments may be submitted, in duplicate, to the Legislation and Regulations Division, Visa Services, Department of State,Washington, DC 20520–0106.

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Harper, Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20520–0106, (202) 663–1221, e-mail Harper (*harperbj@state.gov*) or fax at (202) 663–3898.

SUPPLEMENTARY INFORMATION: The current regulation relating to the issuance of replacement visas at 22 CFR 42.74(b) includes a citation to ''INA 124'' This is an incorrect citation; it is being deleted, rather than corrected, because the provisions of the section intended are no longer in effect. In addition to the deletion of this citation, subsection (b) has been editorially changed to include descriptions of the classes of aliens referred to, rather than just a succession of statutory citations. Some typographical errors have also been corrected.

Regulatory Analysis and Notices

Administrative Procedure Act

The Department is publishing this rule as an interim rule, with a 60-day provision for post-promulgation public comments, based on the ''good cause'' exceptions set forth at 5 U.S.C. 553(b)(3)(B) and 553(d)(3). This rule does not make substantive changes. Delay of this rule for the benefit of public notice and comments is unnecessary inasmuch as its substance results from elimination of an incorrect and out-dated citation and editorial clarifications only.

Regulatory Flexibility Act

Pursuant to § 605 of the Regulatory Flexibility Act, the Department has assessed the potential impact of this rule, and the Assistant Secretary for Consular Affairs hereby certifies that it is not expected to have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal

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

Small Business Regulatory Enforcement Fairness Act of 1996

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

Executive Order 12866

The Department of State does not consider this rule, to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review. Therefore, in accordance with the letter to the Department of State of February 4, 1994, from the Director of the Office of Management and Budget, it does not require review by the Office of Management and Budget.

Executive Order 13132

This 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, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement.

Paperwork Reduction Act

This rule does not impose any new reporting or record-keeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

List of Subjects in 22 CFR Part 42

Aliens, Immigrants, Passports and visas.

Accordingly, the Department of State amends 22 CFR as set forth below.

PART 42—[AMENDED]

1. The authority citation for part 42 continues to read:

Authority: 8 U.S.C. 1104.

2. Amend § 42.74 by revising paragraph (b)(1) to read as follows:

§ 42.74 Issuance of new or replacement visas.

* * * * *

(b) *Replacement immigrant visa for an immediate relative or for an alien subject to numerical limitation.*

(1) A consular officer may issue a replacement visa under the original number of a qualified alien entitled to status as an immediate relative (INA 201(b)(2)), a family or employment preference immigrant (INA 203(a) or (b)), or a diversity immigrant (INA 203(c)), if—

(i) The alien is unable to use the visa during the period of its validity due to reasons beyond the alien's control;

(ii) The visa is issued during the same fiscal year in which the original visa was issued, or in the following year, in the case of an immediate relative only, if the original number had been reported as recaptured;

(iii) The number has not been returned to the Department as a ''recaptured visa number'' in the case of a preference or diversity immigrant;

(iv) The alien pays anew the statutory application and issuance fees; and

(v) The consular officer ascertains whether the original issuing office knows of any reason why a new visa should not be issued.

* * * * *

Dated: November 27, 2001.

Mary A. Ryan,

Assistant Secretary for Consular Affairs, Department of State.

[FR Doc. 02–269 Filed 1–10–02; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[TD 8969]

RIN 1545–AW37

Payment by Credit Card and Debit Card; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations and removal of temporary regulations.

SUMMARY: This document contains corrections to final regulations (TD 8969) which were published in the **Federal Register** on Friday, December 14, 2001 (66 FR 64740). These regulations relate to the payment by credit card and debit card.

DATES: These corrections are effective December 14, 2001.

FOR FURTHER INFORMATION CONTACT: Brinton Warren, (202) 622–4940 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations and removal of temporary regulations that are the subject of this correction is under sections 6103 through 6311 of the Internal Revenue Code.

Need for Correction

As published, final regulations (TD 8969) contain errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of final regulations and removal of temporary regulations (TD 8969), which are the subject of FR Doc. 01–30934, is corrected as follows:

§ 301.6311–2 [Corrected]

1. On page 64743, column 3, § 301.6311–2(d)(2)(i)(D), line 4, the language ''Action (15 U.S.C. 1666), section 908 of'' is corrected to read ''Act (15 U.S.C. 1666), section 908 of''.

2. On page 64743, column 3, § 301.6311–2(d)(2)(i)(D), line 6, the language ''U.S.C. 1693f; or similar provisions of'' is corrected to read ''U.S.C. 1693f), or similar provisions of''.

LaNita VanDyke,

Acting Chief, Regulations Unit, Associate Chief Counsel (Income Tax and Accounting).

[FR Doc. 02–661 Filed 1–10–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–01–051]

Drawbridge Operating Regulation; Falgout Canal, LA

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 in 33 CFR 117.444 governing the operation of the SR 315 drawbridge across the Falgout Canal, mile 3.1, in

Terrebonne Parish, Louisiana. This deviation allows the Louisiana Department of Transportation and Development to maintain the bridge in the closed-to-navigation position from 8 a.m. until 4 p.m. each day from January 7 through January 18, 2002, to allow for maintenance to the bridge. During the scheduled closure, the bridge will open for the passage of vessels at 10 a.m., 12 noon and 2 p.m. and the bridge owner will open the draw as soon as practicable for an emergency aboard a vessel.

DATES: This deviation is effective from 8 a.m. on Monday, January 7, 2002, until 4 p.m. on Friday, January 18, 2002.

ADDRESSES: Unless otherwise indicated, documents referred to in this notice are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Commander (obc), 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 maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: David Frank, BridgeAdministration Branch, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION:

Presently, the draw is required to open on signal if at least three hours notice is given; except that, from 15 August to 5 June, the draw need not be opened from 7 a.m. to 8 a.m. and from 3 p.m. to 4 p.m., Monday through Friday except holidays. The draw shall open on signal at any time for an emergency aboard a vessel.

During the closure period, the bridge will open at two-hour intervals to allow for the passage of traffic. In case of an emergency, the bridge owner will be able to open the draw as soon as practicable. Navigation on the waterway consists of small tugs with tows, fishing vessels, sailing vessels, and other recreational craft.

The Louisiana Department of Transportation and Development requested this temporary deviation from the normal operation of the drawbridge in order to allow for the removal and replacement of the main pivot pier drive cylinder anchor frames and the bolts connecting the drive cylinders to the anchor frames and overhead pivot girder for the connection of new submarine cables to operate the draw spans of the bridge.

This deviation allows the draw of the SR 315 bridge across the Falgout Canal, mile 3.1, in Terrebonne Parish, Louisiana to remain closed to navigation from 8 a.m. until 4 p.m. each day from January 7 through January 18, 2002. During the scheduled closure, the bridge will open for the passage of vessels at 10 a.m., 12 noon and 2 p.m. The bridge owner will open the draw as soon as practicable for an emergency aboard a vessel.

Dated: December 31, 2001.

J.R. Whitehead,

Captain, U.S. Coast Guard, Commander, 8th Coast Guard Dist., Acting.

[FR Doc. 02–724 Filed 1–10–02; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–01–053]

Drawbridge Operating Regulation; Lake Pontchartrain, LA

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 in 33 CFR 117.467 governing the operation of the bascule spans of the Greater New Orleans Expressway Commission Causeway across Lake Pontchartrain between Metairie, Jefferson Parish and Mandeville, St. Tammany Parish, Louisiana. This deviation allows the draws of the bridge to remain closed to navigation from 6 a.m. on Monday, January 14, 2002 until 6 a.m. on Wednesday, January 16, 2002, to allow for the connection of new submarine control cables to operate the draw spans of the bridge. If inclement weather does not allow the work to proceed on these dates the work will be rescheduled and the draws of the bridge will be allowed to remain closed to navigation for the backup dates from 6 a.m. on Wednesday, January 16, 2002 until 6 a.m. on Friday, January 18, 2002.

DATES: This deviation is effective from 6 a.m. on Monday, January 14, 2002 until 6 a.m. on Friday, January 18, 2002.

ADDRESSES: Unless otherwise indicated, documents referred to in this notice are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Commander (obc), 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 maintains the public docket for this temporary deviation.

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

SUPPLEMENTARY INFORMATION: Presently, the draw is required to open on signal if at least three hours notice is given; except that, the draw need not be opened for the passage of vessels Monday through Friday except Federal holidays from 5:30 a.m. to 9:30 a.m. and from 3 p.m. until 7 p.m. The draw opens on signal for any vessel in distress or vessels waiting immediately following the closures listed above.

During the closure period, the bridge will not be able to open for vessels to transit through the bascule spans of the bridge. The bridge has a vertical clearance of 42 feet above mean high water in the closed-to-navigation position. In case of an emergency, the bridge owner will be able to hand crank the draws of the bridge to the open-to-navigation position. As an alternate route, the south channel fixed spans of the bridge provide a vertical clearance of 50 feet above mean high water. Navigation on the waterway consists of small tugs with tows, fishing vessels, sailing vessels, and other recreational craft.

The Greater New Orleans Expressway Commission requested a temporary deviation from the normal operation of the drawbridge in order to allow for the connection of new submarine control cables to operate the draw spans of the bridge.

This deviation allows the draws of the bridges of the Greater New Orleans Expressway Commission Causeway across Lake Pontchartrain to remain closed to navigation from 6 a.m. on Monday, January 14, 2002 until 6 a.m. on Wednesday, January 16, 2002. If inclement weather does not allow the work to proceed on these dates the work will be rescheduled and the draws of the bridge will be allowed to remain closed to navigation for the backup dates from 6 a.m. on January 16, 2002 until 6 a.m. on January 18, 2002.

Dated: December 31, 2001.

J.R. Whitehead,

Captain, U.S. Coast Guard, Commander, 8th Coast Guard Dist., Acting.

[FR Doc. 02–725 Filed 1–10–02; 8:45 am]

BILLING CODE 4910–15–U

Rules and Regulations

Federal Register
Vol. 67, No. 8
Friday, January 11, 2002

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.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 920

[Docket No. FV02–920–1C IFR]

Kiwifruit Grown in California; Relaxation of Pack Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Correction to interim final rule.

SUMMARY: This document contains a correction to the interim final rule published on October 29, 2001 (66 FR 54411), concerning kiwifruit grown in California. The correction is made in the amendatory instruction section of the interim final rule.

EFFECTIVE DATE: October 24, 2001.

FOR FURTHER INFORMATION CONTACT: Rose M. Aguayo, Marketing Specialist, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (559) 487–5901, Fax: (559) 487–5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 205–8938.

Small businesses may request information on compliance with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 205–8938 or e-mail: *Jay.Guerber@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

This rule allows handlers to pack more individual pieces of fruit per 8-pound sample for seven size designations, eliminates one size designation, and adds two new size designations. These changes were unanimously recommended by the Committee and are expected to increase grower returns and enable handlers to compete more effectively in the marketplace. The rule was issued under Marketing Order No. 920, as amended (7 CFR part 920). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Need for Correction

The interim final rule as published contains an error in the amendatory instructions affecting 7 CFR part 920. The amendatory instructions incorrectly indicate that the revised table in § 920.302 appears at the end of paragraph (a)(4)(iv). The revised table actually appears at the end of paragraph (a)(4)(iii) of that section.

Correction of Publication

Accordingly, in FR Doc. 01–27205, published October 29, 2001, page 54411, make the following corrections:

§ 920.302 [Corrected]

1. On page 54414, in column 1, the amendatory instructions in number 2, are corrected to read as follows:

2. In § 920.302 the table in paragraph (a)(4)(iii) is revised to read as follows:

2. On page 54414, in column 1, in § 920.302, the paragraph designation (a)(4)(iv) is corrected to read (a)(4)(iii).

Dated: January 3, 2002.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 02–578 Filed 1–10–02; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF STATE

22 CFR Part 41

[Public Notice 3858]

Documentation of Nonimmigrants Under the Immigration and NationalityAct, as Amended—Additional International Organization

AGENCY: Department of State.

ACTION: Interim rule with request for comments.

SUMMARY: This rule adds INTELSAT (following privatization) as an ''international organization'' to the current definition which includes within that term only organizations so designated by the President.

DATES: Effective January 11, 2002. Written comments may be submitted on or before March 12, 2002.

ADDRESSES: Written comments may be submitted, in duplicate, to the Chief, Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20520–0106.

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Harper, Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20520–0106, (202) 663–1221, e-mail harperbj@*state.gov,* or fax at (202) 663–3898.

SUPPLEMENTARY INFORMATION: Section 301 of Public Law 106–396 (47 U.S.C. 763, October 30, 2000) provides that certain aliens who were officers or employees of INTELSAT before its privatization and who had had and had maintained the status of ''international organization alien'' under the terms of section 101(a)(15)(G) of the Immigration and Nationality Act will continue to be eligible for such classification as long as they are officers or employees of INTELSAT or any successor or separated entity of INTELSAT. The current regulation (22 CFR 41.24) defines an ''international organization'' as one designated by the President as entitled to the privileges and immunities provided under the International Organizations Immunities Act (22 U.S.C. 288). Although INTELSAT was and is so designated (while not yet privatized), it would appear that its status (and that of separated or successor entities) as an international organization for non-immigrant visa purposes after privatization would be contingent upon this legislation. It is believed, therefore, that the regulation should so specify in the interest of clarity.

No other changes are effected by this regulation.

Regulatory Analysis and Notices

Administrative Procedure Act

The Department is publishing this rule as an interim rule, with a 60-day

provision for post-promulgation public comments, based on the ''good cause'' exceptions set forth at 5 U.S.C. 553(b)(3)(B) and 553(d)(3). The rule makes no substantive changes in visa operations. It simply acknowledges that a different statute conferred the designation of ''international organization'' in this instance.

Regulatory Flexibility Act

Pursuant to § 605 of the Regulatory Flexibility Act, the Department has assessed the potential impact of this rule, and the Assistant Secretary for Consular Affairs hereby certifies that is not expected to have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

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

Small Business Regulatory Enforcement Fairness Act of 1996

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

Executive Order 12866

The Department of State does not consider this rule to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review. Therefore, in accordance with the letter to the Department of State of February 4, 1994, from the Director of the Office of Management and Budget, it does not require review by the Office of Management and Budget.

Executive Order 13132

This 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, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement.

Paperwork Reduction Act

This rule does not impose any new reporting or record-keeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

List of Subjects in 22 CFR Part 41

Aliens, Nonimmigrants, Passports and visas.

Accordingly, the Department of State amends 22 CFR Chapter I as follows:

PART 41—[AMENDED]

1. The authority citation for part 41 continues to read:

Authority: 8 U.S.C. 1104.

2. Amend § 41.24 by revising paragraph (a) to read as follows:

§ 41.24 International organization aliens.

(a) *Definition of international organization.* ''International organization'' means: (1) Any public international organization which has been designated by the President by Executive Order as entitled to enjoy the privileges, exemptions, and immunities provided for in the International Organizations Immunities Act (59 Stat. 669, 22 U.S.C. 288) and

(2) INTELSAT, following privatization, and any successor or separated entity thereof, as so designated by section 301 of Public Law 106–396.

* * * * *

Dated: November 28, 2001.

Mary A. Ryan,

Assistant Secretary for Consular Affairs, Department of State.

[FR Doc. 02–271 Filed 1–10–02; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

22 CFR Part 42

[Public Notice 3857]

Documentation of Immigrants Under the Immigration and Nationality Act, as Amended—Immediate Relatives

AGENCY: Department of State.

ACTION: Interim rule.

SUMMARY: The Department is adding to the definition of immediate relatives the widows and children whose spouses/parents were the victims of the terrorist acts of September 11, 2001.

DATES: This interim rule is effective on January 11, 2002. Written comments must be received on or before 60 days from January 11, 2002.

ADDRESSES: Written comments may be submitted, in duplicate, to the Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20520–0106, or by e-mail to *visaregs@state.gov.*

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Harper, Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20520–0106, (202) 663–1221, e-mail (*harperbj@state.gov*) or fax at (202) 663–3898.

SUPPLEMENTARY INFORMATION:

How Does This Differ From the Present Provision for Widows/Widowers?

INA 201(b)(2)(A)(1) grants the right to self-petition for status as an immediate relative to widows/widowers (and any children thereof) who had been married to a U.S. citizen for at least two years prior to the citizen's death. Section 423 of Pub. Law 107–56 (the ''USA Patriot Act'') expanded that entitlement for those widowed as a direct result of the terrorist acts of September 11, 2001, without any regard to the length of the marriage. As in INA 201(b), the widow(er) must have not been legally separated from the spouse at the time of the citizen's death, and must file a petition for immediate relative status within two years of the death, having not remarried in the interim.

Were Any Other Such Changes Made?

Children also benefitted from Sec. 423. Any child of a U.S. citizen who was killed in one of the terrorist acts of September 11, 2001, may file a petition for status as an immediate relative child within two years of the death of the parent, regardless of changes in age or marital status. Both of these provisions are being added to 22 CFR 42.21, the regulation governing immigration by immediate relatives.

Regulatory Analysis and Notices

Administrative Procedure Act

The Department is publishing this rule as an interim rule, with a 60-day provision for post-promulgation public comments, based on the ''good cause'' exceptions set forth at 5U.S.C. 553(b)(3)(B) and 553(d)(3). The provision of law being incorporated has been in effect since the date of enactment, October 26, 2001, and the prompt implementation thereof is for the benefit of victims of a national disaster.

Regulatory Flexibility Act

Pursuant to § 605 of the Regulatory Flexibility Act, the Department has assessed the potential impact of this rule, and the Assistant Secretary for Consular Affairs hereby certifies that is not expected to have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

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

Small Business Regulatory Enforcement Fairness Act of 1996

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

Executive Order 12866

The Department of State does not consider this rule to be a ''significant regulatory action'' under Executive Order 12866, section, section 3(f), Regulatory Planning and Review. Therefore, in accordance with the letter to the Department of State of February 4, 1994 from the Director of the Office of Management and Budget, it does not require review by the Office of Management and Budget.

Executive Order 13132

This 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, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement.

Paperwork Reduction Act

This rule does not impose any new reporting or record-keeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

List of Subjects in 22 CFR Part 42

Aliens, Passports and visas.

Accordingly, the Department of State amends 22 CFR, part 42 as set forth below.

PART 42—[AMENDED]

1. The authority citation for part 42 continues to read:

Authority: 8 U.S.C. 1104.

2. Amend § 42.21 by revising paragraph (b) and adding paragraph (c) to read as follows:

§ 42.21 Immediate relatives.

* * * * *

(b) *Spouse of a deceased U.S. citizen.* The spouse of a deceased U.S. citizen, and each child of the spouse, will be entitled to immediate relative status after the date of the citizen's death provided the spouse or child meets the criteria of INA 201(b)(2)(A)(i) or of section 423(a)(1) of Public Law 107–56 (USA Patriot Act) and the Consular Officer has received an approved petition from the INS which accords such status, or official notification of such approval, and the Consular Officer is satisfied that the alien meets those criteria.

(c) *Child of a U.S. citizen victim of terrorism.* The child of a U.S. citizen slain in the terrorist actions of September 11, 2001, shall retain the status of an immediate relative child (regardless of changes in age or marital status) if the child files a petition for such status within two years of the citizen's death pursuant to section 423(a)(2) of Public Law 107–56, and the consular officer has received an approved petition according such status or official notification of such approval.

Dated: November 29, 2001.

Mary A. Ryan,

Assistant Secretary for Consular Affairs, Department of State.

[FR Doc. 02–270 Filed 1–10–02; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

22 CFR Part 42

[Public Notice 3856]

Documentation of Immigrants Under the Immigration and Nationality Act, as Amended—Issuance of New or Replacement Visas

AGENCY: Department of State.

ACTION: Interim rule.

SUMMARY: The Department is updating and clarifying the regulation pertaining to the issuance of replacement visas by deleting a citation which is no longer in force and making some editorial changes.

DATES: This interim rule is effective January 11, 2002. Written comments are invited and must be received on or before March 12, 2002.

ADDRESSES: Written comments may be submitted, in duplicate, to the Legislation and Regulations Division, Visa Services, Department of State,Washington, DC 20520–0106.

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Harper, Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20520–0106, (202) 663–1221, e-mail Harper (*harperbj@state.gov*) or fax at (202) 663–3898.

SUPPLEMENTARY INFORMATION: The current regulation relating to the issuance of replacement visas at 22 CFR 42.74(b) includes a citation to ''INA 124'' This is an incorrect citation; it is being deleted, rather than corrected, because the provisions of the section intended are no longer in effect. In addition to the deletion of this citation, subsection (b) has been editorially changed to include descriptions of the classes of aliens referred to, rather than just a succession of statutory citations. Some typographical errors have also been corrected.

Regulatory Analysis and Notices

Administrative Procedure Act

The Department is publishing this rule as an interim rule, with a 60-day provision for post-promulgation public comments, based on the ''good cause'' exceptions set forth at 5 U.S.C. 553(b)(3)(B) and 553(d)(3). This rule does not make substantive changes. Delay of this rule for the benefit of public notice and comments is unnecessary inasmuch as its substance results from elimination of an incorrect and out-dated citation and editorial clarifications only.

Regulatory Flexibility Act

Pursuant to § 605 of the Regulatory Flexibility Act, the Department has assessed the potential impact of this rule, and the Assistant Secretary for Consular Affairs hereby certifies that it is not expected to have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal

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

Small Business Regulatory Enforcement Fairness Act of 1996

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

Executive Order 12866

The Department of State does not consider this rule, to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review. Therefore, in accordance with the letter to the Department of State of February 4, 1994, from the Director of the Office of Management and Budget, it does not require review by the Office of Management and Budget.

Executive Order 13132

This 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, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement.

Paperwork Reduction Act

This rule does not impose any new reporting or record-keeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

List of Subjects in 22 CFR Part 42

Aliens, Immigrants, Passports and visas.

Accordingly, the Department of State amends 22 CFR as set forth below.

PART 42—[AMENDED]

1. The authority citation for part 42 continues to read:

Authority: 8 U.S.C. 1104.

2. Amend § 42.74 by revising paragraph (b)(1) to read as follows:

§ 42.74 Issuance of new or replacement visas.

* * * * *

(b) *Replacement immigrant visa for an immediate relative or for an alien subject to numerical limitation.*

(1) A consular officer may issue a replacement visa under the original number of a qualified alien entitled to status as an immediate relative (INA 201(b)(2)), a family or employment preference immigrant (INA 203(a) or (b)), or a diversity immigrant (INA 203(c)), if—

(i) The alien is unable to use the visa during the period of its validity due to reasons beyond the alien's control;

(ii) The visa is issued during the same fiscal year in which the original visa was issued, or in the following year, in the case of an immediate relative only, if the original number had been reported as recaptured;

(iii) The number has not been returned to the Department as a ''recaptured visa number'' in the case of a preference or diversity immigrant;

(iv) The alien pays anew the statutory application and issuance fees; and

(v) The consular officer ascertains whether the original issuing office knows of any reason why a new visa should not be issued.

* * * * *

Dated: November 27, 2001.

Mary A. Ryan,

Assistant Secretary for Consular Affairs, Department of State.

[FR Doc. 02–269 Filed 1–10–02; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[TD 8969]

RIN 1545–AW37

Payment by Credit Card and Debit Card; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations and removal of temporary regulations.

SUMMARY: This document contains corrections to final regulations (TD 8969) which were published in the **Federal Register** on Friday, December 14, 2001 (66 FR 64740). These regulations relate to the payment by credit card and debit card.

DATES: These corrections are effective December 14, 2001.

FOR FURTHER INFORMATION CONTACT: Brinton Warren, (202) 622–4940 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations and removal of temporary regulations that are the subject of this correction is under sections 6103 through 6311 of the Internal Revenue Code.

Need for Correction

As published, final regulations (TD 8969) contain errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of final regulations and removal of temporary regulations (TD 8969), which are the subject of FR Doc. 01–30934, is corrected as follows:

§ 301.6311–2 [Corrected]

1. On page 64743, column 3, § 301.6311–2(d)(2)(i)(D), line 4, the language ''Action (15 U.S.C. 1666), section 908 of'' is corrected to read ''Act (15 U.S.C. 1666), section 908 of''.

2. On page 64743, column 3, § 301.6311–2(d)(2)(i)(D), line 6, the language ''U.S.C. 1693f; or similar provisions of'' is corrected to read ''U.S.C. 1693f), or similar provisions of''.

LaNita VanDyke,

Acting Chief, Regulations Unit, Associate Chief Counsel (Income Tax and Accounting).

[FR Doc. 02–661 Filed 1–10–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–01–051]

Drawbridge Operating Regulation; Falgout Canal, LA

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 in 33 CFR 117.444 governing the operation of the SR 315 drawbridge across the Falgout Canal, mile 3.1, in

Terrebonne Parish, Louisiana. This deviation allows the Louisiana Department of Transportation and Development to maintain the bridge in the closed-to-navigation position from 8 a.m. until 4 p.m. each day from January 7 through January 18, 2002, to allow for maintenance to the bridge. During the scheduled closure, the bridge will open for the passage of vessels at 10 a.m., 12 noon and 2 p.m. and the bridge owner will open the draw as soon as practicable for an emergency aboard a vessel.

DATES: This deviation is effective from 8 a.m. on Monday, January 7, 2002, until 4 p.m. on Friday, January 18, 2002.

ADDRESSES: Unless otherwise indicated, documents referred to in this notice are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Commander (obc), 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 maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: David Frank, BridgeAdministration Branch, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION:

Presently, the draw is required to open on signal if at least three hours notice is given; except that, from 15 August to 5 June, the draw need not be opened from 7 a.m. to 8 a.m. and from 3 p.m. to 4 p.m., Monday through Friday except holidays. The draw shall open on signal at any time for an emergency aboard a vessel.

During the closure period, the bridge will open at two-hour intervals to allow for the passage of traffic. In case of an emergency, the bridge owner will be able to open the draw as soon as practicable. Navigation on the waterway consists of small tugs with tows, fishing vessels, sailing vessels, and other recreational craft.

The Louisiana Department of Transportation and Development requested this temporary deviation from the normal operation of the drawbridge in order to allow for the removal and replacement of the main pivot pier drive cylinder anchor frames and the bolts connecting the drive cylinders to the anchor frames and overhead pivot girder for the connection of new submarine cables to operate the draw spans of the bridge.

This deviation allows the draw of the SR 315 bridge across the Falgout Canal, mile 3.1, in Terrebonne Parish, Louisiana to remain closed to navigation from 8 a.m. until 4 p.m. each day from January 7 through January 18, 2002. During the scheduled closure, the bridge will open for the passage of vessels at 10 a.m., 12 noon and 2 p.m. The bridge owner will open the draw as soon as practicable for an emergency aboard a vessel.

Dated: December 31, 2001.

J.R. Whitehead,

Captain, U.S. Coast Guard, Commander, 8th Coast Guard Dist., Acting.

[FR Doc. 02–724 Filed 1–10–02; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–01–053]

Drawbridge Operating Regulation; Lake Pontchartrain, LA

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 in 33 CFR 117.467 governing the operation of the bascule spans of the Greater New Orleans Expressway Commission Causeway across Lake Pontchartrain between Metairie, Jefferson Parish and Mandeville, St. Tammany Parish, Louisiana. This deviation allows the draws of the bridge to remain closed to navigation from 6 a.m. on Monday, January 14, 2002 until 6 a.m. on Wednesday, January 16, 2002, to allow for the connection of new submarine control cables to operate the draw spans of the bridge. If inclement weather does not allow the work to proceed on these dates the work will be rescheduled and the draws of the bridge will be allowed to remain closed to navigation for the backup dates from 6 a.m. on Wednesday, January 16, 2002 until 6 a.m. on Friday, January 18, 2002.

DATES: This deviation is effective from 6 a.m. on Monday, January 14, 2002 until 6 a.m. on Friday, January 18, 2002.

ADDRESSES: Unless otherwise indicated, documents referred to in this notice are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Commander (obc), 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 maintains the public docket for this temporary deviation.

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

SUPPLEMENTARY INFORMATION: Presently, the draw is required to open on signal if at least three hours notice is given; except that, the draw need not be opened for the passage of vessels Monday through Friday except Federal holidays from 5:30 a.m. to 9:30 a.m. and from 3 p.m. until 7 p.m. The draw opens on signal for any vessel in distress or vessels waiting immediately following the closures listed above.

During the closure period, the bridge will not be able to open for vessels to transit through the bascule spans of the bridge. The bridge has a vertical clearance of 42 feet above mean high water in the closed-to-navigation position. In case of an emergency, the bridge owner will be able to hand crank the draws of the bridge to the open-to-navigation position. As an alternate route, the south channel fixed spans of the bridge provide a vertical clearance of 50 feet above mean high water. Navigation on the waterway consists of small tugs with tows, fishing vessels, sailing vessels, and other recreational craft.

The Greater New Orleans Expressway Commission requested a temporary deviation from the normal operation of the drawbridge in order to allow for the connection of new submarine control cables to operate the draw spans of the bridge.

This deviation allows the draws of the bridges of the Greater New Orleans Expressway Commission Causeway across Lake Pontchartrain to remain closed to navigation from 6 a.m. on Monday, January 14, 2002 until 6 a.m. on Wednesday, January 16, 2002. If inclement weather does not allow the work to proceed on these dates the work will be rescheduled and the draws of the bridge will be allowed to remain closed to navigation for the backup dates from 6 a.m. on January 16, 2002 until 6 a.m. on January 18, 2002.

Dated: December 31, 2001.

J.R. Whitehead,

Captain, U.S. Coast Guard, Commander, 8th Coast Guard Dist., Acting.

[FR Doc. 02–725 Filed 1–10–02; 8:45 am]

BILLING CODE 4910–15–U

Proposed Rules

Federal Register
Vol. 67, No. 8
Friday, January 11, 2002

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 93

[Docket No. 01–023–1]

Microchip Implants as an Official Form of Identification for Pet Birds

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to allow the use of microchip implants as an acceptable form of identification for pet birds of U.S. origin returning to this country after being outside the UnitedStates. The regulations currently provide for the use of leg bands or tattoos to identify such birds, but microchips have become the preferred method of identification used by avian veterinary practitioners. This proposed change would provide for the use of an additional means of identifying certain U.S. origin pet birds while continuing to provide protection against the introduction of communicable poultry diseases into the United States.

DATES: We invite you to comment on this docket. We will consider all comments we receive that are postmarked, delivered, or e-mailed by March 12, 2002.

ADDRESSES: You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 01–023–1, Regulatory Analysis and Development, PPD,APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 01–023–1. If you use e-mail, address your comment to *regulations@aphis.usda.gov*. Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and ''Docket No.01–023–1'' on the subject line.

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

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

FOR FURTHER INFORMATION CONTACT: Dr. Sara Kaman, Senior Staff Veterinarian, Technical Trade Services, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737–1231; (301) 734–8364.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 93 (referred to below as the regulations) regulate the importation of certain animals and birds, including pet birds, to prevent the introduction of communicable diseases of livestock and poultry.

The regulations in § 93.101(c)(2)(i) currently require that pet birds of U.S. origin returning to the United States must have been identified prior to departure from the United States with a leg band or tattoo identification number. The leg band or tattoo number must be listed on the veterinary health certificate that was issued prior to the bird's departure from the United States. This health certificate must accompany the bird upon its return to the United States.

However, it is increasingly difficult for pet bird owners to obtain a leg band or tattoo, since most private avian veterinarians no longer utilize these forms of identification. Although some psittacine birds may be banded by the breeder as hatchlings, microchip implants are the preferred form of identification for most private avian veterinarians because some birds do not adapt well to wearing a leg band (they chew the band or catch it on objects, potentially injuring themselves), and because the thin skin of birds makes it difficult to read a tattoo.

Therefore, we are proposing to allow owners of birds of U.S. origin the option of identifying their pet birds with a microchip implant. We would amend the regulations in this respect to state that the veterinary health certificate accompanying the bird must show the leg band, tattoo, or microchip identification number that was affixed to the bird prior to the departure of the bird from the United States. This proposed change would provide for the use of an additional means of identifying certain U.S. origin pet birds while continuing to provide protection against the introduction of communicable poultry diseases into the United States.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

We are proposing to allow the use of microchip implants as an acceptable form of identification for pet birds of U.S. origin returning to this country after being outside the United States. The regulations currently provide for the use of leg bands or tattoos to identify such birds, but microchips have become the preferred method of identification used by avian veterinary practitioners. This proposed change would provide for the use of an additional means of identifying certain U.S. origin pet birds.

The groups affected by this proposed rule would be pet bird owners who travel with their birds outside the United States and microchip manufacturers. According to the port of entry records of the Animal and Plant Health Inspection Service (APHIS), approximately 400 bird owners traveled outside of the United States with their pet birds in calendar year 2000. Under this proposed rule, those bird owners would be allowed to use microchip identification instead of the leg bands or tattoos currently provided for by the regulations. Bird owners would benefit from this proposed change because it is becoming more difficult to find a veterinarian who carries leg bands for pet bird identification, and tattoos are

rarely used to identify birds any more. Microchips will thus make the task of identifying a pet bird before leaving the United States more convenient. In most cases, an APHIS inspector at the port of entry would be able to use a microchip scanner to confirm the identity of the bird without handling the bird or removing it from the cage, thus avoiding additional stress on the bird.

Bird owners who choose to identify their birds with a microchip would have to pay $25 to $40 per microchip plus the cost of the veterinarian office visit to insert the microchip. The cost of the microchips is projected to be slightly higher than the conventional leg band, although current costs for leg bands and tattoos are not available due to the lack of veterinarians who will perform these services.

Microchip manufacturers could potentially benefit from a slight increase in microchip sales generated by this proposed rule. It appears that all potentially affected microchip manufacturers (NAICS code 334111) are small entities, according to Small Business Administration criteria (i.e., 1,000 or fewer employees).

In summary, this proposed rule would provide pet bird owners with an additional means of identifying their pet birds while allowing APHIS to maintain the high level of security required in order to keep avian diseases, such as exotic Newcastle disease and highly pathogenic avian influenza, from entering the United States.

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

Executive Order 12988

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

Paperwork Reduction Act

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

List of Subjects in 9 CFR Part 93

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

Accordingly, we propose to amend 9 CFR part 93 as follows:

PART 93—IMPORTATION OF CERTAIN ANIMALS, BIRDS, AND POULTRY, AND CERTAIN ANIMAL, BIRD, AND POULTRY PRODUCTS; REQUIREMENTS FOR MEANS OF CONVEYANCE AND SHIPPING CONTAINERS

1. The authority citation for part 93 would continue to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

§ 93.101 [Amended]

2. In § 93.101, paragraph (c)(2)(i) would be amended by removing the words ''leg band or tattoo number'' and adding the words ''number from the leg band, tattoo, or microchip'' in their place and by removing the words ''leg band or tattoo on'' and adding the words ''number from the leg band, tattoo, or microchip on'' in their place.

Done in Washington, DC, this 7th day of January 2002 .

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–740 Filed 1–10–02; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–251–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM); Extension of the comment period.

SUMMARY: This document extends the period for public comment on the above-referenced NPRM that proposes the supersedure of two existing airworthiness directives (AD), applicable to certain Boeing Model 737 series airplanes. The NPRM proposes to require installation of a new rudder control system and changes to the adjacent systems to accommodate that new rudder control system. This proposal is prompted by FAA determinations that the existing system design architecture is unsafe due to inherent failure modes, including single-jam modes and certain latent failures or jams, which, when combined with a second failure or jam, could cause an uncommanded rudder hardover event and consequent loss of control of the airplane. Additionally, the current rudder operational procedure is not effective throughout the entire flight envelope. This extension of the comment period is necessary to assure that all interested persons have ample opportunity to present their views on the proposed requirements of the NPRM.

DATES: Comments must be received by February 14, 2002.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–251–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov.* Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–251–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

FOR FURTHER INFORMATION CONTACT: Kenneth W. Frey, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (425) 227–2673; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

• Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.

• For each issue, state what specific change to the proposed AD is being requested.

• Include justification (e.g., reasons or data) for each request.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–251–AD.'' The postcard will be date stamped and returned to the commenter.

Events Leading to This Extension of the Comment Period

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Boeing Model 737 series airplanes was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on November 6, 2001(66 FR 56783). The NPRM proposed to require installation of a new rudder control system and changes to the adjacent systems to accommodate that new rudder control system.

The FAA has received a request from the manufacturer, Boeing, to extend the comment period of the NPRM by 30 days. Boeing requests the extension because the NPRM would encompass holidays during November and December, which would significantly decrease the number of working days necessary to develop responses to the comments. Further, during a Boeing Critical Design Review (CDR), held on December 4, 2001, the CDR team provided information to the operators to enable them to assess the impact of the NPRM on their operations. Because the CDR was held after the NPRM was issued, operators have less time to assess the requirements of the proposed rule. In addition, Boeing states that the proposed action of the NPRM is a complex retrofit requirement with many aspects to consider.

The FAA's Determination

The FAA has considered Boeing's request and finds it appropriate to extend the comment period to give all interested persons additional time to examine the proposed requirements of the NPRM and submit comments. After evaluating the comments provided in Boeing Letter B–H210–01–0400, dated November 30, 2001, we have determined that extending the comment period by 30 days will not compromise the safety of these airplanes.

The Extension

The comment period for Docket No. 2001–NM–251–AD is hereby extended to February 14, 2002.

Since no portion of the NPRM or other regulatory information has been changed, the entire NPRM is not being republished.

Issued in Renton, Washington, on January 8, 2002.

Vi L. Lipski,

Manager, Transport Airplane Directorate,Aircraft Certification Service.

[FR Doc. 02–842 Filed 1–10–02; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF STATE

22 CFR Part 196

[Public Notice 3847]

The Thomas R. Pickering Foreign Affairs/Graduate Foreign Affairs Fellowship Program and Grants to Post-Secondary Institutions

ACTION: Proposed rule.

SUMMARY: This document proposes the rule by which the Department of State's Thomas R. Pickering Foreign Affairs/Graduate Foreign Affairs Fellowship program will be administered. The State Department Basic Authorities Act (22 U.S.C. 2719) states that the Department shall establish regulations which will provide for a limit on the size of any specific grant and, regarding any grant to individuals, shall ensure no grant recipient receives grants from one or more Federal programs which in the aggregate would exceed the cost of his or her educational expenses and shall require satisfactory educational progress by grantees as a condition of eligibility for continued participation in the program.

DATES: Comments are due on or before March 12, 2002.

ADDRESSES: Send comments to the Chief of Student Programs, Office of Recruitment, Bureau of Human Resources, Department of State, 2401 E Street, NW., Room H–518, Washington, DC 20522.

FOR FURTHER INFORMATION CONTACT: Richard Esper, Office of Recruitment/Student Programs at (202) 261–8924.

SUPPLEMENTARY INFORMATION: The Thomas R. Pickering Foreign Affairs/Graduate Foreign Affairs Fellowship Program was established to recruit a talented and diverse group of students into the Foreign Service. The State Department Basic Authorities Act (22 U.S.C. 2719) authorizes the Secretary of State to make grants to post-secondary education institutions or students for the purpose of increasing the level of knowledge and awareness of and interest in employment with the Foreign Service. The program provides scholarships to undergraduate and graduate students in academic programs relevant to international affairs, political and economic analysis, administration, management and science policy. While in school, Fellows participate in one domestic and one overseas internship within the U.S. Department of State. After completing their academic training, and successfully passing the Foreign Service entry requirements, Fellows will enter the U.S. Department of State Foreign Service as Foreign Service Officers. Consideration is given to all qualified applicants who, in addition to outstanding leadership skills and academic achievement, demonstrate financial need. The number of fellowships awarded is determined by available funding.

List of Subjects in 22 CFR Part 196

Education, Educational study programs, Federal aid programs, Grant programs, Scholarships and fellowships, and Students.

For the reasons discussed in the preamble, the U.S. Department of State amends 22 CFR chapter I by adding Part 196 to read as follows:

PART 196—THOMAS R. PICKERING FOREIGN AFFAIRS/GRADUATE FOREIGN AFFAIRS FELLOWSHIP PROGRAM

Sec.
196.1 What is the Fellowship Program?
196.2 How is the Fellowship Program administered?
196.3 Grants to post-secondary education institutions.
196.4 Administering Office.

Authority: 22 U.S.C. 2719.

§ 196.1 What is the Fellowship Program?

The Thomas R. Pickering Foreign Affairs/Graduate Foreign Affairs Fellowship Program is designed to

attract outstanding men and women at the undergraduate and graduate educational levels for the purpose of increasing the level of knowledge and awareness of and employment with the Foreign Service, consistent with 22 U.S.C. 3905. The Program develops a source of trained men and women, from academic disciplines representing the skill needs of the Department, who are dedicated to representing the United States' interests abroad.

§ 196.2 How is the Fellowship Program administered?

(a) Eligibility. Eligibility will be determined annually by the Department of State and publicized nationwide. Fellows must be United States citizens.

(b) Provisions. The grant awarded to each individual student shall not exceed $250,000 for the total amount of time the student is in the program. Fellows are prohibited from receiving grants from one or more Federal programs, which in the aggregate would exceed the cost of his or her educational expenses. Continued eligibility for participation is contingent upon the Fellow's ability to meet the educational requirements set forth below.

(c) Program requirements. Eligibility for participation in the program is conditional upon successful completion of pre-employment processing specified by the Department of State, including background investigation, medical examination, and drug testing. As a condition of eligibility for continued receipt of grant funds, fellows are required to complete prescribed coursework and maintain a satisfactory grade point average as determined by the Department of State. Fellows are also required to accept employment with the Department of State's Foreign Service upon successful completion of the program, and Foreign Service entry requirements. Fellows must continue employment for a period of one and one-half years for each year of education funded by the Department of State.

§ 196.3 Grants to post-secondary education institutions.

The Department of State may make a grant to a post-secondary education institution for the purpose of increasing the level of knowledge and awareness of and interest in employment with the Foreign Service, consistent with 22 U.S.C. 3905, not to exceed$1,000,000, unless otherwise authorized by law.

§ 196.4 Administering Office.

The Department of State's Bureau of Human Resources, Office of Recruitment is responsible for administering the Thomas R. Pickering Foreign Affairs/Graduate Foreign Affairs Fellowship Program and grants to post-secondary institutions and may be contacted for more detailed information.

Dated: January 4, 2002.

Ruben Torres,

Executive Director, Bureau of Human Resources, Department of State.

[FR Doc. 02–711 Filed 1–10–02; 8:45 am]

BILLING CODE 4710–15–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301 and 602

[REG–105344–01]

RIN 1545–AY77

Disclosure of Returns and Return Information by Other Agencies; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: This document contains corrections to proposed regulations (REG–105344–01) which were published in the **Federal Register** on Thursday, December 13, 2001 (66 FR 64386). These regulations relate to the disclosure of returns and return information by other agencies.

DATES: These corrections are effective December 13, 2001.

FOR FURTHER INFORMATION CONTACT: Julie C. Schwartz, (202) 622–4570 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The proposed rulemaking by cross-reference to temporary regulations that are the subject of this correction is under section 6103 of the Internal Revenue Code.

Need for Correction

As published, proposed rulemaking by cross-reference to temporary regulations (REG–105344–01) contain errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of notice of proposed rulemaking by cross-reference to temporary regulations (REG–105344–01), which are the subject of FR Doc. 01–30620, is corrected as follows:

1. On page 64386, column 2, in the preamble, under the paragraph heading ''Paperwork Reduction Act,'' paragraph 3, line 4, the language ''Internal revenue Service, including'' is corrected to read ''Internal Revenue Service, including''.

2. On page 64386, column 3, in the preamble, under the paragraph heading ''Paperwork Reduction Act,'' line 11, the language ''recordkeepers are federal agencies and'' is corrected to read ''recordkeepers are Federal agencies and''.

LaNita VanDyke,

Acting Chief, Regulations Unit, Associate Chief Counsel (Income Tax and Accounting).

[FR Doc. 02–660 Filed 1–10–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 505

[Army Reg. 340–21]

Privacy Act; Implementation

AGENCY: Department of the Army, DOD.

ACTION: Proposed rule.

SUMMARY: The Department of the Army is proposing to exempt one Privacy Act system of records. The system of records is A0020–1 SAIG, entitled 'Inspector General Records'. The exemptions are intended to increase the value of the system of records for law enforcement purposes and to protect the privacy of individuals identified in the system of records.

DATES: Comments must be received on or before March 12, 2002 to be considered by this agency.

ADDRESSES: Records Management Division, U.S. Army Records Management and Declassification Agency, ATTN: TAPC–PDD–RP, Stop 5603, 6000 6th Street, Ft. Belvoir, VA 22060–5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390 or Ms. Christie King at (703) 806–3711 or DSN 656–3711.

SUPPLEMENTARY INFORMATION:

Executive Order 12866, ''Regulatory Planning and Review''

The Director of Administration and Management, Office of the Secretary of Defense, hereby determines that Privacy Act rules for the Department of Defense are not significant rules. The rules do not (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 this Executive order.

Public Law 96–354, "Regulatory Flexibility Act" (5 U.S.C. Chapter 6)

The Director of Administration and Management, Office of the Secretary of Defense, hereby certifies that Privacy Act rules for the Department of Defense do not have significant economic impact on a substantial number of small entities because they are concerned only with the administration of Privacy Act systems of records within the Department of Defense.

Public Law 96–511, "Paperwork Reduction Act" (44 U.S.C. Chapter 35)

The Director of Administration and Management, Office of the Secretary of Defense, hereby certifies that Privacy Act rules for the Department of Defense impose no information requirements beyond the Department of Defense and that the information collected within the Department of Defense is necessary and consistent with 5 U.S.C. 552a, known as the Privacy Act of 1974.

Section 202, Public Law 104–4, "Unfunded Mandates Reform Act"

The Director of Administration and Management, Office of the Secretary of Defense, hereby certifies that the Privacy Act rulemaking for the Department of Defense does not involve a Federal mandate that may result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more and that such rulemaking will not significantly or uniquely affect small governments.

Executive Order 13132, "Federalism"

The Director of Administration and Management, Office of the Secretary of Defense, hereby certifies that the Privacy Act rules for the Department of Defense do not have federalism implications. The rules do 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.

List of Subjects in 32 CFR Part 505

Privacy.

Accordingly, it is proposed that 32 CFR part 505 be amended as follows:

1. The authority citation for 32 CFR part 505 continues to read as follows:

Authority: Pub. L. 93–579, 88 Stat. 1896 (5 U.S.C. 552a).

2. Section 505.5 is proposed to be amended by revising paragraph (e)(1)(i) through (iv), and removing paragraphs (e)(2)(i) through (iv), and reserving paragraph (e)(2) as follows:

§ 505.5 Exemptions.

* * * * *

(e) Exempt Army records. * * *

(1) A0020–1 SAIG

(i) *System name:* Inspector General Records.

(ii) *Exemptions:* (A) Investigatory material compiled for law enforcement purposes may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

(B) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source. Therefore, portions of the system of records may be exempt pursuant to 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), and (e)(4)(I), and (f).

(iii) *Authority:* 5 U.S.C. 552a(k)(2) and (k)(5).

(iv) *Reason:* (A) From subsection (c)(3) because the release of the disclosure accounting, for disclosures pursuant to the routine uses published for this system, would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (d) because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(C) From subsection (e)(1) because in the course of criminal investigations information is often obtained concerning the violations of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this valuable information is retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(D) From subsections (e)(4)(G) and (e)(4)(H) because this system of records is exempt from individual access pursuant to subsection (k)(2) of the Privacy Act of 1974.

(E) From subsection (e)(4)(I) because of the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(F) From subsection (f) because this system of records has been exempted from the access provisions of subsection (d).

(G) Consistent with the legislative purpose of the Privacy Act of 1974, the Department of the Army will grant access to nonexempt material in the records being maintained. Disclosure will be governed by the Department of the Army's Privacy Regulation, but will be limited to the extent that the identity of confidential sources will not be compromised; subjects of an investigation of an actual or potential criminal violation will not be alerted to the investigation; the physical safety of witnesses, informants and law enforcement personnel will not be endangered, the privacy of third parties will not be violated; and that the disclosure would not otherwise impede effective law enforcement. Whenever possible, information of this nature will be deleted from the requested documents and the balance made available. The controlling principle behind this limited access is to allow disclosures except those indicated in this paragraph. The decisions to release information from these systems will be made on a case-by-case basis.

(2) [Reserved]

* * * * *

Dated: January 4, 2002.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 02–680 Filed 1–10–02; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 806b

[Air Force Instruction 37–132]

Privacy Act; Implementation

AGENCY: Department of the Air Force, DOD.

ACTION: Proposed rule.

SUMMARY: The Department of the Air Force is proposing to add a (j)(2) exemption to an already existing exemption rule for the Privacy Act system of records notice F090 AF IG B, Inspector General Records. The (j)(2) exemption will increase the value of the system of records for law enforcement purposes.

DATES: Comments must be received on or before March 12, 2002 to be considered by this agency.

ADDRESSES: Send comments to the Air Force Privacy Act Manager, CIO–BIM/P, 1155 Air Force Pentagon, Washington, DC 20330–1155.

FOR FURTHER INFORMATION CONTACT: Mrs. Anne Rollins at (703) 601–4043 or DSN 329–4043.

SUPPLEMENTARY INFORMATION:

Executive Order 12866, ''Regulatory Planning and Review''

The Director of Administration and Management, Office of the Secretary of Defense, hereby determines that Privacy Act rules for the Department of Defense are not significant rules. The rules do not (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 this Executive order.

Public Law 96–354, ''Regulatory Flexibility Act'' (5 U.S.C. Chapter 6)

The Director of Administration and Management, Office of the Secretary of Defense, hereby certifies that Privacy Act rules for the Department of Defense do not have significant economic impact on a substantial number of small entities because they are concerned only with the administration of Privacy Act systems of records within the Department of Defense.

Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. Chapter 35)

The Director of Administration and Management, Office of the Secretary of Defense, hereby certifies that Privacy Act rules for the Department of Defense impose no information requirements beyond the Department of Defense and that the information collected within the Department of Defense is necessary and consistent with 5 U.S.C. 552a, known as the Privacy Act of 1974.

Section 202, Public Law 104–4, ''Unfunded Mandates Reform Act''

The Director of Administration and Management, Office of the Secretary of Defense, hereby certifies that the Privacy Act rulemaking for the Department of Defense does not involve a Federal mandate that may result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more and that such rulemaking will not significantly or uniquely affect small governments.

Executive Order 13132, ''Federalism''

The Director of Administration and Management, Office of the Secretary of Defense, hereby certifies that the Privacy Act rules for the Department of Defense do not have federalism implications. The rules do 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.

List of Subjects in 32 CFR Part 806b

Privacy.

PART 806b—AIR FORCE PRIVACY ACT PROGRAM

1. The authority citation for 32 CFR part 806b continues to read as follows:

Authority: Pub. L. 93–579, 88 Stat. 1896 (5 U.S.C. 552a).

2. In Appendix C to Part 806b, add paragraph (a)(6) to read as follows:

Appendix C to Part 806b—General and Specific Exemptions. * * *

(a) *General exemptions.* * * *

(6) *System identifier and name:* F090 AF IG B, Inspector General Records.

(i) *Exemption:* (A) Parts of this system of records may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principle function any activity pertaining to the enforcement of criminal laws.

(B) Any portion of this system of records which falls within the provisions of 5 U.S.C. 552a(j)(2) may be exempt from the following subsections of 5 U.S.C. 552a(c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (H), and (I), (e)(5), (e)(8), (f), and (g).

(ii) *Authority:* 5 U.S.C. 552a(j)(2).

(iii) *Reasons:* (A) From subsection (c)(3) because the release of accounting of disclosure would inform a subject that he or she is under investigation. This information would provide considerable advantage to the subject in providing him or her with knowledge concerning the nature of the investigation and the coordinated investigative efforts and techniques employed by the cooperating agencies. This would greatly impede the Air Force IG's criminal law enforcement.

(B) From subsection (c)(4) and (d), because notification would alert a subject to the fact that an open investigation on that individual is taking place, and might weaken the on-going investigation, reveal investigative techniques, and place confidential informants in jeopardy.

(C) From subsection (e)(1) because the nature of the criminal and/or civil investigative function creates unique problems in prescribing a specific parameter in a particular case with respect to what information is relevant or necessary. Also, information may be received which may relate to a case under the investigative jurisdiction of another agency. The maintenance of this information may be necessary to provide leads for appropriate law enforcement purposes and to establish patterns of activity which may relate to the jurisdiction of other cooperating agencies.

(D) From subsection (e)(2) because collecting information to the fullest extent possible directly from the subject individual may or may not be practical in a criminal and/or civil investigation.

(E) From subsection (e)(3) because supplying an individual with a form containing a Privacy Act Statement would tend to inhibit cooperation by many individuals involved in a criminal and/or civil investigation. The effect would be somewhat adverse to established investigative methods and techniques.

(F) From subsections (e)(4)(G), (H), and (I) because this system of records is exempt from the access provisions of subsection (d).

(G) From subsection (e)(5) because the requirement that records be maintained with attention to accuracy, relevance, timeliness, and completeness would unfairly hamper the investigative process. It is the nature of law enforcement for investigations to uncover the commission of illegal acts at diverse stages.

It is frequently impossible to determine initially what information is accurate, relevant, timely, and least of all complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light.

(H) From subsection (e)(8) because the notice requirements of this provision could present a serious impediment to law enforcement by revealing investigative techniques, procedures, and existence of confidential investigations.

(I) From subsection (f) because the agency's rules are inapplicable to those portions of the system that are exempt and would place the burden on the agency of either confirming or denying the existence of a record pertaining to a requesting individual might in itself provide an answer to that individual relating to an on-going investigation. The conduct of a successful investigation leading to the indictment of a criminal offender precludes the applicability of established agency rules relating to verification of record, disclosure of the record to that individual, and record amendment procedures for this record system.

(J) From subsection (g) because this system of records should be exempt to the extent that the civil remedies relate to provisions of 5 U.S.C. 552a from which this rule exempts the system.

(iv) *Authority:* (A) Investigative material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C. 552a(j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of the information, the individual will be provided access to the information exempt to the extent that disclosure would reveal the identify of a confidential source.

Note: When claimed, this exemption allows limited protection of investigative reports maintained in a system of records used in personnel or administrative actions.

(B) Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(2) from the following subsections of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f).

(v) *Reasons:* (A) From subsection (c)(3) because to grant access to the accounting for each disclosure as required by the Privacy Act, including the date, nature, and purpose of each disclosure and the identity of the recipient, could alert the subject to the existence of the investigation. This could seriously compromise case preparation by prematurely revealing its existence and nature; compromise or interfere with witnesses or make witnesses reluctant to cooperate; and lead to suppression, alteration, or destruction of evidence.

(B) From subsections (d) and (f) because providing access to investigative records and the right to contest the contents of those records and force changes to be made to the information contained therein would seriously interfere with and thwart the orderly and unbiased conduct of the investigation and impede case preparation. Providing access rights normally afforded under the Privacy Act would provide the subject with valuable information that would allow interference with or compromise of witnesses or render witnesses reluctant to cooperate; lead to suppression, alteration, or destruction of evidence; enable individuals to conceal their wrongdoing or mislead the course of the investigation; and result in the secreting of or other disposition of assets that would make them difficult or impossible to reach in order to satisfy any Government claim growing out of the investigation or proceeding.

(C) From subsection (e)(1) because it is not always possible to detect the relevance or necessity of each piece of information in the early stages of an investigation. In some cases, it is only after the information is evaluated in light of other evidence that its relevance and necessity will be clear.

(D) From subsections (e)(4)(G) and (H) because this system of records is compiled for investigative purposes and is exempt from the access provisions of subsections (d) and (f).

(E) From subsection (e)(4)(I) because to the extent that this provision is construed to require more detailed disclosure than the broad, generic information currently published in the system notice, an exemption from this provision is necessary to protect the confidentiality of sources of information and to protect privacy and physical safety of witnesses and informants.

(F) Consistent with the legislative purpose of the Privacy Act of 1974, the AF will grant access to nonexempt material in the records being maintained. Disclosure will be governed by AF's Privacy Regulation, but will be limited to the extent that the identity of confidential sources will not be compromised; subjects of an investigation of an actual or potential criminal or civil violation will not be alerted to the investigation; the physical safety of witnesses, informants and law enforcement personnel will not be endangered, the privacy of third parties will not be violated; and that the disclosure would not otherwise impede effective law enforcement. Whenever possible, information of the above nature will be deleted from the requested documents and the balance made available. The controlling principle behind this limited access is to allow disclosures except those indicated above. The decisions to release information from these systems will be made on a case-by-case basis.

* * * * *

3. Appendix C to section 806b, is amended to remove and reserve paragraph (b)(12).

Dated: January 4, 2002.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 02–681 Filed 1–10–02; 8:45 am]

BILLING CODE 5001–08–U

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Parts 2 and 7

RIN 1024–AD03

Pet Management in Golden Gate National Recreation Area, San Francisco, California

AGENCY: National Park Service, Interior.

ACTION: Advanced notice of proposed rulemaking.

SUMMARY: The National Park Service seeks public comment on a range of potential management options for addressing appropriate pet management within Golden Gate National Recreation Area, consistent with protecting national park resources and assuring visitor safety.

DATES: Written comments and submissions in response to this advanced notice of proposed rulemaking must be received on or before March 12, 2002.

ADDRESSES: Comments on this advanced notice of proposed rulemaking should be mailed to: Superintendent, Attention: ANPR, Golden Gate National Recreation Area, Building 201, Fort Mason, San Francisco, California 94123.

FOR FURTHER INFORMATION CONTACT: Brian O'Neill, Superintendent, Golden Gate National Recreation Area, on 415–561–4720.

SUPPLEMENTARY INFORMATION:

Background

NPS Pet Regulation

Title 36 of the Code of Federal Regulations (CFR) governs the use and management of all national park areas. One regulation, 36 CFR 2.15 (a)(2), requires that all pets, where allowed in national park sites, are to be crated, caged or restrained at all times. All areas within Golden Gate National Recreation Area (GGNRA), where pets are allowed, are subject to the requirement to have pets on leash. Pets currently are not allowed in some areas of the park, including: Alcatraz, China Beach, Crissy Beach tidal marsh and wildlife protection area, East Fort Baker Pier, Kirby Cove, Muir Woods, Stinson Beach, Tennessee Valley, trails and areas not designated for pets, and all areas fenced and/or posted as closed to the public. The latter includes two habitat closure areas at Fort Funston, and mission blue butterfly habitat areas in the Marin Headlands. Pets are not allowed in these areas to reduce possible conflict between users, protect the natural and cultural resources,

ensure public safety, and address public health concerns.

Past Pet Management at GGNRA

In 1972, the GGNRA Citizens Advisory Commission (the Commission) was established by the Secretary of the Interior. As outlined in its charter,

> The purpose of the Commission is to meet with and advise the Secretary of the Interior, or the Secretary's designee, on general policies and specific matters related to planning, administration, and development affecting the recreation area * * * the duties of the Commission are solely advisory.

In 1979, the Commission developed and recommended a pet policy to GGNRA that established guidance for locations and criteria for ''voice control'' of pets within certain areas of the park. The Commission's policy identified the following ''voice control'' areas (meaning off leash areas): In the San Francisco area—Fort Funston, Lands End, Fort Miley, North Baker Beach, Crissy Field, Ocean Beach; in Marin County + Rodeo Beach, Muir Beach, 4 Corners tract above Mill Valley, Coast Trail from Golden Gate Bridge to the junction of Wolf Ridge Trail, Loop Trail at Battery Townsley, Wolf Ridge Trail between Coast Trail and Miwok Trail, Miwok Trail between Wolf Ridge Trail and Coast Trail, Oakwood Valley Road to Alta Avenue, and Alta Avenue between Marin City and Oakwood Valley. (February 24, 1979, GGNRA Advisory Commission's Approved Guidelines for a Pet Policy—San Francisco and Marin County).

The Commission's ''voice control'' policy did not and can not override NPS regulations prohibiting pets off leash. As stated in the charter, the Commission may make recommendations, but these recommendations are advisory in nature. Any recommendation by the Commission must comply with NPS regulations. Nevertheless, the park, in error, implemented the ''voice control'' policy, in contradiction to Service-wide regulations. For more than 20 years, this unofficial ''voice control'' policy was in place within GGNRA.

Current Pet Management at GGNRA

Several recent events have underscored the need for undertaking a public process concerning dog management in the Golden Gate National Recreation Area, including increased visitation to GGNRA, litigation concerning the Fort Funston area of the park, public concern about visitor and pet safety, park resource management issues involving wildlife and vegetation protection, and the review of dog-walking issues by the Golden Gate National Recreation Area Advisory Commission.

Since 1972, visitation to the park and the population of the Bay Area have both increased. The park has experienced increased use of the area for off leash dogs, and, as a result, there is increased conflict and potential for conflict between other user groups and dogs and their owners, as well as heightened sensitivity on the part of the visiting public.

Underscoring the conflict over the off leash dog use, in March 2000, a lawsuit was filed in federal court by dog walking groups, seeking to prevent a 10-acre habitat closure for threatened and native species at Fort Funston. Prior to March 2000, GGNRA staff had consulted with interested groups, including both environmental and off leash interests, to discuss a slightly larger 12-acre proposed closure and its purposes. The goals and objectives of the closure were to: (1) Provide protection to the new nesting locations of the state-listed (threatened) bank swallow colony at Fort Funston; (2) increase biological diversity by restoring coastal native dune scrub habitat; (3) increase public safety by keeping visitors and their pets away from cliff areas; and (4) protect geologic resources, including bluff top and interior dunes subject to accelerated erosion by humans and pets.

Based on that consultation with the interested groups, the 12-acre closure was reduced to 10 acres, with approximately half of it to be open seasonally. Upon initiation of the 10-acre project, the lawsuit was filed. The Golden Gate Audubon Society intervened in the lawsuit to defend the proposed closure. On February 13, 2001, the Federal District Court held that,

> Defendants (NPS) have held public hearings after notice and comment and allowed public input and debate, all before issuing a new and final closure plan for Fort Funston in January 2001 * * * the defendants have now fully complied with 36 CFR Section 1.5 (and) that the need for prompt protective action is genuine * * *

Accordingly, GGNRA took prompt action to close the originally proposed 12 acre area, which was effected February 14, 2001.

On January 23, 2001, the GGNRA Citizen's Advisory Commission acknowledged publicly the 1979 ''voice control'' policy was null and void since it was contrary to NPS regulation. Hundreds of people in favor of off leash dog use attended this meeting and the park has received significant comment in support of off leash dog walking in the park. Also in January 2001, a 32-year-old woman was mauled to death by a dog in San Francisco. Although this incident occurred outside the park boundaries, it underscored the danger of dogs in the local community to local users. Comments to the park opposing off leash dogs have increased significantly since that time.

The park has received complaints by park visitors, including minorities, seniors and families with small children, alleging that off leash dogs have precluded them from visiting the park for fear of being knocked over, attacked by dogs, or verbally abused by dog owners. Several recent letters involve visitors requesting permission or authorization to carry weapons (stun guns, pepper spray) for personal protection from dog attacks.

These recent events—from increased visitor use to the highly publicized litigation to the potential effects of off leash pets on the public and the park resources—have dramatically changed the climate in which the park had previously allowed off leash pets in certain areas of the park. The GGNRA has no authority to avoid or ignore the regulation disallowing pets off leash, and education efforts are underway to clarify this issue to the public. This regulation has always applied to GGNRA and failure to apply it consistently at GGNRA does not in any way limit its applicability today. In the interest of public safety, and as required by existing regulations, it is essential that the NPS enforce the pet restraint regulations during the ANPR process. Since January 2001, the park has installed additional signs regarding the regulation throughout the park, has continued educational outreach to visitors regarding the regulation, and is working toward consistent enforcement of the leash regulation parkwide.

Pet Management in Other Jurisdictions

The GGNRA is adjacent to other publicly owned places, including state parks, open space areas, and city parks, each having various rules regarding dog walking. While these agencies are governed by differing agencies with varying mandates, this section provides a regional context to this issue. Several jurisdictions in the Bay Area are moving toward more stringent leash requirements and enforcement, due to the volume of use and negative impacts associated with off-leash use. As of June 2001, the following regulations were in place and/or being considered:

—The California Department of Parks and Recreation requires pets to be on a leash and under the immediate control of a person or confined in a vehicle; in most park units, pets are permitted only in parking lots, picnic areas, some campgrounds, and other

developed areas. Pets are not permitted on state park trails.

—The Marin Municipal Water District requires pets to be leashed.

—The Marin County Open Space District requires dogs on leash, with the exception of fire roads; they are currently reviewing their policy restricting the number of off leash dogs where off leash is permitted, along with limits on commercial dog walking.

—The Midpeninsula Regional Open Space District permits dogs on leash in seven of 24 preserves. Of the seven, there is one preserve that has a 16-acre off leash area. Dogs are not permitted in the remaining 17 preserves.

—San Mateo County Parks prohibits pets to enter or go at large in any County Park or Recreation area, either with or without a keeper.

—East Bay Regional Park District requires pets on leash in developed areas, which are defined as public road, lawn or play field, parking lot, picnic area, campground, concession area, equestrian center, archery facility, gun ranges, paved multi-use Regional Trail, or any other areas designated by the Board; the number of dogs is limited to three. Dogs are prohibited at swimming beaches, pools, wetlands, marshes or designated nature study areas, wildlife protection areas (for listed species at risk), golf courses, public buildings, major fishing piers, stream protection areas, and district lakes.

—The City of San Francisco issued a draft policy on June 12, 2001 that specifies more consistent enforcement of their existing leash law. Off leash use is permitted within 19 designated off-leash parks. The draft policy also identifies areas where dogs are not permitted, which includes significant natural resource areas. The City of San Francisco's Board of Supervisors has passed a resolution expressing interest in having certain lands within GGNRA, formerly owned by the City of San Francisco, returned to the city. Such lands include a portion of Fort Funston, Ocean Beach, Sutro Heights, Lands End and Municipal Pier. Transfer of the lands from NPS to the city would require federal legislation.

Because many of these leash restrictions have occurred over the last ten years, it is suspected that local dog owners who prefer off leash recreational use have moved to GGNRA areas, increasing pressure and impacts on the resources and visitor use conflicts.

NPS Law, Policy and Other Guidance

Management of the national park system is guided by the Constitution, public laws, proclamations, executive orders, rules, National Park Service regulations, management policies, and the directives of the Secretary of the Interior, Assistant Secretary for Fish, and Wildlife and Parks, and Director of the National Park Service (NPS). The Act of August 25, 1916, otherwise known as the NPS Organic Act, established the NPS and serves as the touchstone for National Park System management, philosophy and policy. The Act created the NPS to promote and regulate national park sites in accordance with the fundamental purpose of said parks, which is:

> To conserve the scenery and the natural and historic objects and wild life therein and to provide for enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.
>
> (16 U.S.C. sec. 1)

Congress supplemented and clarified the NPS mandate through enactment of the General Authorities Act in 1970, and again through enactment of a 1978 amendment to that law, which states in pertinent part:

> Congress declares that the national park system, which began with the establishment of Yellowstone National Park in 1872, has since grown to include superlative natural, historic, and recreation areas in every major region of the United States, its territories and island possessions; that these areas, though distinct in character, are united through their inter-related purposes and resources into one national park system as cumulative expressions of a single national heritage; that, individually and collectively, these areas derive increased national dignity and recognition of their superlative environmental quality through their inclusion jointly with each other in one national park system preserved and managed for the benefit and inspiration of all the people of the United States; and that it is the purpose of this Act to include all such areas in the System and to clarify the authorities applicable to the System. Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined in section 1c of this title, shall be consistent with and founded in the purpose established by section 1 of this title [16 U.S.C. sec. 1], to all the people of the United States. The authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress.
>
> (16 U.S.C. sec. 1–a)

Park Legislation

Golden Gate National Recreation Area (GGNRA) was established on Oct. 27, 1972, for the purpose of preserving:

> * * * for public use and enjoyment certain areas of Marin and San Francisco [and San Mateo] Counties, California, possessing outstanding natural, historic, scenic, and recreational values, and in order to provide for the maintenance of needed recreational open space necessary to urban environment and planning * * * In the management of the recreation area, the Secretary of the Interior * * * shall utilize the resources in a manner which will provide for recreation and educational opportunities consistent with sound principles of land use planning and management. In carrying out the provisions of the Act, the Secretary shall preserve the recreation area, as far as possible, in its natural setting, and protect it from development and uses which would destroy the scenic beauty and natural character of the area.
>
> (Pub. L. 92–589,16 U.S.C sec. 460bb)

The park includes nearly 75,000 acres located in three counties. The regional population of the San Francisco Bay Area is approximately seven million, and the park-including Fort Point and Muir Woods—supports approximately 17 million visitors annually. Popular Golden Gate National Recreation Area sites include, from north to south: Olema Valley, Stinson Beach, Muir Beach, Marin Headlands, Alcatraz, the Presidio of San Francisco, Fort Mason, Baker Beach, China Beach, Lands End, Cliff House, Ocean Beach, Fort Funston, Sweeney Ridge, Milagra Ridge, and the Phleger Estate. Muir Woods National Monument and Fort Point National Historic Site are separate units of the National Park System that are within the boundaries of and administered by GGNRA.

NPS 2001 Management Policies

The new 2001 NPS Management Policies provide policy direction for making management decisions in the administration of the National Park System and provide interpretation of the laws governing management the National Park System, including the NPS Organic Act. Adherence to policy is mandatory unless specifically waived or modified by the Secretary, the Assistant Secretary, or the Director. Of primary importance is the NPS obligation to conserve and provide for enjoyment of park resources and values. The 2001 NPS Management Policies explain:

> The ''fundamental purpose'' of the national park system, established by the Organic Act and reaffirmed by the General Authorities Act, as amended, begins with the mandate to

conserve park resources and values. This mandate is independent of the separate prohibition on impairment, and so applies all the time, with respect to all park resources and values, even when there is no risk that any park resources or values may be impaired. NPS managers must always seek ways to avoid, or to minimize to the greatest extent practicable, adverse impacts on park resources and values. However, the laws do give the Service management discretion to allow impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, so long as the impact does not constitute impairment of affected resources and values.

(2001 NPS Management Policies, Section 1.4.3)

The fact that a park use may have an impact does not necessarily mean that it will impair park resources or values for the enjoyment of future generations. Impacts may affect park resources and still be within the limits of the discretionary authority conferred by the Organic Act. However, negative or adverse environmental impacts are never welcome in national parks, even when they fall far short of causing impairment. For this reason, the Service will not knowingly authorize park uses that would cause negative or adverse impacts unless it has been fully evaluated, appropriate public involvement has been obtained, and a compelling management need is present. In those situations, the Service will ensure that any negative or adverse impacts are the minimum necessary, unavoidable, cannot be further mitigated, and do not constitute impairment of park resources and values.

(2001 NPS Management Policies, Section 8.1)

The Management Policies emphasize the Park Service mandate to prevent impairment of natural and cultural resources, to preserve park resources and to limit recreational activities that degrade resources. The policies distinguish that:

Congress, recognizing that the enjoyment of future generations of the national parks can only be ensured if the superb quality of park resources and values is left unimpaired, has provided that when there is a conflict between conserving resources and values and providing for enjoyment of them, conservation is to be predominant. This is how courts have consistently interpreted the Organic Act, in decisions that variously describe it as making ''resource protection the primary goal'' or ''resource protection the overarching concern,'' or as establishing a ''primary mission of resource conservation,'' a ''conservation mandate,'' ''an overriding preservation mandate,'' ''an overarching goal of resource protection,'' or ''but a single purpose, namely, conservation.''

(2001 NPS Management Policies, Section 1.4.3)

The impairment of resources and values may not be allowed by the Service unless directly provided for by legislation or by the proclamation establishing the park. The relevant legislation or proclamation must provide explicitly (not by implication or reference) for the activity, in terms that keep the Service from having authority to manage the activity so as to avoid impairment.

(2001 NPS Management Policies, Section 1.4.4)

GGNRA's enabling legislation does not directly or specifically allow impairment of resources. Therefore, in assessing options for accommodating dog walking in GGNRA, each option must meet NPS mandates as outlined in the 2001 NPS Management Policies.

The 2001 NPS Management Policies also explain that ''enjoyment'' in the Organic Act has broad meaning:

The fundamental purpose of all parks also includes providing for the enjoyment of park resources and values by the people of the United States. The ''enjoyment'' that is contemplated by the statute is broad; it is the enjoyment of all the people of the United States, not just those who visit parks, and so includes enjoyment both by people who directly experience parks and by those who appreciate them from afar. It also includes deriving benefit (including scientific knowledge) and inspiration from parks, as well as other forms of enjoyment.

(2001 NPS Management Policies, Section 1.4.3)

Accordingly, NPS seeks broad input in order to consider the wide range of interests of those who appreciate—from both near and afar—the resources of GGNRA.

The 2001 NPS Management Policies also define suitable visitor uses, noting that:

Enjoyment of park resources and values by the people of the United States is part of the fundamental purpose of all parks. The Service is committed to providing appropriate, high quality opportunities for visitors to enjoy the parks, and will maintain within the parks an atmosphere that is open, inviting, and accessible to every segment of American society. However, many forms of recreation enjoyed by the public do not require a national park setting, and are more appropriate to other venues. The Service will therefore:

—Provide opportunities for forms of enjoyment that are uniquely suited and appropriate to the superlative natural and cultural resources found in the parks.
—Defer to local, state, and other federal agencies; private industry; and non-governmental organizations to meet the broader spectrum of recreational needs and demands.

To provide for the enjoyment of the parks, the National Park Service will encourage visitor activities that:

—Are appropriate to the purpose for which the park was established; and
—Are inspirational, educational, healthful, and otherwise appropriate to the park environment; and
—Will foster an understanding of, and appreciation for, park resources and values, or will promote enjoyment through a direct association with, interaction with, or relation to park resources; and
—Can be sustained without causing unacceptable impacts to park resources or values.

Unless mandated by statute, the Service will not allow visitors to conduct activities that:

—Would impair park resources or values;
—Create an unsafe or unhealthful environment for other visitors or employees;
—Are contrary to the purposes for which the park was established; or
—Unreasonably interfere with:
  —The atmosphere of peace and tranquillity, or the natural soundscape maintained in the wilderness and natural, historic, or commemorative locations within the park;
  —NPS interpretive, visitor service, administrative, or other activities;
  —NPS concessioner or contractor operations or services; or
  —Other existing, appropriate park uses

(2001 NPS Management Policies, Section 8.2)

Finally, the Management Policies address the importance of visitor safety,

The saving of all human life will take precedence over all other management actions as the Park Service strives to protect human life and provide for injury-free visits * * * When practicable, and consistent with congressionally designated purposes and mandates, the Service will reduce or remove known hazards and apply other appropriate measures, including closures, guarding, signing, or other forms of education. In doing so, the Service's preferred actions will be those that have the least impact on park resources and values.

(2001 NPS Management Policies, Section 8.2.5.1)

Other NPS Policies and Guidelines

There are a number of NPS System wide guidelines that address park management requirements and use limitations, and are available at *www.nps.gov/refdesk/DOrders/*. These include Natural Resource Management Guidelines (NPS 77), and NPS Director's Orders (DO) on Wetland Protection (DO 77–1), Public Health (DO 83), Soundscape Preservation and Noise Management (DO 47), and Conservation Planning, Environmental Impact Analysis, and Decision-Making (DO 12).

Natural Resources

The lands encompassing GGNRA provide critical habitat for many of the country's and the state's most rare and threatened species. The central coast including the San Francisco Bay Area and GGNRA, is considered one of North America's biodiversity hot spots (*Precious Heritage: the Status of Biodiversity in the United States,* Nature Conservancy). The California Floristic Province is identified as the 8th global

biodiversity hotspot in a list of 25 (*Nature's Place: Population and the Future of Diversity,* 2000 Report by Population Action International). GGNRA was designated a Biosphere Reserve in 1989. The unique Golden Gate Biosphere Reserve, including marine, coastal and upland areas adjacent to a major metropolitan area, is designated as an international biosphere reserve in recognition of its importance to conservation of biodiversity, sustainable development, research and education.

Wildlife: There are currently 75 rare or special status wildlife species currently identified as permanent or seasonal residents of the park, or dependent upon parklands for migration. Of these, eleven are listed as federally endangered, thirteen are federally threatened, two are state endangered, three are state threatened, and 32 are state-designated species of special concern. Nearly all of the native birds documented in the park are protected by the Migratory Bird Treaty Act (16 U.S.C. secs. 528–531).

Vegetation: Approximately 36 rare or special status plant species are currently identified within GGNRA. Of those species, nine are federally endangered, one is federally threatened, and one is state threatened. The remaining 25 species are plants listed by the California Native Plant Society as rare, threatened, endangered, or of limited distribution.

The NPS has a heightened responsibility to preserve and protect those species and their habitat everywhere they occur within GGNRA, in accordance with its own mandate as well as other laws.

Impacts to Natural Resources

Scientific studies attribute disturbance, harassment, displacement, injury and direct mortality of wildlife to domestic dogs that accompany recreationists (''Effects of Recreation on Rocky Mountain Wildlife: a Review for Montana.'' Committee on Effects of Recreation on Wildlife, Montana Chapter of the Wildlife Society, September 1999, Joslin and Youman coordinators). This study indicates that domestic dogs retain their instincts to hunt or chase. Further, the study indicates that even without chasing, the mere presence of a dog can frighten wildlife away. A dog's urine and fecal deposits serve as strong territorial markings that are equally alarming to native species long after the dog has departed. Native vegetation may also be destroyed by digging and by chasing behavior.

In recent years, the park has increased its knowledge of park resources, potential wildlife impacts and public safety risks. During the last 10 years, there have been increasing impacts to natural resources related to unrestrained dogs, including digging and trampling of native vegetation including the habitat for the endangered mission blue butterfly as well as endangered plant habitat; bird habitat disturbance; and harassment of wildlife including both birds and marine mammals. Off leash dogs harassing beached sea lions occurs periodically during May/June along the waterline at Ocean Beach, Fort Funston and Rodeo Beach. At Rodeo Lagoon, off leash dogs at the edge of the lagoon and in shallow waters potentially crush tidewater goby burrows; the tidewater goby is an endangered species. Some problems with off leash dogs have also arisen with disturbance of steelhead trout and coho salmon populations at the mouth of Redwood Creek at Muir Beach; behavioral disturbance to the resident fish includes dogs wading and running through the creek mouth and lagoon.

Within GGNRA, Ocean Beach is the longest stretch of sandy beach between Point Reyes National Seashore and Half Moon Bay. The entire length of this beach provides critically important feeding and resting habitat for wintering and migrating shorebirds, gulls and terns. The species found in the highest numbers (hundreds to low thousands depending on time of year) include sanderlings, willets, marbled godwits, elegant and Caspian terns, and various gull species. The gulls and terns roost in large numbers on the beach with their newly fledged young during portions of the year. The federally threatened snowy plover also resides on portions of the beach for 10 months of the year. According to park biologists and protection rangers, shorebirds, gulls and terns are chased by off leash dogs, interrupting feeding and resting that help to build fat reserves for long migrations and breeding. Off leash dogs can also be a threat to sick and injured birds and marine mammals that may beach themselves. During the last several years, fencing has been erected in areas of Fort Funston, Crissy Field and other GGNRA locations, an effort limited to keep off leash dogs out of these most sensitive habitat areas. These closures have negative visual impacts and do not completely protect natural resources from off leash dog use.

According to Dr. Elliot Katz, founder and president of In Defense of Animals:

> If a dog has shown a propensity to run after deer or other wildlife in the open spaces, then that dog should be on a leash. There should be a substantial penalty for chasing wildlife. I don't think that anyone can control more than three dogs off leash at one time. I know it will anger the dog handlers if I say so, but in numbers dogs do have a pack mentality.

(In the Doghouse, by Michael McCarthy, ''Pacific Sun,'' June 13 + 19, 2001)

The NPS Management Policies and Director's Orders require that the park prevent impairment to part resources and minimize adverse impacts, while providing appropriate recreational opportunities.

Impacts to Public Safety

Dogs biting visitors, aggressive behavior toward other dogs and/or people, dogs falling off cliffs, people going after their dogs that have fallen off cliffs, and visitors being knocked down are the public safety concerns related to off leash dog walking. Public controversy continues to grow over dog issues, increasing the demand by some for stronger enforcement of the leash law by the park.

The GGNRA's tracking of dog-related incidents during a 3-year period (1998 + 2000) reveals a total of 54 reported dog bites. Between January 1, 2001, and June 16, 2001, there have been 13 reported dog bites. According to protection rangers, these numbers reflect a small fraction of the total occurrences, reported and non-reported. From 1998 + 2000, there have been 890 leash law reports, and another 105 reports of dogs in closed areas. Between 1998 and 2000, protection rangers performed 58 technical rescues of dogs or their owners that had fallen over the side of the cliffs at Fort Funston, a popular off leash area. In calendar year 2000, this resulted in three ranger injuries. Cliff rescues at Fort Funston are a serious threat to public safety and employ a large number of park personnel and equipment, leaving major areas of GGNRA unprotected. In 1998, the number of cliff rescues at Fort Funston was 25; in contrast, there were a total of 11 rescues along the remaining nine miles of San Francisco shoreline from Fort Point to the Cliff House.

A review of animal organizations and web sites show that there are possible impacts to public safety. According to the American Dog Owners Association:

> * * * unleashed dogs intimidate * * * unleashed dogs harass, injure and sometimes kills wildlife.

(*www.adoa.org*)

And, according to the American Veterinary Medical Foundation Task Force on Canine Aggression:

Although most dog bites occur on the property where the dog lives, unrestrained or free-roaming dogs do pose a substantial threat to the public. Enforcement of restraint laws is, therefore, essential if the incidence of dog bites is to be reduced.

(''JAVMA,'' Vol. 218, No. 11, June 1, 2001, *www.avma.org*)

Any alternative to the leash regulation must address these safety concerns, and be consistent with NPS policies and mandates.

Recreational Benefits of Off Leash Dog Walking

There are recreational benefits to both humans and dogs related to off leash dog use. A review of animal organizations' publications and web sites show that many organizations support the recreational benefits—for both the dog and the human—of off leash dog walking. According to the San Francisco chapter of the Society for the Prevention of Cruelty to Animals (S.F. SPCA), dogs require daily exercise and contact with other dogs in order to remain healthy and well socialized. The S.F. SPCA considers off-leash areas as essential for the health and well being of dogs, and further, that:

* * * dogs socialize with each other through subtle displays of posture and behavior that can only occur when they are not impeded by a leash. A leash limits a dog's natural movement and can even cause some dogs to become territorial, protecting the area to which the leash confines them.

(*www.sfspca.org*)

According to the San Francisco Dog Owners Group, known as SF Dog:

* * * the creation of off-leash recreation space encourages the development of well-socialized dog populations as well as owners who are responsible.

(''Managing Off-Leash Recreation in Urban Parks,'' April 19, 1999, *www.sfdog.org*)

The SF Dog group also underscores the benefits of dog ownership:

* * * daily exercise routines that dogs demand reduces crimes in parks for the simple reason that people involved in criminal activity do not like to be observed.

(*www.sfdog.org*)

The California Dog Owners Group supports increased understanding of

* * * the natural relationship of open space to humans with dogs and to be vigilant in promoting appropriate rules for shared and continued use.

(*www.caldog.org*)

In articles written by dog walkers on the Fort Funston web site (*www.fortfunstonforum.com*), off leash dog use is alleged to be beneficial to the bank swallows, specifically:

It really looked like the birds were using the dogs to flush out insects for them to eat.

(Linda Shore, July 21, 2000)

I had first thought they were playing with Scout and then it became clear that they were circling around and flying low to ground to hunt for insects. It seemed to me that they were following Scout and looking for food where he was walking, as though he might be making the insects scurry around so that the swallows could see them.

(Christy Cameron, July 19, 2000)

In an interview with Dr. Nicholas Dodman, of the Tufts University Veterinary Center, ''Bark Magazine'' quoted him as follows:

The vast majority of dogs do benefit greatly from having exercise periods. And walking dogs on a leash is not sufficient exercise. It's not that they die if they walk on a leash, just as it's not that a human being dies in solitary confinement either. It's just that it is not optimal for their physiological and psychological well-being. * * * It is important for a dog to be provided with natural outlets—to be able to run and exercise and chase things and do as a dog was bred to do

(*www.thebark.com/ezine*)

The benefit to both the dog and human were also noted:

* * * walking with a canine ''best friend'' increases physical and mental fitness for both the human and the dog, a community of other dog walkers offers positive social interactions, the high density of park users and the presence of dogs offers a level of personal safety.

(''Survey of Fort Funston Recreational Use,'' Karin Hu, Ph.D., September 2000, *www.fortfunstondog.org*)

Options for Evaluation

This Notice is intended to solicit public comment on a range of potential management options for addressing appropriate pet management within Golden Gate National Recreation Area, consistent with protecting national park resources and assuring visitor safety. This procedure could result in a range of outcomes, from enforcement of the existing regulation, to revisions of the existing regulation that would permit off leash pets within portions of Golden Gate National Recreation Area under specific conditions.

All interested persons are invited to submit to the National Park Service their comments on any aspect of the alternatives described below, including responses regarding:

- Should the leash law regulation remain intact parkwide?
  - Should additional areas currently closed to dogs be open to on leash use?
- Should additional areas be closed to dogs?
- Should analysis of any alternatives be measured from the current baseline of no off-leash dog walking, or the long-standing former policy that allowed off-leash dog walking in certain areas?
- Should the regulation be changed to designate former ''voice control'' areas for off leash dog walking? If so,
  - Which geographical areas should/should not be considered for off leash?
  - Should there be a limit on the number of dogs?
  - Should areas be open to off leash use at certain times of the day or days of the week?
  - Should there be a bond required to cover liability?
  - Should people be required to sign waivers of liability?
  - What are potential environmental impacts of any of the alternatives?
  - What additional mitigating factors should be imposed?
  - What conditions could be required of owners?
  - Should areas be fenced?
  - Should voice control be employed?
  - How should the numbers of dogs be limited?
  - Who should pay for facilities, improvements, and operations?

Specific Options

In summary, in considering changes to existing regulation, any change must comply with the NPS Organic Act, GGNRA's enabling legislation and Systemwide policies and directives. In order to comply with NPS rules and regulations, including the obligation to minimize adverse impacts on park resources and values and the prohibition on resource impairment, the following areas of the park, in which pets have never been allowed (e.g. there is no history of dog walking use, and/or it has not been an issue) or have been restricted due to sensitivity of resources, are precluded from consideration for off leash uses: Alcatraz, China Beach, Crissy Beach tidal marsh and wildlife protection area, East Fort Baker Pier, coastal dunes and cliff areas of Fort Funston, Kirby Cove, Muir Woods, Phleger Estate, Fort Point historic structure, the beach at Stinson Beach, Tennessee Valley, Rodeo Lagoon, Redwood Creek, all freshwater bodies in the park, and other threatened or endangered species habitat areas in the park. The latter includes areas of endangered mission blue butterfly habitat at Milagra Ridge, Marin Headlands and East Fort Baker, as well as the threatened snowy plover management area at Ocean Beach.

A. Enforce existing regulation/dogs on leash and on trail: Enforcement of the existing regulation park wide would reduce visitor conflicts, improve visitor and employee safety, and reduce impacts on natural resources. Continued visitor education would be required to increase understanding of the regulation and reasons for it. On leash dog use in the park could result in removal of fences in some locations at Fort Funston and Crissy Field, and possibly other locations where exclosures have been created in order to protect sensitive species and habitat areas. The following additional areas, where dogs currently are prohibited, could be opened to on leash dogs under appropriate circumstances: East Fort Baker Pier, Phleger Estate, Stinson Beach, and portions of Tennessee Valley. Enforcement of the existing regulation may displace off leash dog use into other jurisdictions within the counties of San Francisco, San Mateo and Marin. This option would not require rulemaking because the leash regulation is already in place. The GGNRA must enforce the leash law unless a regulation is promulgated and adopted allowing off leash dog use; Option B discusses that option. The agency seeks comment on the merit of enforcement of the existing regulation, including specific suggestions on implementation and education regarding its enforcement, as well as suggestions regarding the opening of additional on leash dog areas as described above.

B. Identify specific locations/ways to address off leash use within the park: Off leash dog use could be allowed in specific locations within the park, with the remainder of the park subject to enforcement of the existing regulation requiring pets to be leashed where permitted. Any location selected for off leash would carry the requirement that any negative or adverse impacts are the minimum necessary, unavoidable, cannot be further mitigated, and do not constitute impairment of park resources and values. To that end, appropriate environmental compliance would be required to evaluate all potential effects within GGNRA, in accordance with federal laws including National Environmental Policy Act and the National Historic Preservation Act. This option would require rulemaking. Negative effects could include additional park operating financial requirements to remove pet excrement, develop capital improvements and additional enforcement staff to assure conformance with the restrictions related to off leash areas. Off leash dog use, where it does not conflict with protection of natural resources, can promote exercise and enjoyment of park areas. The agency seeks comment on the merit of permitting off leash use and identification of specific locations and measures to minimize any impacts on visitors and resources.

Request for Comments

The National Park Service solicits comment and information from all segments of the public interested in GGNRA and appropriate pet management. All comments received by the Park Service at the address and by the date listed above will be reviewed and analyzed. If rulemaking is determined necessary as a result of this process, such proposed rulemaking would involve additional extensive public review and comment. If rulemaking is not an option chosen by NPS, then the public will be appropriately notified.

If individuals submitting comments request that their name and/or address be withheld from public disclosure, it will be honored to the extent allowable by law. Such requests must be stated prominently at the beginning of the comments.

The GGNRA will hold two public meetings where public comment on this Advanced Notice of Proposed Rulemaking will be invited. Additional opportunities for public involvement will be announced locally and in the **Federal Register**.

Dated: January 3, 2002.

Joseph E. Doddridge,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 02–568 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–70–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 50

[FRL–7128–3]

National Ambient Air Quality Standards for Ozone: Proposed Response to Remand

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of public comment period.

SUMMARY: The EPA is announcing a 30-day extension of the public comment period on the proposed response to the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) remand of the national ambient air quality standards (NAAQS) for ozone (O_3) that was published on November 14, 2001 (66 FR 57268). The proposal responded to the D.C. Circuit remand of the O_3 NAAQS to EPA to consider any beneficial health effects of O_3 pollution in shielding the public from the ''harmful effects of the sun's ultraviolet rays.'' 175 F. 3d 1027 (D.C. Cir. 1999).

DATES: Comments on the proposed response to the remand must be received by February 13, 2002.

ADDRESSES: Submit written comments (in duplicate if possible) on this proposed response to: Air and Radiation Docket and Information Center (6102), Attn: Docket No. A–95–58, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460. Electronic comments are encouraged and can be sent directly to EPA at: *A-and-R-Docket@epa.gov*. Comments will also be accepted on disks in WordPerfect in 8.0/9.0 file format. All comments in electronic form must be identified by the docket number, Docket No. A–95–58.

FOR FURTHER INFORMATION CONTACT: Susan Lyon Stone, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency (C539–01), Research Triangle Park, NC 27711; e-mail stone.susan@epa.gov; telephone (919) 541–1146.

SUPPLEMENTARY INFORMATION: The EPA received a request for an extension of the original 60 day comment period. The commenter requested additional time to prepare comments because part of the comment period overlapped with the seasonal holidays. In response to this request, EPA is extending the comment period by 30 days to allow additional time for the public to prepare comments.

List of Subjects in 40 CFR Part 50

Environmental protection, Air pollution control, Carbon monoxide, Lead, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides.

Dated: January 7, 2002.

Robert D. Brenner,

Principal Deputy Assistant Administrator for Air and Radiation.

[FR Doc. 02–700 Filed 1–10–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[IA 0146–1146; FRL–7128–5]

Approval of Operating Permit Program; State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve amendments to the Iowa Title V operating permit program. EPA granted full approval of Iowa's Title V program on July 14, 1997. These amendments incorporate existing periodic monitoring guidance and adopt by reference compliance assurance monitoring requirements.

DATES: Comments must be received on or before February 11, 2002.

ADDRESSES: Written comments should be mailed to Lynn M. Slugantz, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

Copies of documents relative to this action are available for public inspection during normal business hours at the above-listed Region 7 location. Interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Lynn M. Slugantz at (913) 551–7883.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This section provides additional information by addressing the following questions:

What is the Part 70 operating permit program?

What is the Federal approval process for an operating permit program?

What does Federal approval of a state operating permit program mean to me?

What is being addressed in this document?

Have the requirements for approval of an operating permit program revision been met?

What action is EPA taking?

What Is the Part 70 Operating Permit Program?

The Clean Air Act (CAA) Amendments of 1990 require all states to develop an operating permit program that meets certain Federal criteria listed in 40 Code of Federal Regulations (CFR) part 70. In implementing this program, the states are to require certain sources of air pollution to obtain permits that contain all applicable requirements under the CAA. One purpose of the Part 70 operating permit program is to improve enforcement by issuing each source a single permit that consolidates all of the applicable CAA requirements into a Federally enforceable document. By consolidating all of the applicable requirements for a facility into one document, the source, the public, and the permitting authorities can more easily determine what CAA requirements apply and how compliance with those requirements is determined.

Sources required to obtain an operating permit under this program include: ''major'' sources of air pollution and certain other sources specified in the CAA or in our implementing regulations. For example, all sources regulated under the acid rain program, regardless of size, must obtain permits. Examples of major sources include those that emit 100 tons per year or more of volatile organic compounds, carbon monoxide, lead, sulfur dioxide, nitrogen dioxide, or particulate matter that is 10 micrometers in size (PM_{10}); those that emit 10 tons per year of any single hazardous air pollutant (HAP) (specifically listed under the CAA); or those that emit 25 tons per year or more of a combination of HAPs.

Revisions to the state and local agencies' operating permit program are subject to public notice, comment, and our approval.

What Is the Federal Approval Process for an Operating Permit Program?

In order for state regulations to be incorporated into the Federally enforceable Title V operating permit program, states must formally adopt the regulations consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to us for inclusion into the operating permit program. We must provide public notice and seek additional public comment regarding the proposed Federal action on the state submission. If adverse comments are received, they must be addressed prior to any final Federal action by us.

All state regulations and supporting information approved by EPA under section 502 of the CAA are incorporated into the Federally approved operating permit program. Records of such actions are maintained in the CFR at Title 40, Part 70, Appendix A, entitled ''Approval Status of State and Local Operating Permits Program.''

What Does Federal Approval of an Operating Permit Program Mean to Me?

Enforcement of the state regulation before and after it is incorporated into the Federally approved operating permit program is primarily a state responsibility. However, after the state program is Federally approved, we oversee the program and review proposed permits submitted by the state in accordance with 40 CFR part 70. We are also authorized to enforce the permit program and individual permits issued under the program. Citizens are also offered legal recourse to address violations as described in section 304 of the CAA.

What Is Being Addressed in This Document?

The Iowa Department of Natural Resources (IDNR) has adopted amendments to 567 Iowa Administrative Code (IAC) 22.108(3). The purpose of the amendments is to incorporate IDNR's existing Title V Periodic Monitoring Guidance into its rules. Periodic monitoring is required by 40 CFR 70.6 and 71.6 where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring. Also, the amendments to 567 IAC 22.108(3) adopt by reference Compliance Assurance Monitoring (CAM) that is required to be included in 40 CFR part 70 or 71 operating permits for major stationary sources of air pollution that are required to obtain operating permits under Title V of the CAA. Periodic monitoring and CAM are needed to provide reasonable assurance of compliance with applicable requirements under the CAA. The amendments were adopted and filed by the Environmental Protection Commission on June 21, 2001; published on July 11, 2001; and became effective on August 15, 2001.

As a part of our review of these amendments, EPA requested clarification from IDNR regarding the list of factors to be considered in evaluating the type of periodic monitoring appropriate for an applicable requirement, as set forth in the narrative of the June 18, 2001, Periodic Monitoring Guidance. This narrative lists numerous factors to be considered, while Attachment 1 to that guidance contains a decision matrix considering only type of source and whether the source is controlled or uncontrolled. In response to EPA's request, IDNR sent EPA a November 7, 2001, letter in which the state clarified that it has flexibility in deciding to

follow the matrix which is found in Appendix A to that guidance or to make a case-by-case determination that differs from the periodic monitoring guidance and the matrixes.

EPA believes that the state's ability to deviate from the guidance on a case-by-case basis is essential to implementation of this program, and our proposed approval of the state program revisions is based, in part, on the state's assurance that it retains authority to establish appropriate periodic monitoring on a case-by-case basis. In proposing to approve this rule revision, EPA reserves its authority to object to permit provisions regarding periodic monitoring if they do not meet the requirements of the CAA or 40 CFR 70.6(a)(3).

Have the Requirements for Approval of a Revision to the Operating Permit Program Been Met?

Our review of the material submitted indicates the state has amended rules for the Title V program in accordance with the requirements of section 502 of the CAA and the Federal rule, 40 CFR part 70, and met the requirement for a program revision as established in 40 CFR 70.4(i).

What Action Is EPA Taking?

EPA is proposing to approve amendments to Iowa rule, 567 IAC 22.108(3), effective August 15, 2001, as supplemented on November 7, 2001, as a revision to the Iowa Title V operating permit program.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely 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 proposed rule would 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 proposal 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 proposed 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 proposal would merely approve a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This proposal also is not subject to Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing Title V operating permit program submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. 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 an operating permit program submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews an operating permit program submission, to use VCS in place of an operating permit program submission that otherwise satisfies the provisions of the CAA. 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 proposal would 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 70

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: January 2, 2002.

William Rice,

Acting Regional Administrator, Region 7.

[FR Doc. 02–757 Filed 1–10–02; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 67, No. 8
Friday, January 11, 2002

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 93

[Docket No. 01–023–1]

Microchip Implants as an Official Form of Identification for Pet Birds

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to allow the use of microchip implants as an acceptable form of identification for pet birds of U.S. origin returning to this country after being outside the UnitedStates. The regulations currently provide for the use of leg bands or tattoos to identify such birds, but microchips have become the preferred method of identification used by avian veterinary practitioners. This proposed change would provide for the use of an additional means of identifying certain U.S. origin pet birds while continuing to provide protection against the introduction of communicable poultry diseases into the United States.

DATES: We invite you to comment on this docket. We will consider all comments we receive that are postmarked, delivered, or e-mailed by March 12, 2002.

ADDRESSES: You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 01–023–1, Regulatory Analysis and Development, PPD,APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 01–023–1. If you use e-mail, address your comment to *regulations@aphis.usda.gov*. Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and ''Docket No.01–023–1'' on the subject line.

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

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

FOR FURTHER INFORMATION CONTACT: Dr. Sara Kaman, Senior Staff Veterinarian, Technical Trade Services, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737–1231; (301) 734–8364.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 93 (referred to below as the regulations) regulate the importation of certain animals and birds, including pet birds, to prevent the introduction of communicable diseases of livestock and poultry.

The regulations in § 93.101(c)(2)(i) currently require that pet birds of U.S. origin returning to the United States must have been identified prior to departure from the United States with a leg band or tattoo identification number. The leg band or tattoo number must be listed on the veterinary health certificate that was issued prior to the bird's departure from the United States. This health certificate must accompany the bird upon its return to the United States.

However, it is increasingly difficult for pet bird owners to obtain a leg band or tattoo, since most private avian veterinarians no longer utilize these forms of identification. Although some psittacine birds may be banded by the breeder as hatchlings, microchip implants are the preferred form of identification for most private avian veterinarians because some birds do not adapt well to wearing a leg band (they chew the band or catch it on objects, potentially injuring themselves), and because the thin skin of birds makes it difficult to read a tattoo.

Therefore, we are proposing to allow owners of birds of U.S. origin the option of identifying their pet birds with a microchip implant. We would amend the regulations in this respect to state that the veterinary health certificate accompanying the bird must show the leg band, tattoo, or microchip identification number that was affixed to the bird prior to the departure of the bird from the United States. This proposed change would provide for the use of an additional means of identifying certain U.S. origin pet birds while continuing to provide protection against the introduction of communicable poultry diseases into the United States.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

We are proposing to allow the use of microchip implants as an acceptable form of identification for pet birds of U.S. origin returning to this country after being outside the United States. The regulations currently provide for the use of leg bands or tattoos to identify such birds, but microchips have become the preferred method of identification used by avian veterinary practitioners. This proposed change would provide for the use of an additional means of identifying certain U.S. origin pet birds.

The groups affected by this proposed rule would be pet bird owners who travel with their birds outside the United States and microchip manufacturers. According to the port of entry records of the Animal and Plant Health Inspection Service (APHIS), approximately 400 bird owners traveled outside of the United States with their pet birds in calendar year 2000. Under this proposed rule, those bird owners would be allowed to use microchip identification instead of the leg bands or tattoos currently provided for by the regulations. Bird owners would benefit from this proposed change because it is becoming more difficult to find a veterinarian who carries leg bands for pet bird identification, and tattoos are

rarely used to identify birds any more. Microchips will thus make the task of identifying a pet bird before leaving the United States more convenient. In most cases, an APHIS inspector at the port of entry would be able to use a microchip scanner to confirm the identity of the bird without handling the bird or removing it from the cage, thus avoiding additional stress on the bird.

Bird owners who choose to identify their birds with a microchip would have to pay $25 to $40 per microchip plus the cost of the veterinarian office visit to insert the microchip. The cost of the microchips is projected to be slightly higher than the conventional leg band, although current costs for leg bands and tattoos are not available due to the lack of veterinarians who will perform these services.

Microchip manufacturers could potentially benefit from a slight increase in microchip sales generated by this proposed rule. It appears that all potentially affected microchip manufacturers (NAICS code 334111) are small entities, according to Small Business Administration criteria (i.e., 1,000 or fewer employees).

In summary, this proposed rule would provide pet bird owners with an additional means of identifying their pet birds while allowing APHIS to maintain the high level of security required in order to keep avian diseases, such as exotic Newcastle disease and highly pathogenic avian influenza, from entering the United States.

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

Executive Order 12988

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

Paperwork Reduction Act

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

List of Subjects in 9 CFR Part 93

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

Accordingly, we propose to amend 9 CFR part 93 as follows:

PART 93—IMPORTATION OF CERTAIN ANIMALS, BIRDS, AND POULTRY, AND CERTAIN ANIMAL, BIRD, AND POULTRY PRODUCTS; REQUIREMENTS FOR MEANS OF CONVEYANCE AND SHIPPING CONTAINERS

1. The authority citation for part 93 would continue to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

§ 93.101 [Amended]

2. In § 93.101, paragraph (c)(2)(i) would be amended by removing the words ''leg band or tattoo number'' and adding the words ''number from the leg band, tattoo, or microchip'' in their place and by removing the words ''leg band or tattoo on'' and adding the words ''number from the leg band, tattoo, or microchip on'' in their place.

Done in Washington, DC, this 7th day of January 2002 .

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–740 Filed 1–10–02; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–251–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM); Extension of the comment period.

SUMMARY: This document extends the period for public comment on the above-referenced NPRM that proposes the supersedure of two existing airworthiness directives (AD), applicable to certain Boeing Model 737 series airplanes. The NPRM proposes to require installation of a new rudder control system and changes to the adjacent systems to accommodate that new rudder control system. This proposal is prompted by FAA determinations that the existing system design architecture is unsafe due to inherent failure modes, including single-jam modes and certain latent failures or jams, which, when combined with a second failure or jam, could cause an uncommanded rudder hardover event and consequent loss of control of the airplane. Additionally, the current rudder operational procedure is not effective throughout the entire flight envelope. This extension of the comment period is necessary to assure that all interested persons have ample opportunity to present their views on the proposed requirements of the NPRM.

DATES: Comments must be received by February 14, 2002.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–251–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov.* Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–251–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

FOR FURTHER INFORMATION CONTACT: Kenneth W. Frey, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (425) 227–2673; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

• Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.

• For each issue, state what specific change to the proposed AD is being requested.

• Include justification (e.g., reasons or data) for each request.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–251–AD.'' The postcard will be date stamped and returned to the commenter.

Events Leading to This Extension of the Comment Period

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Boeing Model 737 series airplanes was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on November 6, 2001(66 FR 56783). The NPRM proposed to require installation of a new rudder control system and changes to the adjacent systems to accommodate that new rudder control system.

The FAA has received a request from the manufacturer, Boeing, to extend the comment period of the NPRM by 30 days. Boeing requests the extension because the NPRM would encompass holidays during November and December, which would significantly decrease the number of working days necessary to develop responses to the comments. Further, during a Boeing Critical Design Review (CDR), held on December 4, 2001, the CDR team provided information to the operators to enable them to assess the impact of the NPRM on their operations. Because the CDR was held after the NPRM was issued, operators have less time to assess the requirements of the proposed rule. In addition, Boeing states that the proposed action of the NPRM is a complex retrofit requirement with many aspects to consider.

The FAA's Determination

The FAA has considered Boeing's request and finds it appropriate to extend the comment period to give all interested persons additional time to examine the proposed requirements of the NPRM and submit comments. After evaluating the comments provided in Boeing Letter B–H210–01–0400, dated November 30, 2001, we have determined that extending the comment period by 30 days will not compromise the safety of these airplanes.

The Extension

The comment period for Docket No. 2001–NM–251–AD is hereby extended to February 14, 2002.

Since no portion of the NPRM or other regulatory information has been changed, the entire NPRM is not being republished.

Issued in Renton, Washington, on January 8, 2002.

Vi L. Lipski,

Manager, Transport Airplane Directorate,Aircraft Certification Service.

[FR Doc. 02–842 Filed 1–10–02; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF STATE

22 CFR Part 196

[Public Notice 3847]

The Thomas R. Pickering Foreign Affairs/Graduate Foreign Affairs Fellowship Program and Grants to Post-Secondary Institutions

ACTION: Proposed rule.

SUMMARY: This document proposes the rule by which the Department of State's Thomas R. Pickering Foreign Affairs/Graduate Foreign Affairs Fellowship program will be administered. The State Department Basic Authorities Act (22 U.S.C. 2719) states that the Department shall establish regulations which will provide for a limit on the size of any specific grant and, regarding any grant to individuals, shall ensure no grant recipient receives grants from one or more Federal programs which in the aggregate would exceed the cost of his or her educational expenses and shall require satisfactory educational progress by grantees as a condition of eligibility for continued participation in the program.

DATES: Comments are due on or before March 12, 2002.

ADDRESSES: Send comments to the Chief of Student Programs, Office of Recruitment, Bureau of Human Resources, Department of State, 2401 E Street, NW., Room H–518, Washington, DC 20522.

FOR FURTHER INFORMATION CONTACT: Richard Esper, Office of Recruitment/Student Programs at (202) 261–8924.

SUPPLEMENTARY INFORMATION: The Thomas R. Pickering Foreign Affairs/Graduate Foreign Affairs Fellowship Program was established to recruit a talented and diverse group of students into the Foreign Service. The State Department Basic Authorities Act (22 U.S.C. 2719) authorizes the Secretary of State to make grants to post-secondary education institutions or students for the purpose of increasing the level of knowledge and awareness of and interest in employment with the Foreign Service. The program provides scholarships to undergraduate and graduate students in academic programs relevant to international affairs, political and economic analysis, administration, management and science policy. While in school, Fellows participate in one domestic and one overseas internship within the U.S. Department of State. After completing their academic training, and successfully passing the Foreign Service entry requirements, Fellows will enter the U.S. Department of State Foreign Service as Foreign Service Officers. Consideration is given to all qualified applicants who, in addition to outstanding leadership skills and academic achievement, demonstrate financial need. The number of fellowships awarded is determined by available funding.

List of Subjects in 22 CFR Part 196

Education, Educational study programs, Federal aid programs, Grant programs, Scholarships and fellowships, and Students.

For the reasons discussed in the preamble, the U.S. Department of State amends 22 CFR chapter I by adding Part 196 to read as follows:

PART 196—THOMAS R. PICKERING FOREIGN AFFAIRS/GRADUATE FOREIGN AFFAIRS FELLOWSHIP PROGRAM

Sec.
196.1 What is the Fellowship Program?
196.2 How is the Fellowship Program administered?
196.3 Grants to post-secondary education institutions.
196.4 Administering Office.

Authority: 22 U.S.C. 2719.

§ 196.1 What is the Fellowship Program?

The Thomas R. Pickering Foreign Affairs/Graduate Foreign Affairs Fellowship Program is designed to

attract outstanding men and women at the undergraduate and graduate educational levels for the purpose of increasing the level of knowledge and awareness of and employment with the Foreign Service, consistent with 22 U.S.C. 3905. The Program develops a source of trained men and women, from academic disciplines representing the skill needs of the Department, who are dedicated to representing the United States' interests abroad.

§ 196.2 How is the Fellowship Program administered?

(a) Eligibility. Eligibility will be determined annually by the Department of State and publicized nationwide. Fellows must be United States citizens.

(b) Provisions. The grant awarded to each individual student shall not exceed $250,000 for the total amount of time the student is in the program. Fellows are prohibited from receiving grants from one or more Federal programs, which in the aggregate would exceed the cost of his or her educational expenses. Continued eligibility for participation is contingent upon the Fellow's ability to meet the educational requirements set forth below.

(c) Program requirements. Eligibility for participation in the program is conditional upon successful completion of pre-employment processing specified by the Department of State, including background investigation, medical examination, and drug testing. As a condition of eligibility for continued receipt of grant funds, fellows are required to complete prescribed coursework and maintain a satisfactory grade point average as determined by the Department of State. Fellows are also required to accept employment with the Department of State's Foreign Service upon successful completion of the program, and Foreign Service entry requirements. Fellows must continue employment for a period of one and one-half years for each year of education funded by the Department of State.

§ 196.3 Grants to post-secondary education institutions.

The Department of State may make a grant to a post-secondary education institution for the purpose of increasing the level of knowledge and awareness of and interest in employment with the Foreign Service, consistent with 22 U.S.C. 3905, not to exceed$1,000,000, unless otherwise authorized by law.

§ 196.4 Administering Office.

The Department of State's Bureau of Human Resources, Office of Recruitment is responsible for administering the Thomas R. Pickering Foreign Affairs/Graduate Foreign Affairs Fellowship Program and grants to post-secondary institutions and may be contacted for more detailed information.

Dated: January 4, 2002.

Ruben Torres,

Executive Director, Bureau of Human Resources, Department of State.

[FR Doc. 02–711 Filed 1–10–02; 8:45 am]

BILLING CODE 4710–15–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301 and 602

[REG–105344–01]

RIN 1545–AY77

Disclosure of Returns and Return Information by Other Agencies; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: This document contains corrections to proposed regulations (REG–105344–01) which were published in the **Federal Register** on Thursday, December 13, 2001 (66 FR 64386). These regulations relate to the disclosure of returns and return information by other agencies.

DATES: These corrections are effective December 13, 2001.

FOR FURTHER INFORMATION CONTACT: Julie C. Schwartz, (202) 622–4570 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The proposed rulemaking by cross-reference to temporary regulations that are the subject of this correction is under section 6103 of the Internal Revenue Code.

Need for Correction

As published, proposed rulemaking by cross-reference to temporary regulations (REG–105344–01) contain errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of notice of proposed rulemaking by cross-reference to temporary regulations (REG–105344–01), which are the subject of FR Doc. 01–30620, is corrected as follows:

1. On page 64386, column 2, in the preamble, under the paragraph heading ''Paperwork Reduction Act,'' paragraph 3, line 4, the language ''Internal revenue Service, including'' is corrected to read ''Internal Revenue Service, including''.

2. On page 64386, column 3, in the preamble, under the paragraph heading ''Paperwork Reduction Act,'' line 11, the language ''recordkeepers are federal agencies and'' is corrected to read ''recordkeepers are Federal agencies and''.

LaNita VanDyke,

Acting Chief, Regulations Unit, Associate Chief Counsel (Income Tax and Accounting).

[FR Doc. 02–660 Filed 1–10–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 505

[Army Reg. 340–21]

Privacy Act; Implementation

AGENCY: Department of the Army, DOD.

ACTION: Proposed rule.

SUMMARY: The Department of the Army is proposing to exempt one Privacy Act system of records. The system of records is A0020–1 SAIG, entitled 'Inspector General Records'. The exemptions are intended to increase the value of the system of records for law enforcement purposes and to protect the privacy of individuals identified in the system of records.

DATES: Comments must be received on or before March 12, 2002 to be considered by this agency.

ADDRESSES: Records Management Division, U.S. Army Records Management and Declassification Agency, ATTN: TAPC–PDD–RP, Stop 5603, 6000 6th Street, Ft. Belvoir, VA 22060–5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390 or Ms. Christie King at (703) 806–3711 or DSN 656–3711.

SUPPLEMENTARY INFORMATION:

Executive Order 12866, ''Regulatory Planning and Review''

The Director of Administration and Management, Office of the Secretary of Defense, hereby determines that Privacy Act rules for the Department of Defense are not significant rules. The rules do not (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 this Executive order.

Public Law 96–354, "Regulatory Flexibility Act" (5 U.S.C. Chapter 6)

The Director of Administration and Management, Office of the Secretary of Defense, hereby certifies that Privacy Act rules for the Department of Defense do not have significant economic impact on a substantial number of small entities because they are concerned only with the administration of Privacy Act systems of records within the Department of Defense.

Public Law 96–511, "Paperwork Reduction Act" (44 U.S.C. Chapter 35)

The Director of Administration and Management, Office of the Secretary of Defense, hereby certifies that Privacy Act rules for the Department of Defense impose no information requirements beyond the Department of Defense and that the information collected within the Department of Defense is necessary and consistent with 5 U.S.C. 552a, known as the Privacy Act of 1974.

Section 202, Public Law 104–4, "Unfunded Mandates Reform Act"

The Director of Administration and Management, Office of the Secretary of Defense, hereby certifies that the Privacy Act rulemaking for the Department of Defense does not involve a Federal mandate that may result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more and that such rulemaking will not significantly or uniquely affect small governments.

Executive Order 13132, "Federalism"

The Director of Administration and Management, Office of the Secretary of Defense, hereby certifies that the Privacy Act rules for the Department of Defense do not have federalism implications. The rules do 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.

List of Subjects in 32 CFR Part 505

Privacy.

Accordingly, it is proposed that 32 CFR part 505 be amended as follows:

1. The authority citation for 32 CFR part 505 continues to read as follows:

Authority: Pub. L. 93–579, 88 Stat. 1896 (5 U.S.C. 552a).

2. Section 505.5 is proposed to be amended by revising paragraph (e)(1)(i) through (iv), and removing paragraphs (e)(2)(i) through (iv), and reserving paragraph (e)(2) as follows:

§ 505.5 Exemptions.

* * * * *

(e) Exempt Army records. * * *

(1) A0020–1 SAIG

(i) *System name:* Inspector General Records.

(ii) *Exemptions:* (A) Investigatory material compiled for law enforcement purposes may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

(B) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source. Therefore, portions of the system of records may be exempt pursuant to 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), and (e)(4)(I), and (f).

(iii) *Authority:* 5 U.S.C. 552a(k)(2) and (k)(5).

(iv) *Reason:* (A) From subsection (c)(3) because the release of the disclosure accounting, for disclosures pursuant to the routine uses published for this system, would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (d) because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(C) From subsection (e)(1) because in the course of criminal investigations information is often obtained concerning the violations of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this valuable information is retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(D) From subsections (e)(4)(G) and (e)(4)(H) because this system of records is exempt from individual access pursuant to subsection (k)(2) of the Privacy Act of 1974.

(E) From subsection (e)(4)(I) because of the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(F) From subsection (f) because this system of records has been exempted from the access provisions of subsection (d).

(G) Consistent with the legislative purpose of the Privacy Act of 1974, the Department of the Army will grant access to nonexempt material in the records being maintained. Disclosure will be governed by the Department of the Army's Privacy Regulation, but will be limited to the extent that the identity of confidential sources will not be compromised; subjects of an investigation of an actual or potential criminal violation will not be alerted to the investigation; the physical safety of witnesses, informants and law enforcement personnel will not be endangered, the privacy of third parties will not be violated; and that the disclosure would not otherwise impede effective law enforcement. Whenever possible, information of this nature will be deleted from the requested documents and the balance made available. The controlling principle behind this limited access is to allow disclosures except those indicated in this paragraph. The decisions to release information from these systems will be made on a case-by-case basis.

(2) [Reserved]

* * * * *

Dated: January 4, 2002.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 02–680 Filed 1–10–02; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 806b

[Air Force Instruction 37–132]

Privacy Act; Implementation

AGENCY: Department of the Air Force, DOD.

ACTION: Proposed rule.

SUMMARY: The Department of the Air Force is proposing to add a (j)(2) exemption to an already existing exemption rule for the Privacy Act system of records notice F090 AF IG B, Inspector General Records. The (j)(2) exemption will increase the value of the system of records for law enforcement purposes.

DATES: Comments must be received on or before March 12, 2002 to be considered by this agency.

ADDRESSES: Send comments to the Air Force Privacy Act Manager, CIO–BIM/P, 1155 Air Force Pentagon, Washington, DC 20330–1155.

FOR FURTHER INFORMATION CONTACT: Mrs. Anne Rollins at (703) 601–4043 or DSN 329–4043.

SUPPLEMENTARY INFORMATION:

Executive Order 12866, ''Regulatory Planning and Review''

The Director of Administration and Management, Office of the Secretary of Defense, hereby determines that Privacy Act rules for the Department of Defense are not significant rules. The rules do not (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 this Executive order.

Public Law 96–354, ''Regulatory Flexibility Act'' (5 U.S.C. Chapter 6)

The Director of Administration and Management, Office of the Secretary of Defense, hereby certifies that Privacy Act rules for the Department of Defense do not have significant economic impact on a substantial number of small entities because they are concerned only with the administration of Privacy Act systems of records within the Department of Defense.

Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. Chapter 35)

The Director of Administration and Management, Office of the Secretary of Defense, hereby certifies that Privacy Act rules for the Department of Defense impose no information requirements beyond the Department of Defense and that the information collected within the Department of Defense is necessary and consistent with 5 U.S.C. 552a, known as the Privacy Act of 1974.

Section 202, Public Law 104–4, ''Unfunded Mandates Reform Act''

The Director of Administration and Management, Office of the Secretary of Defense, hereby certifies that the Privacy Act rulemaking for the Department of Defense does not involve a Federal mandate that may result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more and that such rulemaking will not significantly or uniquely affect small governments.

Executive Order 13132, ''Federalism''

The Director of Administration and Management, Office of the Secretary of Defense, hereby certifies that the Privacy Act rules for the Department of Defense do not have federalism implications. The rules do 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.

List of Subjects in 32 CFR Part 806b

Privacy.

PART 806b—AIR FORCE PRIVACY ACT PROGRAM

1. The authority citation for 32 CFR part 806b continues to read as follows:

Authority: Pub. L. 93–579, 88 Stat. 1896 (5 U.S.C. 552a).

2. In Appendix C to Part 806b, add paragraph (a)(6) to read as follows:

Appendix C to Part 806b—General and Specific Exemptions. * * *

(a) *General exemptions.* * * *

(6) *System identifier and name:* F090 AF IG B, Inspector General Records.

(i) *Exemption:* (A) Parts of this system of records may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principle function any activity pertaining to the enforcement of criminal laws.

(B) Any portion of this system of records which falls within the provisions of 5 U.S.C. 552a(j)(2) may be exempt from the following subsections of 5 U.S.C. 552a(c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (H), and (I), (e)(5), (e)(8), (f), and (g).

(ii) *Authority:* 5 U.S.C. 552a(j)(2).

(iii) *Reasons:* (A) From subsection (c)(3) because the release of accounting of disclosure would inform a subject that he or she is under investigation. This information would provide considerable advantage to the subject in providing him or her with knowledge concerning the nature of the investigation and the coordinated investigative efforts and techniques employed by the cooperating agencies. This would greatly impede the Air Force IG's criminal law enforcement.

(B) From subsection (c)(4) and (d), because notification would alert a subject to the fact that an open investigation on that individual is taking place, and might weaken the on-going investigation, reveal investigative techniques, and place confidential informants in jeopardy.

(C) From subsection (e)(1) because the nature of the criminal and/or civil investigative function creates unique problems in prescribing a specific parameter in a particular case with respect to what information is relevant or necessary. Also, information may be received which may relate to a case under the investigative jurisdiction of another agency. The maintenance of this information may be necessary to provide leads for appropriate law enforcement purposes and to establish patterns of activity which may relate to the jurisdiction of other cooperating agencies.

(D) From subsection (e)(2) because collecting information to the fullest extent possible directly from the subject individual may or may not be practical in a criminal and/or civil investigation.

(E) From subsection (e)(3) because supplying an individual with a form containing a Privacy Act Statement would tend to inhibit cooperation by many individuals involved in a criminal and/or civil investigation. The effect would be somewhat adverse to established investigative methods and techniques.

(F) From subsections (e)(4)(G), (H), and (I) because this system of records is exempt from the access provisions of subsection (d).

(G) From subsection (e)(5) because the requirement that records be maintained with attention to accuracy, relevance, timeliness, and completeness would unfairly hamper the investigative process. It is the nature of law enforcement for investigations to uncover the commission of illegal acts at diverse stages.

It is frequently impossible to determine initially what information is accurate, relevant, timely, and least of all complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light.

(H) From subsection (e)(8) because the notice requirements of this provision could present a serious impediment to law enforcement by revealing investigative techniques, procedures, and existence of confidential investigations.

(I) From subsection (f) because the agency's rules are inapplicable to those portions of the system that are exempt and would place the burden on the agency of either confirming or denying the existence of a record pertaining to a requesting individual might in itself provide an answer to that individual relating to an on-going investigation. The conduct of a successful investigation leading to the indictment of a criminal offender precludes the applicability of established agency rules relating to verification of record, disclosure of the record to that individual, and record amendment procedures for this record system.

(J) From subsection (g) because this system of records should be exempt to the extent that the civil remedies relate to provisions of 5 U.S.C. 552a from which this rule exempts the system.

(iv) *Authority:* (A) Investigative material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C. 552a(j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of the information, the individual will be provided access to the information exempt to the extent that disclosure would reveal the identify of a confidential source.

Note: When claimed, this exemption allows limited protection of investigative reports maintained in a system of records used in personnel or administrative actions.

(B) Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(2) from the following subsections of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f).

(v) *Reasons:* (A) From subsection (c)(3) because to grant access to the accounting for each disclosure as required by the Privacy Act, including the date, nature, and purpose of each disclosure and the identity of the recipient, could alert the subject to the existence of the investigation. This could seriously compromise case preparation by prematurely revealing its existence and nature; compromise or interfere with witnesses or make witnesses reluctant to cooperate; and lead to suppression, alteration, or destruction of evidence.

(B) From subsections (d) and (f) because providing access to investigative records and the right to contest the contents of those records and force changes to be made to the information contained therein would seriously interfere with and thwart the orderly and unbiased conduct of the investigation and impede case preparation. Providing access rights normally afforded under the Privacy Act would provide the subject with valuable information that would allow interference with or compromise of witnesses or render witnesses reluctant to cooperate; lead to suppression, alteration, or destruction of evidence; enable individuals to conceal their wrongdoing or mislead the course of the investigation; and result in the secreting of or other disposition of assets that would make them difficult or impossible to reach in order to satisfy any Government claim growing out of the investigation or proceeding.

(C) From subsection (e)(1) because it is not always possible to detect the relevance or necessity of each piece of information in the early stages of an investigation. In some cases, it is only after the information is evaluated in light of other evidence that its relevance and necessity will be clear.

(D) From subsections (e)(4)(G) and (H) because this system of records is compiled for investigative purposes and is exempt from the access provisions of subsections (d) and (f).

(E) From subsection (e)(4)(I) because to the extent that this provision is construed to require more detailed disclosure than the broad, generic information currently published in the system notice, an exemption from this provision is necessary to protect the confidentiality of sources of information and to protect privacy and physical safety of witnesses and informants.

(F) Consistent with the legislative purpose of the Privacy Act of 1974, the AF will grant access to nonexempt material in the records being maintained. Disclosure will be governed by AF's Privacy Regulation, but will be limited to the extent that the identity of confidential sources will not be compromised; subjects of an investigation of an actual or potential criminal or civil violation will not be alerted to the investigation; the physical safety of witnesses, informants and law enforcement personnel will not be endangered, the privacy of third parties will not be violated; and that the disclosure would not otherwise impede effective law enforcement. Whenever possible, information of the above nature will be deleted from the requested documents and the balance made available. The controlling principle behind this limited access is to allow disclosures except those indicated above. The decisions to release information from these systems will be made on a case-by-case basis.

* * * * *

3. Appendix C to section 806b, is amended to remove and reserve paragraph (b)(12).

Dated: January 4, 2002.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 02–681 Filed 1–10–02; 8:45 am]

BILLING CODE 5001–08–U

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Parts 2 and 7

RIN 1024–AD03

Pet Management in Golden Gate National Recreation Area, San Francisco, California

AGENCY: National Park Service, Interior.

ACTION: Advanced notice of proposed rulemaking.

SUMMARY: The National Park Service seeks public comment on a range of potential management options for addressing appropriate pet management within Golden Gate National Recreation Area, consistent with protecting national park resources and assuring visitor safety.

DATES: Written comments and submissions in response to this advanced notice of proposed rulemaking must be received on or before March 12, 2002.

ADDRESSES: Comments on this advanced notice of proposed rulemaking should be mailed to: Superintendent, Attention: ANPR, Golden Gate National Recreation Area, Building 201, Fort Mason, San Francisco, California 94123.

FOR FURTHER INFORMATION CONTACT: Brian O'Neill, Superintendent, Golden Gate National Recreation Area, on 415–561–4720.

SUPPLEMENTARY INFORMATION:

Background

NPS Pet Regulation

Title 36 of the Code of Federal Regulations (CFR) governs the use and management of all national park areas. One regulation, 36 CFR 2.15 (a)(2), requires that all pets, where allowed in national park sites, are to be crated, caged or restrained at all times. All areas within Golden Gate National Recreation Area (GGNRA), where pets are allowed, are subject to the requirement to have pets on leash. Pets currently are not allowed in some areas of the park, including: Alcatraz, China Beach, Crissy Beach tidal marsh and wildlife protection area, East Fort Baker Pier, Kirby Cove, Muir Woods, Stinson Beach, Tennessee Valley, trails and areas not designated for pets, and all areas fenced and/or posted as closed to the public. The latter includes two habitat closure areas at Fort Funston, and mission blue butterfly habitat areas in the Marin Headlands. Pets are not allowed in these areas to reduce possible conflict between users, protect the natural and cultural resources,

ensure public safety, and address public health concerns.

Past Pet Management at GGNRA

In 1972, the GGNRA Citizens Advisory Commission (the Commission) was established by the Secretary of the Interior. As outlined in its charter,

> The purpose of the Commission is to meet with and advise the Secretary of the Interior, or the Secretary's designee, on general policies and specific matters related to planning, administration, and development affecting the recreation area * * * the duties of the Commission are solely advisory.

In 1979, the Commission developed and recommended a pet policy to GGNRA that established guidance for locations and criteria for ''voice control'' of pets within certain areas of the park. The Commission's policy identified the following ''voice control'' areas (meaning off leash areas): In the San Francisco area—Fort Funston, Lands End, Fort Miley, North Baker Beach, Crissy Field, Ocean Beach; in Marin County + Rodeo Beach, Muir Beach, 4 Corners tract above Mill Valley, Coast Trail from Golden Gate Bridge to the junction of Wolf Ridge Trail, Loop Trail at Battery Townsley, Wolf Ridge Trail between Coast Trail and Miwok Trail, Miwok Trail between Wolf Ridge Trail and Coast Trail, Oakwood Valley Road to Alta Avenue, and Alta Avenue between Marin City and Oakwood Valley. (February 24, 1979, GGNRA Advisory Commission's Approved Guidelines for a Pet Policy—San Francisco and Marin County).

The Commission's ''voice control'' policy did not and can not override NPS regulations prohibiting pets off leash. As stated in the charter, the Commission may make recommendations, but these recommendations are advisory in nature. Any recommendation by the Commission must comply with NPS regulations. Nevertheless, the park, in error, implemented the ''voice control'' policy, in contradiction to Service-wide regulations. For more than 20 years, this unofficial ''voice control'' policy was in place within GGNRA.

Current Pet Management at GGNRA

Several recent events have underscored the need for undertaking a public process concerning dog management in the Golden Gate National Recreation Area, including increased visitation to GGNRA, litigation concerning the Fort Funston area of the park, public concern about visitor and pet safety, park resource management issues involving wildlife and vegetation protection, and the review of dog-walking issues by the Golden Gate National Recreation Area Advisory Commission.

Since 1972, visitation to the park and the population of the Bay Area have both increased. The park has experienced increased use of the area for off leash dogs, and, as a result, there is increased conflict and potential for conflict between other user groups and dogs and their owners, as well as heightened sensitivity on the part of the visiting public.

Underscoring the conflict over the off leash dog use, in March 2000, a lawsuit was filed in federal court by dog walking groups, seeking to prevent a 10-acre habitat closure for threatened and native species at Fort Funston. Prior to March 2000, GGNRA staff had consulted with interested groups, including both environmental and off leash interests, to discuss a slightly larger 12-acre proposed closure and its purposes. The goals and objectives of the closure were to: (1) Provide protection to the new nesting locations of the state-listed (threatened) bank swallow colony at Fort Funston; (2) increase biological diversity by restoring coastal native dune scrub habitat; (3) increase public safety by keeping visitors and their pets away from cliff areas; and (4) protect geologic resources, including bluff top and interior dunes subject to accelerated erosion by humans and pets.

Based on that consultation with the interested groups, the 12-acre closure was reduced to 10 acres, with approximately half of it to be open seasonally. Upon initiation of the 10-acre project, the lawsuit was filed. The Golden Gate Audubon Society intervened in the lawsuit to defend the proposed closure. On February 13, 2001, the Federal District Court held that,

> Defendants (NPS) have held public hearings after notice and comment and allowed public input and debate, all before issuing a new and final closure plan for Fort Funston in January 2001 * * * the defendants have now fully complied with 36 CFR Section 1.5 (and) that the need for prompt protective action is genuine * * *

Accordingly, GGNRA took prompt action to close the originally proposed 12 acre area, which was effected February 14, 2001.

On January 23, 2001, the GGNRA Citizen's Advisory Commission acknowledged publicly the 1979 ''voice control'' policy was null and void since it was contrary to NPS regulation. Hundreds of people in favor of off leash dog use attended this meeting and the park has received significant comment in support of off leash dog walking in the park. Also in January 2001, a 32-year-old woman was mauled to death by a dog in San Francisco. Although this incident occurred outside the park boundaries, it underscored the danger of dogs in the local community to local users. Comments to the park opposing off leash dogs have increased significantly since that time.

The park has received complaints by park visitors, including minorities, seniors and families with small children, alleging that off leash dogs have precluded them from visiting the park for fear of being knocked over, attacked by dogs, or verbally abused by dog owners. Several recent letters involve visitors requesting permission or authorization to carry weapons (stun guns, pepper spray) for personal protection from dog attacks.

These recent events—from increased visitor use to the highly publicized litigation to the potential effects of off leash pets on the public and the park resources—have dramatically changed the climate in which the park had previously allowed off leash pets in certain areas of the park. The GGNRA has no authority to avoid or ignore the regulation disallowing pets off leash, and education efforts are underway to clarify this issue to the public. This regulation has always applied to GGNRA and failure to apply it consistently at GGNRA does not in any way limit its applicability today. In the interest of public safety, and as required by existing regulations, it is essential that the NPS enforce the pet restraint regulations during the ANPR process. Since January 2001, the park has installed additional signs regarding the regulation throughout the park, has continued educational outreach to visitors regarding the regulation, and is working toward consistent enforcement of the leash regulation parkwide.

Pet Management in Other Jurisdictions

The GGNRA is adjacent to other publicly owned places, including state parks, open space areas, and city parks, each having various rules regarding dog walking. While these agencies are governed by differing agencies with varying mandates, this section provides a regional context to this issue. Several jurisdictions in the Bay Area are moving toward more stringent leash requirements and enforcement, due to the volume of use and negative impacts associated with off-leash use. As of June 2001, the following regulations were in place and/or being considered:

—The California Department of Parks and Recreation requires pets to be on a leash and under the immediate control of a person or confined in a vehicle; in most park units, pets are permitted only in parking lots, picnic areas, some campgrounds, and other

developed areas. Pets are not permitted on state park trails.

—The Marin Municipal Water District requires pets to be leashed.

—The Marin County Open Space District requires dogs on leash, with the exception of fire roads; they are currently reviewing their policy restricting the number of off leash dogs where off leash is permitted, along with limits on commercial dog walking.

—The Midpeninsula Regional Open Space District permits dogs on leash in seven of 24 preserves. Of the seven, there is one preserve that has a 16-acre off leash area. Dogs are not permitted in the remaining 17 preserves.

—San Mateo County Parks prohibits pets to enter or go at large in any County Park or Recreation area, either with or without a keeper.

—East Bay Regional Park District requires pets on leash in developed areas, which are defined as public road, lawn or play field, parking lot, picnic area, campground, concession area, equestrian center, archery facility, gun ranges, paved multi-use Regional Trail, or any other areas designated by the Board; the number of dogs is limited to three. Dogs are prohibited at swimming beaches, pools, wetlands, marshes or designated nature study areas, wildlife protection areas (for listed species at risk), golf courses, public buildings, major fishing piers, stream protection areas, and district lakes.

—The City of San Francisco issued a draft policy on June 12, 2001 that specifies more consistent enforcement of their existing leash law. Off leash use is permitted within 19 designated off-leash parks. The draft policy also identifies areas where dogs are not permitted, which includes significant natural resource areas. The City of San Francisco's Board of Supervisors has passed a resolution expressing interest in having certain lands within GGNRA, formerly owned by the City of San Francisco, returned to the city. Such lands include a portion of Fort Funston, Ocean Beach, Sutro Heights, Lands End and Municipal Pier. Transfer of the lands from NPS to the city would require federal legislation.

Because many of these leash restrictions have occurred over the last ten years, it is suspected that local dog owners who prefer off leash recreational use have moved to GGNRA areas, increasing pressure and impacts on the resources and visitor use conflicts.

NPS Law, Policy and Other Guidance

Management of the national park system is guided by the Constitution, public laws, proclamations, executive orders, rules, National Park Service regulations, management policies, and the directives of the Secretary of the Interior, Assistant Secretary for Fish, and Wildlife and Parks, and Director of the National Park Service (NPS). The Act of August 25, 1916, otherwise known as the NPS Organic Act, established the NPS and serves as the touchstone for National Park System management, philosophy and policy. The Act created the NPS to promote and regulate national park sites in accordance with the fundamental purpose of said parks, which is:

> To conserve the scenery and the natural and historic objects and wild life therein and to provide for enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.
>
> (16 U.S.C. sec. 1)

Congress supplemented and clarified the NPS mandate through enactment of the General Authorities Act in 1970, and again through enactment of a 1978 amendment to that law, which states in pertinent part:

> Congress declares that the national park system, which began with the establishment of Yellowstone National Park in 1872, has since grown to include superlative natural, historic, and recreation areas in every major region of the United States, its territories and island possessions; that these areas, though distinct in character, are united through their inter-related purposes and resources into one national park system as cumulative expressions of a single national heritage; that, individually and collectively, these areas derive increased national dignity and recognition of their superlative environmental quality through their inclusion jointly with each other in one national park system preserved and managed for the benefit and inspiration of all the people of the United States; and that it is the purpose of this Act to include all such areas in the System and to clarify the authorities applicable to the System. Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined in section 1c of this title, shall be consistent with and founded in the purpose established by section 1 of this title [16 U.S.C. sec. 1], to all the people of the United States. The authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress.
>
> (16 U.S.C. sec. 1–a)

Park Legislation

Golden Gate National Recreation Area (GGNRA) was established on Oct. 27, 1972, for the purpose of preserving:

> * * * for public use and enjoyment certain areas of Marin and San Francisco [and San Mateo] Counties, California, possessing outstanding natural, historic, scenic, and recreational values, and in order to provide for the maintenance of needed recreational open space necessary to urban environment and planning * * * In the management of the recreation area, the Secretary of the Interior * * * shall utilize the resources in a manner which will provide for recreation and educational opportunities consistent with sound principles of land use planning and management. In carrying out the provisions of the Act, the Secretary shall preserve the recreation area, as far as possible, in its natural setting, and protect it from development and uses which would destroy the scenic beauty and natural character of the area.
>
> (Pub. L. 92–589,16 U.S.C sec. 460bb)

The park includes nearly 75,000 acres located in three counties. The regional population of the San Francisco Bay Area is approximately seven million, and the park-including Fort Point and Muir Woods—supports approximately 17 million visitors annually. Popular Golden Gate National Recreation Area sites include, from north to south: Olema Valley, Stinson Beach, Muir Beach, Marin Headlands, Alcatraz, the Presidio of San Francisco, Fort Mason, Baker Beach, China Beach, Lands End, Cliff House, Ocean Beach, Fort Funston, Sweeney Ridge, Milagra Ridge, and the Phleger Estate. Muir Woods National Monument and Fort Point National Historic Site are separate units of the National Park System that are within the boundaries of and administered by GGNRA.

NPS 2001 Management Policies

The new 2001 NPS Management Policies provide policy direction for making management decisions in the administration of the National Park System and provide interpretation of the laws governing management the National Park System, including the NPS Organic Act. Adherence to policy is mandatory unless specifically waived or modified by the Secretary, the Assistant Secretary, or the Director. Of primary importance is the NPS obligation to conserve and provide for enjoyment of park resources and values. The 2001 NPS Management Policies explain:

> The ''fundamental purpose'' of the national park system, established by the Organic Act and reaffirmed by the General Authorities Act, as amended, begins with the mandate to

conserve park resources and values. This mandate is independent of the separate prohibition on impairment, and so applies all the time, with respect to all park resources and values, even when there is no risk that any park resources or values may be impaired. NPS managers must always seek ways to avoid, or to minimize to the greatest extent practicable, adverse impacts on park resources and values. However, the laws do give the Service management discretion to allow impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, so long as the impact does not constitute impairment of affected resources and values.

(2001 NPS Management Policies, Section 1.4.3)

The fact that a park use may have an impact does not necessarily mean that it will impair park resources or values for the enjoyment of future generations. Impacts may affect park resources and still be within the limits of the discretionary authority conferred by the Organic Act. However, negative or adverse environmental impacts are never welcome in national parks, even when they fall far short of causing impairment. For this reason, the Service will not knowingly authorize park uses that would cause negative or adverse impacts unless it has been fully evaluated, appropriate public involvement has been obtained, and a compelling management need is present. In those situations, the Service will ensure that any negative or adverse impacts are the minimum necessary, unavoidable, cannot be further mitigated, and do not constitute impairment of park resources and values.

(2001 NPS Management Policies, Section 8.1)

The Management Policies emphasize the Park Service mandate to prevent impairment of natural and cultural resources, to preserve park resources and to limit recreational activities that degrade resources. The policies distinguish that:

Congress, recognizing that the enjoyment of future generations of the national parks can only be ensured if the superb quality of park resources and values is left unimpaired, has provided that when there is a conflict between conserving resources and values and providing for enjoyment of them, conservation is to be predominant. This is how courts have consistently interpreted the Organic Act, in decisions that variously describe it as making ''resource protection the primary goal'' or ''resource protection the overarching concern,'' or as establishing a ''primary mission of resource conservation,'' a ''conservation mandate,'' ''an overriding preservation mandate,'' ''an overarching goal of resource protection,'' or ''but a single purpose, namely, conservation.''

(2001 NPS Management Policies, Section 1.4.3)

The impairment of resources and values may not be allowed by the Service unless directly provided for by legislation or by the proclamation establishing the park. The relevant legislation or proclamation must provide explicitly (not by implication or reference) for the activity, in terms that keep the Service from having authority to manage the activity so as to avoid impairment.

(2001 NPS Management Policies, Section 1.4.4)

GGNRA's enabling legislation does not directly or specifically allow impairment of resources. Therefore, in assessing options for accommodating dog walking in GGNRA, each option must meet NPS mandates as outlined in the 2001 NPS Management Policies.

The 2001 NPS Management Policies also explain that ''enjoyment'' in the Organic Act has broad meaning:

The fundamental purpose of all parks also includes providing for the enjoyment of park resources and values by the people of the United States. The ''enjoyment'' that is contemplated by the statute is broad; it is the enjoyment of all the people of the United States, not just those who visit parks, and so includes enjoyment both by people who directly experience parks and by those who appreciate them from afar. It also includes deriving benefit (including scientific knowledge) and inspiration from parks, as well as other forms of enjoyment.

(2001 NPS Management Policies, Section 1.4.3)

Accordingly, NPS seeks broad input in order to consider the wide range of interests of those who appreciate—from both near and afar—the resources of GGNRA.

The 2001 NPS Management Policies also define suitable visitor uses, noting that:

Enjoyment of park resources and values by the people of the United States is part of the fundamental purpose of all parks. The Service is committed to providing appropriate, high quality opportunities for visitors to enjoy the parks, and will maintain within the parks an atmosphere that is open, inviting, and accessible to every segment of American society. However, many forms of recreation enjoyed by the public do not require a national park setting, and are more appropriate to other venues. The Service will therefore:

—Provide opportunities for forms of enjoyment that are uniquely suited and appropriate to the superlative natural and cultural resources found in the parks.
—Defer to local, state, and other federal agencies; private industry; and non-governmental organizations to meet the broader spectrum of recreational needs and demands.

To provide for the enjoyment of the parks, the National Park Service will encourage visitor activities that:

—Are appropriate to the purpose for which the park was established; and
—Are inspirational, educational, healthful, and otherwise appropriate to the park environment; and
—Will foster an understanding of, and appreciation for, park resources and values, or will promote enjoyment through a direct association with, interaction with, or relation to park resources; and
—Can be sustained without causing unacceptable impacts to park resources or values.

Unless mandated by statute, the Service will not allow visitors to conduct activities that:

—Would impair park resources or values;
—Create an unsafe or unhealthful environment for other visitors or employees;
—Are contrary to the purposes for which the park was established; or
—Unreasonably interfere with:
  —The atmosphere of peace and tranquillity, or the natural soundscape maintained in the wilderness and natural, historic, or commemorative locations within the park;
  —NPS interpretive, visitor service, administrative, or other activities;
  —NPS concessioner or contractor operations or services; or
  —Other existing, appropriate park uses

(2001 NPS Management Policies, Section 8.2)

Finally, the Management Policies address the importance of visitor safety,

The saving of all human life will take precedence over all other management actions as the Park Service strives to protect human life and provide for injury-free visits * * * When practicable, and consistent with congressionally designated purposes and mandates, the Service will reduce or remove known hazards and apply other appropriate measures, including closures, guarding, signing, or other forms of education. In doing so, the Service's preferred actions will be those that have the least impact on park resources and values.

(2001 NPS Management Policies, Section 8.2.5.1)

Other NPS Policies and Guidelines

There are a number of NPS System wide guidelines that address park management requirements and use limitations, and are available at *www.nps.gov/refdesk/DOrders/*. These include Natural Resource Management Guidelines (NPS 77), and NPS Director's Orders (DO) on Wetland Protection (DO 77–1), Public Health (DO 83), Soundscape Preservation and Noise Management (DO 47), and Conservation Planning, Environmental Impact Analysis, and Decision-Making (DO 12).

Natural Resources

The lands encompassing GGNRA provide critical habitat for many of the country's and the state's most rare and threatened species. The central coast including the San Francisco Bay Area and GGNRA, is considered one of North America's biodiversity hot spots (*Precious Heritage: the Status of Biodiversity in the United States,* Nature Conservancy). The California Floristic Province is identified as the 8th global

biodiversity hotspot in a list of 25 (*Nature's Place: Population and the Future of Diversity,* 2000 Report by Population Action International). GGNRA was designated a Biosphere Reserve in 1989. The unique Golden Gate Biosphere Reserve, including marine, coastal and upland areas adjacent to a major metropolitan area, is designated as an international biosphere reserve in recognition of its importance to conservation of biodiversity, sustainable development, research and education.

Wildlife: There are currently 75 rare or special status wildlife species currently identified as permanent or seasonal residents of the park, or dependent upon parklands for migration. Of these, eleven are listed as federally endangered, thirteen are federally threatened, two are state endangered, three are state threatened, and 32 are state-designated species of special concern. Nearly all of the native birds documented in the park are protected by the Migratory Bird Treaty Act (16 U.S.C. secs. 528–531).

Vegetation: Approximately 36 rare or special status plant species are currently identified within GGNRA. Of those species, nine are federally endangered, one is federally threatened, and one is state threatened. The remaining 25 species are plants listed by the California Native Plant Society as rare, threatened, endangered, or of limited distribution.

The NPS has a heightened responsibility to preserve and protect those species and their habitat everywhere they occur within GGNRA, in accordance with its own mandate as well as other laws.

Impacts to Natural Resources

Scientific studies attribute disturbance, harassment, displacement, injury and direct mortality of wildlife to domestic dogs that accompany recreationists (''Effects of Recreation on Rocky Mountain Wildlife: a Review for Montana.'' Committee on Effects of Recreation on Wildlife, Montana Chapter of the Wildlife Society, September 1999, Joslin and Youman coordinators). This study indicates that domestic dogs retain their instincts to hunt or chase. Further, the study indicates that even without chasing, the mere presence of a dog can frighten wildlife away. A dog's urine and fecal deposits serve as strong territorial markings that are equally alarming to native species long after the dog has departed. Native vegetation may also be destroyed by digging and by chasing behavior.

In recent years, the park has increased its knowledge of park resources, potential wildlife impacts and public safety risks. During the last 10 years, there have been increasing impacts to natural resources related to unrestrained dogs, including digging and trampling of native vegetation including the habitat for the endangered mission blue butterfly as well as endangered plant habitat; bird habitat disturbance; and harassment of wildlife including both birds and marine mammals. Off leash dogs harassing beached sea lions occurs periodically during May/June along the waterline at Ocean Beach, Fort Funston and Rodeo Beach. At Rodeo Lagoon, off leash dogs at the edge of the lagoon and in shallow waters potentially crush tidewater goby burrows; the tidewater goby is an endangered species. Some problems with off leash dogs have also arisen with disturbance of steelhead trout and coho salmon populations at the mouth of Redwood Creek at Muir Beach; behavioral disturbance to the resident fish includes dogs wading and running through the creek mouth and lagoon.

Within GGNRA, Ocean Beach is the longest stretch of sandy beach between Point Reyes National Seashore and Half Moon Bay. The entire length of this beach provides critically important feeding and resting habitat for wintering and migrating shorebirds, gulls and terns. The species found in the highest numbers (hundreds to low thousands depending on time of year) include sanderlings, willets, marbled godwits, elegant and Caspian terns, and various gull species. The gulls and terns roost in large numbers on the beach with their newly fledged young during portions of the year. The federally threatened snowy plover also resides on portions of the beach for 10 months of the year. According to park biologists and protection rangers, shorebirds, gulls and terns are chased by off leash dogs, interrupting feeding and resting that help to build fat reserves for long migrations and breeding. Off leash dogs can also be a threat to sick and injured birds and marine mammals that may beach themselves. During the last several years, fencing has been erected in areas of Fort Funston, Crissy Field and other GGNRA locations, an effort limited to keep off leash dogs out of these most sensitive habitat areas. These closures have negative visual impacts and do not completely protect natural resources from off leash dog use.

According to Dr. Elliot Katz, founder and president of In Defense of Animals:

> If a dog has shown a propensity to run after deer or other wildlife in the open spaces, then that dog should be on a leash. There should be a substantial penalty for chasing wildlife. I don't think that anyone can control more than three dogs off leash at one time. I know it will anger the dog handlers if I say so, but in numbers dogs do have a pack mentality.

(In the Doghouse, by Michael McCarthy, ''Pacific Sun,'' June 13 + 19, 2001)

The NPS Management Policies and Director's Orders require that the park prevent impairment to part resources and minimize adverse impacts, while providing appropriate recreational opportunities.

Impacts to Public Safety

Dogs biting visitors, aggressive behavior toward other dogs and/or people, dogs falling off cliffs, people going after their dogs that have fallen off cliffs, and visitors being knocked down are the public safety concerns related to off leash dog walking. Public controversy continues to grow over dog issues, increasing the demand by some for stronger enforcement of the leash law by the park.

The GGNRA's tracking of dog-related incidents during a 3-year period (1998 + 2000) reveals a total of 54 reported dog bites. Between January 1, 2001, and June 16, 2001, there have been 13 reported dog bites. According to protection rangers, these numbers reflect a small fraction of the total occurrences, reported and non-reported. From 1998 + 2000, there have been 890 leash law reports, and another 105 reports of dogs in closed areas. Between 1998 and 2000, protection rangers performed 58 technical rescues of dogs or their owners that had fallen over the side of the cliffs at Fort Funston, a popular off leash area. In calendar year 2000, this resulted in three ranger injuries. Cliff rescues at Fort Funston are a serious threat to public safety and employ a large number of park personnel and equipment, leaving major areas of GGNRA unprotected. In 1998, the number of cliff rescues at Fort Funston was 25; in contrast, there were a total of 11 rescues along the remaining nine miles of San Francisco shoreline from Fort Point to the Cliff House.

A review of animal organizations and web sites show that there are possible impacts to public safety. According to the American Dog Owners Association:

> * * * unleashed dogs intimidate * * * unleashed dogs harass, injure and sometimes kills wildlife.

(*www.adoa.org*)

And, according to the American Veterinary Medical Foundation Task Force on Canine Aggression:

Although most dog bites occur on the property where the dog lives, unrestrained or free-roaming dogs do pose a substantial threat to the public. Enforcement of restraint laws is, therefore, essential if the incidence of dog bites is to be reduced.

(''JAVMA,'' Vol. 218, No. 11, June 1, 2001, *www.avma.org*)

Any alternative to the leash regulation must address these safety concerns, and be consistent with NPS policies and mandates.

Recreational Benefits of Off Leash Dog Walking

There are recreational benefits to both humans and dogs related to off leash dog use. A review of animal organizations' publications and web sites show that many organizations support the recreational benefits—for both the dog and the human—of off leash dog walking. According to the San Francisco chapter of the Society for the Prevention of Cruelty to Animals (S.F. SPCA), dogs require daily exercise and contact with other dogs in order to remain healthy and well socialized. The S.F. SPCA considers off-leash areas as essential for the health and well being of dogs, and further, that:

* * * dogs socialize with each other through subtle displays of posture and behavior that can only occur when they are not impeded by a leash. A leash limits a dog's natural movement and can even cause some dogs to become territorial, protecting the area to which the leash confines them.

(*www.sfspca.org*)

According to the San Francisco Dog Owners Group, known as SF Dog:

* * * the creation of off-leash recreation space encourages the development of well-socialized dog populations as well as owners who are responsible.

(''Managing Off-Leash Recreation in Urban Parks,'' April 19, 1999, *www.sfdog.org*)

The SF Dog group also underscores the benefits of dog ownership:

* * * daily exercise routines that dogs demand reduces crimes in parks for the simple reason that people involved in criminal activity do not like to be observed.

(*www.sfdog.org*)

The California Dog Owners Group supports increased understanding of

* * * the natural relationship of open space to humans with dogs and to be vigilant in promoting appropriate rules for shared and continued use.

(*www.caldog.org*)

In articles written by dog walkers on the Fort Funston web site (*www.fortfunstonforum.com*), off leash dog use is alleged to be beneficial to the bank swallows, specifically:

It really looked like the birds were using the dogs to flush out insects for them to eat.

(Linda Shore, July 21, 2000)

I had first thought they were playing with Scout and then it became clear that they were circling around and flying low to ground to hunt for insects. It seemed to me that they were following Scout and looking for food where he was walking, as though he might be making the insects scurry around so that the swallows could see them.

(Christy Cameron, July 19, 2000)

In an interview with Dr. Nicholas Dodman, of the Tufts University Veterinary Center, ''Bark Magazine'' quoted him as follows:

The vast majority of dogs do benefit greatly from having exercise periods. And walking dogs on a leash is not sufficient exercise. It's not that they die if they walk on a leash, just as it's not that a human being dies in solitary confinement either. It's just that it is not optimal for their physiological and psychological well-being. * * * It is important for a dog to be provided with natural outlets—to be able to run and exercise and chase things and do as a dog was bred to do

(*www.thebark.com/ezine*)

The benefit to both the dog and human were also noted:

* * * walking with a canine ''best friend'' increases physical and mental fitness for both the human and the dog, a community of other dog walkers offers positive social interactions, the high density of park users and the presence of dogs offers a level of personal safety.

(''Survey of Fort Funston Recreational Use,'' Karin Hu, Ph.D., September 2000, *www.fortfunstondog.org*)

Options for Evaluation

This Notice is intended to solicit public comment on a range of potential management options for addressing appropriate pet management within Golden Gate National Recreation Area, consistent with protecting national park resources and assuring visitor safety. This procedure could result in a range of outcomes, from enforcement of the existing regulation, to revisions of the existing regulation that would permit off leash pets within portions of Golden Gate National Recreation Area under specific conditions.

All interested persons are invited to submit to the National Park Service their comments on any aspect of the alternatives described below, including responses regarding:

- Should the leash law regulation remain intact parkwide?
  - Should additional areas currently closed to dogs be open to on leash use?
- Should additional areas be closed to dogs?
- Should analysis of any alternatives be measured from the current baseline of no off-leash dog walking, or the long-standing former policy that allowed off-leash dog walking in certain areas?
- Should the regulation be changed to designate former ''voice control'' areas for off leash dog walking? If so,
  - Which geographical areas should/should not be considered for off leash?
  - Should there be a limit on the number of dogs?
  - Should areas be open to off leash use at certain times of the day or days of the week?
  - Should there be a bond required to cover liability?
  - Should people be required to sign waivers of liability?
  - What are potential environmental impacts of any of the alternatives?
  - What additional mitigating factors should be imposed?
  - What conditions could be required of owners?
  - Should areas be fenced?
  - Should voice control be employed?
  - How should the numbers of dogs be limited?
  - Who should pay for facilities, improvements, and operations?

Specific Options

In summary, in considering changes to existing regulation, any change must comply with the NPS Organic Act, GGNRA's enabling legislation and Systemwide policies and directives. In order to comply with NPS rules and regulations, including the obligation to minimize adverse impacts on park resources and values and the prohibition on resource impairment, the following areas of the park, in which pets have never been allowed (e.g. there is no history of dog walking use, and/or it has not been an issue) or have been restricted due to sensitivity of resources, are precluded from consideration for off leash uses: Alcatraz, China Beach, Crissy Beach tidal marsh and wildlife protection area, East Fort Baker Pier, coastal dunes and cliff areas of Fort Funston, Kirby Cove, Muir Woods, Phleger Estate, Fort Point historic structure, the beach at Stinson Beach, Tennessee Valley, Rodeo Lagoon, Redwood Creek, all freshwater bodies in the park, and other threatened or endangered species habitat areas in the park. The latter includes areas of endangered mission blue butterfly habitat at Milagra Ridge, Marin Headlands and East Fort Baker, as well as the threatened snowy plover management area at Ocean Beach.

A. Enforce existing regulation/dogs on leash and on trail: Enforcement of the existing regulation park wide would reduce visitor conflicts, improve visitor and employee safety, and reduce impacts on natural resources. Continued visitor education would be required to increase understanding of the regulation and reasons for it. On leash dog use in the park could result in removal of fences in some locations at Fort Funston and Crissy Field, and possibly other locations where exclosures have been created in order to protect sensitive species and habitat areas. The following additional areas, where dogs currently are prohibited, could be opened to on leash dogs under appropriate circumstances: East Fort Baker Pier, Phleger Estate, Stinson Beach, and portions of Tennessee Valley. Enforcement of the existing regulation may displace off leash dog use into other jurisdictions within the counties of San Francisco, San Mateo and Marin. This option would not require rulemaking because the leash regulation is already in place. The GGNRA must enforce the leash law unless a regulation is promulgated and adopted allowing off leash dog use; Option B discusses that option. The agency seeks comment on the merit of enforcement of the existing regulation, including specific suggestions on implementation and education regarding its enforcement, as well as suggestions regarding the opening of additional on leash dog areas as described above.

B. Identify specific locations/ways to address off leash use within the park: Off leash dog use could be allowed in specific locations within the park, with the remainder of the park subject to enforcement of the existing regulation requiring pets to be leashed where permitted. Any location selected for off leash would carry the requirement that any negative or adverse impacts are the minimum necessary, unavoidable, cannot be further mitigated, and do not constitute impairment of park resources and values. To that end, appropriate environmental compliance would be required to evaluate all potential effects within GGNRA, in accordance with federal laws including National Environmental Policy Act and the National Historic Preservation Act. This option would require rulemaking. Negative effects could include additional park operating financial requirements to remove pet excrement, develop capital improvements and additional enforcement staff to assure conformance with the restrictions related to off leash areas. Off leash dog use, where it does not conflict with protection of natural resources, can promote exercise and enjoyment of park areas. The agency seeks comment on the merit of permitting off leash use and identification of specific locations and measures to minimize any impacts on visitors and resources.

Request for Comments

The National Park Service solicits comment and information from all segments of the public interested in GGNRA and appropriate pet management. All comments received by the Park Service at the address and by the date listed above will be reviewed and analyzed. If rulemaking is determined necessary as a result of this process, such proposed rulemaking would involve additional extensive public review and comment. If rulemaking is not an option chosen by NPS, then the public will be appropriately notified.

If individuals submitting comments request that their name and/or address be withheld from public disclosure, it will be honored to the extent allowable by law. Such requests must be stated prominently at the beginning of the comments.

The GGNRA will hold two public meetings where public comment on this Advanced Notice of Proposed Rulemaking will be invited. Additional opportunities for public involvement will be announced locally and in the **Federal Register**.

Dated: January 3, 2002.

Joseph E. Doddridge,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 02–568 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–70–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 50

[FRL–7128–3]

National Ambient Air Quality Standards for Ozone: Proposed Response to Remand

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of public comment period.

SUMMARY: The EPA is announcing a 30-day extension of the public comment period on the proposed response to the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) remand of the national ambient air quality standards (NAAQS) for ozone (O_3) that was published on November 14, 2001 (66 FR 57268). The proposal responded to the D.C. Circuit remand of the O_3 NAAQS to EPA to consider any beneficial health effects of O_3 pollution in shielding the public from the ''harmful effects of the sun's ultraviolet rays.'' 175 F. 3d 1027 (D.C. Cir. 1999).

DATES: Comments on the proposed response to the remand must be received by February 13, 2002.

ADDRESSES: Submit written comments (in duplicate if possible) on this proposed response to: Air and Radiation Docket and Information Center (6102), Attn: Docket No. A–95–58, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460. Electronic comments are encouraged and can be sent directly to EPA at: *A-and-R-Docket@epa.gov*. Comments will also be accepted on disks in WordPerfect in 8.0/9.0 file format. All comments in electronic form must be identified by the docket number, Docket No. A–95–58.

FOR FURTHER INFORMATION CONTACT: Susan Lyon Stone, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency (C539–01), Research Triangle Park, NC 27711; e-mail stone.susan@epa.gov; telephone (919) 541–1146.

SUPPLEMENTARY INFORMATION: The EPA received a request for an extension of the original 60 day comment period. The commenter requested additional time to prepare comments because part of the comment period overlapped with the seasonal holidays. In response to this request, EPA is extending the comment period by 30 days to allow additional time for the public to prepare comments.

List of Subjects in 40 CFR Part 50

Environmental protection, Air pollution control, Carbon monoxide, Lead, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides.

Dated: January 7, 2002.

Robert D. Brenner,

Principal Deputy Assistant Administrator for Air and Radiation.

[FR Doc. 02–700 Filed 1–10–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[IA 0146–1146; FRL–7128–5]

Approval of Operating Permit Program; State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve amendments to the Iowa Title V operating permit program. EPA granted full approval of Iowa's Title V program on July 14, 1997. These amendments incorporate existing periodic monitoring guidance and adopt by reference compliance assurance monitoring requirements.

DATES: Comments must be received on or before February 11, 2002.

ADDRESSES: Written comments should be mailed to Lynn M. Slugantz, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

Copies of documents relative to this action are available for public inspection during normal business hours at the above-listed Region 7 location. Interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Lynn M. Slugantz at (913) 551–7883.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This section provides additional information by addressing the following questions:

What is the Part 70 operating permit program?

What is the Federal approval process for an operating permit program?

What does Federal approval of a state operating permit program mean to me?

What is being addressed in this document?

Have the requirements for approval of an operating permit program revision been met?

What action is EPA taking?

What Is the Part 70 Operating Permit Program?

The Clean Air Act (CAA) Amendments of 1990 require all states to develop an operating permit program that meets certain Federal criteria listed in 40 Code of Federal Regulations (CFR) part 70. In implementing this program, the states are to require certain sources of air pollution to obtain permits that contain all applicable requirements under the CAA. One purpose of the Part 70 operating permit program is to improve enforcement by issuing each source a single permit that consolidates all of the applicable CAA requirements into a Federally enforceable document. By consolidating all of the applicable requirements for a facility into one document, the source, the public, and the permitting authorities can more easily determine what CAA requirements apply and how compliance with those requirements is determined.

Sources required to obtain an operating permit under this program include: ''major'' sources of air pollution and certain other sources specified in the CAA or in our implementing regulations. For example, all sources regulated under the acid rain program, regardless of size, must obtain permits. Examples of major sources include those that emit 100 tons per year or more of volatile organic compounds, carbon monoxide, lead, sulfur dioxide, nitrogen dioxide, or particulate matter that is 10 micrometers in size (PM_{10}); those that emit 10 tons per year of any single hazardous air pollutant (HAP) (specifically listed under the CAA); or those that emit 25 tons per year or more of a combination of HAPs.

Revisions to the state and local agencies' operating permit program are subject to public notice, comment, and our approval.

What Is the Federal Approval Process for an Operating Permit Program?

In order for state regulations to be incorporated into the Federally enforceable Title V operating permit program, states must formally adopt the regulations consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to us for inclusion into the operating permit program. We must provide public notice and seek additional public comment regarding the proposed Federal action on the state submission. If adverse comments are received, they must be addressed prior to any final Federal action by us.

All state regulations and supporting information approved by EPA under section 502 of the CAA are incorporated into the Federally approved operating permit program. Records of such actions are maintained in the CFR at Title 40, Part 70, Appendix A, entitled ''Approval Status of State and Local Operating Permits Program.''

What Does Federal Approval of an Operating Permit Program Mean to Me?

Enforcement of the state regulation before and after it is incorporated into the Federally approved operating permit program is primarily a state responsibility. However, after the state program is Federally approved, we oversee the program and review proposed permits submitted by the state in accordance with 40 CFR part 70. We are also authorized to enforce the permit program and individual permits issued under the program. Citizens are also offered legal recourse to address violations as described in section 304 of the CAA.

What Is Being Addressed in This Document?

The Iowa Department of Natural Resources (IDNR) has adopted amendments to 567 Iowa Administrative Code (IAC) 22.108(3). The purpose of the amendments is to incorporate IDNR's existing Title V Periodic Monitoring Guidance into its rules. Periodic monitoring is required by 40 CFR 70.6 and 71.6 where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring. Also, the amendments to 567 IAC 22.108(3) adopt by reference Compliance Assurance Monitoring (CAM) that is required to be included in 40 CFR part 70 or 71 operating permits for major stationary sources of air pollution that are required to obtain operating permits under Title V of the CAA. Periodic monitoring and CAM are needed to provide reasonable assurance of compliance with applicable requirements under the CAA. The amendments were adopted and filed by the Environmental Protection Commission on June 21, 2001; published on July 11, 2001; and became effective on August 15, 2001.

As a part of our review of these amendments, EPA requested clarification from IDNR regarding the list of factors to be considered in evaluating the type of periodic monitoring appropriate for an applicable requirement, as set forth in the narrative of the June 18, 2001, Periodic Monitoring Guidance. This narrative lists numerous factors to be considered, while Attachment 1 to that guidance contains a decision matrix considering only type of source and whether the source is controlled or uncontrolled. In response to EPA's request, IDNR sent EPA a November 7, 2001, letter in which the state clarified that it has flexibility in deciding to

follow the matrix which is found in Appendix A to that guidance or to make a case-by-case determination that differs from the periodic monitoring guidance and the matrixes.

EPA believes that the state's ability to deviate from the guidance on a case-by-case basis is essential to implementation of this program, and our proposed approval of the state program revisions is based, in part, on the state's assurance that it retains authority to establish appropriate periodic monitoring on a case-by-case basis. In proposing to approve this rule revision, EPA reserves its authority to object to permit provisions regarding periodic monitoring if they do not meet the requirements of the CAA or 40 CFR 70.6(a)(3).

Have the Requirements for Approval of a Revision to the Operating Permit Program Been Met?

Our review of the material submitted indicates the state has amended rules for the Title V program in accordance with the requirements of section 502 of the CAA and the Federal rule, 40 CFR part 70, and met the requirement for a program revision as established in 40 CFR 70.4(i).

What Action Is EPA Taking?

EPA is proposing to approve amendments to Iowa rule, 567 IAC 22.108(3), effective August 15, 2001, as supplemented on November 7, 2001, as a revision to the Iowa Title V operating permit program.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely 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 proposed rule would 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 proposal 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 proposed 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 proposal would merely approve a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This proposal also is not subject to Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing Title V operating permit program submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. 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 an operating permit program submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews an operating permit program submission, to use VCS in place of an operating permit program submission that otherwise satisfies the provisions of the CAA. 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 proposal would 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 70

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: January 2, 2002.

William Rice,

Acting Regional Administrator, Region 7.

[FR Doc. 02–757 Filed 1–10–02; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 67, No. 8
Friday, January 11, 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.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 01–071–1]

Notice of Request for Reinstatement of an Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Reinstatement of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a reinstatement of an information collection in support of the State-Federal Brucellosis Eradication Program.

DATES: We invite you to comment on this docket. We will consider all comments we receive that are postmarked, delivered, or e-mailed by March 12, 2002.

ADDRESSES: You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 01–071–1, Regulatory Analysis and Development, PPD,APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 01–071–1. If you use e-mail, address your comment to *regulations@aphis.usda.gov.* Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and ''Docket No.01–071–1'' on the subject line.

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

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

FOR FURTHER INFORMATION CONTACT: For information regarding the State-FederalBrucellosis Eradication Program, contact Dr. Valerie Ragan, Senior Staff Veterinarian, National Animal Health Programs Staff, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231; (301) 734–7708. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

SUPPLEMENTARY INFORMATION:

Title: Brucellosis Eradication Program.

OMB Number: 0579–0047.

Type of Request: Reinstatement of an information collection.

Abstract: The Animal and Plant Health Inspection Service (APHIS) is responsible for, among other things, administering regulations intended to prevent the spread of brucellosis and other animal diseases within the United States.

Brucellosis is a contagious disease that primarily affects cattle, bison, and swine. It causes the loss of young through spontaneous abortion or birth of weak offspring, reduced milk production, and infertility. The continued presence of brucellosis in a herd seriously threatens the health of other animals. Brucellosis has caused devastating losses to farmers in the UnitedStates over the last century.

The State-Federal Brucellosis Eradication Program, which is a national program, is working toward eliminating this serious disease of livestock. The program is conducted under the various States' authorities supplemented by Federal authorities regulating interstate movement of affected animals. Effective screening programs and extensive epidemiologic investigations are required to locate infection and to eradicate the disease.

Conducting effective brucellosis screening programs and epidemiologic investigations requires the use of many information collection activities, such as applications for tags or tattoos, epidemiology report forms, permits for movement of restricted animals, monthly reports of brucellosis eradication and program surveillance activities, reports of brucellosis reactors slaughtered, and permits for shipping exposed herds. The information obtained from these activities is used to continue the search for other infected herds, maintain identification of livestock, monitor deficiencies in identification of animals for movement, and monitor program deficiencies in suspicious and infected herds. These information collection activities are essential in determining the status of a brucellosis area and helping herd owners by speeding up the detection and elimination of serious disease conditions in their herds.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for 3 years.

The purpose of this notice is to solicit comments form the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary fo the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.0076513 hours per response.

Respondents: Veterinarians, livestock inspectors, and herd owners.

Estimated annual number of respondents: 7,382.

Estimated annual number of responses per respondent: 71.455703.

Estimated annual number of responses: 527,486.

Estimated total annual burden on respondents: 4,036 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the average reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 7th day of January 2002.

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–742 Filed 1–10–02; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 01–024–2]

Availability of Environmental Assessment and Finding of No Significant Impact for Confined Field Test of Genetically Engineered Pink Bollworm

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that an environmental assessment and finding of no significant impact have been prepared relative to the issuance of a permit to allow the field testing of pink bollworm genetically engineered to express green fluorescence as a marker. The environmental assessment provides a basis for our conclusion that the confined field testing of the genetically engineered pink bollworm will not present a risk of introducing or disseminating a plant pest and will not have a significant impact on the quality of the human environment. Based on its finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared for this field test.

EFFECTIVE DATE: October 1, 2001.

ADDRESSES: You may read a copy of the environmental assessment and the finding of no significant impact and comments received on an earlier notice of the availability of the environment assessment at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. To be sure that someone is there to help you, please call (202) 690–2817 before coming.

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

FOR FURTHER INFORMATION CONTACT: Dr. Robert I. Rose, Biotechnology Assessments Section, PPQ, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 734–8723. To obtain a copy of the environmental assessment and finding of no significant impact, contact Ms. Kay Peterson at (301) 734–4885; e-mail: *kay.peterson@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340 (referred to as the regulations) regulate the introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products that are plant pests or that there is reason to believe are plant pests (regulated articles). A permit must be obtained or a notification acknowledged before a regulated article may be introduced into the United States. The regulations set forth the permit application requirements and the notification procedures for the importation, interstate movement, and release into the environment of a regulated article.

On January 29, 2001, the Animal and Plant Health Inspection Service (APHIS) received a permit application (APHIS No. 01–029–01r) from APHIS' Plant Protection Center in Phoenix, AZ, for a permit to field test the plant pest pink bollworm (PBW), *Pectinophora gossypiella* (Lepidoptera: Gelechiidae).

APHIS published a notice in the **Federal Register** on June 21, 2001 (66 FR 33226, Docket No. 01–024–1), announcing the availability for public comment of an environmental assessment (EA) for the proposed confined field test of the genetically engineered PBW. Comments were to have been received by APHIS on or before July 23, 2001. APHIS received nine comments on the EA during the designated comment period. The comments were from universities, environmental and consumer groups, a university medical research center, a crop protection association, a cotton industry organization, and a cotton growers group. Four comments were in favor of the proposed field test, while three were opposed. (We counted as a single comment three separate comments critical of the proposed field test that were written by the same commenter and were identical in content.) The commenters favoring the field test stressed the thoroughness of the control and containment measures proposed, the negligible risks of the experiment because of the planned safeguards, the adequacy of the EA, and the need for gathering data on PBW control. The commenters who opposed the proposed field test expressed concern about the need for additional data on transgene stability, the need for an independent assessment of the permit application, the adequacy of the proposed containment procedures, potential human health risks, and alleged deficiencies in APHIS' compliance with the requirements of the Endangered Species Act and the National Environmental Policy Act (NEPA), including the need for an Environmental Impact Statement (EIS) for a transgenic PBW sterile insect technique program. APHIS identified and addressed the majority of these issues in the EA prepared for the subject field trial, and we have provided a response to comments as an attachment to our finding of no significant impact (FONSI), which is available from the person listed under **FOR FURTHER INFORMATION CONTACT.** With regard to the comment concerning the need for an EIS, APHIS is committed to considering the long-term issues associated with the release of certain transgenic arthropods through the NEPA EIS process.

The subject PBW has been genetically engineered to express an enhanced green fluorescent protein (EGFP) derived from a jellyfish, *Aequora victoria.* The PBW expresses EGFP fluoresces when viewed under an ultraviolet light source. A *piggyBac* transposable element derived from the plant pest cabbage looper (*Trichoplusia ni*) was used to transform the subject PBW, and expression of the EGFP is controlled through use of the *Drosophila melanogaster* hsp70 and *Bombyx mori* actin A3 promoters. The subject transgenic PBW is considered a regulated article under the regulations in 7 CFR part 340 because the recipient organism is a plant pest and because it contains gene sequences from a plant pest. The field test will be conducted under carefully controlled and confined conditions.

The transgenic PBW with EGFP as a marker has been developed for use in confined, on-site experimentation and field performance studies in the PBW sterile insect program, which is designed to depress PBW populations. The transgenic PBW will be reared in

the Phoenix PBW insect-rearing facility, sterilized with radiation, and placed in escape-proof screen field cages near the facility, where they will undergo a series of fitness and related tests.

An EA was prepared to examine any potential environmental impacts and plant pest risk associated with the confined field testing of the transgenic EGFP PBW. Based on that EA, APHIS has reached a FONSI relative to the issuance of a permit for the confined field testing of the subject PBW with EGFP. In summary, we have based our FONSI on the following conclusions: (1) The possibility of the genetically engineered organism reverting to or undergoing unanticipated genetic transformation is exceedingly low; (2) it is highly unlikely that the EGFP gene would persist in the environment because it provides no fitness advantage to the PBW; (3) multiple levels of physical and biological confinement in the proposed research are designed to contain the transgenic PBW; (4) the PBW is not native to the United States and there are no known sexually compatible species in North America; (5) there is no current evidence that this gene can be transferred through predation, natural decay, or parasitism; (6) the confined research would not result in an additional pesticide load on the environment; (7) the research will not disproportionately affect minority or low income populations, or disproportionately affect children, or result in any environmental health risks or safety risks to children; and (8) APHIS has determined that, based on the location of the test field and the measures designed to contain the transgenic PBW, the proposed test will have no effect on listed, threatened, endangered, or candidate species.

The EA and FONSI were prepared in accordance with: (1) NEPA, as amended(42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Done in Washington, DC, this 7th day of January 2002.

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–741 Filed 1–10–02; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 01–117–1]

Procedures for Importing Cattle into the United States; Public Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: We are informing the public that Veterinary Services of the Animal and Plant Health Inspection Service is holding a public meeting to provide a forum to discuss the process and science used to establish and verify compliance with protocols for importing cattle into the United States.

DATES: The meeting will be held on Wednesday, February 6, 2002, from 9 a.m. to 5 p.m.

ADDRESSES: The public meeting will be held in the Columbine Room at the Lincoln Center, 417 West Magnolia, Fort Collins, CO.

FOR FURTHER INFORMATION CONTACT: Dr. Andrea M. Morgan, Acting Director, Animal Health Programs, VS, APHIS, 4700 River Road Unit 33, Riverdale, MD 2073–1231; (301) 734–8093.

SUPPLEMENTARY INFORMATION: The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture is responsible for administering regulations to prevent the introduction of communicable diseases of livestock and poultry into the United States. In administering the regulations, we follow an import process that includes, among other things, developing an import protocol between the exporting and importing countries or regions, monitoring the disease status of countries or regions, quarantining and testing imported animals, and evaluating the risk of introducing disease into the United States through the importation of animals.

APHIS seeks to establish the import protocols between the exporting and importing countries or regions based upon the best available technical and scientific information. The protocols establish health requirements, including the disease status of the region or country of origin and diagnostic test requirements for specific diseases, under which importation of animals is allowed.

To provide a forum to discuss the process and science used to establish and verify compliance with protocols for importing cattle into the United States, APHIS' Veterinary Services program is holding a public meeting on Wednesday, February 6, 2002, in the Columbine Room at the Lincoln Center, 417 West Magnolia, Fort Collins, CO. Topics discussed at the meeting will include, but are not limited to, the disease status of exporting regions or countries, transportation issues, quarantine issues, and the risk of the introduction of disease into the United States from the importation of cattle.

The public meeting will begin at 9 a.m. and is scheduled to end at 5 p.m., with registration from 8:30 a.m. to 9 a.m. However, the meeting may end earlier if all persons desiring to speak have been heard.

If you require special accommodations, such as a sign language interpreter, please send us an e-mail to *regulations@aphis.usda.gov.*

If you are interested in making a presentation at the meeting, please register in advance by calling the Regulatory Analysis and Development voice mail at (301) 734–4339 or by sending an e-mail to *regulations@aphis.usda.gov.* The message should include your name, telephone number, organization, if any, and the topic of your presentation. On the day of the meeting, you may also register from 8:30 to 9 a.m. at the meeting site.

To allow everyone wishing to speak an opportunity to be heard, participants should limit their presentations to 10 minutes. Depending upon the number of speakers, we may further limit the time for presentations so that everyone wishing to speak has the opportunity. Starting with the advance registrants, we will call speakers in the order in which they registered.

If you plan to present a written statement, we ask that you provide a copy of your statement to the chairperson of the meeting.

The meeting will be recorded. The complete record, including the transcript and any written statements, will be available to the public.

Done in Washington, DC, this 7th day of January 2002.

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–743 Filed 1–10–02; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Resource Advisory Committee Meeting

AGENCY: North Central Idaho Resource Advisory Committee, Grangeville, Idaho, Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act (Public Law 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393) the Nez Perce and Clearwater National Forests' North Central Idaho Resource Advisory Committee will meet Friday, February 1, 2002 in Orofino, Idaho for a business meeting. The meeting is open to the public.

SUPPLEMENTARY INFORMATION: The business meeting on February 1 begins at 10 AM, in the Clearwater National Forest Headquarters Office Building, 12730 Highway 12, Orofino, Idaho. Agenda topics will include discussion of potential projects. A public forum will begin at 2:30 PM (PST).

FOR FURTHER INFORMATION CONTACT: Ihor Mereszczak, Staff Officer and Designated Federal Officer, at (208) 983–1950.

Dated: January 3, 2002.

Ihor Mereszczak,

Acting Forest Supervisor.

[FR Doc. 02–683 Filed 1–10–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Siskiyou Resource Advisory Committee (RAC); Meeting

AGENCY: Forest Service, USDA.

ACTION: Meeting.

SUMMARY: The Siskiyou Resource Advisory Committee (RAC) will meet on Monday, February 4, and Tuesday, February 5, 2002. Monday's meeting is scheduled to begin at 1 p.m. and conclude at approximately 4:30 p.m. Tuesday's meeting will begin at 9:30 a.m. and will conclude at approximately 4:30 p.m. The meeting will be held at the Chetco Community Public Library, 405 Alder Street, Brookings, Oregon. The tentative agenda for February 4 includes: (1) FACA overview; (2) Roles and responsibilities for Advisory Committees; (3) Timelines for projects related to the Secure Rural Schools and Community Self-Determination Act of 2000; (4) Election of the RAC chairperson; and (5) Public Forum. The public forum is tentatively scheduled to begin at 3:20 p.m. Time allotted for individual presentations will be limited to 3–4 minutes. The tentative agenda for February 5 includes: (1) Presentation of projects proposed by the Forest Service; (2) Public forum. The public forum is tentatively scheduled to begin at 2 p.m. Time allotted for individual presentations will be limited to 3–4 minutes. Written comments are encouraged, particularly if the material cannot be presented within the time limits for the public forum. Written comments may be submitted prior to the February 4 and 5 meetings by sending them to the Designated Federal Official Jack E. Williams at the address given below.

FOR FURTHER INFORMATION CONTACT: Designated Federal Official Jack E. Williams; Rogue and Siskiyou national forests; P.O. Box 520, Medford, Oregon 97501; (541) 858–2200.

Dated: January 7, 2002.

Jack E. Williams,

Forest Supervisor, Rogue River and Siskiyou National Forests.

[FR Doc. 02–693 Filed 1–10–02; 8:45 am]

BILLING CODE 3410–11–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: February 11, 2002.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice for each service will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will result in authorizing small entities to furnish the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following services are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Services

Eyewear Prescription Service, Department of Veterans Affairs, Veteran Integrated Service Network 7, (Alabama, Georgia and South Carolina)

NPA: Winston-Salem Industries for the Blind, Winston-Salem, North Carolina

Government Agency: Department of Veteran Affairs, Litigation Support Services, USDA Food and Nutrition Service, Alexandria, Virginia

NPA: Federal Dispute Resolution Center, Alexandria, Virginia

Government Agency: USDA Food and Nutrition Service, Mailroom Support Services, Internal Revenue Service, Milwaukee, Wisconsin

NPA: Industries for the Blind, Inc., Milwaukee, Wisconsin

Government Agency: Internal Revenue Service

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. 02–726 Filed 1–10–02; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds to the Procurement List a commodity and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List a commodity and a service previously furnished by such agencies.

EFFECTIVE DATE: February 11, 2002.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly (703) 603–7740

SUPPLEMENTARY INFORMATION: On November 2 and November 30, 2001, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (66 FR 55635 and 59778) of proposed additions to and deletions from the Procurement List:

Additions

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodity and services and impact of the additions on the current or most recent contractors, the Committee has determined that the commodity and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity and services to the Government.

2. The action will not have a severe economic impact on current contractors for the commodity and services.

3. The action will result in authorizing small entities to furnish the commodity and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity and services proposed for addition to the Procurement List. Accordingly, the following commodity and services are added to the Procurement List:

Commodity

Stand, Office Machine
7110–00–601–9849
7110–00–601–9835
7110–01–136–1563
GSA/National Furniture Center for Zones 2 and 3

Services

Mailroom Operation, Federal Deposit Insurance Corporation, 1910 Pacific Avenue, Dallas, Texas
Photocopying, James E. Van Zandt, Veterans Affairs Medical Center, Altoona, Pennsylvania

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Deletions

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action will not have a severe economic impact on future contractors for the commodity and the service.

3. The action will result in authorizing small entities to furnish the commodity and the service to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity and the service deleted from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the commodity and the service listed below are no longer suitable for procurement by the FederalGovernment under 41 U.S.C. 46–48c and 41 CFR 51–2.4. Accordingly, the following commodity and service are deleted from the Procurement List:

Commodity

Hood, Radioactive Contaminant Protective
8415–00–NSH–0027

Service

Janitorial/Custodial, U.S. Air Force Recruiting Station, Wasilla, Alaska

Sheryl D. Kennerly,
Director, Information Management.

[FR Doc. 02–727 Filed 1–10–02; 8:45 am]

BILLING CODE 6353–01–P

COMMISSION ON CIVIL RIGHTS

Supplemental Hearing on Environmental Justice

AGENCY: Commission on Civil Rights.

ACTION: Notice of supplemental hearing.

SUMMARY: Notice is hereby given pursuant to the provisions of the Civil Rights Commission Amendments Act of 1994, section 3, Public Law 103–419, 108 Stat. 4338, as amended, and 45 CFR 702.3., that a public hearing before the U.S. Commission on Civil Rights will take place on Friday, February 8, 2002, at the U.S. Commission on Civil Rights, in the Fifth Floor Conference Room 540, 624 Ninth Street, NW., Washington, DC 20425, beginning at approximately 10:00 a.m., immediately following the Commission's regularly-scheduled monthly meeting. This is a continuation of the Commission's first environmental justice hearing, which was held on January 11, 2002, and first published in the **Federal Register** on December 13, 2001, at 66 FR 64397. The purpose of this supplemental hearing is to collect information within the jurisdiction of the Commission, under Public Law 98–183, section 5(a)(1) and section 5(a)(5), related particularly to the effect of environmental hazards, including hazardous waste sites and industries located in, or near, low-income communities and communities of color, and the question of whether the civil rights of those communities in question are being violated. The Commission is authorized to hold hearings and to issue subpoenas for the production of documents and the attendance of witnesses pursuant to 45 CFR 701.2. The Commission is an independent bipartisan, fact finding agency authorized to study, collect, and disseminate information, and to appraise the laws and policies of the Federal Government, and to study and collect information with respect to discrimination or denials of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice. Hearing impaired persons who will attend the hearing and require the services of a sign language interpreter, should contact Pamela Dunston, Administrative Services and

Clearinghouse Division at (202) 376–8105 (TDD (202) 376–8116), at least five (5) working days before the scheduled date of the hearing.

FOR FURTHER INFORMATION CONTACT: Les Jin, Office of the Staff Director (202) 376–7700.

Dated: January 8, 2002.

Debra A. Carr,

Deputy General Counsel.

[FR Doc. 02–773 Filed 1–10–02; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 1–2002]

Foreign-Trade Zone 3, San Francisco, California Proposed Foreign-Trade Subzone Ultramar, Inc. (Oil Refinery Complex) Martinez, California, Area

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the San Francisco Port Commission, grantee of FTZ 3, requesting special-purpose subzone status for the oil refinery complex of Ultramar, Inc. (Ultramar), a subsidiary of Ultramar Diamond Shamrock Corporation, located in the Martinez, California, area. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on January 3, 2002.

The Ultramar refinery complex is located at 3 sites in the Martinez, California, area (Contra Costa County), some 30 miles northeast of San Francisco: *Site 1* (168,000 BPD capacity, 2,690,000 barrel storage capacity, 2038.65 acres)—main refinery complex, located at 150 Solano Road; *Site 2* (87.9 acres, 522,000 barrel storage capacity)—Amorco crude oil storage facility located on the Carquinez Strait and west of Interstate 680, some 2.5 miles west of the refinery; and, *Site 3* (13.2 acres)—Pittsburg Marine Terminal for the storage and shipment of petroleum coke, 595 East Third Street, Pittsburg, some 11.5 miles east of the refinery on the Carquinez Strait. The refinery complex is within the San Francisco Customs port of entry.

The ''Golden Eagle'' refinery (636 full-time and 434 contract employees) is used to produce fuels and petrochemical feedstocks. Fuel products include gasoline, jet fuel, distillates, residual fuels, naphthas and motor fuel blendstocks. Petrochemical feedstocks and refinery by-products include propane, butane, petroleum coke and sulfur. Some 20 percent of the crude oil (90–95 percent of inputs) is sourced abroad. The company is also requesting to import certain intermediate inputs (naphthas and gas oils) under FTZ procedures.

Zone procedures would exempt the refinery from Customs duty payments on the foreign products used in its exports. On domestic sales, the company would be able to choose the Customs duty rates that apply to certain petrochemical feedstocks and refinery by-products (duty-free) by admitting incoming foreign inputs (crude oil, natural gas condensate, gas oil, naphtha) in non-privileged foreign status. The duty rates on inputs range from 5.25¢/barrel to 10.5¢/barrel. The application indicates that the savings from zone procedures would help improve the refinery's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the following addresses:

1. Submissions Via Express/Package Delivery Services: Foreign-Trade-Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th St. NW., Washington, DC 20005; or

2. Submissions Via the U.S. Postal Service: Foreign-Trade-Zones Board, U.S. Department of Commerce, FCB—Suite 4100W, 1401 Constitution Ave. NW., Washington, DC 20230.

The closing period for their receipt is March 12, 2002. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period until March 27, 2002.

A copy of the application and accompanying exhibits will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at address Number 1 listed above, and at the U.S. Department of Commerce Export Assistance Center, 530 Water Street, Suite 740, Oakland, California 94607.

Dated: January 4, 2002.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 02–768 Filed 1–10–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–839]

Five-Year (Sunset) Reviews; Termination of Investigation

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

ACTION: Notice of final results of five-year (''Sunset'') review, termination of suspended antidumping duty investigation on sodium azide from Japan.

SUMMARY: On December 3, 2001, the Department of Commerce (''the Department'') initiated a sunset review of the suspended antidumping duty investigation on sodium azide from Japan. Because no domestic party responded to the sunset review notice of initiation by the applicable deadline, the Department is terminating this suspended investigation.

EFFECTIVE DATE: January 7, 2002.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit or James P. Maeder, Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–5050 or (202) 482–3330, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statue

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

Background

On January 7, 1997, the Department suspended the antidumping duty investigation on sodium azide from Japan (62 FR 973). Pursuant to section 751(c), the Department initiated a sunset review of the suspended investigation by publishing notice of the initiation in the **Federal Register**, December 3, 2001 (66 FR 60184). In addition, as a courtesy to interested parties, the Department sent letters, via certified and registered mail, to each party listed on the Department's most current service list for this proceeding to inform them of the automatic initiation of the sunset review of this suspended investigation.

No domestic interested party in the sunset review of this suspended investigation responded to the notice of initiation by the December 18, 2001, deadline (*see* section 351.218(d)(1)(i) of *Procedures for Conducting Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13520 (March 20, 1998) (''*Sunset Regulations*'')).

Determination To Terminate

Pursuant to section 751(c)(3)(A) of the Act and § 351.218(d)(1)(iii)(B)(3) of the *Sunset Regulations,* if no domestic interested party responds to the notice of initiation, the Department will issue a final determination, within 90 days after the initiation of the review, terminating the suspended investigation. Because no domestic interested party responded to the notice of initiation by the applicable deadline, December 18, 2001, we are terminating the suspended antidumping investigation of sodium azide from Japan.

Effective Date of Termination

The termination of the suspended investigation is effective as to all entries, or withdrawals from warehouse, of the subject merchandise on or after January 7, 2002.

Dated: January 4, 2002.

Bernard T. Carreau,

Acting Assistant Secretary for Import Administration.

[FR Doc. 02–767 Filed 1–10–02; 8:45 am]

BILLING CODE 3510–25–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 010802A]

Proposed Information Collection; Comment Request; Fishing Capacity Reduction Program Buyback Requests

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

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, Pub. L. 104–13 (44 U.S.C. 3506 (c)(2)(A)).

DATES: Written comments must be submitted on or before March 12, 2002.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Michael A. Sturtevant, National Marine Fisheries Service, Financial Services Division, Room 13334, 1315 East West Highway, Silver Spring, MD 20910 (301–713–2390).

SUPPLEMENTARY INFORMATION:

I. Abstract

NOAA has established a program to reduce excess fishing capacity by paying fishermen to (1) surrender their fishing permits or (2) both, surrender their permits and either scrap their vessels or restrict vessel titles to prevent fishing. Buybacks can be funded by a Federal loan to the industry or by direct Federal or other funding. Depending upon the type of buyback involved, the program can entail the submission of buyback requests by industry, the submission of bids, referenda if fishery participants, and reporting of the collection of fees to repay a Federal loan. For buybacks involving State-managed fisheries, the State may need to develop the buyback plan and comply with other information requirements.

In its request for renewed Paperwork Reduction Act approval NOAA will also request the merger of referenda requirements currently approved under 0648–0413 and the addition of a provision that would allow the public 30 days to advise of any holder or owner claims that conflict with accepted bidders' representations about reduction permit ownership or reduction vessel ownership.

II. Method of Collection

Paper forms or submission are primarily used.

III. Data

OMB Number: 0648–0376.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations; individuals or households; and State, Local, or Tribal government.

Estimated Number of Respondents: 1,272.

Estimated Time Per Response: 6,634 hours for a business plan, 4 hours for a referenda vote, 4 hours for an invitation to bid, 10 minutes to submit a fish ticket, 2 hours for a monthly buyer report, 4 hours for an annual buyer report, 2 hours for a seller/buyer report, 270 hours for a state approval of plans and amendments to state fishery management plan, and 1 hour for advising of any holder or owner claims that conflict with accepted bidders' representations about reduction permit ownership or reduction vessel ownership.

Estimated Total Annual Burden Hours: 37,119.

Estimated Total Annual Cost to Public: $6,000.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 4, 2002.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 02–777 Filed 1–10–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 010702A]

Proposed Information Collection; Comment Request; Highly Migratory Species Observer Notification Requirements

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

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, Pub. L. 104–13 (44 U.S.C. 3506 (c)(2)(A)).

DATES: Written comments must be submitted on or before March 12, 2002.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Christopher Rogers at the National Marine Fisheries Service (NMFS), Highly Migratory Species Management Division, 1315 East West Highway, Silver Spring, MD 20910, or by e-mail at christopher.rogers@noaa.gov or phone at 301–713–2347.

SUPPLEMENTARY INFORMATION:

I. Abstract

Under current regulations NMFS may select for observer coverage any fishing trip by a vessel that has a permit for Atlantic Highly Migratory Species (HMS). NMFS will advise vessel owners in writing when their vessels have been selected. The owners of those vessels are then required to notify NMFS before commencing any fishing trip for Atlantic HMS. Such notification allows NMFS to arrange for observer placements and assignments. The estimated number of responses exceeds the number of respondents due to multiple trips taken within a particular season.

II. Method of Collection

Notification can be made by phone, fax, or letter.

III. Data

OMB Number: 0648–0374.
Form Number: None.
Type of Review: Regular submission.
Affected Public: Business or other for-profit organizations; individuals or households.
Estimated Number of Respondents: 212.
Estimated Time Per Response: 2 minutes.
Estimated Total Annual Burden Hours: 295.
Estimated Total Annual Cost to Public: $4,468.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 4, 2002.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 02–781 Filed 1–10–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 010702B]

Proposed Information Collection; Comment Request; NMFS Alaska Region Vessel Monitoring System (VMS) Program

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

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, Pub. L. 104–13 (44 U.S.C. 3506 (c)(2)(A)).

DATES: Written comments must be submitted on or before March 12, 2002.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via the Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Patsy A. Bearden, F/AKR2, P.O. Box 21668, Juneau, AK 99802–1668 (telephone 907–586–7008).

SUPPLEMENTARY INFORMATION:

I. Abstract

As required in the reasonable and prudent measures in the Endangered Species Act, Section 7 biological opinion on the effects of the Bering Sea and Aleutian Islands and Gulf of Alaska pollock, Atka mackerel, and Pacific cod fisheries on the endangered Steller sea lions, National Marine Fisheries Service (NMFS) has implemented changes to information collected from fishery participants. Any vessel that is registered for directed fishing for Pacific cod, pollock, and Atka mackerel in the exclusive economic zone off Alaska must install a vessel monitoring system (VMS) unit and operate the VMS while directed fishing for each of the species. The VMS unit automatically transmits location information every 20 minutes. NOAA uses the information for determining vessel locations and enforcing the closure of areas of critical habitat. Participants must also fax NOAA a check-in report when a VMS unit has been installed.

II. Method of Collection

The position reports are electronic and automatic. Check-in reports must be faxed.

III. Data

OMB Number: 0648–0445.
Form Number: None.
Type of Review: Regular submission.
Estimated Number of Respondents: 539.
Affected Public: Business or other for-profit organizations.
Estimated Time Per Response: 6 hours to install a VMS, 4 hours per year to maintain a VMS, 5 seconds for an automated position report, and 12 minutes to fax a check-in report.
Estimated Total Annual Burden Hours: 13,044.
Estimated Total Annual Cost to Public: $811,000.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information

on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 4, 2002.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 02–782 Filed 1–10–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Public Hearing on the Supplement to the Draft Environmental Impact Statement and Draft Management Plan for the Proposed San Francisco Bay National Estuarine Research Reserve in California

AGENCY: The Estuarine Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Public hearing notice.

SUMMARY: Notice is hereby given that the Estuarine Reserves Division, of the Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold a public hearing for the purpose of receiving comments on the Supplement to the Draft Environmental Impact Statement and Draft Management Plan (DEIS/DMP) prepared on the proposed designation of the San Francisco Bay National Estuarine Research Reserve in California. The Supplement to the DEIS/DMP addresses research, monitoring, education and resource protection needs for the proposed reserve.

The Estuarine Reserves Division will hold a public hearing at 7:00 p.m. on February 13th, at Pittsburg, California City Hall, 65 Civic Avenue, Pittsburg, CA 94565.

The views of interested persons and organizations on the adequacy of the Supplement to the DEIS/DMP are solicited, and may be expressed orally and/or in written statements. Presentations will be scheduled on a first-come, first-heard basis, and may be limited to a maximum of five (5) minutes. The time allotment may be extended before the hearing when the number of speakers can be determined. All comments received at the hearing will be considered in the preparation of the Final Environmental Impact Statement (FEIS) and Final Management Plan.

The comment period for the Supplement to the DEIS/DMP will end on February 26, 2002. All written comments received by this deadline will be considered in the preparation of the FEIS.

FOR FURTHER INFORMATION CONTACT: Ms. Laurie McGilvray (301) 713–3155 extension 158, Estuarine Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 1305 East West Highway, N/ORM2, Silver Spring, MD 20910. Copies of the Supplement to the Draft Environmental Impact Statement/Draft Management Plan are available upon request to the Estuarine Reserves Division.

Federal Domestic Assistance Catalog Number 11.420 (Coastal Zone Management) Research Reserves

Dated: January 4, 2002.

Jamison S. Hawkins,

Deputy Assistant Administrator for Ocean Services and Coastal Zone, Management.

[FR Doc. 02–588 Filed 1–10–02; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 010802B]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) and its Ecosystem Management Committee, Squid, Mackerel, Butterfish Committee, Protected Resources Committee, and Executive Committee will hold a public meeting.

DATES: The meetings will be held on Monday, January 28 through Thursday, January 31, 2002. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: This meeting will be held at the Radisson Suite Hotel, 350 Rt. 3 West, Secaucus, NJ 07094, telephone 201–863–8700.

Council address: Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904, telephone: 302–674–2331.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302–674–2331, ext. 19.

SUPPLEMENTARY INFORMATION: *Monday, January 28, 2002, from 1 p.m. to 4 p.m.*—the Ecosystem Planning Committee will meet.

Tuesday, January 29, 2002, from 8 a.m. until noon the Ecosystem Planning Committee will continue its meeting.

Tuesday, January 29, 2002, from 1 p.m. to 4 p.m.—the Squid, Mackerel, Butterfish Committee will meet.

Tuesday, January 29, 2002, from 4 p.m. to 5 p.m.—the Protected Resources Committee will meet.

Wednesday, January 30, 2002, from 9 a.m. to 10. a.m.—the Executive Committee will meet.

Wednesday, January 30, 2002—the Council will convene at 10 a.m. and adjourn at 5 p.m.

Thursday, January 31, 2002, 8 a.m. until 4 p.m.—Council will meet.

Agenda items for the committees and Council meeting(s), as appropriate, are: Discussion of alternative recreational and commercial management approaches for MAFMC species; review scoping comments for Amendment 9 to the Squid, Mackerel, Butterfish FMP, review Amendment 9 issues paper, finalize management measures for Amendment 9 public hearing draft, and develop timeline for Amendment 9 completion; review update to recent bottlenose dolphin take reduction team's report; receive and discuss the advisory report on the status of monkfish, Georges Bank winter flounder, and Loligo squid developed at the 34th Stock Assessment Workshop; discuss approval of Framework Adjustment1 to the Monkfish FMP (options include: 1) no action and allowing the FMP Year 4 default measures to take effect eliminating the directed fishery, 2) the preferred alternative of postponing the Year 4 default measures for one year and adjusting trip limits and days at sea allocations to achieve fishing year 2000 landing levels after accounting for the court-ordered adjustment to the gillnet trip limits, 3) adjusting management measures to reduce catches to the Years 2 and 3 total allowable catch targets); convene public scoping meeting for Amendment 2 to the Monkfish FMP; receive and discuss organizational and committee reports including the New England Council's report regarding

possible actions on herring, groundfish, monkfish, red crab, scallops, skates, and whiting.

On Wednesday, January 30, there will be a scoping meeting for Amendment 2 to the Monkfish Fishery Management Plan (FMP). The New England and Mid-Atlantic Fishery Management Councils propose to amend the Monkfish FMP. The amendment process will serve two purposes: it will enable the Councils to modify the FMP rules as needed and to update the analysis of the cumulative impact of the FMP on the human environment. In the process, the Councils will prepare a Supplemental Environmental Impact Statement (SEIS) as described in the National Environmental Policy Act for the amendment. This notice is to inform you that the Councils will gather information for the preparation of the SEIS and to ask for your input on the range of issues to be addressed and alternatives to be considered. The Councils are taking this action for the following reasons: (1) to address updated scientific information on the status of the stocks, (2) to address problems with the implementation and enforcement of the current management program, (3) to evaluate the impact of the rebuilding program on the human environment, (4) to consider proposals for providing controlled access to the monkfish resource south of the North Carolina/Virginia border to vessels from that area that are currently excluded, and (5) to comply with a federal Court Order to update the Essential Fish Habitat (EFH) elements of the FMP. You may comment at any of the public Council or committee meetings where Amendment 2 is on the agenda, or you may submit written comments by February 11, 2002 to:

Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950; telephone: 978–465–0492, fax: 978–465–3116.

Although non-emergency issues not contained in this agenda may come before the Council for discussion, these issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final actions to address such emergencies.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Mid-Atlantic Council (see **ADDRESSES**) least 5 days prior to the meeting date.

Dated: January 8, 2002.

Richard W. Surdi,

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

[FR Doc. 02–778 Filed 1–10–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 010302F]

Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Council) Groundfish Management Team (GMT) will hold a working meeting to plan the annual management cycle and strategize on 2002 Council initiatives. This meeting is open to the public.

DATES: The GMT working meeting will convene on Monday, February 4, 2002 at 1 p.m. and may go into the evening until business for the day is completed. The GMT meeting will reconvene from 8 a.m. to 5 p.m. Tuesday, February 5 through Thursday, February 7 until business for the day is completed.

ADDRESSES: The GMT working meeting will be held at the Pacific Fishery Management Council office, West Conference Room, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220; 503–326–6352.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220–1384, 503–326–6352.

FOR FURTHER INFORMATION CONTACT: Mr. John DeVore, Fishery Management Staff Officer for Groundfish, 503–326–6352.

SUPPLEMENTARY INFORMATION: The primary purpose of the GMT working meeting is to plan the GMT's annual schedule and strategies to effectively aid the Council in managing 2002 West Coast groundfish fisheries and Council initiatives expected to arise in 2002. Additionally, the GMT will discuss groundfish management measures in place for the winter and spring months, respond to assignments relating to implementation of the Council's groundfish strategic plan, consider technical aspects of draft stock rebuilding plans and analyses, review new groundfish stock assessments and survey results, and address other assignments relating to groundfish management.

Although nonemergency issues not contained in this agenda may come before the GMT for discussion, those issues may not be the subject of formal GMT action during this meeting. GMT action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice requiring emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the GMT's intent to take final action to address the emergency.

Special Accommodations

The meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at 503–326–6352 at least 5 days prior to the meeting date.

Dated: January 4, 2002.

Richard W. Surdi,

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

[FR Doc. 02–779 Filed 1–10–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 121901A]

Magnuson-Stevens Act Provisions; Atlantic Highly Migratory Species; Exempted Fishing and Scientific Research Permits

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

ACTION: Issuance of 2002 Exempted Fishing and Scientific Research Permits; request for comments.

SUMMARY: NMFS announces the intent to issue Exempted Fishing Permits (EFPs) and Scientific Research Permits (SRPs) for the collection of Atlantic highly migratory species (HMS). These EFPs/SRPs would authorize collections of a limited number of tunas, swordfish, billfishes, and sharks from Federal waters in the Atlantic Ocean and Gulf of Mexico for the purposes of scientific data collection and public display. Generally, the EFPs will be valid

through December 31, 2002. NMFS also announces the intent to issue EFPs upon receiving applications from U.S. fishermen whose vessels fish for Atlantic HMS while operating under contract within the Exclusive Economic Zone of other nations. These EFPs would allow a U.S. fishing vessel to fish so as to be consistent with another country's regulations without violating U.S. regulations, and would ensure that such vessels report to the proper authorities.

DATES: Written comments on these collection, research and fishing activities will be considered by NMFS in issuing such EFPs/SRPs if received on or before January 28, 2002.

ADDRESSES: Send comments to Christopher Rogers, Chief, Highly Migratory Species Management Division (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910. The EFP/SRP applications and copies of the regulations under which EFPs/SRPs are issued may also be requested from this address. Comments also may be sent via facsimile (fax) to (301) 713–1917. Comments will not be accepted if submitted via e-mail or Internet.

FOR FURTHER INFORMATION CONTACT: Sari Kiraly, 301–713–2347; fax: 301–713–1917.

SUPPLEMENTARY INFORMATION: EFPs and SRPs are requested and issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and/or the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*). Regulations at 50 CFR 600.745 and 50 CFR 635.32 govern scientific research activity, exempted fishing, and exempted educational activity with respect to Atlantic HMS.

Issuance of EFPs and/or SRPs may be necessary because possession of certain shark species is prohibited, possession of billfishes on board commercial fishing vessels is prohibited, and because the commercial fisheries for bluefin tuna, swordfish and large coastal sharks may be closed for extended periods, during which collection of live animals and/or biological samples would otherwise be prohibited. In addition, NMFS regulations at 50 CFR 635.32 regarding implantation or attachment of archival tags in Atlantic HMS require prior authorization and a report on implantation activities.

NMFS also seeks public comment on its intention to issue EFPs for the purpose of collecting biological samples under at-sea fisheries observer programs. NMFS intends to issue EFPs to any NMFS or NMFS-approved observer to bring onboard and possess, for scientific research purposes, biological sampling, measurement, etc., any Atlantic swordfish, Atlantic shark, or Atlantic billfish, provided the fish is a recaptured tagged fish, a dead fish prior to being brought onboard, or specifically authorized for sampling by the Director of the Office of Sustainable Fisheries at the request of the Southeast Fisheries Science Center or Northeast Fisheries Science Center. On average, several humdred swordfish and sharks are collected by at-sea observers under such EFPs any given year.

Collection of bluefin tuna would be authorized for scientific research age and growth, genetic, and spawning studies. In 2001, five permits for bluefin tuna archival tagging and research were issued. In 2002, pursuant to the International Commission for the Conservation of Atlantic Tunas (ICCAT) recommendations calling for research that addresses bluefin tuna spawning locations, NMFS intends to issue SRPs and/or EFPs for U.S. participation in an international program that could involve the landing of up to 15 metric tons of bluefin tuna and other regulated HMS for scientific sampling. This would be in addition to SRPs and EFPs issued for other tuna research.

In 2001 NMFS issued one EFP allowing commercial fishing vessels to assist NOAA scientists, and one SRP involving NOAA research vessels, in order that experiments in the Northeast Distant Waters of Grand Banks and in the DeSoto Canyon area of the Gulf of Mexico, respectively, could be conducted. These experiments addressed gear modifications to reduce bycatch in the Atlantic HMS pelagic longline fisheries.

NMFS also intends to continue to issue EFPs to vessel operators requesting offloading windows in the Atlantic Swordfish fishery, in the event the swordfish fishery is closed and a vessel is not equipped with a vessel monitoring system that would enable it to remain at sea after the announced closure date. NMFS anticipates that commercial EFP applicants would be captains of larger vessels out on extended trips at the time of a closure announcement. These applicants would benefit from delayed offloading by avoiding market gluts and cold storage problems.

NMFS also seeks public comment on its intention to issue EFPs for distant water pelagic longline vessels for the purpose of expanding access of U.S. vessels into other markets while continuing to collect information about U.S. fishing effort and landings. NMFS would consider applications from any U.S. Atlantic pelagic longline vessel. NMFS intends to issue such EFPs to any U.S. vessel fishing under contract to another nation, provided its landings and discards are consistent with ICCAT recommendations and, due to the requirements of the contract, those landings are being reported to ICCAT by that other nation or otherwise appropriately accounted for.

NMFS is also seeking public comment on its intention to issue EFPs for the collection of restricted species of sharks for the purpose of public display. In the Final Fishery Management Plan for Atlantic Tunas, Swordfish and Sharks (HMS FMP), NMFS established a public display quota of 60 metric tons wet weight for this purpose. NMFS has preliminarily determined that up to 3,000 sharks could be taken with this current quota and such harvest would be consistent with the most recent environmental impact statement prepared for this fishery. NMFS believes that harvesting this amount for public display will have a minimal impact on the stock. In 2001, nine EFPs were issued for the collection of sharks for display purposes.

Generally, the authorized collections or exemptions would involve activities otherwise prohibited by regulations implementing the HMS FMP and Amendment 1 to the Atlantic Billfish Fishery Management Plan. The EFPs, if issued, may authorize recipients to fish for and possess tunas, billfishes, swordfish and sharks outside the applicable Federal commercial seasons, size limits and retention limits, or to fish for and possess prohibited species.

NMFS intends to undertake rulemaking to revise certain aspects of the procedures for issuing EFPs and complying with EFP requirements for Atlantic HMS. Permits may be issued under the current regulations and be valid until new regulations become effective, at which time revised permits may be issued. A final decision on issuance of any EFPs/SRPs will depend on the submission of all required information about the proposed activities, NMFS' review of public comments received on this notice, conclusions in the Final Environmental Impact Statement (EIS) and any subsequent Environmental Assessments (EAs) or EISs contained in the Final HMS FMP (64 FR 13575; March 19, 1999) and any consultations with any appropriate Regional Fishery Management Councils, states, or Federal agencies. NMFS does not anticipate any environmental impacts from the issuance of these EFPs other than impacts already assessed in the Final HMS FMP and subsequent EAs.

Authority: 16 U.S.C. 971 *et seq.* and 16 U.S.C. 1801 *et seq.*

Dated: January 7, 2002.

Jonathan M. Kurland,

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

[FR Doc. 02–780 Filed 1–10–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Closed Meeting

AGENCY: Defense Intelligence Agency, Joint Military Intelligence College, DoD.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the provisions of Subsection (d) of section 10 of Public Law 92–463, as amended by section 5 of Public Law 94–409, notice is hereby given that a closed meeting of the DIA Joint Military Intelligence College Board of Visitors has been scheduled as follows:

DATES: Tuesday, January 8, 2002, 0800 to 1700; and Wednesday, January 9, 2002, 0800 to 1200.

ADDRESSES: Joint Military Intelligence College, Washington, DC 20340–5100.

FOR FURTHER INFORMATION CONTACT: Mr. A. Denis Clift, President, DIA Joint Military Intelligence College, Washington, DC, 20340–5100 (202/231–3344).

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed. The Board will discuss several current critical intelligence issues and advise the Director, DIA, as to the successful accomplishment of the mission assigned to the Joint Military Intelligence College.

Dated: January 4, 2002.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, DoD.

[FR Doc. 02–669 Filed 1–10–02; 8:45 am]

BILLING CODE 5001–04–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Privacy Act of 1974; System of Records

AGENCY: Department of the Air Force, DoD.

ACTION: Notice to alter systems of records.

SUMMARY: The Department of the Air Force is proposing to alter a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended. The alteration will expand the category of individuals covered, and add a (j)(2) exemption to the system of records. The exemption is intended to increase the value of the system of records for law enforcement purposes.

DATES: This proposed action will be effective without further notice on February 11, 2002 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Air Force Privacy Act Manager, CIO–BIM/P, 1155 Air Force Pentagon, Washington, DC 20330–1155.

FOR FURTHER INFORMATION CONTACT: Mrs. Anne Rollins at (703) 601–4043 or DSN 329–4043.

SUPPLEMENTARY INFORMATION: The Department of the Air Force systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system reports, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on December 28, 2001, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: January 4, 2002.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

F090 AF IG B

SYSTEM NAME:

Inspector General Records (June 8, 1999, 64 FR 30492).

CHANGES:

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete last sentence and replace with 'All individuals who are or have been subjects of reviews, inquiries, or investigations.'

* * * * *

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Add to entry 'Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principle function any activity pertaining to the enforcement of criminal laws.'

* * * * *

F090 AF IG B

SYSTEM NAME:

Inspector General Records.

SYSTEM LOCATION:

Office of the Inspector General, Office of the Secretary of the Air Force (SAF/IG), 1140 Air Force Pentagon, Washington, DC 20330–1140. Headquarters of major commands and at all levels down to and including Air Force installations. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All those who have registered a complaint, allegation or query with the Inspector General or Base Inspector on matters related to the Department of the Air Force. All individuals who are or have been subjects of reviews, inquiries, or investigations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters/transcriptions of complaints, allegations and queries; letters of appointment; reports of reviews, inquiries and investigations with supporting attachments, exhibits and photographs; record of interviews; witness statements; reports of legal review of case files, congressional responses; memoranda; letters and reports of findings and actions taken; letters to complainants and subjects of investigations; letters of rebuttal from subjects of investigations; finance; personnel; administration; adverse information, and technical reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by, 10 U.S.C. 8020, Inspector General, and E.O. 9397 (SSN).

PURPOSE(S):

Used to insure just, thorough, and timely resolution and response to complaints, allegations or queries, and a means of improving morale, welfare, and efficiency of organizations, units, and personnel by providing an outlet for redress. Used by the Inspector General and Base Inspectors in the resolution of complaints and allegations and responding to queries involving matters concerning the Department of the Air Force and in some instances the Department of Defense. Used in

connection with the recommendation/selection/removal or retirement of officers eligible for promotion to or serving in, general officer ranks.

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, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and in Automated Complaints Tracking System (ACTS) database.

RETRIEVABILITY:

Retrieved by Complainant's name, subject of investigation's name and case number.

SAFEGUARDS:

Records are accessed by custodian of the system of records and by person(s) responsible for maintaining the system of records in the performance of their official duties. These personnel are properly screened and cleared for need-to-know. Records are stored in a locked room protected by cipher lock. Information maintained in the ACTS database is protected by computer system software and password.

RETENTION AND DISPOSAL:

Retained in office files for two years after year in which case is closed. For senior official case files, retained in office files until two years after the year in which case is closed, or two years after the senior official retires, whichever is later. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

The Inspector General, Office of the Secretary of the Air Force (SAF/IG), 1140 Air Force Pentagon, Washington, DC 20330–1140.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to or visit the Inspector General, Office of the Secretary of the Air Force (SAF/IG), 1140 Air Force Pentagon, Washington, DC 20330–1140.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Inspector General, Office of the Secretary of the Air Force (SAF/IG), 1140 Air Force Pentagon, Washington, DC 20330–1140.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37–132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Complainants, inspectors, members of Congress, witnesses and subjects of investigations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency, which performs as its principal function any activity pertaining to the enforcement of criminal laws.

Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C. 552a(j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of the information, the individual will be provided access to the information exempt to the extent that disclosure would reveal the identity of a confidential source.

Note: When claimed, this exemption allows limited protection of investigative reports maintained in a system of records used in personnel or administrative actions.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 806b. For additional information contact the system manager.

[FR Doc. 02–670 Filed 1–10–02; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Privacy Act of 1974, System of Records

AGENCY: Department of the Air Force, DoD.

ACTION: Notice to amend systems of records.

SUMMARY: The Department of the Air Force is amending a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on February 11, 2002, unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Air Force FOIA/Privacy Manager, CIO–BIM/P, 1155 Air Force Pentagon, Washington, DC 20330–1155.

FOR FURTHER INFORMATION CONTACT: Mrs. Anne Rollins at (703) 601–4043.

SUPPLEMENTARY INFORMATION: The Department of the Air Force systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the records systems being amended are set forth below followed by the notices, as amended, published in their entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: January 4, 2002.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

F036 AF CIC A

SYSTEM NAME:

Biographical Data and Automated Personnel Management System (June 11, 1997, 62 FR 31793).

CHANGES:

SYSTEM IDENTIFIER:

Delete entry and replace with ''F036 AF A''.

* * * * *

SYSTEM LOCATION:

Replace ''unified and specified commands'' with ''combatant commands''.

CATEGORIES OF INDIVIDUALS COVERED:

Replace ''unified and specified commands'' with ''combatant commands''.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete ''Director of Information Management, Office of the Administrative Assistant to the Secretary of the Air Force, Washington, DC 20330–1000. Local system managers''.

* * * * *

F036 AF A

SYSTEM NAME:

Biographical Data and Automated Personnel Management System.

SYSTEM LOCATION:

Headquarters United States Air Force; headquarters of major commands; field operating agencies; direct reporting units; headquarters of combatant commands for which Air Force is Executive Agent, and all Air Force installations and units. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Air Force military personnel, and Air Force Reserve and Air National Guard personnel. Air Force civilian employees and contractors may be included when records are created which are identical to those on military members. Army, Navy, and Marine Corps Active duty military and civilian personnel may be included when assigned to combatant commands for which Air Force is the Executive Agent. Records may be maintained in this system on personnel in a Temporary Duty (TDY) status for the duration of the TDY.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information which may include name, rank, Social Security Number, service dates, date of birth, civilian employment, military and civilian education, military and civilian experience, program specialties, hobbies, and names of family members, religion, professional expertise and appointments, membership in professional societies, civic activities and state of license.

Limited locator type information which may include home address, home phone, home of record and name and address of next of kin. Records relating to assignment to include unit of assignment, authorized and assigned grade, duty title, duty Air Force Specialty Code and Military Occupation Code, position number, date assigned to organization, estimated date of departure, control tour code, assignment availability date, overseas tour start date, short tour return date, supervisor's name and date supervision began.

Performance data, i.e. date of last report and date next report due.

May also contain limited routine administrative training information consisting of application for training, name and date of course completion, and educational level, when not filed in a separate system.

Limited routine correspondence on promotions, military honors and awards, security and letters of appreciation, when not filed in a separate system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force and E.O. 9397 (SSN).

PURPOSE(S):

This system is established as a management tool to provide commanders and supervisors with ready reference information file for managing their personnel, manpower and resources.

To assist in determining and scheduling workload requirements in support of their organization's assigned mission.

This system serves a ready reference locator and can be used to produce manpower reports.

Used to determine eligibility/suitability for assignment/reassignment; determine eligibility for retirement related action, to make determinations on discharges or mobilization, deferments, and fulfillment of local or statutory requirements.

Records maintained as a historical file while individual is assigned to the unit.

Used to answers correspondence/telephone inquiries; updating and/or changing information in computer and/or individual record.

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, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD ''Blanket Routine Uses'' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name and/or Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Retain in office files until superseded, obsolete, no longer needed for reference, reassignment, separation or retirement of the individual or inactivation of the organization. Records on TDY personnel will be destroyed upon completion of the individual's TDY. Records are destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Commanders/supervisors at the installation, base, unit, organization, office or function to which the individual is assigned. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address inquiries to or visit the respective unit commander or supervisor who maintains the records. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the respective unit commander or supervisor who maintains the records. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and

appealing initial agency determinations are published in Air Force Instruction 37–132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual, personnel or training records and records created by commander/supervisor.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 02–678 Filed 1–10–02; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to add and delete systems of records.

SUMMARY: The Department of the Army is proposing to add a system of records notice to its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended. The proposed new system of records is a product of consolidating two similar existing Army Inspector General systems of records (A0020–1a SAIG and A0020–1b SAIG). As a result of the consolidation, A0020–1a SAIG and A0020–1b SAIG are being deleted.

DATES: This proposed action will be effective without further notice on February 11, 2002 unless comments are received which result in a contrary determination.

ADDRESSES: Records Management Division, U.S. Army Records Management and Declassification Agency, ATTN: TAPC–PDD–RP, Stop 5603, 6000 6th Street, Ft. Belvoir, VA 22060–5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390 or Ms. Christie King at (703) 806–3711 or DSN 656–3711.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on December 28, 2001, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: January 4, 2002.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Deletions

A0020–1a SAIG

SYSTEM NAME:

Inspector General Investigation Files (December 8, 2000, 65 FR 77008).

REASON:

Records are now covered under the Army system of records A0020–1 SAIG, entitled 'Inspector General Records'.

* * * * *

A0020–1b SAIG

SYSTEM NAME:

Inspector General Action Request/ Assistance Files (August 3, 1993, 58 FR 41250).

REASON:

Records are now covered under the Army system of records A0020–1 SAIG, entitled 'Inspector General Records'.

* * * * *

A0020–1 SAIG

SYSTEM NAME:

Inspector General Records

SYSTEM LOCATION:

Office of the Inspector General, U.S. Army Inspector General Agency, Department of the Army, 1700 Army Pentagon, Washington, DC 20320–1700.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, military or civilian (including contractors), who have made allegations or against whom allegations of wrongdoing/misconduct have been made related to, violations of laws, rules, or regulations or mismanagement, gross waste of funds, abuse of authority, or whistleblower reprisals that have reviewed or upon which inquiries or investigation have been conducted.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative case files containing investigative reports, such as preliminary inquiries, preliminary analyses, reports of investigation (ROIs), administrative documents, and computer indices. ROIs include the authority for the inquiry/investigation, matters investigated, narrative, summaries/excerpts of testimony given by witnesses, and appended exhibits that may include supporting documents, documentary evidence, summaries of interviews or transcripts of verbatim testimony, or other investigative information from outside sources.

Computerized indices contain the names/subjects of the inquiry/ investigation, opening and closing dates, function codes reflecting the type of allegations and codes designating their status and determination, brief synopsis of allegations and their disposition, case notes, locations of the inquiries/investigations and the assigned case numbers.

Whistleblower Reprisal, Defense Hotline Complaint and Inspector General Action Request (IGAR) case files, administrative documents; and computer indices: Whistleblower Reprisal case files contain allegations accepted and investigated or decline through preliminary analysis by Army Inspectors General or referred by the DoD Inspector General (DODIG) for action.

Defense Hotline Complaint files contain allegations/complaints referred by the DODIG for inquiry/investigation, Hotline Completion Reports forwarded to the DODIG providing the results of inquiry/investigations, and any backup documentation. IGAR case files contain Report of Inquiry/Investigation, requests for assistance or complaints, summaries documents, summaries of actions taken, interviews or verbatim testimony, other related investigative information from Federal, State, and local investigative agencies and departments.

IG inspections conducted and information accumulated by Headquarters Department of the Army (HQDA). Included are inspection reports and related information pertaining to annual general inspections (overall economy, efficiency, discipline, morale or readiness of a unit, organization or activity), procurement, special nuclear surety, intelligence oversight, and Federal recognition inspections conducted by HQDA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army; Inspector General Act of 1978 (Pub.L. 95–452), as amended; 42 U.S.C. 1061 *et seq.*, Victims Rights; DoD Directive 1030.1, Victim and Witness Assistance; Army Regulation 20–1, Inspector General Activities and Procedures; and E.O. 9397 (SSN).

PURPOSE(S):

To review and conduct law enforcement inquiries/investigations into allegations of wrongdoing/ misconduct contained Defense Hotline

Complaints, allegations contained in Inspector General Action Request of wrongdoing by Army personnel related to violations of laws, rules, or regulations, mismanagement, gross waste of funds, abuse of authority, and allegations of whistleblower reprisals.

To report the results to the Office of the Secretary of Defense and Army officials so that they may discharge their responsibilities and take corrective action, if needed.

To provide facts and evidence upon which to base prosecution.

To provide information upon which determinations may be made for individuals' suitability for various personnel action including but not limited to retention, promotion, assignment, and retirement in grade or selection for sensitive or critical positions in the Armed Forces or Federal Service.

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, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To victims and witnesses of a crime for purposes of providing information, consistent with the requirements of the Victim and Witness Assistance Program, regarding the investigation and disposition of an offense.

To Federal, state, and local agencies having jurisdiction over the substance of the allegations or a related investigative interest.

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and on electronic storage media.

RETRIEVABILITY:

By individual's full name, Social Security Number and/or other descriptive information cross-referenced to the case number.

SAFEGUARDS:

Access is limited to authorized individuals having need for the records in the performance of their official duties. Paper files and CD–ROMs are stored in containers with locks, located in a locked room, in a secured building with controlled access.

Computer indices are secured in locked rooms with limited/controlled access. Access to computerized information is controlled by a system of assigned passwords and available only to personnel responsible for system operation and maintenance.

Recipients of information for official use purposes are responsible for safeguarding the information within guidelines.

RETENTION AND DISPOSAL:

Disposition pending (until NARA approves a disposition and retention schedule, treat as permanent).

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Inspector General, ATTN: Chief, Information Management Division, 2511 Jefferson Davis Highway, Arlington, VA 22002–3912.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this system should address written inquiries to the Office of The Inspector General, ATTN: Records Release Office, 2511 Jefferson Davis Highway, Arlington, VA 22202–3912.

Individual should provide the full name, home address, telephone numbers and Army unit or activity to which assigned at the time of any Army Inspector General investigation, and a fee statement.

Requests submitted on behalf of other persons must include their written, notarized or certified authorization.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine if information about themselves is contained in this system should address written inquiries to the Office of The Inspector General, ATTN: Records Release Office, 2511 Jefferson Davis Highway, Arlington, VA 22202–3912.

Individual should provide the full name, home address, telephone numbers and Army unit or activity to which assigned at the time of any Army Inspector General investigation, and a fee statement.

Requests submitted on behalf of other persons must include their written, notarized or certified authorization.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, Army records and reports, and other sources providing or containing pertinent information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Investigative material compiled for law enforcement purposes may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

Investigative material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) published in 32 CFR part 505. For additional information contact the system manager.

[FR Doc. 02–672 Filed 1–10–02; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Defense Contract Audit Agency

Privacy Act of 1974; Systems of Records

AGENCY: Defense Contract Audit Agency, DOD.

ACTION: Notice to delete and amend records systems.

SUMMARY: The Defense Contract Audit Agency is deleting a system of records notice and amending two notices in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The actions will be effective on February 11, 2002 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to Senior Advisor, Defense Contract Audit Agency, Information and Privacy, CM, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, VA 22060–6219.

FOR FURTHER INFORMATION CONTACT: Mr. Dave Henshall at (703) 767–1005.

SUPPLEMENTARY INFORMATION: The Defense Contract Audit Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the

Federal Register and are available from the address above.

The proposed action is not within the purview of subsection (r) of the Privacy Act (5 U.S.C. 552a), as amended, which would require the submission of a new or altered system report for each system.

January 4, 2002.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Deletion
RDCAA 152.17

SYSTEM NAME:

Security Status Master List (November 20, 1997, 62 FR 62003).

REASON:

These records are no longer being collected or maintained by the Defense Contract Audit Agency.

Amendments
RDCAA 152.1

SYSTEM NAME:

Security Information System (SIS) (May 18, 1999, 64 FR 26947).

CHANGES:

* * * * *

SYSTEM NAME:

Delete entry and replace with 'The Enhanced Access Management System (TEAMS)'.

* * * * *

RDCAA 152.1

SYSTEM NAME:

The Enhanced Access Management System (TEAMS).

SYSTEM LOCATION:

Security Office, Headquarters, Defense Contract Audit Agency, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, VA 22060–6219.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DCAA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain name, Social Security Number, date and place of birth, citizenship, position sensitivity, accession date, type and number of DCAA identification, position number, organizational assignment, security adjudication, clearance, eligibility, and investigation data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; E.O. 10450, Security Requirements for Government Employees, as amended; E.O. 12958, Classified National Security Information; and E.O. 9397 (SSN).

PURPOSE(S):

To provide the DCAA Security Office with a ready reference of security information on DCAA personnel.

To submit data on a regular basis to the Defense Clearance and Investigations Index (DCII).

To provide the DCAA Drug Program Coordinator with a listing of individuals who hold security clearances for the purpose of creating the drug testing pool, from which individuals are randomly chosen for drug testing.

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, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' that appear at the beginning of DCAA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in automated data systems.

RETRIEVABILITY:

Records are retrieved by Social Security Number or name of employee.

SAFEGUARDS:

Automated records are protected by restricted access procedures. Records are accessible only to authorized personnel who are properly cleared and trained and who require access in connection with their official duties.

RETENTION AND DISPOSAL:

Records are retained in the active file until an employee separates from the agency. At that time, records are moved to the inactive file, retained for five years, and then deleted from the system. Hard copy listings and tapes produced by this system are destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, Headquarters, Defense Contract Audit Agency, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, VA 22060–6219.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Security Office, Headquarters, Defense Contract Audit Agency, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, VA 22060–6219.

Individuals must furnish name, Social Security Number, and approximate date of their association with DCAA.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Security Office, Headquarters, Defense Contract Audit Agency, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, VA 22060–6219.

Individuals must furnish name, Social Security Number, and approximate date of their association with DCAA.

CONTESTING RECORD PROCEDURES:

DCAA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DCAA Regulation 5410.10; 32 CFR part 317; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information, other than data obtained directly from individual employees, is obtained by DCAA Headquarters Security and Regional Office Personnel Divisions, and Federal Agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

RDCAA 590.8

SYSTEM NAME:

DCAA Management Information System (FMIS/AMIS) (August 3, 2000, 65 FR 48221).

CHANGES:

* * * * *

SYSTEM NAME:

Delete ''(FMIS/AMIS)'' from entry.

* * * * *

RDCAA 590.8

SYSTEM NAME:

DCAA Management Information System (DMIS).

SYSTEM LOCATION:

Defense Contract Audit Agency, Information Technology Division, 4075 Park Avenue, Memphis, TN 38111–7492.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DCAA employees and contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to audit work performed in terms of hours expended by individual employees, dollar amounts audited, exceptions reported,

and net savings to the government as a result of those exceptions; records containing contractor information; records containing reimbursable billing information; name, Social Security Number, pay grade and (optionally) address information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397 (SSN).

PURPOSE(S):

To provide managers and supervisors with timely, on-line information regarding audit requirements, programs, and performance.

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, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD ''Blanket Routine Uses'' that appear at the beginning of DCAA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in an on-line database and on magnetic tape at secure offsite storage.

RETRIEVABILITY:

Records are retrieved by organizational levels, name of employee, Social Security Number, office symbol, audit activity codes, or any other combination of these identifiers.

SAFEGUARDS:

Automated records are protected by restricted access procedures. Access to records is strictly limited to authorized officials with a bona fide need for the records.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Information Technology Division, Defense Contract Audit Agency, 4075 Park Avenue, Memphis, TN 38111–7492.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Information Technology Division, Defense Contract Audit Agency, 4075 Park Avenue, Memphis, TN 38111–7492.

Individuals must furnish name, Social Security Number, approximate date of record, and geographic area in which consideration was requested for record to be located and identified. Official mailing addresses are published as an appendix to the DCAA's compilation of systems notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Information Technology Division, Defense Contract Audit Agency, 4075 Park Avenue, Memphis, TN 38111–7492.

Individuals must furnish name, Social Security Number, approximate date of record, and geographic area in which consideration was requested for record to be located and identified.

CONTESTING RECORD PROCEDURES:

DCAA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DCAA Regulation 5410.10; 32 CFR part 317; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual employees, supervisors, audit reports and working papers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 02–671 Filed 1–10–02; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare a Joint Environmental Impact Statement/ Environmental Impact Report for the San Clemente Shoreline Feasibility Study, San Clemente, CA

AGENCY: Army Corps of Engineers (Corps), DoD.

ACTION: Notice of intent.

SUMMARY: The Corps and the city of San Clemente propose to study alternatives to provide shoreline protection to the San Clemente Shoreline. The study is for that portion of the shoreline that runs from Shorecliff Beach to San Mateo Point, approximately eight kilometers (five miles).

FOR FURTHER INFORMATION CONTACT: Questions regarding the scoping process or preparation of the EIS/EIR may be directed to Mr. Paul Rose, Chief, Environmental Resources Branch, U.S. Army Corps of Engineers, P.O. Box 532711, Los Angeles, California, 90053–2325, (213) 452–3840.

SUPPLEMENTARY INFORMATION:

1. Proposed Action

Provide shoreline protection against wave attack from coastal storms to the San Clemente shoreline. Running along the entire length of the San Clemente shoreline is a portion of the Los Angeles to San Diego (Lossan) railroad corridor. The Lossan is a major passenger rail line linking San Diego to the rest of the United States. The Lossan is owned by the Orange County Transportation Authority (OCTA). This commuter rail corridor is among the busiest in the country and separates the beach from the bluff. Loss of shoreline protection and recreational beach width is a continuous problem for the city of San Clemente. Damages to coastal residential and commercial properties from storm-induced waves have become a serious threat over the past several years. The study will investigate alternatives to provide shoreline protection.

2. Alternatives

Alternatives that may be considered include non-structural and/or structural measures to provide protection against wave attack from coastal storms. Non-structural measures include beach and near-shore nourishment with dredged sand.

3. Scoping Process

The Corps and the city of San Clemente are preparing a joint Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) to address potential impacts associated with the proposed project. The Corps is the Lead Federal Agency for compliance with NEPA for the project, and the city of San Clemente is the Lead State Agency for compliance with the CEQA for the non-Federal aspects of the project. The Draft EIS/EIR (DEIS/EIR) document will incorporate public concerns in the analysis of impacts associated with the Proposed Action and associated project alternatives. The DEIS/EIR will be sent out for a 45-day public review period, during which time both written and verbal comments will be solicited on the adequacy of the document. The Final EIS/EIR (FEIS/EIR) will address the comments received on the DEIS/EIR during public review, and will be furnished to all who commented on the DEIS/EIR, and is made available to anyone that requests a copy during

the 30-day public comment period. The final step involves, for the Federal EIS, preparing a Record of Decision (ROD) and, for the state EIR, certifying the EIR and adopting a Mitigation Monitoring and Reporting Plan. The ROD is a concise summary of the decisions made by the Corps from among the alternatives presented in the FEIS/EIR. The ROD can be published immediately after the FEIS public comment period ends. A certified EIR indicates that the environmental document adequately assesses the environmental impacts of the proposed project with respect to CEQA. A formal scoping meeting to solicit public comment and concerns on the proposed action and alternatives will be held on January 10, 2002 at 7 p.m., in the Multipurpose Room (1 & 2) in the San Clemente Senior Center, 242 Avenue Del Mar, San Clemente, California.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–771 Filed 1–10–02; 8:45 am]

BILLING CODE 3710–KF–M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Matilija Dam Ecosystem Restoration Feasibility Study, Ventura County, CA

AGENCY: Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The Los Angeles District of the U.S. Army Corps of Engineers will prepare a DEIS to support the Matilija Dam Ecosystem Restoration Feasibility Study, Ventura County, California. The study area is the Matilija Dam area and downstream to the Venture River Estuary. This study will investigate feasible alternatives to restore the Matilija Creek riverine ecosystem, primarily by removing Matilija Dam. Also, feasible alternatives for the removal of sediment behind the dam and the beneficial use of that sediment will be investigated.

The DEIS will analyze the potential impacts (beneficial and adverse) on the environment of a range of alternatives, including the proposed action and the no action alternative. The Los Angeles District and the Ventura County Flood Control District will cooperate in conducting this feasibility study.

ADDRESSES: District Engineer, U.S. Army Corps of Engineers, Los Angeles District, ATTN: CESPL–PD–RQ (R. Farve), P.O. Box 532711, Los Angeles, California 90053–2325.

FOR FURTHER INFORMATION CONTACT: Mr. Rey Farve, Environmental Coordinator, telephone (213) 452–3864, or Mr. Jonathan Vivanti, Study Manager, telephone (213) 452–3809.

SUPPLEMENTARY INFORMATION:

1. Authorization

This feasibility study was authorized by U.S. House of Representatives Committee Resolution on Transportation and Infrastructure (Docket 2593), dated April 15, 1999, which states, in part: ''that the Secretary of the Army is requested to review the report of the Chief of Engineers on the Ventura River, Ventura County, California, published as House Document 323, 77th Congress, 1st Session, and other pertinent reports, with a view to determining whether any modifications of the recommendations contained therein are advisable at this time, in the interest of environmental restoration and protection, and related purposes, with particular attention to restoring anadromous fish populations on Matilija Creek and returning natural sand replenishment to Ventura and other Southern California beaches.''

2. Background

Matilija Dam is located on Matilija Creek, a tributary of the Ventura River, approximately 16 miles upstream from the Pacific Ocean. The dam is located in Ventura County California, approximately 7 miles and 25 miles from the Cities of Ojai and Ventura, California, respectively. The feasibility study area currently includes the Matilija Dam and the area immediately upstream, and downstream of the dam to the Ventura River Estuary. The non-federal sponsor of the feasibility study is the Ventura County Flood Control District.

Matilija Dam was constructed in the late 1940's by Ventura County Flood Control to provide water storage for agricultural needs. Matilija Dam is a concrete arch structure 190 feet in height with an arc length of 620 feet at its crest. Sediment carried by Matilija Creek has deposited behind the dam and filled the reservoir, rendering the structure useless as a water storage facility. It is estimated that 6,000,000 cubic yards of sediment lies trapped behind the dam.

The dam no longer provides any flood control protection due to sedimentation behind the dam. There is some continued water supply use. The Casitas Municipal Water District currently operates the dam under a lease agreement from the County of Ventura, which expires in 2009. The operation is an integral part of the Robles/Casitas Reservoir water supply facilities and is estimated to currently contribute approximately 400 acre-feet of water per year. This water function, however, is projected to diminish rapidly as the reservoir continues to fill with sediments, and is expected to effectively cease by 2010 after the reservoir fills completely with sediment.

Presently, the dam is considered to be a major contributor to the declining numbers of steelhead trout in Matilija Creek. If no action is taken to secure passage for the steelhead trout to reach the upper watershed and its tributaries, the dam will continue to obstruct this endangered species, thereby limiting the amount of spawning and rearing habitat. In addition, the dam would continue to act as a barrier for wildlife movement for other terrestrial and aquatic species.

3. Alternatives

The feasibility study will focus on addressing the problems and needs caused by Matilija Dam with the primary objective of the feasibility study being to restore the Matilija Creek riverine ecosystem. Other objectives that are considered appropriate may involve possible beneficial use of the sediment behind the dam for beach nourishment or other environmental restoration.

In general, alternative plans will investigate reasonable alternatives to restore Matilija Creek, primarily by removing Matilija Dam. Feasible alternatives for the removal of sediment behind the dam and the beneficial use of that sediment will also be investigated. Significant beneficial impacts to the riverine ecosystem (especially to steelhead trout) are expected from restoration alternatives identified in the feasibility study.

4. Scoping Process

Participation of all interested Federal, State, and County agencies, groups with environmental interests, and any interested individuals are encouraged. Public involvement will be most beneficial and worthwhile in identifying the scope of pertinent, significant environmental issues to be addressed, identifying and eliminating from detailed study issues that are not significant, offering useful information such as published or unpublished data, providing direct personal experience or knowledge which informs decision making, and recommending suitable mitigation measures to offset potential impacts from the proposed action or alternatives.

A public scoping meeting is scheduled at the Ventura County Hall of Administration, County Board of Supervisors Meeting Room, 800 South Victoria Avenue, Ventura, CA 93009 at 7 pm on January 31, 2002. The purpose of the scoping meeting will be to gather information from the general public or interested organizations about issues and concerns that they would like to see addressed in the DEIS. Comments may be delivered in writing or verbally at the meeting or sent in writing to the Los Angeles District at the address given above. The scoping period will conclude March 12, 2002.

5. Availability of the DEIS

The DEIS is expected to be available to the public for review and comment beginning in the winter of 2004.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–772 Filed 1–10–02; 8:45 am]

BILLING CODE 3710–KF–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Joint Environmental Impact Statement/ Environmental Impact Report for the Ventura Harbor Sand Bypass System and Regional Beneficial Reuse Feasibility Study, Ventura, CA

AGENCY: U.S. Army Corps of Engineers (Corps), DoD.

ACTION: Notice of intent.

SUMMARY: The Corps and the Ventura Port District propose to evaluate a sand bypassing system and other measures to improve maintenance of Federal harbors in the Ventura/Santa Barbara County area for more efficient operations and beneficial uses of the dredged material for storm damage protection and environmental restoration and enhancement.

FOR FURTHER INFORMATION CONTACT: Questions regarding the scoping process or preparation of the EIS/EIR may be directed to Mr. Paul Rose, Chief, Environmental Resources Branch, U.S. Army Corps of Engineers, P.O. Box 532711, Los Angeles, California, 90053–2325, (213) 452–3840.

SUPPLEMENTARY INFORMATION:

1. Proposed Action

For the Sand Bypassing component of the study, the purpose of the report shall focus on the alternatives for the sand bypassing system needed for accommodating the annual required dredge volume.

For the Regional Beneficial Use component, the purpose is to provide beneficial uses of the material for the Ventura County region for a proposed sand bypassing system at Ventura Harbor, California. The report shall be based on the Ventura Harbor Sand Bypass Regional Beneficial Uses Reconnaissance Report (Los Angeles District, 1997), to modify the existing federal navigation project for the purpose of providing regional uses of the dredged material for storm damage protection, environmental restoration and enhancement, and other beneficial uses.

Ventura Harbor is a small craft commercial and recreational harbor located approximately one hundred (100) kilometers northwest of the City of Los Angeles. The Los Angeles District currently maintains navigable channels by dredging an entrance channel and several sand traps outside of the harbor. The two (2) primary sand traps have a total capacity of approximately 640,000 m^3 and are located at the seaward end of the entrance channel and adjacent to the upcoast side of the North Jetty. Presently the Los Angeles District maintenance project is designed to dredge every two (2) years at an estimated dredge quantity of 615,000 m^3 per episode. Due to annual budgetary constraints, the Los Angeles District, in practice, maintains the entrance channel and sand traps on a yearly basis, removing on the average approximately 535,000 m^3 of sand per dredging episode. Fiscal year 2000 dredging resulted in the removal of approximately 140,000 m^3 from the navigation channel and channel trap, and approximately 320,000 m^3 from sand trap adjacent to the North Jetty. The dredged sands have historically been placed directly onto McGrath State Beach, in the nearshore environment adjacent to McGrath State Beach, directly onto South Beach, or, on a few occasions, onto the upcoast groin field cell.

2. Alternatives

Alternatives that may be considered include selection of various disposal sites as well as various sites and dredging methodologies for the dredging side of the bypass system, continued use of periodic dredging with beach/ nearshore disposal, and no-project.

3. Scoping Process

The Corps and the Ventura Port District are preparing a joint Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) to address potential impacts associated with the proposed project. The Corps is the Lead Federal Agency for compliance with NEPA for the project, and the Ventura Port District is the Lead State Agency for compliance with the CEQA for the non-Federal aspects of the project. The Draft EIS/EIR (DEIS/EIR) document will incorporate public concerns in the analysis of impacts associated with the Proposed Action and associated project alternatives. The DEIS/EIR will be sent out for a 45-day public review period, during which time both written and verbal comments will be solicited on the adequacy of the document. The Final EIS/EIR (FEIS/EIR) will address the comments received on the DEIS/EIR during public review, and will be furnished to all who commented on the DEIS/EIR, and is made available to anyone that requests a copy during the 30-day public comment period. The final step involves, for the federal EIS, preparing a Record of Decision (ROD) and, for the state EIR, certifying the EIR and adopting a Mitigation Monitoring and Reporting Plan. The ROD is a concise summary of the decisions made by the Corps from among the alternatives presented in the FEIS/EIR. The ROD can be published immediately after the FEIS public comment period ends. A certified EIR indicates that the environmental document adequately assesses the environmental impacts of the proposed project with respect to CEQA. A formal scoping meeting to solicit public comment and concerns on the proposed action and alternatives will be held on January 8, 2002, at 6:00 P.M., in the Channel Islands National Park Visitor Center, 1901 Spinnaker Drive, Ventura, California.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–770 Filed 1–10–02; 8:45 am]

BILLING CODE 3710–KF–M

DEPARTMENT OF DEFENSE

Department of the Army

Armed Forces Epidemiological Board (AFEB); Open Meeting

AGENCY: Office of The Surgeon General, DoD.

ACTION: Notice of meeting.

SUMMARY: In accordance with section 10(a)(2) of Pub. L. 92–463, The Federal Advisory Committee Act, this announces the forthcoming AFEB meeting. This Board will meet from 0730–1630 on Tuesday, 19 February 2002, and 0730–1300 on Wednesday, 20 February 2002. The purpose of the

meeting is to address pending and new Board issues, provide briefings for Board members on topics related to ongoing and new Board issues, conduct subcommittee meetings, and conduct an executive working session. The meeting location will be at the Island Club North Island Naval Air Station, 3629 Tulagi Road, Building 4, San Diego, California 92155–5000.

This meeting will be open to the public, but limited by space accommodations. Any interested person may attend, appear before or file statements with the committee at the time and in the manner permitted by the committee.

FOR FURTHER INFORMATION CONTACT: Lt Col. James R. Riddle, Executive Secretary, Armed Forces Epidemiological Board, Skyline Six, 5109 Leesburg Pike, Room 682, Falls Church, Virginia 22041–3258, (703) 681–8012/3.

SUPPLEMENTARY INFORMATION: None.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–769 Filed 1–10–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Navy

Meeting of the Board of Advisors to the Superintendent, Naval Postgraduate School

AGENCY: Department of the Navy, DoD.

ACTION: Notice of open meeting.

SUMMARY: The purpose of the meeting is to elicit the advice of the board on the Naval Service's Postgraduate Education Program. The board examines the effectiveness with which the Naval Postgraduate School is accomplishing its mission. To this end, the board will inquire into the curricula, instruction, physical equipment, administration, state of morale of the student body, faculty, and staff; fiscal affairs; and any other matters relating to the operation of the Naval Postgraduate School as the board considers pertinent. This meeting will be open to the public.

DATES: The meetings will be held on Monday, February 4, 2002 from 8:30 a.m. to 4 p.m. and on Tuesday, February 5, 2002 from 8 a.m. to 12 p.m.

ADDRESSES: The meetings will be held at the National Defense University, Fort McNair, Hill Conference Room, Roosevelt Hall, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mrs. Jaye Panza, Naval Postgraduate School, 1 University Circle, Monterey, CA, 93943–5000, telephone number (831) 656–2514.

Dated: January 7, 2002.

T.J. Welsh,

Lieutenant Commander, Judge Advocate General's Corp, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 02–696 Filed 1–10–02; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Partially Exclusive Patent License; Tracey A. Dodenhoff

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Tracey A. Dodenhoff, a revocable, nonassignable, partially exclusive license to practice in the United States, the Government-owned inventions described in U.S. Patent No. 5,769,084, issued June 23, 1998, entitled ''Method and Apparatus For Diagnosing Sleep Breathing Disorders'' and U.S. Patent Application Serial No. 09/724,402, filed on November 28, 2000, entitled ''Method and Apparatus For diagnosing Sleep Breathing Disorders While A Patient Is Awake'' in the field of underwater acoustic systems.

DATES: Anyone wishing to object to the grant of this license has fifteen (15) days from the date of this notice to file written objections along with supporting evidence, if any.

ADDRESSES: Written objections are to be filed with the Naval Undersea Warfare Center Division, Newport, 1176 Howell St., Bldg. 112T, Code 00OC, Newport, RI 02841.

FOR FURTHER INFORMATION CONTACT: Mr. M.J. McGowan, Deputy Counsel—Patents, Naval Undersea Warfare Center Division, Newport, 1176 Howell St., Bldg. 112T, Code 00OC, Newport, RI 02841, telephone (401) 832–4736.

(**Authority:** 35 U.S.C. 207, 37 CFR part 404)

Dated: January 7, 2002.

T.J. Welsh,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 02–695 Filed 1–10–02; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before February 11, 2002.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10202, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the Internet address *Lauren_Wittenberg@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: January 7, 2002.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Student Financial Assistance

Type of Review: Revision.

Title: Child Care Provider Loan Forgiveness Application and Forgiveness Forbearance Form.

Frequency: Annually.

Affected Public: Individuals or household; Businesses or other for-profit; Not-for-profit institutions; Federal Government; state, local, or tribal gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden: Responses: 2,790. Burden Hours: 618.

Abstract: The Child Care Provider Loan Forgiveness Application is used to determine whether borrowers meet the eligibility requirements for Child Care Provider Loan Forgiveness Program which is a demonstration program administered on a first-come, first-serve basis (subject to the availability of funds) and is intended to bring more highly trained individuals into the early child care field for longer periods. Under this program, individuals who work full-time in certain child care facilities that serve low-income families and meet other qualifications may be eligible to have up to 100% of their Direct Loan and/or Federal Family Education Loan (FFEL) program loan forgiven. The Child Care Provider Loan Forgiveness Forbearance Form is required to fulfill program guidance that provides forbearance for child care providers and to determine the child care providers eligibility for forbearance.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the Internet address *OCIO_RIMG@ed.gov* or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Joseph Schubart at his Internet address *Joe.Schubart@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 02–682 Filed 1–10–02; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before February 11, 2002.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10202, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the Internet address *Lauren_Wittenberg@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: January 7, 2002.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Bilingual Education and Minority Language Affairs

Type of Review: New.

Title: Descriptive Study of the Emergency Immigrant Education Program.

Frequency: Semi-Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs; Businesses or other for-profit.

Reporting and Recordkeeping Hour Burden: Responses: 555. Burden Hours: 317.

Abstract: The goals of the Descriptive Study of Immigrant Education are to provide information about: (1) The types of programs and services for immigrant children and youth and best practices for serving this population; (2) the degree to which immigrant students are meeting state standards; and (3) the way in which services are paid for and provided. This study will include case studies of 15 districts that represent diverse circumstances and populations, and a range of approaches to serving recent immigrant children and youth.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the Internet address *OCIO_RIMG@ed.gov* or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at (202) 708–6287 or via her Internet address *Sheila.Carey@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 02–720 Filed 1–10–02; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA No. 84.116J]

Fund for the Improvement of Postsecondary Education—Special Focus Competition: European Community—United States of America Cooperation Program in Higher Education and Vocational Education and Training; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2002

Purpose of Program: To provide grants or enter into cooperative agreements to improve postsecondary education opportunities by focusing on problem areas or improvement approaches in postsecondary education.

Eligible Applicants: Institutions of higher education and vocational education and training or combinations of institutions and other public and private nonprofit educational institutions and agencies.

Deadline for Transmittal of Applications: April 1, 2002.

Deadline for Intergovernmental Review: May 15, 2002.

Applications Available: January 14, 2002.

Available Funds: $840,000 in fiscal year 2002; $2,370,000 over three years.

Estimated Range of Awards: $25,000–$200,000 total for up to three years.

Estimated Average Size of Awards: $25,000 for one-year preparatory projects; $35,000 for one-year complementary activities projects; $75,000 for two-year complementary activities projects; $50,000 for year one of a three-year consortia implementation project with a $200,000 three-year total.

Estimated Number of Awards: 12.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, 85, 86, 97, 98, and 99.

SUPPLEMENTARY INFORMATION: Under the Special Focus Competition, we will award grants or enter into cooperative agreements that focus on problem areas or improvement approaches in postsecondary education. We have included an invitational priority to encourage proposals designed to support the formation of educational consortia of institutions and organizations in the United States and the European Union to encourage cooperation in the coordination of curricula, the exchange of students and the opening of educational opportunities between the United States and the European Union. The invitational priority is issued in cooperation with the European Union. European institutions participating in any consortium proposal responding to the invitational priority may apply to the European Commission's Directorate General for Education and Culture for additional funding under a separate European competition.

Priority

The Secretary is particularly interested in applications that meet the following invitational priority. However, an application that meets this invitational priority does not receive competitive or absolute preference over other applications (34 CFR 75.105(c)(1)).

Invitational Priority: Projects that support consortia of institutions of higher education that promote institutional cooperation and student mobility between the United States and the Member States of the European Union.

Methods for Applying Selection Criteria

The Secretary gives equal weight to the listed criteria. Within each of the criteria, the Secretary gives equal weight to each of the factors.

Selection Criteria

In evaluating applications for grants under this program competition, the Secretary uses selection criteria chosen from those listed in 34 CFR 75.210.

For Applications Contact: Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398, Telephone (toll free) 1–877–433–7827, fax (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free) 1–877–576–7734. You may also contact ED Pubs at its web site: *http://www.ed.gov/pubs/edpubs.html* or you may contact ED Pubs at its e-mail address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.116J. You may also request application forms by calling 732–544–2504 (fax on demand), or application guidelines by calling 202–358–3041 (voice mail) or submitting the name of the competition and your name and postal address to *FIPSE@ed.gov* (e-mail).

Applications are also listed on the FIPSE Web Site: *http://www.ed.gov/FIPSE* e-APPLICATIONS are available at: *http://e-grants.ed.gov.*

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339. For additional program information call the FIPSE office (202–502–7500) between the hours of 8 a.m. and 5 p.m., Eastern Time, Monday through Friday.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact number listed under *For Applications Contact.*

Individuals with disabilities also may obtain a copy of the application package in an alternative format by contacting that number. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

Application Procedures

Note: Some of the procedures in these instructions for transmitting applications differ from those in EDGAR (34 CFR 75.102). Under the Administrative Procedure Act (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed regulations. However, these amendments make procedural changes only and do not establish new substantive policy. Therefore, under 5 U.S.C. 553(b)(A), the Secretary has determined that proposed rulemaking is not required.

Pilot Project for Electronic Submission of Applications

In Fiscal Year 2002 the U.S. Department of Education is continuing to expand its pilot project of electronic submission of applications to include additional grant programs and additional discretionary grant competitions. The European Community-United States of America Cooperation Program in Higher Education and Vocational Education and Training CFDA 84.116J is included in the pilot project. If you are an applicant under the European Community-United States of America Cooperation Program in Higher Education and Vocational Education and Training, you may submit your application to us in either electronic or paper format.

The pilot project involves the use of the Electronic Grant Application System (e-APPLICATION, formerly e-GAPS) portion of the Grant Administration and Payment System (GAPS). We request your participation in this pilot project. We shall continue to evaluate its success and solicit suggestions for improvement.

If you participate in this e-APPLICATION pilot, please note the following:

- Your participation is voluntary.
- You will not receive any additional point value or penalty because you submit a grant application in electronic or paper format.
- You can submit all documents electronically, including the Title Page, (substitutes for the ED Form 424), Budget Information-Non-Construction Programs (substitutes for the ED Form 524), and all necessary assurances and certifications.
- Within three working days of submitting your electronic application fax a signed copy of the Title Page to the Application Control Center after following these steps:

1. Print the Title Page from the e-APPLICATION system.

2. Make sure that the institution's Authorizing Representative signs this form.

3. Before faxing this form, submit your electronic application via the e-APPLICATION system. You will receive an automatic acknowledgement, which will include a PR/Award number (an identifying number unique to your application).

4. Place the PR/Award number in the upper right hand corner of the Title Page.

5. Fax the Title Page to the Application Control Center at (202) 260–1349.

• We may request that you give us original signatures on all other forms at a later date.

You may access the electronic grant application for the European Community-United States of America Cooperation Program in Higher Education and Vocational Education and Training at: *http://e-grants.ed.gov.*

Due to software upgrades, it is anticipated that the e-Application software will be unavailable for several days in mid-January. The tentative dates for this system down time are January 11–21, 2002. Please check this site for future updates on system availability.

We have included additional information about the e-APPLICATION pilot project (see Parity Guidelines between Paper and Electronic Applications) in the application package.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *www.ed.gov/legislation/FedRegister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.access.gpo.gov/nara/index.html.*

Program Authority: 20 U.S.C. 1138–1138d.

Dated: January 8, 2002.

Kenneth W. Tolo,

Acting Deputy Assistant Secretary for Policy, Planning and Innovation, Office of Postsecondary Education.

[FR Doc. 02–728 Filed 1–10–02; 8:45 am]

BILLING CODE 4001–01–U

DEPARTMENT OF EDUCATION

[CFDA No. 84.116N]

Fund for the Improvement of Postsecondary Education—Special Focus Competition (Institutional Cooperation and Student Mobility in Postsecondary Education Among the United States, Canada and Mexico); Notice Inviting Applications for New Awards for Fiscal Year (FY) 2002

Purpose of Program: To provide grants or enter into cooperative agreements to improve postsecondary education opportunities by focusing on problem areas or improvement approaches in postsecondary education.

Eligible Applicants: Institutions of higher education or combinations of institutions and other public and private nonprofit institutions and agencies.

Applications Available: January 18, 2002.

Deadline for Transmittal of Applications: March 29, 2002.

Deadline for Intergovernmental Review: July 15, 2002.

Available Funds: $300,000 for FY 2002.

Estimated Range of Awards: $30,000 for FY 2002.$200,000–$215,000 for four-year duration of grant.

Estimated Average Size of Awards: $30,000 for FY 2002. $210,000 for four-year duration of grant.

Estimated Number of Awards: 10.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 48 months.

Page Limit: The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit your narrative to the equivalent of no more than twenty (20) double-spaced pages using the following standards:

• A ''page'' is 8.5″ × 11″ on one side only, with 1″ margins at the top, bottom, and both sides.

• Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

• Use a font that is either 12-point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to the title page, the budget section, including the narrative budget justification, the assurances and certifications, the resumes, the bibliography, or the letters of support.

Our reviewers will not read any pages of your application narrative that—

• Exceed the page limit if you apply these standards; or

• Exceed the equivalent of the page limit if you apply other standards.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, 85, 86, 97, 98, and 99.

Supplementary Information: This program is a Special Focus Competition to support projects addressing a particular problem area or improvement approach in postsecondary education. The competition also includes an invitational priority to encourage proposals designed to support the formation of educational consortia of American, Canadian and Mexican institutions to encourage cooperation in the coordination of curricula, the exchange of students and the opening of educational opportunities throughout North America. The invitational priority is issued in cooperation with Canada and Mexico. Canadian and Mexican institutions participating in any consortium proposal responding to the invitational priority may apply, respectively, to Human Resources Development Canada and the Mexican Department of Public Education for additional funding under separate Canadian and Mexican competitions.

Priority

We are particularly interested in applications that meet the following invitational priority.

Under 34 CFR 75.105(C)(1) we do not give an application that meets the invitational priority a competitive or absolute preference over other applications.

Invitational Priority: Projects that support consortia of institutions of higher education that promote institutional cooperation and student mobility among the United States, Canada, and Mexico.

Methods for Applying Selection Criteria

We give equal weight to the listed criteria. Within each of the criteria, we give equal weight to each of the factors.

Selection Criteria

In evaluating applications for grants under this program competition, we use selection criteria chosen from those listed in 34 CFR 75.210 of EDGAR.

For Applications or Information Contact: Fund for the Improvement of Postsecondary Education (FIPSE), U.S. Department of Education, 1990 K Street, NW, 8th Floor, Washington, DC 20006–8544. You may also request application forms by calling 732–544–2504 (fax on demand), or application guidelines by

calling 202–358–3041 (voice mail) or submitting the name of the competition and your name and postal address to *FIPSE@ED.GOV* (e-mail).

Applications are also listed on the FIPSE Web Site: *http://www.ed.gov.FIPSE*

e–APPLICATIONS are available at: *http://e-grants.ed.gov*

If you use a telecommunications device for the deaf (TDD) you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339. For additional program information call the FIPSE office (202–502–7500) between the hours of 8 a.m. and 5 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact number listed under **For Applications or Information Contact.**

Individuals with disabilities also may obtain a copy of the application package in an alternative format by contacting that number. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

Application Procedures

Note: Some of the procedures in these instructions for transmitting electronic applications differ from those in the Education Department General Administrative Regulations (EDGAR) (34 CFR 75.102). Under the Administrative Procedure Act (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed regulations. However, these amendments make procedural changes only and do not establish new substantive policy. Therefore, under 5 U.S.C. 553(b)(A), the Secretary has determined that proposed rulemaking is not required.

Pilot Project for Electronic Submission of Applications

In Fiscal Year 2002, the U.S. Department of Education is continuing to expand its project of electronic submission of applications to include additional formula grant programs and additional discretionary grant competitions. The Program for North American Mobility in Higher Education (CFDA No. 84.116N) is one of the programs included in this project. If you are an applicant under the Program for North American Mobility in Higher Education, you may submit your application to us in either electronic or paper format.

The pilot project involves the use of the Electronic Grant Application System (e–APPLICATION, formerly e–GAPS) portion of the Grant Administration and Payment System (GAPS). We request your participation in this pilot project. We shall continue to evaluate its success and solicit suggestions for improvement.

- If you participate in this e-APPLICATION pilot, please note the following:
- Your participation is voluntary.
- You will not receive any additional point value or penalty because you submit a grant application in electronic or paper format.
- You can submit all documents electronically, including the Title Page, (substitutes for the ED Form 424), Budget Summary Form (substitutes for the ED Form 524), and all necessary assurances and certifications.
- Within three working days of submitting your electronic application fax a signed copy of the Title Page (replaces ED 424) to the ApplicationQ Control Center after the following these steps:

1. Print the Title Page from the e-APPLICATION system.
2. Make sure that the institution's Authorizing Representative signs this form.
3. Before faxing this form, submit your electronic application via the e-APPLICATION system. You will receive an automatic acknowledgement, which will include a PR/Award number (an identifying number unique to your application).
4. Place the PR/Award number in the upper right hand corner of the Title page.
5. Fax the Title page to the Application Control Center at (202) 260–1349 within three working days of submitting your electronic application.

- We may request that you give us original signatures on all other forms at a later date.

You may access the electronic grant application for the Program for North American Mobility in Higher Education at: *http://e-grants.ed.gov.*

Due to software upgrades, it is anticipated that the e-Application software will be unavailable for several days in mid-January. The tentative dates for this system down time are January 11–21, 2002. Please check this site for future updates on system availability.

We have included additional information about the e-APPLICATION pilot project (see Parity Guidelines between Paper and Electronic Applications) in the application package.

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To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO) toll free at 1–888–293–6498; or in the Washington DC, area at (202) 512–1530.

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Program Authority: 20 U.S.C. 1138–1138d.

Dated: January 8, 2002.

Kenneth W. Tolo,

Acting Deputy Assistant Secretary, Policy Planning and Innovation, Office of Postsecondary Education.

[FR Doc. 02–729 Filed 1–10–02; 8:45 am]

BILLING CODE 4001–01–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–4512–002, et al.]

Consolidated Water Power Company, et al.; Electric Rate and Corporate Regulation Filings

January 7, 2002.

Take notice that the following filings have been made with the Commission. Any comments should be submitted in accordance with Standard Paragraph E at the end of this notice.

1. Consolidated Water Power Company

[Docket No. ER98–4512–002]

Take notice that on December 27, 2001, Consolidated Water Power Company (CWPCo) tendered for filing with the Federal Energy Regulatory Commission (Commission) an updated market analysis pursuant to Commission Order.

Comment Date: January 17, 2002.

2. Cinergy Services, Inc.

[Docket No. ER02–677–000]

Take notice that on January 2, 2002, Cinergy Services, Inc. (Provider) tendered for filing a Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (OATT) entered into between Provider and Cinergy Services, Inc. (Customer) (AREF# 69637578).This service agreement has a yearly firm transmission service with American

Electric Power via the Gibson Unit Nos. 1–5 Generating Station.

Provider and Customer are requesting an effective date of January 1, 2002.

Comment Date: January 22, 2002.

3. Cinergy Services, Inc.

[Docket No. ER02–678–000]

Take notice that on January 2, 2002, Cinergy Services, Inc. (Provider) tendered for filing a Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (OATT) entered into between Provider and Cinergy Services, Inc. (Customer) (AREF# 69637579). This service agreement has a yearly firm transmission service with American Electric Power via the Gibson Unit Nos. 1–5 Generating Station.

Provider and Customer are requesting an effective date of January 1, 2002.

Comment Date: January 22, 2002.

4. Cinergy Services, Inc.

[Docket No. ER02–679–000]

Take notice that on January 2, 2002, Cinergy Services, Inc. (Provider) tendered for filing a Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (OATT) entered into between Provider and Allegheny Energy Supply Company, LLC (Customer) (OASIS# 69630559). This service agreement has a yearly firm transmission service with American Electric Power via Enron Wheatland Control Area.

Provider and Customer are requesting an effective date of January 1, 2002.

Comment Date: January 22, 2002.

5. Cinergy Services, Inc.

[Docket No. ER02–680–000]

Take notice that on January 2, 2002, Cinergy Services, Inc. (Provider) tendered for filing a Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (OATT) entered into between Provider and Cinergy Services, Inc. (Customer) (AREF# 69634099). This service agreement has a yearly firm transmission service with Ameren via the Gibson Unit Nos. 1–5 Generating Station.

Provider and Customer are requesting an effective date of January 1, 2002.

Comment Date: January 22, 2002.

6. Cinergy Services, Inc.

[Docket No. ER02–681–000]

Take notice that on January 2, 2002, Cinergy Services, Inc. (Provider) tendered for filing a Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (OATT) entered into between Provider and Allegheny Energy Supply Company, LLC (Customer) (OASIS# 69630557). This service agreement has a yearly firm transmission service with American Electric Power via Enron Wheatland Control Area.

Provider and Customer are requesting an effective date of January 1, 2002.

Comment Date: January 22, 2002.

7. Cinergy Services, Inc.

[Docket No. ER02–682–000]

Take notice that on January 2, 2002, Cinergy Services, Inc. (Provider) tendered for filing a Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (OATT) entered into between Provider and Cinergy Services, Inc. (Customer) (AREF# 69637581). This service agreement has a yearly firm transmission service with Dayton Power & Light via the Miami Fort Generating Station.

Provider and Customer are requesting an effective date of January 1, 2002.

Comment Date: January 22, 2002.

8. Cinergy Services, Inc.

[Docket No. ER02–683–000]

Take notice that on January 2, 2002, Cinergy Services, Inc. (Provider) tendered for filing a Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (OATT) entered into between Provider and Cinergy Services, Inc. (Customer) (AREF# 69652525).This service agreement has a yearly firm transmission service with Louisville Operating Companies via the Gibson Unit Nos. 1–5 Generating Station.

Provider and Customer are requesting an effective date of January 1, 2002.

Comment Date: January 22, 2002.

9. Cinergy Services, Inc.

[Docket No. ER02–684–000]

Take notice that on January 2, 2002, Cinergy Services, Inc. (Provider) tendered for filing a Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (OATT) entered into between Provider and Cinergy Services, Inc. (Customer) (AREF# 69637945). This service agreement has a yearly firm transmission service with Louisville Operating Companies via the Gibson Unit Nos. 1–5 Generating Station.

Provider and Customer are requesting an effective date of January 1, 2002.

Comment Date: January 22, 2002.

10. Commonwealth Edison Company

[Docket No. ER02–685–000]

Take notice that on January 2, 2002, Commonwealth Edison Company (ComEd) submitted for filing with the Federal Energy Regulatory Commission (Commission) revised interconnection agreements between ComEd and its affiliate, Exelon Generation Company. ComEd requests an effective date for the revised interconnection agreements of January 3, 2002, and, accordingly, seeks waiver of the Commission's notice requirements. ComEd states that a copy of the filing was served on Exelon Generation Company and the Illinois Commerce Commission.

Comment Date: January 22, 2002.

11. American Transmission Company LLC

[Docket No. ER02–558–001]

Take notice that on January 2, 2002, American Transmission Company LLC (ATCLLC) tendered for filing a revised Exhibit 1 to the Generation-Transmission Interconnection Agreement (Substitute Revised Service Agreement No. 79) between ATCLLC and Wisconsin Electric Power Company.

ATCLLC requests an effective date of January 1, 2001.

Comment Date: January 22, 2002.

12. Ameren Energy, Inc. on behalf of Union Electric Company d/b/a AmerenUE and Ameren Energy Generating Company

[Docket No. ER02–674–000]

Take notice that on January 2, 2002, Ameren Energy, Inc. (Ameren Energy), on behalf of Union Electric Company d/b/a AmerenUE and Ameren Energy Generating Company (collectively, the Ameren Parties), pursuant to section 205 of the Federal Power Act, 16 U.S.C. 824d, and the market rate authority granted to the Ameren Parties, submitted for filing umbrella power sales service agreements under the Ameren Parties' market rate authorizations entered into with DTE Energy Trading, Inc. Ameren Energy seeks Commission acceptance of these service agreements effective November 21, 2001.

Copies of this filing were served on the public utilities commissions of Illinois and Missouri and the respective counterparty.

Comment Date: January 22, 2002.

13. Ameren Energy, Inc. on behalf of Union Electric Company d/b/a AmerenUE and Ameren Energy Generating Company

[Docket No. ER02–675–000]

Take notice that on December 28, 2001, Ameren Energy, Inc. (Ameren Energy), on behalf of Union Electric Company d/b/a AmerenUE and Ameren

Energy Generating Company (collectively, the Ameren Parties), pursuant to section 205 of the Federal Power Act, 16 U.S.C. 824d, and the market rate authority granted to the Ameren Parties, submitted for filing umbrella power sales service agreement under the Ameren Parties' market rate authorizations entered into with *TXU Energy Trading Company*. Ameren Energy seeks Commission acceptance of these service agreements effective November 8, 2001.

Copies of this filing were served on the public utilities commissions of Illinois and Missouri and the respective counterparty.

Comment Date: January 22, 2002.

14. Consolidated Water Power Company

[Docket No.ER02–676–000]

Take notice that on January 2, 2002, Consolidated Water Power Company (CWP) tendered for filing with the Federal Energy Regulatory Commission (Commission) an umbrella service agreement with WPS Energy Services (WPS) under CWP's market-based rates tariff, FERC Electric Rate Schedule No. 1. CWP states that it has served the Customer with a copy of this filing.

CWP requests that the umbrella service agreement be made effective on January 1, 2002.

Comment Date: January 22, 2002.

15. Dresden Energy, LLC, Fairless Energy, LLC (formerly S.W.E.C., LLC), Armstrong Energy Limited Partnership, LLLP, Troy Energy, LLC

[Docket Nos. ER02–22–001, ER02–23–001, ER02–24–001, ER02–25–001]

Take notice that on January 3, 2002, Dresden Energy, LLC, Fairless Energy, LLC, Armstrong Energy Limited Partnership, LLLP, and Troy Energy, LLC tendered for filing with the Federal Energy Regulatory Commission (Commission) a revised Market-Based Rate Tariff, FERC Electric Tariff, Original Volume No. 1 (Revised Tariff) to comply with a letter order issued by the Commission on December 19, 2001, in the above-captioned proceedings (Letter Order). Dresden Energy, LLC, S.W.E.C., LLC, Armstrong Energy Limited Partnership, LLLP, and Troy Energy, LLC, 97 FERC ¶ 61,277 (2001). S.W.E.C., LLC changed its name to Fairless Energy, LLC and the company filing reflects the name change.

Copies of the filing were served upon the Ohio Public Service Commission, The Public Service Commission of West Virginia, The Pennsylvania Public Service Commission, and the Virginia State Corporation Commission.

Comment Date: January 24, 2002.

16. GNE, LLC

[Docket No. ER02–159–001]

Take notice that on January 3, 2002, GNE, LLC (GNE) tendered its compliance filing with the Federal Energy Regulatory Commission (Commission) to the Commission's letter order issued December 19, 2001 herein granting its application for authorization to sell electric power at market based rates.

Comment Date: January 24, 2002.

17. Mirant Delta, LLC, Mirant Potrero, LLC

[Docket No. ER02–198–001]

Take notice that on January 2, 2002, Mirant Delta, LLC and Mirant Potrero, LLC (collectively, Mirant) submitted with the Federal Energy Regulatory Commission (Commission) a filing in compliance with the Commission's directives in Mirant Delta, LLC and Mirant Potrero, LLC, 97 FERC ¶ 61,284 (2001).

Comment Date: January 23, 2002.

18. Boston Edison Company, Cambridge Electric Light Company, Commonwealth Electric Company

[Docket No. ER02–246–001]

Take notice that on January 3, 2002, Boston Edison Company (BECo), Cambridge Electric Light Company (Cambridge) and Commonwealth Electric Company (Commonwealth) (collectively, the NSTAR Companies), tendered for filing revised Market-Based Rate Tariffs, FERC Electric Tariffs, Original Volume Nos. 10, 10 and 8 respectively to comply with a letter order issued by the Commission on December 19, 2001 in the above-captioned proceedings. NSTAR Companies, 97 FERC ¶ 61,288 (2001).

The NSTAR Companies state that they served copies of the filing on the Massachusetts Department of Telecommunications and Energy.

Comment Date: January 23, 2002.

19. American Transmission Company LLC

[Docket No. ER02–285–001]

Take notice that on January 3, 2002, American Transmission Company LLC (ATCLLC) tendered for filing a Compliance Filing in association with ATCLLC's earlier filing (dated November 7, 2001) of its proposed revisions its Open Access Transmission Tariff to provide for ATCLLC's collection of must run generation costs from network customers on a phase-in basis. ATCLLC's Compliance Filing incorporates certain modifications identified in the Commission's Order conditionally accepting tariff changes proposed by ATCLLC, to be effective December 1, 2001, Wisconsin Electric Power Company, 97 FERC ¶ 61,337 (2001).

Comment Date: January 23, 2002.

20. Delmarva Power & Light Company

[Docket No. ER02–634–001]

Take notice that on January 2, 2002, Delmarva Power & Light Company (Delmarva) tendered for filing a cover sheet and a revised page 44 to supplement its December 28, 2001 filing of an executed Interconnection Agreement between Delmarva and the Delaware Municipal Electric Corporation (DEMEC).

Delmarva respectfully requests that the Interconnection Agreement with the cover sheet and revised page 44 to become effective on December 31, 2001, the date on which Delmarva originally requested the Interconnection Agreement to become effective.

Copies of the filing were served upon the Delaware Public Service Commission, the Maryland Public Service Commission and the Virginia State Corporation Commission.

Comment Date: January 22, 2002.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

C. B. Spencer,

Acting Secretary.

[FR Doc. 02–697 Filed 1–10–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act; Notice of Meeting

January 8, 2002.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: January 16, 2002 (30 Minutes Following Regular Commission Meeting).

PLACE: Room 2C, 888 First Street, NE., Washington, DC 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Docket No. RM02–4–000, Critical Energy Infrastructure Information, Docket No. PL02–1–000, Treatment of Previously Public Documents.

CONTACT PERSON FOR MORE INFORMATION: C.B. Spencer, Acting Secretary, Telephone (202) 208–0400.

C.B. Spencer,

Acting Secretary.

[FR Doc. 02–840 Filed 1–9–02; 10:00 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act: Notice of Meeting

January 9, 2002.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C 552B:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: January 16, 2002, 10:00 a.m.

PLACE: Room 2C, 888 First Street, NE., Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda,

*** Note—** Items Listed on the Agenda May Be Deleted Without Further Notice.

CONTACT PERSON FOR MORE INFORMATION: C.B. Spencer, Acting Secretary, Telephone (202) 208–0400, for a Recording Listing Items Stricken From or Added to the Meeting, Call (202) 208–1627.

This is a list of matters to be considered by the commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the reference and information center.

781st—Meeting January 16, 2002, Regular Meeting, 10:00 a.m.

Administrative Agenda

A–1.
Docket# AD02–1, 000, Agency Administrative Matters

A–2.
Docket# AD02–7, 000, Customer Matters, Reliability, Security and Market Operations

Markets, Tariffs and Rates—Electric

E–1.
Docket# AD02–6, 000, Infrastructure Discussion in the Northeast

E–2.
Omitted

E–3.
Docket# ER02–407, 000, Geysers Power Company, LLC

E–4.
Omitted

E–5.
Docket# QF87–492, 003, American Ref-Fuel Company of Delaware Valley, L.P.

E–6.
Docket# ER00–1379, 000, Ameren Services Company
Other#s ER00–1386, 000, Ameren Services Company
ER00–2068, 000, Ameren Services Company
ER00–2361, 000, Ameren Services Company
ER00–2365, 000, Ameren Services Company
ER00–2365, 001, Ameren Services Company
ER01–1969, 000, Ameren Services Company

E–7.
Docket# ER02–371, 000, American Electric Power Service Corporation

E–8.
Omitted

E–9.
Docket# TX02–1, 000, Pinnacle West Capital Corporation

E–10.
Docket# TX97–8, 000, PECO Energy Company

E–11.
Docket# TX98–2, 000, Public Service Company of Colorado

E–12.
Docket# ER99–4392, 001, Southwest Power Pool, Inc.

E–13.
Omitted

E–14.
Docket# ER02–146, 000, CalPeak Power-Panoche LLC
Other#s ER02–147, 000, CalPeak Power-Vaca Dixon LLC
ER02–148, 000, CalPeak Power-Enterprise LLC
ER02–149, 000, CalPeak Power-Border LLC

E–15.
Docket# ER02–381, 000, Southwestern Electric Power Company

E–16.
Omitted

E–17.
Docket# ER02–394, 000, International Transmission Company

E–18.
Omitted

E–19.
Docket# EL00–62, 037, ISO New England, Inc.

E–20.
Docket# EL01–89, 001, Morgan Stanley Capital Group Inc. v. California Independent System Operator Corporation

Miscellaneous Agenda

M–1.
Reserved

Markets, Tariffs and Rates—Gas

G–1.
Docket# RP99–301, 035, ANR Pipeline Company

G–2.
Docket# RP01–190, 000, Kern River Gas Transmission Company

G–3.
Omitted

G–4.
Docket# RP02–85, 000, Tennessee Gas Pipeline Company
Other#s RP02–114, 000, Tennessee Gas Pipeline Company

G–5.
Docket# RP01–292, 000, Mississippi River Transmission Corporation
Other#s TM00–1–25, 000, Mississippi River Transmission Corporation
TM00–1–25, 001, Mississippi River Transmission Corporation
TM00–1–25, 002, Mississippi River Transmission Corporation
TM00–1–25, 003, Mississippi River Transmission Corporation
TM00–1–25, 004, Mississippi River Transmission Corporation
TM00–1–25, 005, Mississippi River Transmission Corporation
TM00–1–25, 006, Mississippi River Transmission Corporation
TM00–1–25, 007, Mississippi River Transmission Corporation
TM00–1–25, 008, Mississippi River Transmission Corporation
RP01–292, 001, Mississippi River Transmission Corporation
RP01–292, 002, Mississippi River Transmission Corporation
RP01–292, 003, Mississippi River Transmission Corporation
RP01–292, 004, Mississippi River Transmission Corporation
RP01–292, 005, Mississippi River Transmission Corporation

G–6.
Omitted

G–7.
Omitted

G–8.
Docket# RP00–325, 006, Colorado Interstate Gas Company
Other#s RP01–38, 003, Colorado Interstate Gas Company

G–9.
Omitted

G–10.
Docket# RM01–9, 000, Reporting of Natural Gas Sales to the California Market

G–11.
Docket# PR01–15, 001, Green Canyon Pipe Line Company, L.P.
G–12.
Docket# RP00–390, 003, Granite State Gas Transmission, Inc.
Other#s RP00–390, 002, Granite State Gas Transmission, Inc.

Energy Projects—Hydro

H–1.
Omitted
H–2.
Docket# AD02–8, 000, Third Report to Congress on Appropriateness of Statutory Limit on Government Dam Annual Charges under Section 10(e) of the Federal Power Act
H–3.
Omitted
H–4.
Docket# P–2216, 056, New York Power Authority
H–5.
Docket# P–2107, 011, Pacific Gas and Electric Company

Energy Projects—Certificates

C–1.
Docket# CP01–94, 000, Nornew Energy Supply, Inc. and Norse Pipeline, L.L.C.
Other#s CP01–95, 000, Nornew Energy Supply, Inc.
CP01–96, 000, Nornew Energy Supply, Inc.
CP01–97, 000, Nornew Energy Supply, Inc. and Norse Pipeline, L.L.C.
C–2.
Docket# CP02–10, 000, Transcontinental Gas Pipe Line Corporation
C–3.
Docket# CP01–442, 000, Black Marlin Pipeline Company, MCNIC Black Marlin Offshore Company and WBI Offshore Pipeline, Inc.
Other#s CP00–140, 000, Black Marlin Pipeline Company, MCNIC Black Marlin Offshore Company and WBI Offshore Pipeline, Inc.
C–4.
Docket# CP01–22, 002, North Baja Pipeline LLC
Other#s CP01–23, 000, North Baja Pipeline LLC
CP01–24, 000, North Baja Pipeline LLC
CP01–25, 000, North Baja Pipeline LLC
CP01–22, 000, North Baja Pipeline LLC
C–5.
Omitted
C–6.
Docket# CP01–80, 001, East Tennessee Natural Gas Company

C.B. Spencer,

Acting Secretary.

[FR Doc. 02–844 Filed 1–9–02; 11:00 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[NV068–NOA; FRL–7128–1]

Adequacy Status of the Clark County, Nevada Submitted PM10 Attainment Plan for Transportation Conformity Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Adequacy Determination.

SUMMARY: In this notice, EPA is notifying the public that we have found that the motor vehicle emissions budgets contained in the submitted Clark County (Las Vegas, NV) serious area fine particulate matter (PM10) attainment plan are adequate for transportation conformity purposes. As a result of our finding, the Clark County Regional Transportation Commission and the Federal Highway Administration must use the PM10 motor vehicle emissions budgets from the submitted plan for future conformity determinations.

DATES: This determination is effective January 28, 2002.

FOR FURTHER INFORMATION CONTACT: The finding is available at EPA's conformity web site: *http://www.epa.gov/oms/traq*, (once there, click on the ''Conformity'' button, then look for ''Adequacy Review of SIP Submissions for Conformity''). You may also contact Karina O'Connor, U.S. EPA, Region IX, Air Division AIR–2, 75 Hawthorne Street, San Francisco, CA 94105; (775) 687–4670 ext. 3112 or *oconnor.karina@epa.gov*.

SUPPLEMENTARY INFORMATION:

Background

This notice announces our finding that the emissions budgets contained in the *PM10 State Implementation Plan for Clark County*, submitted by the State of Nevada on July 23, 2001, are adequate for transportation conformity purposes. EPA Region IX made this finding in a letter to the Nevada Division of Environmental Protection on November 9, 2001. We are also announcing this finding on our conformity web site: *http://www.epa.gov/oms/traq*, (once there, click on the ''Conformity'' button, then look for ''Adequacy Review of SIP Submissions for Conformity'').

Transportation conformity is required by section 176(c) of the Clean Air Act. Our conformity rule requires that transportation plans, programs, and projects conform to state air quality implementation plans (SIPs) and establishes the criteria and procedures for determining whether or not they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP's motor vehicle emission budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). One of these criteria is that the plan provide for attainment of the relevant ambient air quality standard by the applicable Clean Air Act attainment date. We have preliminarily determined that the Clark County PM10 plan does provide for attainment of the PM10 standards and, therefore, can be found adequate.

We have described our process for determining the adequacy of submitted SIP budgets in guidance (May 14, 1999 memo titled ''Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision''). We followed this guidance in making our adequacy determination on the emissions budgets contained in the Clark County PM10 plan.

Authority: 42 U.S.C. 7401–7671q.

Dated: December 16, 2001.

Wayne Nastri,

Regional Administrator, Region IX.

[FR Doc. 02–704 Filed 1–10–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6625–4]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of FederalActivities, General Information (202)564–7167 *www.epa.gov/oeca/ofa.*

Weekly receipt of Environmental Impact Statements
Filed December 31, 2001 Through January 04, 2002
Pursuant to 40 CFR 1506.9.

EIS No. 020000, FINAL EIS, AFS, ID, MT, LemhiPass National Historic Landmark Management Plan, Implementation, Beaverhead-Deerlodge National Forest, Beaverhead County, MT and Salmon-Challis National Forest, Lemhi County, ID, Wait Period Ends: February 11, 2002, Contact: Katie R. Bump (406) 683–3955.

EIS No. 020001, FINAL EIS, BLM, NV, Phoenix Project, Current Mining Operations and Processing Activities Expansion, Battle Mountain, Plan of Operations Approval, Lander County,

NV, Wait Period Ends: February 11, 2002, Contact: Pam Jarnecke (775) 635–4144. This document is available on the Internet at: *http://www.nv.blm.gov/battlemountain.*

EIS No. 020002, DRAFT EIS, FHW, TN, Route 475 (Knoxville Beltway) Construction, I–75 south of Knoxville to I–75 north of Knoxville, Funding, US Army COE Section 10 and 404 Permits and NPDES Permit Issuance, Loudon, Roane, Knox and Anderson Counties, TN , Comment Period Ends: February 25, 2002, Contact: Charles S. Boyd (615) 781–5770.

EIS No. 020003, FINAL EIS, FHW, MO, US 65 Improvements, County Road 65–122 South to Route EE Intersection south of Buffalo, Funding and US Army COE Section 404 Permit Issuance, Dallas County, MO , Wait Period Ends: February 11, 2002, Contact: Don Neumann (573) 636–7104.

EIS No. 020004, DRAFT SUPPLEMENT, NOA, Pelagic Sargassum Habitat Fishery Management Plan, Implementation, Updated Information concerning the Public's Opportunity to Comment on Proposed Actions South Atlantic Region, Comment Period Ends: February 25, 2002, Contact: Joseph E. Powers (727) 570–5301.

EIS No. 020005, FINAL EIS, AFS, ID, Little Weiser Landscape Vegetation Management Project, Implementation, Council Ranger District, Payette National Forest, Adams County, ID, Wait Period Ends: February 11, 2002, Contact: Faye Krueger (208) 253–0100. This document is available on the Internet at: http://fs.fed.us/r4/payette/main.html.

EIS No. 020006, DRAFT SUPPLEMENT, NOA, CA, San Francisco Bay National Estuarine Research Reserve, Proposed Designation of Three Sites: China, Camp State Park, Brown's Island Regional Parks District and Rush Ranch Open Space Preserve, Additional Information regarding Commercial Navigation and Socioeconomic Issues, Contra Costa, Marin, and Solano Counties, CA, Comment Period Ends: February 25, 2002, Contact: Nina Garfield (301) 713–3132.

EIS No. 020007, DRAFT EIS, BOR, AZ, NV, CA, Implementation Agreement (IA), Inadvertent Overrun and Payback Policy (IOP), and Related Federal Actions, Implementation, Quantification Settlement Agreement (QSA), Lower Colorado River, In the States of AZ, CA and NV, Comment Period Ends: March 12, 2002, Contact: Bruce D. Ellis (602) 216–3854.

EIS No. 020008, FINAL EIS, FRC, AZ, CA, North Baja Pipeline Project, Docket Nos. CP01–22-000 and CP01–23–000, Construction and Operation A New Natural Gas Transmission Pipeline, Land Use Plan Amendment, Right-of-Way Grant, NPDES, COE Section 10 and 404 Permits, La Praz and Yuma Counties, AZ and Imperial, Kern, Riverside, Palo Verde, San Bernardino and San Diego Counties, Wait Period Ends: February 11, 2002, Contact: Lynda Kastoll (760) 337–4421.

EIS No. 020009, FINAL EIS, AFS, MT, Threemile Stewardship Project, Proposed Short-Term and Long-Term Vegetation and Road Management Activities, Ashland Ranger District, Custer National Forest, Powder and Rosebud Counties, MT, Wait Period Ends: February 11, 2002, Contact: Nancy T. Curriden (406) 657–6200.

Amended Notices

EIS No. 010531, DRAFT EIS, UAF, CA, EL Rancho Road Bridge Project, To Provide a Flood-Free Crossing at San Antonia Creek to Access North Vandenberg Air Force Base, Santa Barbara County, CA , Comment Period Ends: February 25, 2002, Contact: Jack Bush (703) 604–0553. Revision of FR Notice Published on 12/21/2001: CEQ Comment Period Ending 02/04/2002 has been extended to 02/25/2002.

Dated: January 8, 2002.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 02–721 Filed 1–10–02; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6625–5]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260–5076. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated May 18, 2001 (66 FR 27647).

Draft EISs

ERP No. D–AFS–J65009–00 Rating LO, Programmatic EIS—Kootena, Idaho Panhandle, and Lolo National Forests, Forest Plan Amendments for Access Management within the Selkirk and Cabinet-Yaak Grizzly Bear Recovery Zones, ID, WA and MT.

Summary: EPA generally supports the Forest Service's preferred alternative for grizzly bear management based on site-specific conditions and projects. EPA questions whether resources are sufficient to implement the preferred alternatives and road management for water quality.

ERP No. D–NPS–K65080–AZ Rating LO, Sunset Crater Volcano National Monument, General Management Plan, Implementation, Flagstaff Area, Coconina County, AZ.

Summary: EPA has no objections to the Park Service's preferred management plans for three National Monuments in the Flagstaff area.

ERP No. D–NPS–K65081–AZ Rating LO, Wupatki National Monument, General Management Plan, Implementation, Flagstaff Area, Coconina County, AZ.

Summary: EPA has no objections to the Park Services's preferred management plans for three National Monuments in the Flagstaff area.

ERP No. D–NPS–K65082–AZ Rating LO, Walnut Canyon National Monument, General Management Plan, Implementation, Flagstaff Area, Coconina County, AZ.

Summary: EPA has no objections to the Park Service's preferred management plans for three National Monuments in the Flagstaff area.

ERP No. DS–COE–E34030–FL Rating LO, Central and Southern Florida Project, Indian River Lagoon-South Feasibility Study, Additional Information, Restoration, Protection and Preservation, Canals denoted; C–23, C–24, C–25 and C–44, Comprehensive Everglades Restoration Plan, (CERP), Martin and St. Lucie Counties, FL.

Summary: EPA supports the positive water quality and habitat benefits which should result from the proposed IRLS plan.

ERP No. DS–GSA–K81011–CA Rating EC2, Los Angeles Federal Building—U.S. Courthouse, Construction of a New Courthouse in the Civic Center, Additional Information, City of Los Angeles, Los Angeles County, CA.

Summary: EPA expressed continued environmental concerns with the lack of information regarding comments GSA received on the DEIS, building space requirements, and traffic and air quality impacts.

Final EISs

ERP No. F–FHW–G40163–TX IH–10 West from Taylor Street to FM–1489, Construction and Reconstruction,

Central Business District (CBD), Funding, Right-of-Way Permit and US Army COE Section 404 Permit Issuance, Harris, Fort Bend and Waller Counties, TX.

Summary: EPA had no further comments to offer on the FinalEnvironmental Impact Statement.

Dated: January 8, 2002.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 02–722 Filed 1–10–02; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7128–2]

National Advisory Council for Environmental Policy and Technology; Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: Under the Federal Advisory Committee Act, P.L. 92463, EPA gives notice of a meeting of the National Advisory Council for Environmental Policy and Technology (NACEPT). NACEPT provides advice and recommendations to the Administrator of EPA on a broad range of environmental policy and management issues.

NACEPT consists of a representative cross-section of EPA's partners and principle constituents who provide advice and recommendations on policy issues and serve as a sounding board for new strategies that the Agency is developing.

NACEPT has identified emerging environmental issues and trends facing the Agency and will present a draft report and recommendations to the EPA. In addition, NACEPT will report on the work and status of subcommittees and workgroups. NACEPT will also determine next steps in continuing its role as a strategic and visionary advisory group. The meeting will be preceded by a new member administrative orientation session on January 28, 2002.

DATES: NACEPT will hold a two-day public meeting on Tuesday, January 29, 2002, from 8:30 a.m. to 5:00 p.m., and Wednesday, January 30, 2002, from 8:30 a.m. to 1:00 p.m. A pre-meeting orientation for newly appointed NACEPT members will take place from 2:00–5:00 p.m. on Monday, January 28, 2002.

ADDRESSES: The meeting will be held at the Hilton Alexandria Old Town located at 1767 King Street, Alexandria, VA. The hotel is conveniently located across from the King Street Metro.

SUPPLEMENTARY INFORMATION: Materials or written comments to the Council can be sent to Peter Redmond, Designated Federal Officer/NACEPT, using the contact information below (e-mail is preferred). Also, contact Mr. Redmond for copies of the draft report on emerging trends and issues. The public is welcome to attend all portions of the meeting; members of the public expecting to submit written comments and/or make brief oral statements (suggested 5-minute limit) during the public comment session are encouraged to contact Mr. Redmond by January 22, 2002.

Meeting Access: Individuals requiring special accommodation at this meeting, including wheelchair access, should contact Mr. Redmond at least five business days prior to the meeting so that appropriate arrangements can be made.

FOR FURTHER INFORMATION CONTACT: Peter G. Redmond, Designated Federal Officer/NACEPT, *redmond.peter@epa.gov,* (ph) 202–564–1292, (fax) 202–501–0661, U.S. EPA, Office of Cooperative Environmental Management (1601A), 1200 Pennsylvania Avenue NW, Washington, D.C. 20460.

Dated: January 7, 2002.

Peter G. Redmond,

Designated Federal Officer/NACEPT,Office of Cooperative Environmental Management.

[FR Doc. 02–705 Filed 1–10–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL 7127–9]

EPA Science Advisory Board; Notification of Public Advisory Committee Meeting

Pursuant to the Federal Advisory Committee Act, Pub. L. 92–463, notice is hereby given that the Ecological Reporting Panel of the US EPA Science Advisory Board's (SAB) Ecological Processes and Effects Committee (EPEC) will conduct a public teleconference on February 8, 2002 from 12:00 noon to 3:00 pm Eastern Standard Time.

Purpose of the Meeting—The purpose of the meeting will be to finalize the Panel's report, A Framework for Reporting on Ecological Condition. The report is a result of a strategic project begun by the Ecological Processes and Effects Committee several years ago to assist the Agency to more systematically assess and report on the condition of ecological resources for decision-makers and the public. The strategic project arose from the Committee's experience reviewing a number of Agency programs and projects such as those designed to assess ecological risks, define biological criteria, monitor and report on watershed condition. Given the time frame of the strategic project, and the need to set it aside from time to time to conduct priority peer reviews for the Agency, new members were appointed to EPEC over the course of the project and the terms of other members ended. For this reason, the current Ecological Reporting Panel is composed of a subset of both past and present members of EPEC and is reporting directly to the SAB Executive Committee.

Availability of Review Materials—Because the Panel is not conducting a review, there are no Agency materials associated with the meeting. When the Panel reaches agreement on the draft report, it will be forwarded to the SAB Executive Committee for their consideration. At that time, the draft report will be posted to the SAB Website (*http://www.epa.gov/sab*).

For Further Information—Any member of the public wishing further information concerning this meeting or wishing to submit brief oral comments (3 minutes or less) must contact Ms. Stephanie Sanzone, Designated Federal Officer, EPA Science Advisory Board (1400A), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone (202) 564–4561; FAX (202) 501–0582; or via e-mail at *sanzone.stephanie@epa.gov*. Requests for oral comments must be *in writing* (e-mail, fax or mail) and received by Ms. Sanzone no later than noon Eastern Time on February 5, 2002. Additional instructions on how to participate in the conference call may be obtained by contacting Mary Winston at (202) 564–4538, or via e-mail at winston.mary@epa.gov.

Providing Oral or Written Comments at SAB Meetings

It is the policy of the EPA Science Advisory Board to accept written public comments of any length, and to accommodate oral public comments whenever possible. The EPA Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements.

Oral Comments: In general, each individual or group requesting an oral presentation at a face-to-face meeting

will be limited to a total time of ten minutes (unless otherwise indicated). For teleconference meetings, opportunities for oral comment will usually be limited to no more than three minutes per speaker and no more than fifteen minutes total. Deadlines for getting on the public speaker list for a meeting are given above. Speakers should bring at least 35 copies of their comments and presentation slides for distribution to the reviewers and public at the meeting. *Written Comments:* Although the SAB accepts written comments until the date of the meeting (unless otherwise stated), written comments should be received in the SAB Staff Office at least one week prior to the meeting date so that the comments may be made available to the committee for their consideration. Comments should be supplied to the appropriate DFO at the address/contact information noted above in the following formats: one hard copy with original signature, and one electronic copy via e-mail (acceptable file format: WordPerfect, Word, or Rich Text files (in IBM–PC/Windows 95/98 format). Those providing written comments and who attend the meeting are also asked to bring 25 copies of their comments for public distribution.

General Information—Additional information concerning the EPA Science Advisory Board, its structure, function, and composition, may be found on the SAB Website (*http://www.epa.gov/sab*) and in The FY2000 Annual Report of the Staff Director which is available from the SAB Publications Staff at (202) 564–4533 or via fax at (202) 501–0256. Committee rosters, draft Agendas and meeting calendars are also located on our website.

Meeting Access—Individuals requiring special accommodation at this meeting, including wheelchair access to the conference room, should contact the Ms. Sanzone at least five business days prior to the meeting so that appropriate arrangements can be made.

Donald G. Barnes,

Staff Director, EPA Science Advisory Board.

[FR Doc. 02–703 Filed 1–10–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[CA069–EMF, FRL–7128–4]

Official Release of EMFAC2000 Motor Vehicle Emission Factor Model for Use in the San Francisco Bay Area; State of California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: EPA is approving and announcing the availability of the latest version of the California EMFAC model for use in ozone State Implementation Plan (SIP) development in the San Francisco Bay Area. EPA is approving the model for use in the Bay Area with certain conditions due to technical limitations of the model. The model is only approved for use in development of ozone motor vehicle emission factors for SIP development and future conformity determinations in the San Francisco Bay Area.

DATES: This determination is effective Jnauary 11, 2002.

FOR FURTHER INFORMATION CONTACT: Karina O'Connor (775) 687–4670, x3112, Air Planning Office (AIR–2), Air Division, U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, California.

SUPPLEMENTARY INFORMATION:

I. Background

A. What Is the EMFAC Model?

The EMFAC model is part of the California Air Resources Board's (CARB's) Motor Vehicle Emission Inventory (MVEI) modeling system. The first three models in the system are the CALIMFAC, the WEIGHT and the EMFAC models. The CALIMFAC model estimates emission rates for California on-road vehicles when the vehicle is new and as it ages. The WEIGHT model determines each vehicle model year's accumulated mileage and the relative weight each vehicle model year should be given in the California statewide emission inventory. The EMFAC model combines the results from these two models, along with correction factors and other data, to produce emission factors for the entire California vehicle fleet.

B. Why Are We Announcing Our Approval of the EMFAC Model?

Clean Air Act section 172(c)(3) and 40 CFR 51.112(a)(1) require that SIP inventories be based on the most current and applicable emission estimation models that are available at the time the SIP is developed. Clean Air Act section 176(c)(1) requires that the latest emission estimates be used in transportation conformity analyses. Transportation conformity is a Clean Air Act requirement to ensure that federally supported highway and transit activities are consistent with (''conform to'') the SIP. Conformity to a SIP means that a transportation activity will not cause or contribute to new violations of ambient air quality standards; worsen existing violations; or delay timely attainment of such standards.

Under 40 CFR 93.111(a), EPA must approve new versions of EMFAC for SIP development before they can be used in conformity analyses. In its November 30, 2001 letter, CARB requested that EPA approve EMFAC2000 for use in Bay Area ozone SIP development and transportation conformity determinations. EPA notes that EMFAC2000 would normally be considered the latest emissions model for statewide use in California SIP development (rather than an interim update to the EMFAC model as EMFAC7G was an interim update to EMFAC7F). EMFAC2000 is a significant change from previous EMFAC models and is capable of calculating motor vehicle emissions for all California areas. However, EMFAC2000 is now known to contain technical limitations. It would be inappropriate to approve EMFAC statewide for all SIPs and conformity determinations.

C. Why Is EPA Approving This Version of EMFAC for Only Ozone Emission Analyses in the Bay Area?

EPA is approving EMFAC2000 for ozone SIP development for only the Bay Area at this time. EPA is proceeding with this approval because: (1) EMFAC2000 is an improvement on existing available models despite certain technical limitations; and (2) CARB has committed to revise the Bay Area ozone attainment SIP's motor vehicle emissions budgets with EMFAC2001 or a successor model as part of its mid-course review SIP revision in April 2004. Additionally, we understand that the next EMFAC model will correct EMFAC2000's technical limitations and be available for use in all future California SIPs. Therefore, CARB does not currently intend to develop other SIPs with EMFAC2000.

II. EPA Action

A. What Version of EMFAC Is EPA Approving?

In this notice, EPA is approving and announcing that EMFAC 2000, as developed by CARB and submitted for approval to EPA on November 30, 2001,

is available to use in the development of ozone motor vehicle emission estimates in the Bay Area, as described above. Note that CARB refers to EMFAC in its request for approval as the SF Bay Area-EMFAC 2000.

B. When Will the Technical Limitations in EMFAC 2000 Be Corrected?

CARB will fix the technical errors in EMFAC 2000 in its next version of EMFAC. At this time EPA understands that EMFAC2001 or its successor will be released by CARB before any additional California SIPs are submitted to EPA. EMFAC2001 or its successor will also include a user interface so local agencies can examine alternative scenarios and update local data (e.g., vehicle miles traveled (VMT), fleet characteristics). The future model will allow transportation agencies to complete their own conformity determinations. Note that the Bay Area SIP includes CARB's commitment to revise the SIP with the latest technical information as part of its mid-course review in April 2004, which was subject to the state public comment process. EPA understands that California will not be submitting EMFAC2001 or its successor for EPA approval until early 2003, so that CARB's submission of the mid-course review using the newly available model will occur within one year of EPA's approval of EMFAC2001 or its successor. This is consistent with EPA's past practice where older versions of models such as the national MOBILE model have been used prior to release of newer versions of the model that make certain corrections in emission estimation.

C. What Pollutants Can EMFAC2000 Be Used To Estimate?

EPA is approving the model only for use to estimate ozone emissions. Since this approval is specific to ozone for the Bay Area, carbon monoxide microscale analyses in the Bay Area should continue to be based on EMFAC7F.

D. Will a Conformity Grace Period for the Entire State of California Be Started by This Approval of EMFAC2000?

No. The transportation conformity rule (40 CFR part 93.111) requires that conformity analyses be based on the latest motor vehicle emissions model approved by EPA for SIP purposes for a state or area. When EPA approves a new emissions model like EMFAC2000, we normally establish a grace period before the model is required for new conformity analyses (40 CFR 93.111(b)). However, as explained above, EMFAC2000 is known to contain a few technical problems. Due to the limitations of EMFAC2000, it would be inappropriate to approve EMFAC2000 statewide for all SIP planning, and thus to require its use for conformity determinations in all areas, particularly those without a SIP and budgets based on EMFAC2000. Based on discussions with CARB, EPA understands that EMFAC2001 or its successor will correct the limitations and include additional improvements. Therefore, EPA is not approving EMFAC2000 for statewide SIP planning, and a conformity grace period for the entire state will not be established for EMFAC2000.

Although EPA's potential approval of EMFAC2001 or its successor will not occur until farther into the future, EPA currently intends to establish a grace period before EMFAC2001 or its successor would be required for new transportation conformity analyses across the state of California. From now until the end of such a grace period, nonattainment and maintenance areas outside the Bay Area can continue to use EMFAC7F and EMFAC7G as appropriate for new conformity analyses. For more information about the use of EMFAC7F and EMFAC7G, please see the April 16, 1998, EPA Region IX letter to CARB describing the applicability of these models for conformity analyses.

EMFAC2000 will apply for all future ozone conformity analyses in the Bay Area until one of the following two scenarios occurs (1) a revised attainment SIP and budgets with EMFAC2001 or its successor are submitted and EPA has found these revised budgets adequate or (2) the grace period for EMFAC2001 or its successor has expired. Since EPA is approving EMFAC2000 for use in the Bay Area based on CARB's commitment to revise the Bay Area ozone SIP once an improved model is available, EPA intends to approve the motor vehicle emission budgets in any Bay Area ozone SIP only until new budgets developed with the new model are submitted and found adequate for conformity purposes.

E. Will any Special Requirements Apply to Bay Area Conformity Analyses Using EMFAC2000?

Since EMFAC2000 contains VMT estimates developed by CARB, CARB has committed in its November 30, 2001 letter requesting approval of EMFAC2000, to work with the Metropolitan Transportation Commission (MTC) to complete future conformity analyses in the Bay Area. Once EMFAC2001 or its successor is approved generally for use in California, MTC, like other MPOs, should be able to use the EMFAC model to examine alternative scenarios with its own VMT estimates for future conformity analyses.

III. Summary of EPA Actions

EPA is approving EMFAC2000 as submitted by CARB on November 30, 2001 with the following limitations and conditions.

(1) The approval is limited to the Bay Area.

(2) The approval is limited to ozone.

(3) No statewide conformity grace period will be triggered.

(4) CARB will correct the technical limitations in EMFAC2001 or its successor, and EPA understands that the new model will be released by CARB for EPA approval before any additional California SIPs are submitted to EPA.

(5) CARB will revise the Bay Area ozone SIP with EMFAC2001 or its successor in its mid-course review of the Bay Area SIP by April 2004.

Dated: January 4, 2002.

Wayne Nastri,

Regional Administrator, Region IX.

[FR Doc. 02–756 Filed 1–10–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[PB–402404–IL; FRL–6815–5]

Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; State of Illinois Authorization Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On October 12, 2001, the State of Illinois submitted an application for EPA final approval to administer and enforce training and certification requirements, training program accreditation requirements, and work practice standards for lead-based paint activities in target housing and child-occupied facilities under section 402 of the Toxic Substances Control Act. This notice announces the receipt of Illinois' application, provides a 45–day public comment period, and provides an opportunity to request a public hearing on the application. Illinois has provided a certification that its program meets the requirements for approval of a State program under section 404 of TSCA. Therefore, pursuant to section 404, the program is deemed authorized as of the date of submission. If EPA finds that the program does not meet the requirements for approval of a State program, EPA will disapprove the program, at which

time a notice will be issued in the **Federal Register** and the federal program will take effect in Illinois.

DATES: Comments, identified by docket control number PB–402404–IL, must be received on or before February 25, 2002. In addition, a public hearing request may be submitted on or before February 25, 2002.

ADDRESSES: Comments and the public hearing request may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number PB–402404–IL in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Larisa Leonova, State of Illinois Project Officer, Pesticides and Toxics Branch (DT-8J), Environmental Protection Agency, Region V, 77 West Jackson Blvd., Chicago, IL 60604; telephone: (312) 353–5838; e-mail address: leonova.larisa@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to firms and individuals engaged in lead-based paint activities in Illinois. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document or Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this **Federal Register** notice document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents''. You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number PB–402404–IL. The official record consists of the documents specifically referenced in this action, this notice, the State of Illinois's authorization application, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The docket is located at the EPA Region V Office, Environmental Protection Agency, Waste, Pesticides and Toxics Division, Pesticides and Toxics Branch, Toxics Program Section, (DT-8J), 77 West Jackson Blvd, Chicago, IL 60604.

C. How and to Whom Do I Submit Comments and Hearing Requests?

You may submit comments and hearing requests through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number PB–402404–IL in the subject line on the first page of your response.

1. *By mail.* Submit your comments and hearing requests to: Environmental Protection Agency, Region V, Waste, Pesticides and Toxics Division, Pesticides and Toxics Branch, (DT-8J), 77 West Jackson Blvd, Chicago, IL 60604.

2. *In person or by courier.* Deliver your comments and hearing requests to: Environmental Protection Agency, Waste, Pesticides and Toxics Division, Pesticides and Toxics Branch, (DT-8J), 77 West Jackson Blvd, Chicago, IL 60604. The regional office is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

3. *Electronically.* You may submit your comments and hearing requests electronically by e-mail to: leonova.larisa@epamail.epa.gov or mail your computer disk to the address identified above. Do not submit any information electronically that you consider to be CBI. Electronic comments and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data and hearing requests will also be accepted on standard disks in WordPerfect 6.1/8.0 file format. All comments and hearing requests in electronic form must be identified by docket control number PB–402404–IL. Electronic comments and hearing requests may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI Information That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FURTHER INFORMATION CONTACT.**

II. Background

A. What Action is the Agency Taking?

The State of Illinois has provided a certification letter stating that its lead-based paint training and certification self-certified program meets the requirements for authorization of a State program under section 404 of TSCA and has requested final approval of the Illinois lead-based paint training and certification program. Therefore, pursuant to section 404 of TSCA, the program is deemed authorized as of the date of submission (i.e., October 12, 2001). If EPA subsequently finds that the program does not meet all the requirements for approval of a State program, EPA will work with the State to correct any deficiencies in order to approve the program. If the deficiencies are not corrected, a notice of disapproval will be issued in the **Federal Register** and a federal program will be implemented in the State.

Pursuant to section 404(b) of TSCA, 15 U.S.C. 2684(b), EPA provides notice and an opportunity for a public hearing on a State or Tribal program application before approving the application. Therefore, by this notice EPA is soliciting public comment on whether the Illinois application meets the requirements for EPA approval. This notice also provides an opportunity to request a public hearing on the

application. If a hearing is requested and granted, EPA will issue a **Federal Register** notice announcing the date, time, and place of the hearing. EPA's final decision on the application will be published in the **Federal Register**.

B. What is the Agency's Authority for Taking this Action?

On October 28, 1992, the Housing and Community Development Act of 1992, Public Law 102–550, became law. Title X of that statute was the Residential Lead-Based Paint Hazard Reduction Act of 1992. That Act amended TSCA,15 U.S.C. 2601 *et seq.,* by adding Title IV (15 U.S.C. 2681–2692), titled ''Lead Exposure Reduction.''

Section 402 of TSCA authorizes and directs EPA to promulgate final regulations governing lead-based paint activities in target housing, public and commercial buildings, bridges, and other structures. Those regulations are to ensure that individuals engaged in such activities are properly trained, that training programs are accredited, and that individuals engaged in these activities are certified and follow documented work practice standards. Under section 404 of TSCA, a State may seek authorization from EPA to administer and enforce its own lead-based paint activities program.

On August 29, 1996 (61 FR 45777) (FRL–5389–9), EPA promulgated final TSCA section 402/404 regulations governing lead-based paint activities in target housing and child-occupied facilities. Those regulations are codified at 40 CFR part 745, and allow both States and Indian Tribes to apply for program authorization. Pursuant to section 404(h) of TSCA, EPA is to establish the Federal program in any State or Tribal Nation without its own authorized program in place by August 31, 1998.

States and Tribes that choose to apply for program authorization must submit a complete application to the appropriate Regional EPA Office for review. Those applications will be reviewed by EPA within 180 days of receipt of the complete application. To receive EPA approval, a State or Tribe must demonstrate that its program is at least as protective of human health and the environment as the Federal program, and provides for adequate enforcement (section 404(b) of TSCA, 15 U.S.C. 2684(b)). EPA's regulations (40 CFR part 745, subpart Q) provide the detailed requirements a State or Tribal program must meet in order to obtain EPA approval.

A State may choose to certify that its lead-based paint activities program meets the requirements for EPA approval, by submitting a letter signed by the Governor or Attorney General stating that the program meets the requirements of section 404(b) of TSCA. Upon submission of such certification letter, the program is deemed authorized. This authorization becomes ineffective, however, if EPA disapproves the application or withdraws the program authorization.

III. State Program Description Summary

The following summary of the State of Illinois proposed program has been provided by the applicant.

EPA issued correspondence to the Illinois Department of Public Health (''the Department'') dated May 6, 1999, which granted a 3–year interim approval of the Illinois Lead Poisoning Prevention Program. The interim approval authorized the Department to enforce the Illinois Lead Poisoning Prevention Act (LPPA), 410 ILCS 45, and Lead Poisoning Prevention Code (LPPC), 77 Ill Adm. Code 845, in lieu of the Federal program. The effective date of the interim approval was April 16, 1999 (published by EPA in the **Federal Register** of February 29, 2000 (65 FR 10787) (FRL–6399–4). As a condition of the interim approval, the Department was required to submit a request for full (final) approval of the Illinois Program at least 180 days prior to the expiration of the 3–year interim approval.

Illinois is hereby applying for final approval and authorization to enforce its Lead Poisoning Prevention Program (LPPA). The Department provided amended copies of the LPPA, and Lead Poisoning Prevention Act Code (LPPC), and the Program Policies that govern the administration of the program. Copies of the correspondence from the Illinois Attorney General's office indicating the inapplicability of the Illinois Environmental Audit Privilege Law to the Illinois Lead Poisoning Prevention Act and the U.S. EPA response accepting the opinion offered by the Illinois Attorney General's office were also included with this application. These materials resolve the only remaining issue dealing with the applicability of the Illinois Environmental Audit Privilege Law to the enforcement of the LPPA and LPPC. Some materials submitted with the original application have been updated and revised and are submitted with this application. They are described below and will augment parts of the Department's original application for authorization.

Illinois Lead Abatement Program

The Department implements the LPPA and Code in order to carry out lead abatement programs that are designed to diminish the incidence of lead intoxication. The primary goal of the Department's Lead Abatement Program is to protect the public's health, safety and environment by identifying lead-bearing substances which may be the source of exposure to lead in children and to ensure that lead hazards are managed, mitigated or abated through the administration and enforcement of the LPPA and the LPPC, promulgated pursuant to the LPPA. The LPPA and LPPC, originally passed in 1973, were last amended in August 2001. This enabled the Department to pursue expanded enforcement for violations of the LPPA and LPPC, including administrative fines against licensed professionals and firms for violations of the LPPA and LPPC.

Individuals seeking licensure by the State of Illinois in the abatement industry as a worker, supervisor, inspector and risk assessor must first make application to the Department. The application requires proof the individual has successfully completed an appropriate lead training course. The course and the course provider chosen by the applicant must be one that is approved by the Department and provides training comparable to 40 CFR 745.225 as provided in section 845.28 of the LPPC. All lead licenses expire annually. Application for renewal includes the successful completion of an approved refresher course that is specific to the lead field of interest every 3 years. Individuals or firms can also apply for a lead contractor's license. This requires proof that the applicant holds a certificate of financial responsibility in the form of liability insurance that specifically covers lead work. The applicant has a written standard operation procedure that includes medical monitoring and a respirator protection program as specified in the Occupational Safety and Health Administration (OSHA) regulations; (incorporated by reference in section 845.12 of the LPPC), the applicant provides a detailed description of all legal proceedings or claims filed against them concerning any lead mitigation or lead abatement activities; the applicant signs a statement that only licensed lead workers and lead supervisors will be used to conduct lead mitigation and lead abatement activities; and, that the applicant agrees to notify the Department before beginning any lead mitigation or lead abatement project.

Although the contractor applicant is not required to successfully complete a lead abatement training course, the applicant needs to employ a licensed lead supervisor and must assure that all lead abatement workers will have a valid Illinois lead worker license and that a licensed lead supervisor will oversee the project and be on-site during lead mitigation or lead abatement activities. A contractor's license must be renewed annually. Reciprocal requests for any lead license may be submitted for review and will be considered on a case by-case-basis. If, upon review of the applicant's application, it is determined that the licensing state's lead program is at least as protective as the Illinois program, the Department will issue an appropriate license. Lists of all people conducting lead activities are maintained by the Department and are available to the public upon request.

Training course providers seeking approval from the State of Illinois for initial and refresher courses for lead worker, lead supervisor, lead inspector and lead risk assessor disciplines must first make application to the Department. The application packet includes a checklist of materials submitted along with other requirements that must be satisfied before approval can be granted. All approvals are renewed annually. Audits of courses are completed by Department staff and the training course provider is notified as to the results of the audit, the deficiencies observed, and whether the course was determined to be satisfactory or not satisfactory. Training courses found not to be satisfactory are issued a notice to correct the deficiencies together with a written explanation of the items that the Department expects the provider to correct before the next training course is scheduled. A list of approved training course providers is maintained by the Department and is made available to the public upon request. Illinois does not require the certification and licensure of the project designer discipline at this time. However, additional requirements have been established to prepare licensed lead supervisors for large-scale lead abatement projects as cited in 40 CFR 745.225(d)(4). The Department has statutory authority to adopt rules for lead-based paint activities in public and commercial buildings. Where EPA provides guidance under 40 CFR 745.230, the Department will establish rules which will govern such activities as necessary to maintain authorization.

Work practice standards are established in the Illinois LPPC and in the policies and procedures of the Department. The Department has incorporated in section 845.12 of the LPPC, the U.S. Department of Housing and Urban Development (HUD) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (1995 and 1997) to enhance the work and performance standards throughout the LPPC. All inspections and risk assessments are completed by individuals holding an appropriate inspector or risk assessor license issued by the Department. Inspections and risk assessments are to be performed per incorporated HUD Guidelines. Lead mitigation and lead abatement activities are performed only by individuals or firms who hold the appropriate lead contractor license issued by the Department. The lead contractor has the responsibility to utilize documented methodologies to ensure that work is performed effectively and in a manner that protects building occupants and workers, and complies with the requirements outlined in the HUD Guidelines and the LPPC requirements.

Complaint investigations, inspections, course audits and enforcement activities are accomplished by Department staff located in the central and regional offices and through delegate agency agreements with local health departments. Central office staff provides for the licensing of individuals that conduct all lead-based activities in the state. One administrative assistant, one office administrator and three office associates process all licensure application submitted to the Department. One office associate is dedicated to support the Department's third party examination process. The third party examination is administered by an environmental health specialist III. Compliance and enforcement activities are conducted by an environmental health specialist I. A public service administrator is directly responsible for the day-to-day lead program activities, overall management of all program activities, and maintaining and revising the LPPA, LPPC and program policies to ensure compliance with more stringent requirements and documented methodologies. The public service administrator also serves as the Department Radiation Safety Officer responsible for all radioactive material utilized by the Department for lead investigations. Eight regional program staff conduct inspections on a daily basis as well as approximately 90 licensed lead risk assessors that work within our lead program as delegate agents under contract to perform the required investigations in their respective counties or municipalities. Overall program direction is provided by a senior public service administrator in the central office. Funding is established through a mandate that provides a dedicated state fund for the lead program. Revenue from licensing and training course approval fees are also directed to that fund. Departmental policy and procedure manuals provide protocol to achieve all necessary aspects of the Illinois Lead Poisoning Prevention Program. In those policies, details of activities to be implemented, standard enforcement procedures and examples of required letters may be found. Enforcement is accomplished through administrative procedures that have been referenced in the LPPA and LPPC. Violations of the LPPA and LPPC are subject to enforcement by the State's Attorney in the respective county where the violation occurred, enforcement by the Illinois Attorney General's office, and enforcement through administrative fines and penalties by the Department.

The Department participates in Environmental Justice grants from EPA to provide education and information to people who would not normally receive information about the hazards of lead through normal media. Not-for-profit associations are provided grant funds to seek out parents of children who are likely to be exposed to lead and may not be aware of the hazards associated with lead or about how to prevent lead poisoning. Additionally, the Department or its agents provide consultative services and screening to high risk target populations within Illinois for lead poisoning.

Program Description

The Illinois lead program administration and enforcement is the responsibility of the Illinois Department of Public Health.

The Illinois Environmental Protection Agency (IEPA) is responsible for administration and enforcement of hazardous waste disposal including the provisions of RCRA.

Responsible Primary Agency:

Illinois Department of Public Health, G. Michael Brandt, Chief Asbestos and Lead Section, Division of Environmental Health, 525 West Jefferson Street, Springfield, IL 62761, (217) 782–3517.

Other Participating Departments and Agencies:

Illinois Department of Public Health, Ronald Brown, Chief, Division of Health Assessment and Screening, 535 West Jefferson Street, Springfield, IL 62761, (217) 782–1227.

Illinois Environmental Protection Agency, Connie Sullinger, Office of

Chemical Safety, P.O. Box 19276, Springfield, IL 62794–9276, (217) 785–0830.

EPA is only responsible for environmental pollution control in those cases where contaminants cross the property line of the address where lead abatement or mitigation is taking place. This includes waste disposal as well as air and water pollution that may leave the property. Such issues involving waste disposal or pollutants are investigated jointly, or are referred to IEPA.

IV. Federal Overfiling

Section 404(b) of TSCA makes it unlawful for any person to violate, or fail or refuse to comply with, any requirement of an approved State or Tribal program. Therefore, EPA reserves the right to exercise its enforcement authority under TSCA against a violation of, or a failure or refusal to comply with, any requirement of an authorized State or Tribal program.

V. Submission to Congress and the Comptroller General

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

List of Subjects

Environmental protection, Hazardous substances, Lead, Reporting and recordkeeping requirements.

Dated: December 13, 2001.

Thomas V. Skinner,

Regional Administrator, Region V.

[FR Doc. 02–698 Filed 1–10–02; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2523]

Petition for Reconsideration of Action in Rulemaking Proceeding

January 8, 2002.

Petition for Reconsideration has been filed in the Commission's rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of this document is available for viewing and copying in Room CY–A257, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, Qualex International (202) 863–2893. Oppositions to this petition must be filed by January 28, 2002. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendments of FM Table of Allotment (MM Docket No. 98–112).

Number of Petitions Filed: 1.

Magalie Roman Salas,

Secretary.

[FR Doc. 02–784 Filed 1–10–02; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, 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 (44 U.S.C. chapter 35). Currently, the FDIC is soliciting comments concerning an information collection titled ''Flood Insurance.''

DATES: Comments must be submitted on or before March 12, 2002.

ADDRESSES: Interested parties are invited to submit written comments to Tamara R. Manly, Management Analyst (Regulatory Analysis), (202) 898–7453, Office of the Executive Secretary, Room F–4058, Attention: Comments/OES,Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, DC 20429. All comments should refer to ''Flood Insurance.'' Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m. [FAX number (202) 898–3838; Internet address: *comments@ fdic.gov*]. Comments may also be submitted to the OMB desk officer for the FDIC: Alexander Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Tamara R. Manly, at the address identified above.

SUPPLEMENTARY INFORMATION:

Proposal To Renew the Following Currently Approved Collection of Information

Title: Flood Insurance.

OMB Number: 3064–0120.

Frequency of Response: On occasion.

Affected Public: Any depository institution whose borrower's loan requests were secured by a building located on property in a special flood hazard area.

Estimated Number of Respondents/Recordkeepers: 5,700.

Estimated Number of Transactions: 180,000.

Estimated Reporting Hours: .05 hours × 180,000 = 9,000.

Estimated Recordkeeping Hours: 5,700 hours.

Estimated Total Annual Reporting and Recordkeeping Burden Hours: 5,700 + 9,000 = 14,700 hours.

General Description of Collection: Each supervised lending institution is currently required to provide a notice of special flood hazards to a borrower acquiring a loan secured by a building on real property located in an area identified by the Director of the Federal Emergency Management Administration as being subject to special flood hazards. The Riegle Community Development Act requires that each institution must also provide a copy of the notice to the servicer of the loan (if different from the originating lender).

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be

collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the collection should be modified prior to submission to OMB for review and approval. Comments submitted in response to this notice also will be summarized or included in the FDIC's requests to OMB for renewal of this collection. All comments will become a matter of public record.

Dated at Washington, DC, this 3rd day of January, 2002.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 02–677 Filed 1–10–02; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL HOUSING FINANCE BOARD

[No. 2001–N–14]

Federal Home Loan Bank Members Selected for Community Support Review

AGENCY: Federal Housing Finance Board.

ACTION: Notice.

SUMMARY: The Federal Housing Finance Board (Finance Board) is announcing the Federal Home Loan Bank (Bank) members it has selected for the 2000–01 eighth quarter review cycle under the Finance Board's community support requirement regulation. This notice also prescribes the deadline by which Bank members selected for review must submit Community Support Statements to the Finance Board.

DATES: Bank members selected for the 2000–01 eighth quarter review cycle under the Finance Board's community support requirement regulation must submit completed Community Support Statements to the Finance Board on or before February 28, 2002.

ADDRESSES: Bank members selected for the 2000–01 eighth quarter review cycle under the Finance Board's community support requirement regulation must submit completed Community Support Statements to the Finance Board either by regular mail at the Office of Policy, Research and Analysis, Program Assistance Division, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, or by electronic mail at *FITZGERALDE@FHFB.GOV*.

FOR FURTHER INFORMATION CONTACT: Emma J. Fitzgerald, Program Analyst, Office of Policy, Research and Analysis, Program Assistance Division, by telephone at 202/408–2874, by electronic mail at *FITZGERALDE@FHFB.GOV*, or by regular mail at the Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006. A telecommunications device for deaf persons (TDD) is available at 202/408–2579.

SUPPLEMENTARY INFORMATION:

I. Selection for Community Support Review

Section 10(g)(1) of the Federal Home Loan Bank Act (Bank Act) requires the Finance Board to promulgate regulations establishing standards of community investment or service Bank members must meet in order to maintain access to long-term advances. *See* 12 U.S.C. 1430(g)(1). The regulations promulgated by the Finance Board must take into account factors such as the Bank member's performance under the Community Reinvestment Act of 1977 (CRA), 12 U.S.C. 2901 *et seq.*, and record of lending to first-time homebuyers. *See* 12 U.S.C. 1430(g)(2). Pursuant to the requirements of section 10(g) of the Bank Act, the Finance Board has promulgated a community support requirement regulation that establishes standards a Bank member must meet in order to maintain access to long-term advances, and review criteria the Finance Board must apply in evaluating a member's community support performance. *See* 12 CFR part 944. The regulation includes standards and criteria for the two statutory factors—CRA performance and record of lending to first-time homebuyers. 12 CFR 944.3. Only members subject to the CRA must meet the CRA standard. 12 CFR 944.3(b). All members, including those not subject to CRA, must meet the first-time homebuyer standard. 12 CFR 944.3(c).

Under the rule, the Finance Board selects approximately one-eighth of the members in each Bank district for community support review each calendar quarter. 12 CFR 944.2(a). The Finance Board will not review an institution's community support performance until it has been a Bank member for at least one year. Selection for review is not, nor should it be construed as, any indication of either the financial condition or the community support performance of the member.

Each Bank member selected for review must complete a Community Support Statement and submit it to the Finance Board by the February 28, 2002 deadline prescribed in this notice. 12 CFR 944.2(b)(1)(ii) and (c). On or before January 28, 2002, each Bank will notify the members in its district that have been selected for the 2000–01 eighth quarter community support review cycle that they must complete and submit to the Finance Board by the deadline a Community Support Statement. 12 CFR 944.2(b)(2)(i). The member's Bank will provide a blank Community Support Statement Form, which also is available on the Finance Board's web site: WWW.FHFB.GOV. Upon request, the member's Bank also will provide assistance in completing the Community Support Statement.

The Finance Board has selected the following members for the 2000–01 eighth quarter community support review cycle:

Member	City	State
Federal Home Loan Bank of Boston—District 1		
Savings Bank of Danbury	Danbury	Connecticut.
American Eagle Federal Credit Union	East Hartford	Connecticut.
InsurBanc, FSB	Farmington	Connecticut.
Savings Bank Life Insurance	Hartford	Connecticut.
Dime Savings Bank of Norwich	Norwich	Connecticut.
Stafford Savings Bank	Stafford Springs	Connecticut.
Sikorsky Federal Credit Union	Stratford	Connecticut.
Torrington Savings Bank	Torrington	Connecticut.
Constitution State Corporate Credit Union Inc	Wallingford	Connecticut.
North American Bank & Trust Company	Waterbury	Connecticut.
Webster Bank	Waterbury	Connecticut.
Maine State Employee's Credit Union	Augusta	Maine.

Member	City	State
Biddeford Savings Bank	Biddeford	Maine.
Atlantic Regional Federal Credit Union	Brunswick	Maine.
Ocean National Bank of Kennebunk	Kennebunk	Maine.
Community Credit Union	Lewiston	Maine.
Rainbow Federal Credit Union	Lewiston	Maine.
Ste. Croix Regional Federal Credit Union	Lewiston	Maine.
Portland Regional Federal Credit Union	Portland	Maine.
Evergreen Credit Union	Westbrook	Maine.
The Provident Bank	Amesbury	Massachusetts.
Athol-Clinton Co-operative Bank	Athol	Massachusetts.
Citizens Bank of Massachusetts	Boston	Massachusetts.
Member Plus Credit Union	Boston	Massachusetts.
Postal Community Credit Union	Boston	Massachusetts.
TELECOM Cooperative Bank	Boston	Massachusetts.
Bridgewater Savings Bank	Bridgewater	Massachusetts.
Metropolitan Credit Union	Chelsea	Massachusetts.
Pilgrim Co-operative Bank	Cohasset	Massachusetts.
Everett Co-operative Bank	Everett	Massachusetts.
St. Anne's Credit Union of Fall River	Fall River	Massachusetts.
I–C Federal Credit Union	Fitchburg	Massachusetts.
Community National Bank	Hudson	Massachusetts.
Jeanne D'Arc Credit Union	Lowell	Massachusetts.
Washington Savings Bank	Lowell	Massachusetts.
St. Mary's Credit Union	Marlborough	Massachusetts.
Medway Co-operative Bank	Medway	Massachusetts.
Auburndale Co-operative Bank	Newton	Massachusetts.
North Easton Savings Bank	North Easton	Massachusetts.
City Savings Bank	Pittsfield	Massachusetts.
Greylock Federal Credit Union	Pittsfield	Massachusetts.
Winter Hill Federal Savings Bank	Somerville	Massachusetts.
Mt. Washington Cooperative Bank	South Boston	Massachusetts.
Webster Five Cents Savings Bank	Webster	Massachusetts.
Mutual Federal Savings Bank	Whitman	Massachusetts.
Winchester Savings Bank	Winchester	Massachusetts.
Ledyard National Bank	Hanover	New Hampshire.
Monadnock Community Bank	Peterborough	New Hampshire.
Pemigewasset National Bank	Plymouth	New Hampshire.
Northeast Credit Union	Portsmouth	New Hampshire.
Southern New Hampshire Bank & Trust	Windham	New Hampshire.
Woodsville Guaranty Savings Bank	Woodsville	New Hampshire.
The People's Credit Union	Middleton	Rhode Island.
Pawtucket Credit Union	Pawtucket	Rhode Island.
Coastway Credit Union	Providence	Rhode Island.
Fleet National Bank	Providence	Rhode Island.
Vermont Development Credit Union	Burlington	Vermont.
Community National Bank	Derby	Vermont.
The First National Bank of Orwell	Orwell	Vermont.
Wells River Savings Bank	Wells River	Vermont.
Federal Home Loan Bank of New York—District 2		
Sterling Bank	Mt. Laurel	New Jersey.
Roselle Savings Bank	Roselle	New Jersey.
Summit Federal Savings and Loan Association	Summit	New Jersey.
Great Falls Bank	Totowa	New Jersey.
Sun National Bank	Vineland	New Jersey.
Valley National Bank	Wayne	New Jersey.
Marathon National Bank of New York	Astoria	New York.
Seneca Federal Savings and Loan Association	Baldwinsville	New York.
Ballston Spa National Bank	Ballston Spa	New York.
Bath National Bank	Bath	New York.
New York National Bank	Bronx	New York.
Dime Savings Bank of Williamsburg	Brooklyn	New York.
Community Bank, N.A	Canton	New York.
The North Country Savings Bank	Canton	New York.
Carthage Federal Savings and Loan Association	Carthage	New York.
Lake Shore Savings & Loan Association	Dunkirk	New York.
Ellenville National Bank	Ellenville	New York.
Savings Bank of the Finger Lakes	Geneva	New York.
Evergreen Bank, N.A	Glens Falls	New York.
City National Bank and Trust Company	Gloverville	New York.
The First National Bank of Jeffersonville	Jeffersonville	New York.
Sound Federal Savings and Loan Association	Mamaroneck	New York.
Bank Audi (USA)	New York	New York.

Member	City	State
North Fork Bank	New York	New York.
Ridgewood Savings Bank	New York	New York.
Alliance Bank, NA	Oneida	New York.
ESL Federal Credit Union	Rochester	New York.
Geddes Federal Savings and Loan Association	Syracuse	New York.
National Bank of Delaware County	Walton	New York.
EuroBank	Hato Rey	Puerto Rico.
R & G Premier Bank of Puerto Rico	Hato Rey	Puerto Rico.
Federal Home Loan Bank of Pittsburgh—District 3		
The First National Bank of Berwick	Berwick	Pennsylvania.
American Eagle Savings Bank, PaSA	Boothwyn	Pennsylvania.
Commerce Bank/Harrisburg, N.A	Camp Hill	Pennsylvania.
Croydon Savings Bank	Croydon	Pennsylvania.
FNB Bank, N.A	Danville	Pennsylvania.
Bank of Lancaster County, N.A	East Petersburg	Pennsylvania.
Marquette Savings Bank	Erie	Pennsylvania.
First United National Bank	Fryburg	Pennsylvania.
Adams County National Bank	Gettysburg	Pennsylvania.
First National Bank of Greencastle	Greencastle	Pennsylvania.
Huntingdon Savings Bank	Huntingdon	Pennsylvania.
Huntingdon Valley Bank	Huntingdon Valley	Pennsylvania.
First Commonwealth Bank	Indiana	Pennsylvania.
Abington Bank	Jenkintown	Pennsylvania.
Merchants National Bank of Kittanning	Kittanning	Pennsylvania.
Fulton Bank	Lancaster	Pennsylvania.
Citizens National Bank	Lansford	Pennsylvania.
The First National Bank of Lilly	Lilly	Pennsylvania.
Savings and Loan Association of Milton, Pa	Milton	Pennsylvania.
The First National Bank of Newport	Newport	Pennsylvania.
The Northumberland National Bank	Northumberland	Pennsylvania.
Berean Federal Savings Bank	Philadelphia	Pennsylvania.
First Republic Bank	Philadelphia	Pennsylvania.
Tioga-Franklin Savings Association	Philadelphia	Pennsylvania.
United Savings Bank	Philadelphia	Pennsylvania.
Fidelity Bank PaSb	Pittsburgh	Pennsylvania.
Prestige Bank	Pittsburgh	Pennsylvania.
Progress Federal Savings Bank	Plymouth Meeting	Pennsylvania.
West Milton State Bank	West Milton	Pennsylvania.
Bank of Charles Town	Charles Town	West Virginia.
Potomac Valley Bank	Petersburg	West Virginia.
Capon Valley Bank	Wardensville	West Virginia.
The Citizens Bank of Weston, Inc	Weston	West Virginia.
Federal Home Loan Bank of Atlanta—District 4		
First National Bank of Central Alabama	Aliceville	Alabama.
Farmers and Merchants Bank	Centre	Alabama.
Regions Bank	Birmingham	Alabama.
First Metro Bank	Muscle Shoals	Alabama.
West Alabama Bank and Trust	Reform	Alabama.
Bank Independent	Sheffield	Alabama.
First Southern National Bank	Stevenson	Alabama.
The Bank	Warrior	Alabama.
Treasury Bank, NA	Washington	DC.
Turnberry Bank	Aventura	Florida.
EuroBank	Boca Raton	Florida.
Destin Bank	Destin	Florida.
Englewood Bank	Englewood	Florida.
First Community Bank of Southwest Florida	Fort Myers	Florida.
Jacksonville Fireman's Credit Union	Jacksonville	Florida.
CNB National Bank	Lake City	Florida.
Peoples Community Bank	Malone	Florida.
BAC Florida Bank	Miami	Florida.
Executive National Bank	Miami	Florida.
Gulf Bank	Miami	Florida.
Fifth Third Bank, Florida	Naples	Florida.
Florida Citizens Bank	Ocala	Florida.
Bank of Central Florida	Orlando	Florida.
Madison Bank	Palm Harbor	Florida.
First American Bank of Pensacola, N.A	Pensacola	Florida.
Sunshine State FS&L Association	Plant City	Florida.
Colony Bank Ashburn	Ashburn	Georgia.

Member	City	State
Community National Bank	Ashburn	Georgia.
Cornerstone Bank	Atlanta	Georgia.
Atlantic National Bank	Brunswick	Georgia.
Bartow County Bank	Cartersville	Georgia.
Columbus Bank and Trust Company	Columbus	Georgia.
Lumpkin County Bank	Dahlonega	Georgia.
Farmers State Bank	Dublin	Georgia.
Towns County Bank	Hiawasee	Georgia.
Heritage Bank	Jonesboro	Georgia.
Charter Bank and Trust Company	Marietta	Georgia.
First Capital Bank	Norcross	Georgia.
Waycross Bank and Trust	Waycross	Georgia.
United Bank	Zebulon	Georgia.
Colombo Bank	Baltimore	Maryland.
The Harbor Bank of Maryland	Baltimore	Maryland.
Sequoia Bank	Bethesda	Maryland.
The Peoples Bank of Maryland	Denton	Maryland.
Farmers and Merchants Bank	Upperco	Maryland.
High Country Bank	Boone	North Carolina.
Four Oaks Bank & Trust Company	Four Oaks	North Carolina.
KS Bank	Kenly	North Carolina.
Bank of Davie	Mocksville	North Carolina.
Bank of Currituck	Moyock	North Carolina.
Carolina Community Bank	Murphy	North Carolina.
Roanoke Rapids Savings Bank, SSB	Roanoke Rapids	North Carolina.
Jackson Savings Bank, S.S.B	Sylva	North Carolina.
Tarboro Savings Bank, S.S.B	Tarboro	North Carolina.
Security Federal Bank	Aiken	South Carolina.
Bank of Anderson	Anderson	South Carolina.
BB & T of SC	Greenville	South Carolina.
Summit National Bank	Greenville	South Carolina.
CapitalBank	Greenwood	South Carolina.
Palmetto State Bank	Hampton	South Carolina.
Beach First National Bank	Myrtle Beach	South Carolina.
Newberry Federal Savings Bank	Newberry	South Carolina.
Highlands Union Bank	Abingdon	Virginia.
The First Bank and Trust Company	Abingdon	Virginia.
First National Bank of Altavista	Altavista	Virginia.
Bank of Clarke County	Berryville	Virginia.
Guaranty Bank	Charlottesville	Virginia.
Capital One, F.S.B	Falls Church	Virginia.
The Bank of Floyd	Floyd	Virginia.
Miners and Merchants Bank & Trust Company	Grundy	Virginia.
Rockingham Heritage Bank	Harrisonburg	Virginia.
Bank of Marion	Marion	Virginia.
Heritage Bank and Trust	Norfolk	Virginia.
Central Virginia Bank	Powhaton	Virginia.
Bank of Essex	Tappahannock	Virginia.
Resource Bank	Virginia Beach	Virginia.
The Fauquier Bank	Warrenton	Virginia.
F & M Bank—Winchester	Winchester	Virginia.
Federal Home Loan Bank of Cincinnati—District 5		
Auburn Banking Company	Auburn	Kentucky.
The Peoples Exchange Bk of Beattyville	Beattyville	Kentucky.
Central Appalachian Peoples FCU	Berea	Kentucky.
Farmers State Bank	Booneville	Kentucky.
The First National Bank of Brooksville	Brooksville	Kentucky.
Heritage Bank, Inc	Burlington	Kentucky.
Community Trust Bank, F.S.B	Campbellsville	Kentucky.
First National Bank of Clinton	Clinton	Kentucky.
Bank of Ohio County	Dundee	Kentucky.
Elkton Bank and Trust Company	Elkton	Kentucky.
Farmers Deposit Bank	Eminence	Kentucky.
Pendleton Federal Savings Bank	Falmouth	Kentucky.
The Bank of Kentucky	Florence	Kentucky.
First Federal Savings Bank of Frankfort	Frankfort	Kentucky.
The Commercial Bank of Grayson	Grayson	Kentucky.
The First National Bank of Grayson	Grayson	Kentucky.
Hebron Deposit Bank	Hebron	Kentucky.
Ohio Valley National Bank	Henderson	Kentucky.
Hyden Citizens Bank	Hyden	Kentucky.
Citizens Guaranty Bank	Irvine	Kentucky.

Member	City	State
Citizens B&T Company of Jackson	Jackson	Kentucky.
Peoples Bank	Lebanon	Kentucky.
Lewisburg Banking Company	Lewisburg	Kentucky.
The Vine Street Trust Company	Lexington	Kentucky.
First National Bank and Trust	London	Kentucky.
Bank of Louisville	Louisville	Kentucky.
Stock Yards Bank & Trust Company	Louisville	Kentucky.
Security Bank and Trust Company	Maysville	Kentucky.
Citizens Bank	Morehead	Kentucky.
Citizens Bank of Campbell County, Inc	Newport	Kentucky.
First Farmers Bank and Trust Company	Owenton	Kentucky.
Paducah Bank and Trust Company	Paducah	Kentucky.
Kentucky Bank	Paris	Kentucky.
Farmers Bank and Trust Company, Inc	Princeton	Kentucky.
Kentucky Bank and Trust of Greenup County	Russell	Kentucky.
Salyersville National Bank	Salyersville	Kentucky.
Citizens Union Bank of Shelbyville	Shelbyville	Kentucky.
Peoples Bank of Kentucky, Inc	Stanford	Kentucky.
Bank of the Mountains	West Liberty	Kentucky.
Winchester Federal Savings Bank	Winchester	Kentucky.
North Akron Savings Bank	Akron	Ohio.
The Andover Bank	Andover	Ohio.
The Sutton Bank	Attica	Ohio.
Farmers National Bank	Canfield	Ohio.
The Cincinnatus Savings and Loan Company	Cheviot	Ohio.
Foundation Savings Bank	Cincinnati	Ohio.
The Provident Bank	Cincinnati	Ohio.
The Union Bank Company	Columbus Grove	Ohio.
Heartland Federal Credit Union	Dayton	Ohio.
The State Bank and Trust Company	Defiance	Ohio.
Potters Bank	East Liverpool	Ohio.
Fremont Federal Credit Union	Fremont	Ohio.
The Ohio Valley Bank Company	Gallipolis	Ohio.
The Sycamore National Bank	Groesbeck	Ohio.
The Harrison Building and Loan Association	Harrison	Ohio.
Oak Hill Banks	Jackson	Ohio.
The Bank of Leipsic Company	Leipsic	Ohio.
The Lorain National Bank	Lorain	Ohio.
The Marion Bank	Marion	Ohio.
Minster Bank	Minster	Ohio.
First National Bank of New Bremen	New Bremen	Ohio.
Farmers State Bank	New Madison	Ohio.
The Sherwood State Bank	Sherwood	Ohio.
First Bank of Ohio	Tiffin	Ohio.
The Citizens National Bank of Urbana	Urbana	Ohio.
The Waverly Building and Loan Company	Waverly	Ohio.
National Bank and Trust Company	Wilmington	Ohio.
Woodsfield Savings Bank	Woodsfield	Ohio.
The Wayne County National Bank of Wooster	Wooster	Ohio.
First South Bank	Bolivar	Tennessee.
Union Planters Bank, National Association	Cordova	Tennessee.
The Weakley County Bank	Dresden	Tennessee.
Franklin National Bank	Franklin	Tennessee.
Bank of Friendship	Friendship	Tennessee.
The First National Bank of LaFollette	LaFollette	Tennessee.
McKenzie Banking Company	McKenzie	Tennessee.
Security Federal Savings Bank	McMinnville	Tennessee.
Financial Federal Savings Bank	Memphis	Tennessee.
First Tennessee Bank National Association	Memphis	Tennessee.
Nashoba Bank	Memphis	Tennessee.
Munford Union Bank	Munford	Tennessee.
Bank of Ripley	Ripley	Tennessee.
First Community Bank of East Tennessee	Rogersville	Tennessee.
The Citizens Bank of East Tennessee	Rogersville	Tennessee.
Hardin County Bank	Savannah	Tennessee.
Bank of Commerce	Trenton	Tennessee.
Wayne County Bank	Waynesboro	Tennessee.

Federal Home Loan Bank of Indianapolis—District 6

Central National Bank & Trust Company	Attica	Indiana.
Hoosier Hills Credit Union	Bedford	Indiana.
Bloomfield State Bank	Bloomfield	Indiana.
IU Employees Federal Credit Union	Bloomington	Indiana.

Member	City	State
Wayne Bank and Trust Company	Cambridge City	Indiana.
Heritage Community Bank	Columbus	Indiana.
Chiphone Federal Credit Union	Elkhart	Indiana.
Old National Bank in Evansville	Evansville	Indiana.
Fire Police City County Federal Credit Union	Fort Wayne	Indiana.
Midwest American Federal Credit Union	Fort Wayne	Indiana.
Peoples State Bank of Francesville	Francesville	Indiana.
The Friendship State Bank	Friendship	Indiana.
Sand Ridge Bank	Highland	Indiana.
First Bank of Huntingburg	Huntingburg	Indiana.
German American Bank	Jasper	Indiana.
Lafayette Bank and Trust Company	Lafayette	Indiana.
Union County National Bank	Liberty	Indiana.
Lynnville National Bank	Lynnville	Indiana.
Citizens State Bank	New Castle	Indiana.
Union Bank & Trust Company	North Vernon	Indiana.
Notre Dame Federal Credit Union	Notre Dame	Indiana.
State Bank of Oxford	Oxford	Indiana.
First Federal Savings Bank	Rochester	Indiana.
First Source Bank	South Bend	Indiana.
First National Bank of Valparaiso	Valparaiso	Indiana.
CentreBank	Veedersburg	Indiana.
The Merchants Bank & Trust Company	West Harrison	Indiana.
Centier Bank	Whiting	Indiana.
Chemical Bank—Shoreline	Benton Harbor	Michigan.
State Bank of Caledonia	Caledonia	Michigan.
Southern Michigan Bank and Trust	Coldwater	Michigan.
Century Bank and Trust	Coldwater	Michigan.
First State Bank	Decatur	Michigan.
Baybank	Gladstone	Michigan.
Founders Trust Personal Bank	Grand Rapids	Michigan.
West Michigan Community Bank	Hudsonville	Michigan.
Independent Bank	Ionia	Michigan.
The Miners State Bank of Iron River	Iron River	Michigan.
Peninsula Bank of Ishpeming	Ishpeming	Michigan.
The Dart Bank	Mason	Michigan.
Oxford Bank	Oxford	Michigan.
Independent Bank	Rockford	Michigan.
West Shore Bank	Scottville	Michigan.
Federal Home Loan Bank of Chicago—District 7		
Midwest Bank of McHenry County	Algonquin	Illinois.
Old Second National Bank of Aurora	Aurora	Illinois.
State Bank of Aviston	Aviston	Illinois.
Beardstown Savings s.b	Beardstown	Illinois.
First Bank, bc	Belvidere	Illinois.
Busey Bank fsb	Bloomington	Illinois.
Great Lakes Bank, National Association	Blue Island	Illinois.
Marine Trust Company	Carthage	Illinois.
Buena Vista National Bank	Chester	Illinois.
Chester National Bank	Chester	Illinois.
The Northern Trust Company	Chicago	Illinois.
Amicus FSB	Cicero	Illinois.
American Savings Bank of Danville	Danville	Illinois.
Republic Bank of Chicago	Darien	Illinois.
The First National Bank of Decatur	Decatur	Illinois.
The First National Bank of Dietrich	Dietrich	Illinois.
East Dubuque Savings Bank	East Dubuque	Illinois.
Citizens Bank of Edinburg	Edinburg	Illinois.
The Bank of Edwardsville	Edwardsville	Illinois.
C.P. Burnett & Sons, Bankers	Eldorado	Illinois.
First State Bank of Eldorado	Eldorado	Illinois.
First Bank & Trust	Evanston	Illinois.
The Fairfield National Bank	Fairfield	Illinois.
Flora Savings Bank	Flora	Illinois.
Marquette Bank Illinois	Galesburg	Illinois.
Glasford State Bank	Glasford	Illinois.
Heritage Community Bank	Glenwood	Illinois.
Golden State Bank	Golden	Illinois.
The Greenup National Bank	Greenup	Illinois.
Clay County State Bank	Louisville	Illinois.
Peoples State Bank	Mansfield	Illinois.
HomeStar Bank	Manteno	Illinois.

Member	City	State
First FSB of Mascoutah	Mascoutah	Illinois.
First Federal Savings & Loan Association	Mattoon	Illinois.
Morton Community Bank	Morton	Illinois.
Mt. Morris Savings & Loan Association	Mt. Morris	Illinois.
The First National Bank of Mt. Pulaski	Mt. Pulaski	Illinois.
First State Bank of Newman	Newman	Illinois.
Oak Brook Bank	Oak Brook	Illinois.
TrustBank	Olney	Illinois.
First Federal Savings Bank	Ottawa	Illinois.
First Bank and Trust, SB	Paris	Illinois.
Corn Belt Bank & Trust Company	Pittsfield	Illinois.
Bank of Rantoul	Rantoul	Illinois.
The First National Bank & Trust Co. of Rochelle	Rochelle	Illinois.
Northwest Bank of Rockford	Rockford	Illinois.
First Community Bank	Sherrard	Illinois.
South Holland Trust and Savings Bank	South Holland	Illinois.
Independent Bankers' Bank	Springfield	Illinois.
Sterling Federal Bank, F.S.B	Sterling	Illinois.
Streator Home Building & Loan Association	Streator	Illinois.
The First National Bank of Sullivan	Sullivan	Illinois.
Thomson State Bank	Thomson	Illinois.
Tempo Bank, A Federal Savings Bank	Trenton	Illinois.
Heritage Bank of Central Illinois	Trivoli	Illinois.
Capstone Bank	Watseka	Illinois.
Iroquois Federal Savings and Loan Association	Watseka	Illinois.
Bank of Waukegan	Waukegan	Illinois.
Wemple State Bank	Waverly	Illinois.
State Bank of Illinois	West Chicago	Illinois.
Abottsford State Bank	Abbottsford	Wisconsin.
First Banking Center Burlington	Burlington	Wisconsin.
Cambridge State Bank	Cambridge	Wisconsin.
Community Bank of Central Wisconsin	Colby	Wisconsin.
DMB Community Bank	DeForest	Wisconsin.
Charter Bank Eau Claire	Eau Claire	Wisconsin.
Royal Credit Union	Eau Claire	Wisconsin.
Grafton State Bank	Grafton	Wisconsin.
Hartford Savings Bank	Hartford	Wisconsin.
The Bank of Kaukauna	Kaukauna	Wisconsin.
First National Bank in Manitowoc	Manitowoc	Wisconsin.
The Stephenson National Bank & Trust	Marinette	Wisconsin.
Marshfield Savings Bank	Marshfield	Wisconsin.
Mayville Savings Bank	Mayville	Wisconsin.
McFarland State Bank	McFarland	Wisconsin.
North Milwaukee State Bank	Milwaukee	Wisconsin.
Wells Fargo Bank Wisconsin, N.A	Milwaukee	Wisconsin.
Monona State Bank	Monona	Wisconsin.
Oostburg State Bank	Oostburg	Wisconsin.
United Bank	Osseo	Wisconsin.
The Port Washington State Bank	Port Washington	Wisconsin.
Peoples State Bank	Prairie du Chien	Wisconsin.
F & M Bank—Wisconsin	Pulaski	Wisconsin.
Community First Bank	Rosholt	Wisconsin.
The First National Bank of Stoughton	Stoughton	Wisconsin.
Stratford State Bank	Stratford	Wisconsin.
Bank of Turtle Lake	Turtle Lake	Wisconsin.
First National Bank	Waupaca	Wisconsin.
Peoples State Bank	Wausau	Wisconsin.
State Bank of Withee	Withee	Wisconsin.
Citizens State Bank	Woodville	Wisconsin.
Federal Home Loan Bank of Des Moines—District 8		
The First National Bank of Akron	Akron	Iowa.
Farmers State Bank	Algona	Iowa.
Iowa State Bank	Algona	Iowa.
Rolling Hills Bank & Trust	Atlantic	Iowa.
Benton County State Bank	Blairstown	Iowa.
First State Bank	Britt	Iowa.
Poweshiek County Savings Bank	Brooklyn	Iowa.
Tri-County Bank and Trust	Cascade	Iowa.
Center Point Bank and Trust Company	Center Point	Iowa.
Clinton National Bank	Clinton	Iowa.
Northwest Bank and Trust Company	Davenport	Iowa.
Bankers Trust Company, N.A	Des Moines	Iowa.

Member	City	State
First Central State Bank	DeWitt	Iowa.
American Trust & Savings Bank	Dubuque	Iowa.
First Security State Bank	Evansdale	Iowa.
Manufacturers Bank & Trust Company	Forest City	Iowa.
Garnavillo Savings Bank	Garnavillo	Iowa.
Hancock County Bank & Trust	Garner	Iowa.
Heritage Bank, N.A	Holstein	Iowa
United Bank of Iowa	Ida Grove	Iowa.
Iowa State Bank & Trust Company	Iowa City	Iowa.
University of Iowa Community Credit Union	Iowa City	Iowa.
Community Choice Credit Union	Johnston	Iowa.
Le Mars Bank & Trust Company	Le Mars	Iowa.
First Community National Bank	Lenox	Iowa.
Luana Savings Bank	Luana	Iowa.
Central State Bank	Muscatine	Iowa.
Bank Iowa	Oskaloosa	Iowa.
Mahaska State Bank	Oskaloosa	Iowa.
Central Valley Bank	Ottumwa	Iowa.
Farmers State Bank	Schleswig	Iowa.
Pioneer Bank	Sergeant Bluff	Iowa.
Iowa State Bank	Sheldon	Iowa.
Bank Iowa	Shenandoah	Iowa.
The Commercial Trust & Savings Bank	Storm Lake	Iowa.
First State Bank	Stuart	Iowa.
American Savings Bank	Tripoli	Iowa.
West Des Moines State Bank	West Des Moines	Iowa.
Farmers Trust & Savings Bank	Williamsburg	Iowa.
Security State Bank of Aitkin, Inc	Aitkin	Minnesota.
Americana National Bank	Albert Lea	Minnesota.
First Federal Bank	Bemidji	Minnesota.
Security Bank USA	Bemidji	Minnesota.
Excel Bank	Edina	Minnesota.
First National Bank of Elk River	Elk River	Minnesota.
First State Bank of Emmons	Emmons	Minnesota.
Security State Bank of Fergus Falls	Fergus Falls	Minnesota.
First State Bank of Finlayson, Inc	Finlayson	Minnesota.
First National Bank	Hawley	Minnesota.
Stearns Bank Holdingford, N.A	Holdingford	Minnesota.
American Bank Lake City	Lake City	Minnesota.
Farmers State Bank of Madelia, Inc	Madelia	Minnesota.
Security State Bank of Mankato	Mankato	Minnesota.
Pioneer Bank	Mapleton	Minnesota.
State Bank of McGregor	McGregor	Minnesota.
Signal Bank N.A	Mendota Heights	Minnesota.
Marquette Capital Bank, N.A	Minneapolis	Minnesota.
Kanabec State Bank	Mora	Minnesota.
Alliance Bank	New Ulm	Minnesota.
Farmers and Merchants State Bank of New York Mills, Inc	New York Mills	Minnesota.
Valley Bank	North Mankato	Minnesota.
HomeTown Bank	Redwood Falls	Minnesota.
Eastwood Bank	Rochester	Minnesota.
First National Bank of the North	Sandstone	Minnesota.
First National Bank of Sauk Centre	Sauk Centre	Minnesota.
Stearns Bank, N.A	St. Cloud	Minnesota.
The Midway National Bank of St. Paul	St. Paul	Minnesota.
The Lake Bank, N.A	Two Harbors	Minnesota.
Stearns Bank Upsala, N.A	Upsala	Minnesota.
Mid-Central Federal Savings Bank	Wadena	Minnesota.
First National Bank of Waseca	Waseca	Minnesota.
Bank 10	Belton	Missouri.
Farmers State Bank	Cameron	Missouri.
Hometown Bank, N.A	Carthage	Missouri.
First State Bank & Trust Company, Inc	Caruthersville	Missouri.
Citizens Bank & Trust	Chillicothe	Missouri.
First National Bank of Clinton	Clinton	Missouri.
Community Bank of Excelsior Springs	Excelsior Springs	Missouri.
Hume Bank	Hume	Missouri.
Home Savings Bank	Jefferson City	Missouri.
First State Bank of Joplin	Joplin	Missouri.
Bank of Lee's Summit	Lee's Summit	Missouri.
The Farmers Bank of Lincoln	Lincoln	Missouri.
First National Bank of Mt. Vernon	Mt. Vernon	Missouri.
Community Bank and Trust	Neosho	Missouri.
Citizens Bank	New Haven	Missouri.

Member	City	State
Bank Star	Pacific	Missouri.
The Paris National Bank	Paris	Missouri.
Bank of the LeadBelt	Park Hills	Missouri.
Unico Bank	Potosi	Missouri.
Phelps County Bank	Rolla	Missouri.
Systematic Savings and Loan Association	Springfield	Missouri.
Farmers and Merchants Bank	St. Clair	Missouri.
Allegiant Bank	St. Louis	Missouri.
Heartland Bank	St. Louis	Missouri.
Osage Valley Bank	Warsaw	Missouri.
First Security Bank-West	Beulah	North Dakota.
Dakota Western Bank	Bowman	North Dakota.
Western State Bank	Devils Lake	North Dakota.
First State Bank of LaMoure	LaMoure	North Dakota.
Federal Home Loan Bank of Dallas—District 9		
The First National Bank	Ashdown	Arkansas.
Bank of Bentonville	Bentonville	Arkansas.
Citizens Bank	Booneville	Arkansas.
First Bank of South Arkansas	Camden	Arkansas.
Danville State Bank	Danville	Arkansas.
First State Bank of DeQueen	DeQueen	Arkansas.
First Service Bank	Dermott	Arkansas.
Superior Federal Bank	Fort Smith	Arkansas.
Farmers Bank	Hamburg	Arkansas.
Heritage Bank	Jonesboro	Arkansas.
Eagle Bank & Trust Company	Little Rock	Arkansas.
McGehee Bank	McGehee	Arkansas.
First National Bank in Mena	Mena	Arkansas.
Peoples Bank and Trust Company	Mountain Home	Arkansas.
TrustBanc	Mountain Home	Arkansas.
Bank of Paragould	Paragould	Arkansas.
First State Bank of Pineville	Plainview	Arkansas.
Portland Bank	Portland	Arkansas.
Arkansas State Bank	Siloam Springs	Arkansas.
First National Bank Of Wynne	Wynne	Arkansas.
Peoples Bank of Louisiana	Amite	Louisiana.
Caldwell Bank & Trust Company	Columbia	Louisiana.
Tri-Parish Bank	Eunice	Louisiana.
Louisiana Central Bank	Ferriday	Louisiana.
MidSouth National Bank	Lafayette	Louisiana.
Louisiana Delta Bank	Lake Providence	Louisiana.
Resource Bank	Mandeville	Louisiana.
Omni Bank	Metairie	Louisiana.
Gulf Coast Bank & Trust Company	New Orleans	Louisiana.
United Bank and Trust	New Orleans	Louisiana.
First FS&LA of Allen Parish	Oakdale	Louisiana.
St. Landry Homestead Federal Savings Bank	Opelousas	Louisiana.
Community Bank	Raceland	Louisiana.
First American Bank	Vacherie	Louisiana.
First Federal Savings & Loan	Aberdeen	Mississippi.
Farmers and Merchants Bank	Baldwyn	Mississippi.
Copiah Bank, N.A	Hazlehurst	Mississippi.
Planters Bank & Trust Company	Indianola	Mississippi.
First American National Bank	Iuka	Mississippi.
Citizens Bank and Trust Company	Marks	Mississippi.
Pike County National Bank	McComb	Mississippi.
United Mississippi Bank	Natchez	Mississippi.
Mississippi Telco Federal Credit Union	Pearl	Mississippi.
Western Bank	Alamogordo	New Mexico.
Bank of Albuquerque	Albuquerque	New Mexico.
Western Bank	Artesia	New Mexico.
Western Commerce Bank	Carlsbad	New Mexico.
Citizens Bank	Farmington	New Mexico.
Los Alamos National Bank	Los Alamos	New Mexico.
Portales National Bank	Portales	New Mexico.
Citizens Bank, N.A	Abilene	Texas.
Northwest National Bank of Arlington	Arlington	Texas.
First Bank	Azle	Texas.
First National Bank of Baird	Baird	Texas.
Western American National Bank	Bedford	Texas.
Blanco National Bank	Blanco	Texas.
Legend Bank, N.A	Bowie	Texas.

Member	City	State
First State Bank	Bremond	Texas.
First National Bank in Bronte	Bronte	Texas.
First National Bank of Bullard	Bullard	Texas.
First Bank	Burkburnett	Texas.
First Federal Savings Bank	College Station	Texas.
Corsicana National Bank and Trust	Corsicana	Texas.
First Mercantile Bank, N.A	Dallas	Texas.
U.S. Trust Company of Texas, N.A	Dallas	Texas.
The First National Bank of Eagle Lake	Eagle Lake	Texas.
State National Bank	El Paso	Texas.
The First National Bank of Emory	Emory	Texas.
Landmark Bank	Euless	Texas.
Greater South Texas Bank, FSB	Falfurrias	Texas.
Central Bank of Flatonia	Flatonia	Texas.
Pecos County State Bank	Fort Stockton	Texas.
Security State Bank & Trust	Fredericksburg	Texas.
Heritage National Bank	Granbury	Texas.
Preferred Bank	Houston	Texas.
Sterling Bank	Houston	Texas.
Stewart Title Guaranty Company	Houston	Texas.
TIB The Independent BankersBank	Irving	Texas.
State Bank of Texas	Irving	Texas.
The Jacksboro National Bank	Jacksboro	Texas.
Community Bank	Katy	Texas.
Worth National Bank	Lake Worth	Texas.
South Texas National Bank	Laredo	Texas.
NBC Bank, Laredo, NA	Laredo	Texas.
Huntington State Bank	Lufkin	Texas.
Bank of Commerce	McLean	Texas.
USAA Federal Savings Bank	San Antonio	Texas.
Sanderson State Bank	Sanderson	Texas.
First Bank of Snook	Snook	Texas.
City National Bank of Taylor	Taylor	Texas.
First National Bank of Trenton	Trenton	Texas.
Claritybank.com	Uvalde	Texas.
Van Horn State Bank	Van Horn	Texas.
Central National Bank	Waco	Texas.
Wallis State Bank	Wallis	Texas.
Federal Home Loan Bank of Topeka—District 10		
FirstBank North	Arvada	Colorado.
Colonial Bank	Aurora	Colorado.
FirstBank of Boulder	Boulder	Colorado.
FirstBank of Breckenridge	Breckenridge	Colorado.
American Business Bank	Denver	Colorado.
First Community Industrial Bank	Denver	Colorado.
Centennial Bank of the West	Eaton	Colorado.
Farmers Bank	Eaton	Colorado.
First National Bank of Estes Park	Estes Park	Colorado.
FirstBank of Northern Colorado	Fort Collins	Colorado.
First National Bank—Colorado	Fowler	Colorado.
Union Colony Bank	Greeley	Colorado.
FirstBank of Tech Center	Greenwood Village	Colorado.
The Gunnison Bank and Trust Company	Gunnison	Colorado.
Red Rocks Federal Credit Union	Highlands Ranch	Colorado.
First State Bank	Idaho Springs	Colorado.
Valley State Bank	Lamar	Colorado.
FirstBank of Longmont	Longmont	Colorado.
Heritage Bank	Louisville	Colorado.
Equitable Savings & Loan Association	Sterling	Colorado.
State Bank of Wiley	Wiley	Colorado.
American Bank	Baxter Springs	Kansas.
Commercial State Bank	Bonner Springs	Kansas.
The Citizens National Bank	Concorida	Kansas.
First Kansas Bank	Gardner	Kansas.
First National Bank	Goodland	Kansas.
The Morrill & Janes Bank and Trust Company	Hiawatha	Kansas.
Hoisington National Bank	Hoisington	Kansas.
First National Bank of Holcomb	Holcomb	Kansas.
Denison State Bank	Holton	Kansas.
First State Bank & Trust Company	Larned	Kansas.
Lyons Federal Savings	Lyons	Kansas.
Morrill State Bank & Trust Company	Sabetha	Kansas.

Member	City	State
Sunflower Bank, N.A	Salina	Kansas.
St. Marys State Bank	St. Marys	Kansas.
The First National Bank of Clifton	St. Marys	Kansas.
Emprise Bank	Wichita	Kansas.
First National Bank of Albion	Albion	Nebraska.
Valley Bank and Trust Company	Gering	Nebraska.
Hastings State Bank	Hastings	Nebraska.
Great Western Bank	Omaha	Nebraska.
American National Bank	Omaha	Nebraska.
Security First Bank	Sidney	Nebraska.
Iowa-Nebraska SB	South Sioux City	Nebraska.
Wahoo State Bank	Wahoo	Nebraska.
Citizens Bank & Trust Company	Ardmore	Oklahoma.
Peoples State Bank	Blair	Oklahoma.
Union Bank of Chandler	Chandler	Oklahoma.
The First National Bank of Coweta	Coweta	Oklahoma.
The First National Bank of Davis	Davis	Oklahoma.
Great Plains National Bank	Elk City	Oklahoma.
The Idabel National Bank	Idabel	Oklahoma.
First National Bank	Midwest City	Oklahoma.
All America Bank	Mustang	Oklahoma.
Americrest Bank	Oklahoma City	Oklahoma.
Bridgeview Bank, NA	Oklahoma City	Oklahoma.
Frontier State Bank	Oklahoma City	Oklahoma.
Quail Creek Bank, N.A	Oklahoma City	Oklahoma.
The Community State Bank	Poteau	Oklahoma.
The Exchange Bank	Skiatook	Oklahoma.
First National Bank of Stigler	Stigler	Oklahoma.
Stroud National Bank	Stroud	Oklahoma.
Bank of Oklahoma	Tulsa	Oklahoma.
Tulsa National Bank	Tulsa	Oklahoma.
Waurika National Bank	Waurika	Oklahoma.
Federal Home Loan Bank of San Francisco—District 11		
National Bank of Arizona	Phoenix	Arizona.
First National Bank of Nevada	Scottsdale	Arizona.
Jackson Federal Bank	Brea	California.
Tri Counties Bank	Chico	California.
First Northern Bank of Dixon	Dixon	California.
Cedars Bank	Los Angeles	California.
Manufacturers Bank	Los Angeles	California.
United California Bank	Los Angeles	California.
Kaiperm Federal Credit Union	Oakland	California.
World Savings Bank, FSB	Oakland	California.
Citizens Business Bank	Ontario	California.
Cupertino National Bank & Trust	Palo Alto	California.
Courts & Records Federal Credit Union	Pasadena	California.
Bank of the Sierra	Porterville	California.
American River Bank	Sacramento	California.
Mission Federal Credit Union	San Diego	California.
North Island Federal Credit Union	San Diego	California.
University and State Employees Credit Union	San Diego	California.
America California Bank	San Francisco	California.
First Republic Bank	San Francisco	California.
National American Bank	San Francisco	California.
North Coast Bank	Santa Rosa	California.
First Western Bank	Simi Valley	California.
Union Safe Deposit Bank	Stockton	California.
Kaweah National Bank	Visalia	California.
Federal Home Loan Bank of Seattle—District 12		
Alaska USA Federal Credit Union	Anchorage	Alaska.
Alaska Pacific Bank	Juneau	Alaska.
First Hawaiian Bank	Honolulu	Hawaii.
Hawaii National Bank	Honolulu	Hawaii.
West Oahu Community Federal Credit Union	Kapolei	Hawaii.
Idaho Independent Bank	Hayden Lake	Idaho.
Bank of Idaho	Idaho Falls	Idaho.
Wells Fargo Bank Montana, N.A	Minneapolis	Minnesota.
Flathead Bank of Bigfork	Bigfork	Montana.
Yellowstone Bank	Billings	Montana.
The United States N.B. of Red Lodge	Red Lodge	Montana.

Member	City	State
Valley Bank of Ronan	Ronan	Montana.
Citizens Bank	Corvallis	Oregon.
U-Lane-O Credit Union	Eugene	Oregon.
Oregon Pacific Banking Company	Florence	Oregon.
Southern Oregon Federal Credit Union	Grants Pass	Oregon.
Pacific State Bank	Reedsport	Oregon.
St. Helens Community Federal Credit Union	St. Helens	Oregon.
State Bank of Southern Utah	Cedar City	Utah.
Central Bank	Provo	Utah.
Far West Bank	Provo	Utah.
Liberty Bank	Salt Lake City	Utah.
First Mutual Bank	Bellevue	Washington.
Frontier Bank	Everett	Washington.
City Bank	Lynnwood	Washington.
Redmond National Bank	Redmond	Washington.
Washington School Employees Credit Union	Seattle	Washington.
American West Bank	Spokane	Washington.
Numerica Credit Union	Spokane	Washington.
Washington Trust Bank	Spokane	Washington.
Columbia State Bank	Tacoma	Washington.
Harborstone Credit Union	Tacoma	Washington.
Westside Community Bank	University Place	Washington.
Baker Boyer National Bank	Walla Walla	Washington.
Mid State Bank	Waterville	Washington.
First National Bank of Buffalo	Buffalo	Wyoming.
Wyoming Bank and Trust	Cheyenne	Wyoming.
The Jackson State Bank	Jackson	Wyoming.
First Interstate Bank	Sheridan	Wyoming.

II. Public Comments

To encourage the submission of public comments on the community support performance of Bank members, on or before January 28, 2002, each Bank will notify its Advisory Council and nonprofit housing developers, community groups, and other interested parties in its district of the members selected for community support review in the 2000–01 eighth quarter review cycle. 12 CFR 944.2(b)(2)(ii). In reviewing a member for community support compliance, the Finance Board will consider any public comments it has received concerning the member. 12 CFR 944.2(d). To ensure consideration by the Finance Board, comments concerning the community support performance of members selected for the 2000–01 eighth quarter review cycle must be delivered to the Finance Board on or before the February 28, 2002 deadline for submission of Community Support Statements.

By the Federal Housing Finance Board.

Dated: December 21, 2001.

Arnold Intrater,

Acting General Counsel.

[FR Doc. 02–153 Filed 1–10–02; 8:45 am]

BILLING CODE 6725–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than January 25, 2002.

A. Federal Reserve Bank of Kansas City (Susan Zubradt, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. John K. Kingsbury and Myra A. Kingsbury, Ponca, Nebraska; and Lovice M. Sprugel, Liberty, Missouri, trustee of Lovice M. Sprugel Trust and John E. Sprugel, Liberty, Missouri, trustee of John E. Sprugel Trust; to acquire voting shares of Kingsbury BDC Financial Services, Inc., Ponca, Nebraska, and thereby indirectly acquire voting shares of The Bank of Dixon County, Ponca, Nebraska.

Board of Governors of the Federal Reserve System, January 7, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–685 Filed 1–10–02; 8:45 am]

BILLING CODE 6210–02–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the

proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 4, 2002.

A. Federal Reserve Bank of Kansas City (Susan Zubradt, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Lauritzen Corporation, Omaha, Nebraska; to acquire 1.54 percent, for a total of 23.03 percent, of the voting shares of First National of Nebraska, Inc., Omaha, Nebraska, and thereby indirectly acquire additional interest in First National Bank of Omaha, Omaha, Nebraska; First National Bank, North Platte, Nebraska; Platte Valley State Bank & Trust Co., Kearney, Nebraska; Fremont National Bank & Trust Co., Fremont, Nebraska; First National Bank & Trust Company, Columbus, Nebraska; First National Bank, Overland Park, Kansas; First National Bank South Dakota, Yankton, South Dakota; First National of Colorado, Inc., Fort Collins, Colorado, First National Bank, Fort Collins, Colorado; Union Colony Bank, Greeley, Colorado; First National Bank of Colorado, Boulder, Colorado; First National of Illinois, Inc., Omaha, Nebraska, and Castle Bank, N.A., DeKalb, Illinois.

Board of Governors of the Federal Reserve System, January 7, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–686 Filed 1–10–02; 8:45 am]

BILLING CODE 6210–02–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97D–0282]

Medical Devices: General Principles of Software Validation; Final Guidance for Industry and FDA Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the guidance entitled ''General Principles of Software Validation.'' This document provides guidance to medical device manufacturers and FDA staff concerning requirements for validating software used within medical devices, in device production, or in implementing the manufacturer's quality system.

DATES: Submit written or electronic comments at any time.

ADDRESSES: Submit written requests for single copies on a 3.5″ diskette of the guidance document entitled ''General Principles of Software Validation'' to the Division of Small Manufacturers, International and Consumer Assistance (HFZ–220), Center for Devices and Radiological Health (CDRH), 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 your request to 301–443–8818. See the **SUPPLEMENTARY INFORMATION** section for information on electronic 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. Submit electronic comments to http://www.fda.gov/dockets/ecomments. Comments are to be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: John F. Murray, Center for Devices and Radiological Health (HFZ–340), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–4659.

SUPPLEMENTARY INFORMATION:

I. Background

This final guidance document entitled ''General Principles of Software Validation'' provides guidance to medical device manufacturers and FDA staff concerning requirements for validating software used within medical devices, in device production, or in implementing the manufacturer's quality system. It replaces the draft guidance that FDA issued for comment on June 9, 1997, and published in the **Federal Register** of July 25, 1997 (62 FR 40099).

We received responses from 36 organizations and individuals, with more than 650 questions, comments, and specific recommendations for changes to the guidance. However, further work on the guidance was interrupted by other high priority activities, including implementation of the Food and Drug Administration Modernization Act of 1997, FDA's response to year 2000 software concerns, and two rounds of implementation of our first medical device performance standard. Because of the delay in issuing this final guidance, we have chosen to summarize our response to the comments received. As with any guidance, we will continue to accept comments and may update this document in the future.

The following summarizes the comments we received, and significant changes we made to the guidance in response to those comments:

A. Intended Scope

From a few of the comments received, it appears that some parties may not have realized the full breadth of the quality system regulation. The software validation requirement in 21 CFR 820.70(i) of the quality system regulation also applies to automated tools used to design medical devices and tools used to develop software. Since the first medical device good manufacturing practice regulation was published in 1978, there has always been an explicit validation requirement for software used in device production or used to implement the quality system. When design controls were introduced into the quality system regulation in 1997, that software validation requirement was extended to software used to design devices, such as computer-aided design and software development tools. FDA clearly addressed this issue at the end of its response to comment 136 in the preamble to the quality system regulation (61 FR 52602 at 52630, October 7, 1996). A copy of the text is included at the end of this section.

Some comments objected to the discussion of validation activities during the predesign ''concept'' phase of software development, both because the quality system regulation does not apply to research activities, and because there is too little information available at that point to make any validation related activity worthwhile. In response to these concerns, we have removed all reference to validation activities during the ''concept'' phase.

Other comments noted that the guidance covered more than just validation issues, and suggested changing the title to broaden the scope of the guidance. We acknowledge that the scope of the guidance is somewhat broader than the scope of validation in the strictest definition of that term. However, we have chosen not to change the title of the guidance. Planning,

verification, testing, traceability, configuration management, and many other activities discussed in the guidance are important activities that together help to support a final conclusion that software is validated.

Some comments expressed concerns that the guidance might be applied too rigorously by FDA investigators, and some pharmaceutical manufacturers raised questions about how the guidance would be applied to their drug manufacturing operations. The agency's good guidance practices (GGPs) clearly state the role of FDA guidance. Alternative approaches that accomplish full compliance with the quality system regulation are acceptable. While it is clearly intended for medical device manufacturers, the guidance may also be useful to the pharmaceutical industry and other industries regulated by FDA.

Many comments suggested that we move all discussions regarding use of off-the-shelf (OTS) software to the agency's guidance entitled ''Off-the-Shelf Software Use in Medical Devices.'' In response to these comments, specific cross references to that document have been added within the text of this guidance. However, the OTS guidance document deals specifically with premarket submissions for OTS software contained in medical devices. It is not the appropriate guidance for OTS software used in manufacturing and quality systems applications.

B. Flexibility

Numerous comments cited overly restrictive language and lack of sufficient implementation flexibility in the draft guidance. For example, many comments noted that the guidance implies use of a ''waterfall'' as the preferred life cycle development methodology. Several comments suggested that more discussion was needed regarding ''rapid application development'' and ''component-based methodologies,'' as well as ''build a little/test a little'' as an acceptable methodology. Other comments asked for specific examples of available life cycle models that could be used. In response to these comments, and in accordance with our own GGPs, we have carefully rewritten the text to remove any direct or implied use of the words ''shall'' or ''must,'' except where we describe or reference a regulation. We also have added language to specifically state that incremental development methodologies may be used, and that activities and tasks can be performed in a different order, if called for by the chosen life cycle model. However, for ease of description, we have retained an organization of activities based on ''requirements,'' ''design,'' ''coding (or construction),'' and ''testing.'' Regardless of the order in which tasks are accomplished, these four categories of activities are common to most life cycle models. We have not included examples of the dozens of life cycle models that are available. To do so could imply agency endorsement of certain life cycle models that are included over those models that are not included. Instead, you are referred to many of the textbooks and other references listed at the end of the guidance, which provide details of many of these life cycle models.

One group of comments objected to any use of the word ''all'' when describing items to be included in specification documents, noting that ''all'' is not a quantifiable term. Other comments suggested use of the word ''may'' rather than ''should.'' On the other hand, a few comments asked for a specific compliance matrix, so that manufacturers would know exactly how to comply with FDA expectations. We have not adopted these suggested changes. We believe that agency guidance should identify and encourage use of approaches known to have been used effectively, while the manufacturer retains the prerogative to choose alternative approaches that are equally effective. Based on variables such as firm size and structure, device risk, project size, and complexity, manufacturers have the flexibility to choose different approaches for different projects, and to select effective approaches that best fit their specific needs.

C. Format

Several comments suggested use of the framework and format in international guidelines such as ISO 9000–3, GAMP, IEEE Software Standards and ISO/IEC 12207. We have drawn information from each of these sources and many other listed references, but unfortunately, there is no single format available. We have rewritten the guidance to address specific suggestions for wording changes and simpler language. Some comments asked for extensive use of charts, analogies, and examples for the concepts presented in the document. While valuable, such an approach could easily triple the size of the guidance. Instead, we suggest referring to any of the extensive list of references included at the end of the guidance for more details on specific implementation approaches.

D. Differences Between Hardware and Software

Regarding the discussion of differences between hardware and software, the comments were somewhat divided. Some comments applauded the agency for recognizing the legitimate differences between hardware engineering and software engineering. Other comments argued that ''software is not different'' and suggested deletion of all or most of this section, either because it was unnecessary, or because it could be misinterpreted by software developers who lack sufficient engineering discipline. One comment suggested emphasizing the similarities of the engineering discipline needed to build both hardware and software. We have chosen to keep this section because we believe it explains part of the rationale for why software must be thoroughly validated, and why the software development process needs to be carefully controlled and managed. We have also added additional information regarding the impact of mobility of software professionals on the long-term maintenance of software and the need for thorough documentation.

Some comments objected to the discussion of standardization and reuse of software components and asked for more recognition of the trend toward increased use of OTS and component-based development methods. Other comments objected to the statement that ''repairs made to correct software defects establish a new design.'' We have revised the text to address both of these concerns.

E. Principles of Software Validation

We reorganized and rewrote the section regarding ''Principles of Software Validation'' to address the comments received. For example, we moved the subsection dealing with documenting software ''Requirements'' to the front of the section to reflect the importance of requirements in the validation process. We clarified language regarding ''predetermined'' requirements to allow for incremental or evolutionary development of requirements during the development project. However, we have retained the concept that documented requirements should be established prior to formal testing or other verification activities to provide ''objective'' evidence that those requirements were met.

The subsection previously entitled ''Testing'' is retitled ''Defect Prevention'' and is revised to emphasize the importance of preventing software

defects, as opposed to trying to ''test quality into'' software.

We have renamed the subsection on ''Timing.'' In response to several comments concerning validation continuing ''for the entire life cycle,'' we have rewritten the text, but have retained the concept. At each stage of the software life cycle, there is information available that can contribute to a conclusion that the software meets user needs and intended uses. Therefore, the validation process does not end when the device is shipped.

We replaced the subsection on ''Management'' with a new subsection dealing with the ''Software Life Cycle.''

We have clarified the subsections dealing with ''Plans'' and ''Procedures'' to distinguish between plans that define what to do, and procedures that describe how to do it.

The subsection entitled ''Partial Validation'' is substantially rewritten and retitled ''Software Validation After a Change.'' Many readers misinterpreted the statement that ''software cannot be partially validated'' and thought we intended all validation testing to be repeated every time any change is made. That is not what we meant. Based on the comments received, we have rewritten the discussion to emphasize the need for regression analysis after a change, followed by an appropriate level of regression testing to reestablish the validation status of the software. We have deleted specific discussion of retrospective validation and reverse engineering of nonvalidated software, but these issues should be covered during the regression analysis.

We have retitled and rewritten the subsection on ''Amount of Effort.'' Now titled ''Validation Coverage,'' it still describes an approach that ties the level of validation and verification effort to the safety risk and complexity of the software.

We revised the subsection on ''Independence of Review'' to provide greater flexibility and a better explanation of its intent.

The subsection previously entitled ''Real World'' is now entitled ''Flexibility and Responsibility,'' and reemphasizes that device manufacturers/software developers have a lot of flexibility in how they implement their software validation process, but the device manufacturer is ultimately responsible for the adequacy and effectiveness of the selected approach.

F. Terminology

Some of the most significant comments we received had to do with our basic definition of software validation. In the previous draft guidance, we relied upon technical definitions used by the National Institute of Standards and Technology and by the Institute of Electrical and Electronic Engineers. These technical definitions created some confusion with other definitions in our quality system regulation. Numerous comments objected to our use of ''validation'' as an umbrella term to cover ''design review'' and ''verification'' as well as validation. They stated that both design review and verification are distinctly separable quality concepts and are not a part of validation. In response to these concerns, we have changed the definition of software validation to be more consistent with the quality system regulation and other international quality standards. Our revised definition of software validation is derived directly from the definitions of ''validation'' and ''design validation'' in the quality system regulation.

Comments also objected to the title ''Typical Validation Tasks'' at the end of each subsection in the section V of the guidance and suggested that they are really verification tasks. Other comments objected to possible interpretation of these as mandatory tasks. In response to these comments, we have also added text to explain that there are typical verification and testing tasks that support an overall conclusion that software is validated. Thereafter, when we discuss ''Typical Tasks Supporting Validation,'' we do not try to differentiate between verification tasks versus validation tasks. Instead, we have revised the text to list ''Typical Tasks.'' While we want to avoid any inference that the tasks are mandatory in every case, the guidance makes the point that these are ''typical'' approaches that are recommended by software engineering standards and textbooks, and widely used by many software engineering professionals.

Several comments noted inconsistencies in terminology from that contained in the quality system regulation, in two software guidances issued by the Office of Device Evaluation, and in the FDA glossary of computerized system and software development terminology. These comments also suggested use of the term ''risk analysis'' instead of ''hazard analysis'' throughout the software validation guidance. We have revised the guidance to incorporate the term ''risk analysis'' throughout. However, we continue to emphasize that while there are many different risks (e.g., economic or time to market), FDA is concerned about safety risk (hazard). At their next revision, we expect to update other software guidance documents and the FDA glossary with consistent definitions of validation, verification, and risk analysis. In addition, we now use the term ''user site testing'' rather than ''installation testing'' to describe testing performed at the user site and outside the control of the software manufacturer.

Some comments questioned whether OTS software could be validated because the device manufacturer frequently does not have access to the source code. These comments suggested that OTS software should be ''qualified'' rather than ''validated.'' However, we believe that the evidence developed by a device manufacturer concerning OTS software is a true validation because it directly supports a conclusion that the software meets user needs and intended uses. Where the source code is not available, it is incumbent upon the device manufacturer to use other means (such as audits, or more extensive black box testing) to infer the structural integrity of the OTS software. This issue is clearly addressed in comment 136 of the preamble to the quality system regulation (61 FR 52602 at 52630).

Other comments from the pharmaceutical industry suggested incorporation of widely understood process validation terminology (i.e., installation qualification (IQ), operational qualification (OQ), and performance qualification (PQ)) to describe software validation. Another comment suggested use of ''product performance qualification'' rather than ''design validation.'' We have added a section that refers to the various types of qualification, but we have chosen not to adopt ''qualification'' terminology in explaining software validation requirements. Of course, manufacturers may continue to organize their validation efforts using IQ/OQ/PQ terminology, if they wish.

In response to comments, a new subsection has been added to explain the differences between ''requirements,'' which may be general in nature, versus ''specifications,'' which are developed to an engineering level of detail.

Several comments objected to use of undefined terms such as ''microcode'' and ''assertions.'' We reiterate that these and many other terms used throughout the guidance are specifically defined in the FDA glossary of computerized system and software development terminology, which is available at http://www.fda.gov/ora/inspect_ref/igs/gloss.html.

G. Design Review

As noted above, design reviews are not a part of validation. In fact, several comments noted that results of verification and validation are inputs to design reviews—not the other way around. To emphasize this point, we moved the subsection on ''Design Reviews'' outside the section on ''Typical Tasks Supporting Validation.'' We also added information about the difference between formal design reviews that are mandated by the quality system regulation versus less formal technical reviews.

H. Traceability

A few comments objected to the guidance regarding ''traceability analysis,'' especially the discussion at the end of the subsection on ''Coding.'' Two comments noted that for very complex programs with thousands of lines of code or thousands of modules, the traceability analysis would be extremely complex and of little value. One suggested that design review was an adequate substitute for traceability analysis. We disagree. Traceability is an essential aspect of verification, and it is an important input into design reviews. We therefore do not believe that design review could be an adequate substitute for traceability analysis.

One comment stated that requirements are not always neatly structured, and it is very difficult to trace exactly how they are implemented in the design. There are numerous many-to-one and one-to-many relationships to be mapped from requirements to design to code. We agree with this observation; however, it actually further supports the need for traceability. The larger and more complex the project, the more important the traceability analysis becomes. Therefore, we have retained the discussions regarding traceability, and in response to several other comments, we have added traceability of software requirements to the safety risk analysis.

Another comment noted that inherent traceability can be built into documentation and code without having to have a separate traceability document. We agree and for that reason have avoided use of the most commonly used term—''traceability matrix.'' Three common approaches are traceability matrix, using computer databases to evaluate traceability, or building inherent traceability into the structure of the documentation and code. There may be many other approaches to traceability. Software developers have flexibility in how they want to implement traceability.

I. Risk Analysis

Many comments questioned the concept of a software failure modes and effects analysis (FMEA). They stated that given the difficulty of predicting specific software failure modes, FMEA is better used as a system level risk analysis tool. We have revised the guidance to discuss software risk analysis within the context of system safety. However, while we acknowledge some limitations in its use, we also believe that software FMEA can be a useful tool, especially for safety critical aspects of software applications. It may also be useful early in the development process for analyzing safety critical software requirements.

One comment objected to the suggestion that risk analysis begin at the stage where requirements are defined. However, to be useful and have an impact on the software development process, we believe that risk analysis needs to begin early and needs to be updated as the project progresses. In addition, we have revised various portions of the guidance to emphasize that the level of safety risk is a major factor in determining the level of effort to be applied in testing and other verification and validation tasks.

J. Planning

In response to comments, we have changed the subsection on ''Management'' to be entitled ''Quality Planning.'' It now provides a more general discussion of the software validation and verification concerns to consider during quality planning.

Several comments questioned the idea of early test planning, which was recommended in the draft guidance. For example, they argued that there is insufficient information available during requirements development to be able to develop a system test plan or an acceptance test plan. We disagree and have retained the recommendations for early test planning, but we have specified that test plans and test cases should be created as early in the software development process ''as feasible.'' One of the important criteria, both for requirements and for design, is that they be testable. The fact that there is insufficient information for a particular test plan is valuable feedback to the development process that perhaps the requirements or design processes are not yet sufficiently complete. Planning is a dynamic activity that should be reexamined and updated as the project progresses.

K. Requirements

Many comments objected to use of the word ''all'' in describing what is typically specified in software requirements. We agree that requirements frequently do not specify ''all'' that they should. However, that is widely recognized as one the major flaws in software development, and its correction is one of the most important messages intended by this guidance. In order to be complete, a software requirements specification should cover all the pertinent issues—not just a selected few.

One comment noted that requirements may not always be measurable. We have changed the text to state that requirements should be ''measurable or objectively verifiable.''

A few comments noted that ''internal interfaces'' and ''all ranges of values the software will accept'' are a part of design—not requirements. We agree regarding internal interfaces and have changed the text accordingly. However, since software requirements are derived from system requirements, there may be some internal system interfaces prescribed from the high level system design that would impact software requirements. Regarding ''ranges of values,'' we note that there is rarely a bright line of demarcation between requirements and design. Software developers have flexibility as to where in their life cycle they wish to cover particular issues. We rejected most comments requesting even greater levels of detail and specificity regarding static verification techniques. For example, several comments asked for more detail regarding ''requirements evaluation'' and ''interface analysis.'' Details on these techniques are available in many of the references listed at the end of the guidance. FDA investigators will expect to see a verification procedure that includes a means for identifying and resolving incomplete, ambiguous, and conflicting requirements, as required by the regulation. They will also expect to see objective documented evidence that the verification procedure was implemented.

L. Design

We have retained wording about the need for design specifications to be complete enough for programmers not to have to make ad hoc decisions. The intent is to ensure that the code created is consistent with the design specification. When programmers or engineers decide to add new functionality not identified previously in the requirements or design, those specifications need to be updated to reflect the actual code created. The project manager, design team, and any future maintainers of the software need

to have accurate documentation in order to do their work.

We have dropped the listing of specific approaches to software design, and we have included a more general description of what should be included in a software design specification. Some comments considered the previous list to be too prescriptive as well as incomplete.

We recognize that portions of the software are completed and released incrementally, and life cycle processes are repeated iteratively. The intent is that those portions of the software have design documentation that is consistent with the software application that is implemented. One comment noted that in a rapid application development (RAD) environment, there is typically no formal design document in place during coding. We recognize that RAD is valuable as a prototyping tool, but its use does not preclude the need to document the specific design, once it is agreed upon.

M. Coding

We have changed the title of this subsection to reflect that the creation of a software application can be either through coding, or through combining existing software components, such as OTS software products or functional components from existing code libraries.

Comments objected to the idea of having to keep results of all compilations of the code. In response, we have revised the discussion of compiler error checking to state that the results of the ''final'' compilation of the code should be retained to document any errors that remain uncorrected in the final software product.

N. Testing by the Software Developer

We renamed and revised this subsection to provide a better explanation of the purpose of testing, and to avoid prescriptive language concerning use of specific testing techniques. We have added language regarding use of incremental development and testing methodologies. We expanded the discussion of testing coverage to explain how different degrees of coverage should be considered for varying levels of risk, and that the manufacturer has flexibility to choose the right level of coverage.

One comment noted that the intent of testing is to find errors, and suggested a better explanation of this and other tenets of a software testing strategy. We have added such an explanation.

Other comments argued that statistical testing based on usage profiles is more effective than extensive structural testing in finding software defects. We agree that statistical testing is one of many valuable testing methodologies, and we have added information about its use. However, it is important to note that statistical testing is an adjunctive approach, rather than an outright replacement for other types of testing.

O. User Site Testing

Based on several comments, we have renamed the subsection formerly entitled ''Installation Testing'' and moved it into the section on life cycle activities. User site testing can be any one of several types of testing performed by the user or by others at the user site. System level testing performed by the software developer under conditions that simulate the user's environment is an important part of validation for some products, and it may substitute for some aspects of user site testing. However, for certain products such as blood establishment software, there are specific FDA requirements for additional testing to be performed at the user site. For manufacturing and quality system software, user site testing is frequently performed by the device manufacturer.

P. Maintenance and Software Changes

Several comments objected to the statement that ''all modifications are design changes,'' noting that some changes, such as a correction of coding errors, do not change the intended design. We have made appropriate changes to the text. However, we continue to emphasize that the validation of all software changes needs to include a regression analysis and, as appropriate, regression testing to show that the change has not negatively impacted the software.

In response to other comments, we have added information regarding anomaly evaluation, problem identification and resolution tracking, and the need to update documentation.

Q. Process and Quality System Software

We have added a new section to the document dealing with validation of automated process equipment and quality system software. This change was in response to the many comments that raised issues and asked for more detailed information about validating such software, especially OTS automated equipment and OTS software.

Many comments discussed the difficulties encountered in trying to validate OTS software, and suggested a different approach for validation of manufacturing and quality system software. Source code and life cycle documentation are frequently unavailable for review, so structural testing is usually not possible. Auditing the vendor's software development activities is one possibility, but some software vendors will not agree to being audited. One comment suggested that risk analysis, design, coding, and unit testing should not apply to quality system software, especially if it is purchased, and further suggested that functional testing is the most that can be expected. Several comments suggested that for widely used applications, there can be a reasonable assumption that the vendor validated the software at the time it was developed, and that installation qualification by the user should be sufficient. Many of these issues are addressed in the response to comment 136 in the preamble of the quality system regulation (61 FR 52602 at 52630).

It is not the agency's intent to discourage use of OTS computer products. The activities described in the guidance can be shared between the vendor and device manufacturer (the user). However, we believe that the principles and activities described in the guidance are important for an overall conclusion that software is validated for its intended use. Device manufacturers are required to have purchasing controls for the products and services they receive. Such controls are an important part of decision making regarding OTS software. Our experience is that ''assumptions'' regarding validation by the vendor are not always well founded. Each OTS software product needs to be individually evaluated based on the intended use of the software, available life cycle documentation, available verification and validation evidence, and most importantly the device safety risk posed by the automated process. Device manufacturers can use multiple sources of information, but are ultimately responsible for documenting the basis for their conclusion that the software is validated for its intended use.

Several comments suggested alternative approaches for certain types of software, such as operating systems and certain tools used in software development, such as compilers and robust ''middleware'' such as Oracle, Documentum, or Lotus Notes. We have added suggestions for alternative approaches, while still retaining the basic requirement that the software must be validated for its intended use.

A few comments questioned who is responsible for validation of OTS software. One questioned FDA's

authority to regulate software vendors, but argued that device manufacturers cannot be responsible because they lack access to source code and life cycle documentation. Another noted that vendors frequently change their hardware and software, resulting in unreasonable FDA expectations for revalidation of each change. One comment asked for more details regarding the impact of the supplier's quality system on purchasing decisions. In response to these comments, we reaffirm that FDA holds the device manufacturer responsible for the software validation requirement. This responsibility can be further delegated in part through contracting and purchasing controls, and monitored through supplier audits or other means, but the device manufacturer is ultimately responsible for its decision to choose a particular software product. The fact that a vendor refuses to provide access to its development process or documentation does not relieve the device manufacturer of this responsibility. Likewise, we note that the device manufacturer is not obligated to install every software upgrade offered by a vendor. Validation of those upgrades and support from the vendor, including access to the necessary vendor documentation, need to play an important role in the upgrade decision.

Some comments argued that software validation should be treated more like process validation, which is only required if the output of the process cannot be fully verified by subsequent inspection and testing. Other comments asked for clarification of the term ''verification by output'' and asked whether it negated the requirement for software validation. One comment argued that output of software driven systems can never be fully verified. Another comment suggested the consideration of intended use and dependence upon software for proper operation of the process to determine whether verification could be substituted for software validation.

In response to these comments, we believe there are very few examples where ''verification'' in lieu of software validation could be justified, and even in those cases, most manufacturers would choose to validate the software rather than go through repeated verifications of output. For example, while every aspect of a drawing from a computer-aided design (CAD) system can be independently verified, no user of a CAD system is likely to go to that trouble or expense for every aspect of every drawing. Likewise, because software itself cannot be fully verified, automated software development tools used to create medical device software must be validated for their intended use.

Requirements are needed to establish intended use, the degree of dependence on the software, and therefore the degree of validation needed. The device manufacturer decides whether or not to use OTS software. The ability to validate for intended use and vendor support for the effort should be a part of that decision. Static analysis and structural testing are techniques to be used in evaluating source code and life cycle documentation, when these items are available. Otherwise, the device manufacturer is dependent upon functional testing alone. This issue is discussed in response to comment 136 in the preamble to the quality system regulation (61 FR 52602 at 52630). The impact on the safety and quality of the medical device is an important determining factor in the approach and level of effort to be applied for validating automated manufacturing and quality system software, just as it is for software in a medical device.

R. References

There were numerous recommendations for additional references. Those and many other reference books, international standards, and FDA guidance documents have been added to the appendix at the end of the validation guidance.

For ease of cross reference, the text of comment 136 from the preamble of the quality system regulation is included below:

136. One comment on § 820.70(h), ''Automated processes,''' (now § 820.70(i)), stated that the section should be revised to reflect that software used in such systems must be validated for ''its intended use,'' not simply validated. Another comment stated that most companies buy software currently available on the market and do not make changes to the software. It was recommended that § 820.70(h) allow for use of outside personnel for validation runs and not necessarily require the development of a software validation procedure. One comment suggested that the section should allow verification rather than validation of off-the-shelf software. Several comments on ''automated processes''' stated that the term ''data processing systems'' was unclear and its inclusion rendered the requirement too broad. Others asked for clarification of ''automated data processing systems.''

FDA has modified the requirement to mandate validation for the intended use of the software. In addition, the requirement that the software be validated by individuals designated by the manufacturer has also been deleted to make clear that validation may be performed by those other than the manufacturer. However, whether the manufacturer designates its own personnel or relies on outside assistance to validate software, there must be an established procedure to ensure validation is carried out properly.

FDA has maintained the requirement for validation because the agency believes that it is necessary that software be validated to the extent possible to adequately ensure performance. Where source code and design specifications cannot be obtained, ''black box testing'' must be performed to confirm that the software meets the user's needs and its intended uses.

FDA emphasizes that manufacturers are responsible for the adequacy of the software used in their devices, and activities used to produce devices. When manufacturers purchase ''off-the-shelf'' software, they must ensure that it will perform as intended in its chosen application.

FDA has amended the requirement to state ''When computers or automated data processing systems are used as part of production or the quality system,'' for clarification. Software used in production or the quality system, whether it be in the designing, manufacturing, distributing, or tracing, must be validated.

II. Significance of Guidance

This guidance document represents the agency's current thinking on software validation. 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 applicable statutes and regulations.

The agency has adopted GGPs, and published the final rule, which set forth the agency's regulations for the development, issuance, and use of guidance documents (21 CFR 10.115). This guidance document is issued as a level 1 guidance in accordance with the GGP regulations.

III. Electronic Access

In order to receive ''General Principles of Software Validation'' 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 (938) 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 the civil money penalty guidance documents package, 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. Guidance documents are also available on the Dockets Management Branch Internet site at http:/www.fda.gov/ohrms/dockets/default.htm.

IV. Comments

Interested persons may submit to the Dockets Management Branch (address above) written or electronic comments regarding this guidance at any time. Submit two copies of any comments,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. 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: December 11, 2001.

Linda S. Kahan,

Deputy Director, Center for Devices and Radiological Health.

[FR Doc. 02–690 Filed 1–10–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Expression, Purification and Efficacy Testing of Synthetic Plasmodium Falciparum Apical Membrane Antigen 1 Expressed in Pichia Pastoris

Stowers et al. (NIAID)

DHHS Reference No. E–025–02/0 filed 09 Nov 2001

Licensing Contact: Carol Salata; 301/496–7735 ext. 232; e-mail: *salatac@od.nih.gov.*

A challenge facing the biotechnology industry involves finding robust systems for the expression of large amounts of recombinant protein. Extra technological hurdles are faced when these proteins are required for therapeutic usages.

Malaria remains one of the leading causes of both morbidity and mortality in the tropical and sub-tropical world. Currently, there is no malaria vaccine. This invention relates to both of these issues.

Two recombinant forms of the malaria asexual blood stage antigen Apical Membrane Antigen 1 (AMA1) were produced in Pichia pastoris using totally defined, synthetic medias and a fermentation methodology that has been reproducibly scaled over a 10-fold range to 60L. High levels of secreted recombinant protein were obtained (300mg/L secreted protein in the supernatant, and >50mg/L final purified bulk protein), and a purification strategy developed to remove Host cell-derived lipids. Highly purified forms of both types of AMA1 produced appear to produce antibodies in vivo in rabbits that block homologous parasites from invading red blood cells in vitro. The combination of the two allelic forms made appears potent at inducing antibodies capable of blocking the invasion of many heterologous parasite strains in vitro, suggesting that the combination of these two alleles of AMA1 will provide sufficient coverage from the diverse field populations of parasites. One of the two AMA1's, based on the FVO allelic variant of AMA1, was emulsified with complete and incomplete Freund's adjuvant.

Vaccination of highly susceptible Aotus vociferans monkeys with this formulation conferred significant protection from a subsequent lethal challenge with the virulent FVO Plasmodium falciparum parasite. Five of eight animals whose primary immune response was directed against AMA1 were completely protected. These two recombinant form of AMA1 may be an effective malaria vaccine. The production and purification methodologies may be suitable to other therapeutic proteins where large-scale, inexpensive production methodologies are required.

Two cDNA Clones of Hepatitis E Virus (HEV) That Are Infectious for Primates and Encode a Virulent and an Attenuated Virus Respectively

Suzanne U. Emerson, Robert H. Purcell, Mingdong Zhang, and Xiang-Jin Meng (NIAID)

DHHS Reference No. E–278–01/0 filed 09 Nov 2001

Licensing Contact: Carol Salata; 301/496–7735 ext. 232; e-mail: *salatac@od.nih.gov*

Hepatitis E virus (HEV) is a human pathogen that is the most important cause of acute hepatitis in areas where the virus in endemic (Southeast and Central Asia, and parts of Africa). This invention relates to transcripts from the two cDNA clones that produced virus following intrahepatic transfection of chimpanzees. The virus encoded by cDNA with the consensus sequence of the wild-type Sar 55 Pakistani strain of HEV caused liver enzyme elevations (i.e. acute hepatitis) in the chimpanzee and resulted in seroconversion to anti-HEV at five weeks following inoculation. The second cDNA differed from the first by a two nucleotides, one of which was located in the coding region. The nucleotide at this position and the 18–20 nucleotides surrounding it are highly conserved in all strains sequenced thus far. Two chimpanzees inoculated with transcripts from this clone seroconverted to anti-HEV but seroconversion was delayed until week 14 and liver enzyme levels did not rise, indicating the virus was attenuated. Viral sequences could be recovered from the serum of only one chimp and at only one time point by reverse-transcription polymerase chain reaction, indicating viral replication was inefficient. An attenuated vaccine would be more cost effective than a recombinant protein vaccine.

Suppression of CCR5 but Not CXCR4-Tropic HIV–1 Replication in Lymphoid Tissue by Human Herpes Virus 6

Margolis et al. (NICHD)

DHHS Reference No. E–089–01/0 filed 28 Mar 2001

Licensing Contact: Carol Salata; 301/496–7735 ext. 232; e-mail: *salatac@od.nih.gov.*

HIV–1 infects cells via a receptor complex formed by CD4 and a coreceptor, such as CCR5 or CXCR4. The early stages of HIV–1 infection are dominated by CCR5-tropic viral variants. CXCR4-tropic variants frequently emerge at later stages

followed by a rapid decline in CD4+ T cells and progression to AIDS.

This invention describes the mechanism of the coreceptor switch from CCR5 to CXCR4 as HIV infection progresses. The study of the interaction between human herpes virus 6 (HHV–6) and HIV has shed light on this coreceptor switch. The inventors observed that HHV–6 affects HIV replication by suppressing CCR5-tropic but not CXCR4-tropic HIV–1. The inventors demonstrate that HHV–6 upregulates the production of RANTES, a CC chemokine that is known to inhibit infection by CCR5-tropic HIV–1. RANTES interferes with the interaction of the CCR5-tropic HIV–1 thereby allowing the CXCR4-tropic HIV–1 variants to emerge.

This observation may lead to new HIV–1 therapies and vaccines. For example, an attenuated HHV–6 or the use of other compounds to stimulate RANTES production could be used as an HIV vaccine while a drug effective against HHV–6 could be used as an HIV therapeutic. Once HHV–6 is eradicated from the body or rendered nonfunctional the conversion from CCR5-tropic HIV–1 to CXCR4-tropic HIV–1 cannot take place.

Human Papilloma Virus Immunoreactive Peptides

Samir N. Khleif , David Contois, and Jay Berzofsky (NCI)
DHHS Reference No. E–126–01/0 filed 23 Mar 2001
Licensing Contact: Sally Hu; 301/496–7056 ext. 265; *e-mail: hus@od.nih.gov.*

This invention provides immunogenic peptides from the HPV–18E6 protein that comprise class I restricted T cell epitopes and discloses methods of administering these peptides to individuals, and a method for monitoring or evaluating an immune response to HPV with these peptides. The HPV–18E6 peptide cross-reacts immunologically with both HPV type 16 and HPV type 18. HPV 16 and HPV 18 are the most common HPV types involved in cervical cancer, which is the second most common cause of cancer deaths in women worldwide. This invention demonstrates that the HPV–18E6 peptide has a higher affinity for the most common human lymphocyte antigen (HLA), HLA–A2 than the homologous peptide from HPV 16. Thus, this invention provides a potential prophylactic or therapeutic vaccine against cervical cancer caused by HPV16 and 18, and a targeted therapy for cervical cancer and other diseases that are caused by HPV including other genital cancers, head and neck cancers, and upper digestive tract cancers. It could also be potentially used in the treatment of patients presenting with pre-malignant cervical disease, especially in underdeveloped countries with no access to surgical treatment or to completely avoid surgical treatment.

Parallel Measurements of Multiple Macromolecules Using a Cryoarray

Robert Star (NIDDK), Takehiko Miyaji (NIDDK), Stephen Hewitt (NCI), and Lance Liotta (NCI)
DHHS Reference No. E–064–01/0 filed 31 Aug 2001
Licensing Contact: Cristina Thalhammer-Reyero; 301/496–7056 ext. 263; e-mail: *ThalhamC@od.nih.gov.*

Available for license is a new improved technique for the creation of biological arrays of 25–100 biological samples per slide, for use in parallel molecular screening in medical research and clinical diagnostics. Recent advances in genomics, including serial analysis of gene expression, and DNA microarrays have allowed researchers to perform high throughput analysis of gene expression. These experiments generate large amounts of information that must be validated independently, one gene at a time. In particular, there is an increasing demand for protein arrays in order to measure changes in protein expression or post-translational modification of proteins. Current techniques to create protein arrays are deficient because the proteins stick to the arraying pins, and array fabrication at room temperature may destroy the protein structure and function. The CryoArray technology, based on the creation of the arrays at subzero temperature, preserves the stability and functionality of the biological samples, including proteins, and is flexible with respect to the molecular probes it can accommodate. Wells made in a frozen block of embedding material are filled with biological samples, which freeze and bond to the surrounding block. The loaded block is cut in a cryostat to produce up to 800 replicate 4–10 microns thin sections. The samples can include DNA, RNA, and proteins such as antibodies or receptors. Recombinant or native tissue proteins are detected using antibodies; however, the system can be extended for other types of biological assays.

The ability to make multiple (i.e., up to 800) cryosections from one cryoblock enables parallel analysis of many identical arrays. Unlike other proteomic techniques, cryoarrays are easy to use, economical, efficiently use samples with little waste, require only a small volume of sample, and are protein friendly because samples are kept frozen during production. The cryoarray method allows small laboratories without access to expensive arraying equipment to produce many identical arrays with moderate numbers of precious samples. Proteins can be detected in their native configuration, without SDS or formalin. Cryoarrays may be useful for screening small samples of precious biological fluids or tissues for new biomarkers or for rapid screening of monoclonal antibodies. It may be possible to use cryoarrays to also measure protein function and protein-protein interactions.

Method for Non-Invasive Identification of Individuals at Risk for Diabetes

Anthony J. Durkin, Marwood N. Ediger, Michelle V. Chenault (FDA)
DHHS Reference No. E–091–98/2 filed 17 May 2001
Licensing Contact: Dale Berkley; 301/496–7735 ext. 223; e-mail: *berkleyd@od.nih.gov*

The invention is a non-invasive technique for the detection of ocular pathologies, including molecular changes associated with diabetes. Raman spectra emitted from an eye that is subject to a laser probe provides information regarding early markers of diabetes or diabetes-induced ocular pathologies. The invention compares spectra taken from the subject under study to spectra from a normal subject. Multivariate statistical methods are used to obtain predictive information based on the detected spectra, and to diagnose or predict the onset or stage of progression of diabetes-induced ocular pathology.

Dated: January 4, 2002.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 02–744 Filed 1–10–02; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C.,

as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Signal Transduction in Oscogenesis.

Date: January 11, 2002.

Time: 10:00 AM to 2:00 PM.

Agenda: To review and evaluate grant applications.

Place: 6116 Executive Blvd., Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Virginia P. Wray, PhD, Scientific Review Administrator, National Cancer Institute, DEA GRB, 6116 Executive Boulevard, Room 8125, Rockville, MD 20895–7405, 301–496–9236, *vw8z@nih.gov*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: January 4, 2002.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–746 Filed 1–10–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Eye Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Eye Council.

Date: February 14, 2002.

Closed: 8:30 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: 6130 Executive Boulevard, Room G, Rockville, MD 20852.

Open: 1:15 p.m. to 5 p.m.

Agenda: Following opening remarks by the Director, NEI, there will be presentations by the staff of the Institute and discussions concerning Institute programs and policies.

Place: 6130 Executive Boulevard, Room G, Rockville, MD 20852.

Contact Person: Lore Anne McNicol, Director, Division of Extramural Research, National Eye Institute, National Institutes of Health, Bethesda, MD 20892, 301–496–9110.

Information is also available on the Institute's/Center's homepage: *www.nei.nih.gov*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: January 4, 2002.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–753 Filed 1–10–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Council for Human Genome Research.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Human Genome Research.

Date: February 11–12, 2002.

Open: February 11, 2002, 8:30 AM to 1 PM.

Agenda: To discuss matters of program relevance.

Place: National Institutes of Health, Natcher Building, Conference Rooms E1 & E2, 45 Center Drive, Bethesda, MD 20892.

Closed: February 11, 2002, 1 PM to Adjournment on 02/12/2002.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Natcher Building, Conference Rooms E1 & E2, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Elke Jordan, PhD, Deputy Director, National Human Genome Research Institute, National Institutes of Health, PHS, DHHS, 31 Center Drive, Building 31, Room 4B09, Bethesda, MD 20892, 301 496–0844.

In the interest of security, NIH has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show a photo I.D. and sign-in at the security desk upon entering the building.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: January 7, 2002.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–754 Filed 1–10–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Microbiology and Infectious Diseases Research Committee.

Date: February 6–8, 2002.

Open: February 6, 2002, 9 AM to 10 AM.

Agenda: Report on Division activities.

Place: Latham Hotel, 3000 M Street, NW., Washington, DC 20007.

Closed: February 6, 2002, 10 AM to adjournment.

Agenda: To review and evaluate grant applications.

Place: Latham Hotel, 3000 M Street, NW., Washington, DC 20007.

Contact Person: Gary S. Madonna, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2217, 6700–B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610, 301–496–2550.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 4, 2002.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–745 Filed 1–10–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Initial Review Group Biomedical Research Review Subcommittee.

Date: February 14, 2002.

Time: 8:30 am to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: L Tony Beck, PhD, Scientific Review Administrator, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Blvd., MSC 7003, Bethesda, MD 20892–7003, 301–443–0913, lbeck@mail.nih.gov

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Initial Review Group Health Services Research Review Subcommittee.

Date: February 14, 2002.

Time: 12 pm to 3 pm.

Agenda: To review and evaluate grant applications.

Place: Willco Building, Suite 409, 6000 Executive Boulevard, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Elsie Taylor, Scientific Review Administrator, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Blvd., Bethesda, MD 20892–7003, 301–443–9787, *etaylor@niaaa.nih.gov.*

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Initial Review Group Clinical and Treatment Subcommittee–

Date: February 28-March 1, 2002.

Time: 8:30 am to 5 pm.

Agenda: To review and evaluate grant applications

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Elsie Taylor, MS, Scientific Review Administrator, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Blvd., Bethesda, MD 20892–7003, 301–443–9787, *etaylor@niaaa.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.272, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: January 4, 2002.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–747 Filed 1–10–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel.

Date: January 24, 2002.

Time: 10 a.m. to 3 p.m.

Agenda: To review and evaluate contract proposals.

Place: 6700B Rockledge Drive, Room 2223, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Yen Li, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2217, 6700–B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610, 301–496–2550,*yli@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 4, 2002.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–748 Filed 1–10–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be open to the public as indicated below, with attendance limited to space available.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Allergy, Immunology, and Transplantation Research Committee.

Date: January 29–31, 2002.

Open: January 29, 2002, 2:00 PM to 2:30 PM.

Agenda: Report on Division activities.

Place: Best Western, Monterey Beach Hotel, 2600 Sand Dunes Drive, Monterey, CA 93940.

Closed: January 29, 2002, 2:30 PM to adjournment.

Agenda: To review and evaluate grant applications.

Place: Best Western, Monterey Beach Hotel, 2600 Sand Dunes Drive, Monterey, CA 93940.

Contact Person: Nancy B. Saunders, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2223, 6700–B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610, 301–496–2550, *ns120v@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 4, 2002.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–749 Filed 1–10–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Arthritis and Musculoskeletal and Skin Diseases Advisory Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Arthritis and Musculoskeletal and Skin Diseases Advisory Council.

Date: January 31–February 1, 2002.

Open: January 31, 2002, 8:30 AM to 5 PM.

Agenda: The meeting will be open to the public to discuss administrative details relating to Council business and special reports.

Place: 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, MD 20892.

Closed: February 1, 2002, 8:30 AM to 5 PM.

Agenda: To review and evaluate grant applications.

Place: 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, MD 20892.

Contact Person: Steven J. Hausman, PhD, Deputy Director, NIAMS/NIH, Bldg. 31, Room 4C–32, 31 Center Dr, MSC 2350, Bethesda, MD 20892–2350, (301) 594–2463.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: January 4, 2002.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–750 Filed 1–10–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental and Craniofacial Research; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Dental and Craniofacial Research Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Dental and Craniofacial Research Council.

Date: January 28, 2002.

Open: 8:30 a.m. to 11 a.m.

Agenda: Director's Report, Budget Report.

Place: Natcher Building, 45 Center Drive, Conference Rooms E1/E2, Bethesda, MD 20892.

Closed: 11 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: Natcher Building, 45 Center Drive, Conference Rooms E1/E2, Bethesda, MD 20892.

Contact Person: J. Ricardo Martinez, MD, MPH, Associate Director for Program Development, Office of the Director, National Institute of Dental and Craniofacial Research, 31 Center Drive, Bldg. 31, Rm. 5B55, Bethesda, MD 20892.

Information is also available on the Institute's/Center's home page: *www.nidcr.nih.gov/discover/nadrc/index.htm*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: January 4, 2002.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–751 Filed 1–10–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Meetings

Pursuant to section 10(a) of the Federal Advisory Committee Act, as

amended (5 U.S.C. Appendix 2), notice is hereby given of meetings of the National Advisory Neurological Disorders and Stroke Council.

The meetings will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Advisory Neurological Disorders and Stroke Council, Training Subcommittee.

Date: February 13, 2002.

Time: 8 p.m. to 10 p.m.

Agenda: To discuss the training programs of the Institute.

Place: Hyatt Regency, One Metro Center, Bethesda, MD 20814.

Contact Person: Constance W. Atwell, PhD, Associate Director for Extramural Research, National Institute of Neurological Disorders and Stroke, National Institutes of Health, Neuroscience Center, 6001 Executive Blvd., Suite 3309, MSC 9531, Bethesda, MD 20892–9531, (301) 496–9248.

Name of Committee: National Advisory Neurological Disorders and Stroke Council, Infrastructure, Neuroinformatics, and Computational Neuroscience Subcommittee.

Date: February 14, 2002.

Time: 8 a.m. to 10 a.m.

Agenda: To discuss research mechanisms and infrastructure needs.

Place: 31 Center Drive, Building 31, Room 8A52, Bethesda, MD 20892.

Contact Person: Robert Baughman, MD, Associate Director for Technology Development, National Institute of Neurological Disorders and Stroke, National Institutes of Health, 6001 Executive Blvd., Suite 2137, MSC 9527, Bethesda, MD 20892–9527, (301) 496–1779.

Information is also available on the Institute's/Center's home page: *www.ninds.nih.gov*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: January 4, 2002.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–752 Filed 1–10–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Neurological Disorders and Stroke Council.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Neurological Disorders and Stroke Council, Clinical Trials Subcommittee.

Date: February 14, 2002.

Open: 8 AM to 8:30 AM.

Agenda: To discuss clinical trials policy.

Place: 31 Center Drive, Building 31, Room 8A28, Bethesda, MD 20892.

Closed: 8:30 AM to 10 AM.

Agenda: To review and evaluate grant applications.

Place: 31 Center Drive, Building 31, Room 8A28, Bethesda, MD 20892.

Contact Person: Constance W. Atwell, PHD, Associate Director for Extramural Research, National Institute of Neurological Disorders and Stroke, National Institutes of Health, Neuroscience Center, 6001 Executive Blvd., Suite 3309, MSC 9531, Bethesda, MD 20892–9531, (301) 496–9248.

Name of Committee: National Advisory Neurological Disorders and Stroke Council.

Date: February 14–15, 2002.

Open: February 14, 2001, 10:30 AM to 4:30 PM.

Agenda: Report by the Acting Director, NINDS; Report by the Director, Division of Extramural Research; and other administrative and program developments.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, MD 20892.

Closed: February 14, 2002, 4:30 PM to 5:30 PM.

Agenda: To review and evaluate the Division of Intramural Research Board of Scientific Counselors' reports.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, MD 20892.

Closed: February 15, 2002, 8:30 AM to 12 PM.

Agenda: To review and evalute grant applications.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, MD 20892.

Contact Person: Constance W. Atwell, PHD, Associate Director for Extramural Research, National Institute of Neurological Disorders and Stroke, National Institutes of Health, Neuroscience Center, 6001 Executive Blvd., Suite 3309, MSC 9531, Bethesda, MD 20892–9531, (301) 496–9248.

Information is also available on the Institute's/Center's home page: *www.ninds.nih.gov,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: January 4, 2002.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–755 Filed 1–10–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4730–N–02]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitably for possible use to assist the homeless.

EFFECTIVE DATE: January 11, 2002.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, Department of Housing and Urban Development, Room 7262, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the*

Homeless v. *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD publishes a notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: January 4, 2002.

Mark R. Johnston,

Deputy Director, Office of Special Needs Assistance Programs.

[FR Doc. 02–565 Filed 1–10–02; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Application

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Request permit amendment.

SUMMARY: The following applicant requests a permit amendment to conduct gray wolf (*Canis lupis*) take activities throughout Minnesota. This notice is provided pursuant to section 10(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531, *et seq.*).

Permit Number TE–697830

Applicant: Assistant Regional Director, Ecological Services, Region 3, U.S. Fish and Wildlife Service, Fort Snelling, Minnesota.

DATES: Written comments must be received by February 11, 2002.

ADDRESSES: Written data or comments should be submitted to the Regional Director, U.S. Fish and Wildlife Service, Ecological Services, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056.

Documents and other information submitted with this application are available for review by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: Mr. Peter Fasbender, U.S. Fish and Wildlife Service, Ecological Services, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056. Telephone: (612) 713–5343; Fax: (612) 713–5292; e-mail: *peter_fasbender@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Peter Fasbender, (612) 713–5343.

SUPPLEMENTARY INFORMATION: The gray wolf is listed as an endangered species throughout the conterminous United States and Mexico, except in Minnesota where it is classified as a threatened species, and in three areas of the western United States where experimental populations have been designated under separate regulations. In areas where the gray wolf is listed as endangered, 50 CFR 17.21(c)(2) allows them to be taken by a person ''in defense of his own life or the lives of others.'' Furthermore, § 17.21(c)(3)(iv) allows any employee or agent of the Service, any other Federal land management agency, the National Marine Fisheries Service, or a State conservation agency, who is designated by his agency for such purposes to ''remove specimens which constitute a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner; the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live-capturing and releasing the specimen unharmed, in a remote area.'' 50 CFR 17.31 applies the provisions of § 17.21(c)(2) and (c)(3) to threatened wildlife, except in cases where a special rule developed under section 4(d) of the Act applies to a threatened species.

50 CFR 17.40 (d) contains the special rules for wolves in Minnesota and allows designated persons to take gray wolves in Wolf Management Zones 2–5 in response to depredations upon domestic animals. Although all the other provisions of § 17.21(c)(2) and (c)(3), including the provision that allows gray wolves to be taken in defense of human life, are carried over into § 17.40(d), the provision allowing the Service, or its designees, to ''remove specimens which constitute a demonstrable but nonimmediate threat to human safety'' is absent from this section.

Due to increasing populations of the gray wolf in Minnesota, there are concerns over human and wolf interactions and the potential threat gray wolves pose to human safety. This concern is especially great where wolves increasingly have become habituated to humans, are frequently encountered around residential buildings, have become difficult to scare away, and may have learned to associate humans with the availability of food.

Under the current regulations discussed above there is no clear provision allowing take of a threatened Minnesota wolf that is a demonstrable but nonimmediate threat to human safety. However, the regulations noted above for endangered wildlife specifically allow the taking, by either lethal or non-lethal means, of endangered wolves in all states adjacent to Minnesota if an identical threat to human safety occurs. The Service believes it is reasonable and logical to be able to provide relief in similar situations in Minnesota where wolves are much more numerous than in adjacent states. The gray wolf was reclassified from endangered to threatened in 1978 in Minnesota.

Because current regulations do not provide clear authority to carry out such activities without a permit, the Applicant is pursuing authorization to conduct such take activities via an amendment to the Endangered and Threatened Species Permit issued to the Assistant Regional Director, Ecological Services, Ft. Snelling, Minnesota. The applicant requests an amendment to allow the take (trapping, removing, humanely euthanizing, and/or relocating) of gray wolves throughout Minnesota in accordance with 50 CFR 17.32, if the wolf or wolves are determined to constitute a demonstrable but nonimmediate threat to human safety.

Written data or comments should be submitted to the Regional Director, U.S. Fish and Wildlife Service, Ecological Services, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056, and must be received within 30 days of the date of this publication.

Documents and other information submitted with this application are available for review by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: Mr. Peter Fasbender, U.S. Fish and Wildlife Service, Ecological Services, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056. Telephone: (612) 713–5343; Fax: (612) 713–5292; e-mail: *peter_fasbender@fws.gov.*

Dated: December 28, 2001.

Marvin E. Moriarty,

Acting Regional Director, Region 3, Fort Snelling, Minnesota.

[FR Doc. 02–684 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

Endangered Species

The public is invited to comment on the following application(s) for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as*

amended (16 U.S.C. 1531, *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address below) and must be received within 30 days of the date of this notice.

PRT–049772

Applicant: Henry Doorly Zoo, Omaha, Nebraska

The applicant requests a permit to import three female and three male Parma wallabies (*Macropus parma*) from a non-native population on an island in New Zealand, where it is considered to be a pest species, for the purpose of enhancement of the survival of the species.

PRT–051207

Applicant: Gail A. Sanders, Prescott, WI

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–051210

Applicant: Donald G. Sebesta, Othello, WA

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–051213

Applicant: Thomas L. Martinetto, Shorewood, MN

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–045459

Applicant: Center for Environmental Research and Conservation, Columbia Univ., New York, NY

The applicant requests a permit to import biological tissue samples from Javan rhinoceros (*Rhinoceros sondaicus*), great Indian one-horned rhinoceros (*Rhinoceros unicornis*) and Sumatran rhinoceros (*Dicerorhinus sumatrensis*) from several countries in Asia for the purpose of scientific research on genetic markers for use in population analysis to enhance the survival of the species. This notification covers activities conducted by the applicant over a five-year period.

Marine Mammals and Endangered Species

The public is invited to comment on the following application for a permit to conduct certain activities with endangered marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*), the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*), and the regulations governing marine mammals (50 CFR part 18) and endangered species (50 CFR part 17).

PRT–049136

Applicant: Xavier University, Cincinnati, OH

Permit Type: Take for Scientific Research.

Name and Number of Animals: West Indian Manatee, *Trichechus manatus,* 2.

Summary of Activity To Be Authorized: The applicant requests a permit to conduct research associated with sound recognition on one captive-held animal and one captive-born animal, currently housed at the Cincinnati Zoo, Cincinnati, for the purpose of scientific research.

Source of Marine Mammals: Captive held and captive born.

Period of Activity: Up to 5 years if issued.

Concurrent with the publication of this notice in the **Federal Register**, the Division of Management Authority is forwarding copies of the above application to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

The public is invited to comment on the following application(s) for a permit to conduct certain activities with marine mammals. The application(s) was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) and the regulations governing marine mammals (50 CFR part 18).

PRT–051276

Applicant: Trevor Davis, Rye, NY

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Norwegian Bay polar bear population in Canada for personal use.

Written data, comments, or requests for copies of these complete applications or requests for a public hearing on these applications should be submitted to the Director (address below) and must be received within 30 days of the date of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

The U.S. Fish and Wildlife Service has information collection approval from OMB through March 31, 2004, OMB Control Number 1018–0093. Federal Agencies may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a current valid OMB control number.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358–2104 or fax 703/358–2281.

Dated: December 21, 2001.

Monica Farris,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 02–706 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

Endangered Species

The public is invited to comment on the following application(s) for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address below) and must be received within 30 days of the date of this notice.

PRT–051416

Applicant: James L. Baker, Wichita, KS

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–051421

Applicant: Ronald L. Nunnery, Fairfax Station, VA

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–051423

Applicant: Jo Dean Peters, Graham, WA

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–037810

Applicant: Hawthorn Corporation, Grayslake, IL

The applicant requests a permit to re-export and re-import Asian elephants (*Elephas maximus*) and progeny of the animals currently held by the applicant and any animals acquired in the United States by the applicant to/from worldwide locations to enhance the survival of the species through conservation education. This notification covers activities conducted by the applicant over a three year period.

The U.S. Fish and Wildlife Service has information collection approval from OMB through March 31, 2004, OMB Control Number 1018–0093. Federal Agencies may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a current valid OMB control number.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358–2104 or fax 703/358–2281.

Dated: December 28, 2001.

Michael S. Moore,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 02–707 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Mission View Estates Habitat Conservation Plan and Environmental Assessment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Kennedy Development of California, LLC has applied to Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The proposed 10-year permit would authorize incidental take of the federally threatened coastal California gnatcatcher (*Polioptila californica californica*) in connection with the construction of the 65-unit Mission View Estates residential development on 28.9 acres in the City of Oceanside, San Diego County, California. The permit application includes a Habitat Conservation Plan (HCP) and an Implementation Agreement that serves as a legal contract. The Service has prepared an Environmental Assessment for our proposed action of issuing a permit to Kennedy Development. These documents are available for public review and comment.

DATES: We must receive your written comments on or before March 12, 2002.

ADDRESSES: Send comments to Mr. Jim Bartel, Field Supervisor, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008. You also may submit comments by facsimile to (760) 431–9618.

FOR FURTHER INFORMATION CONTACT: Ms. Janet Stuckrath, Fish and Wildlife Biologist, at the above address; telephone (760) 431–9440.

SUPPLEMENTARY INFORMATION:

Availability of Documents

You may request copies of the documents by contacting the office above. You may view the documents, by appointment, during normal business hours (8 a.m. to 5 p.m.), Monday through Friday at the Carlsbad Fish and Wildlife Office (see **ADDRESSES**). Copies are also available for viewing at two public libraries: Civic Center Library, 330 North Coast Highway, Oceanside, California; or Mission Branch Library, 3861–B Mission Avenue, Oceanside, California.

Background

Section 9 of the Act and Federal regulation prohibit the ''take'' of animal species listed as endangered or threatened. That is, no one may harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect listed animal species, or attempt to engage in such conduct (16 U.S.C. 1538). ''Harm'' is defined by regulation to include significant habitat modification or degradation that actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). Under certain circumstances, the Service may issue permits to authorize ''incidental'' take of listed animal species (defined by the Act as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity). Regulations governing permits for threatened and endangered species, respectively, are at 50 CFR 17.32 and 17.22.

Kennedy Development has submitted an application for a 10-year incidental take permit to the Service, proposing the take of coastal California gnatcatchers during the construction of a residential development on the 28.9-acre site. One threatened plant, thread-leaved brodiaea (*Brodiaea filifolia*), would be named on the permit. The taking prohibitions of the Act do not apply to listed plants on private land unless their destruction on private land is in violation of State law. Nevertheless, Kennedy Development has considered the plant in its HCP and requests a permit for this species to the extent that State law applies.

The proposed project is located in the City of Oceanside south of Mission Avenue, at the terminus of Mission Gate Drive. The proposed project consists of: (1) The construction of 65 single-family homes; (2) extension of Mission Gate Drive, and (3) implementation of the HCP over a 10-year period. The HCP would establish and provide for management of a 7.88-acre conservation area on the project site, containing 4.24 acres of coastal sage scrub habitat occupied by 2 pairs of gnatcatchers. In addition, the applicant will purchase 11.82 acres of an off-site habitat parcel within the City of Oceanside's ''Wildlife Corridor Planning Zone'' as described in the draft ''Oceanside Subarea Habitat Conservation Plan/Natural Communities Conservation Plan'' (Ogden Environmental and Conservation Biology Institute, 2000) and 3.94 acres of off-site habitat within an approved conservation bank, for a total of 15.76 acres of off-site preservation.

The HCP and Environmental Assessment consider two alternatives to the proposed project: a reduced project alternative; and a no action alternative. Under the proposed project alternative, a permit would be issued for incidental take of the coastal California

gnatcatcher. This alternative would result in the permanent loss of 5.91 acres of habitat that currently supports 2 pairs of gnatcatchers within the 28.9-acre project site. This alternative would permanently preserve 20.0 acres of habitat for the gnatcatcher.

Under the reduced project alternative, on-site open space (lot A) would increase from 7.8 acres to approximately 13.8 acres through the elimination of 25 residential lots. Although this alternative reduces the impacts to occupied coastal sage scrub, the applicant has determined it to be financially infeasible.

Under the no project alternative, the Service would not issue an incidental take permit to Kennedy Development. Kennedy Development would not construct the proposed residential development on the site and would not establish and manage preserves for the coastal California gnatcatcher. The extension of Mission Gate Drive would likely still occur due to proposed development on the adjacent property. Present disturbance of the project area would continue in the form of trespassing in gnatcatcher-occupied habitat, illegal dumping, erosion, and periodic fire. Considering that the area is zoned for residential use, it is likely that the area would eventually be developed for another residential development.

We provide this notice pursuant to section 10(a) of the Endangered Species Act and regulations for implementing the National Environmental Policy Act of 1969 (40 CFR 1506.6). All comments that we receive, including names and addresses, will become part of the administrative record and may be made available to the public. We will evaluate the permit application, Environmental Assessment, associated documents, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Endangered Species Act. If we determine that the requirements are met, we will issue a permit for the incidental take of the gnatcatcher and the thread-leaved brodiaea. We will make a decision on permit issuance no sooner than 60 days from the date of this notice.

Dated: January 7, 2002.

Miel R. Corbett,

Acting Manager, Region 1, California/Nevada Operations Office, Sacramento, California.

[FR Doc. 02–710 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Issuance of Permit for Marine Mammals

On October 13, 2000, a notice was published in the **Federal Register** (65 FR 60971), that an application had been filed with the Fish and Wildlife Service by Monterey Bay Aquarium for a permit (PRT–032027) to take Southern sea otters (*Enhydra lutris nereis*) for the purpose of rehabilitation and release, enhancement, and scientific research.

Notice is hereby given that on December 18, 2001, a Letter of Authorization (LOA–032027) and a permit (MA032027–0) were issued by the Fish and Wildlife Service, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*), and subject to certain conditions set forth therein.

Documents and other information submitted for these applications are available for review by any party who submits a written request to the U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone (703) 358–2104 or fax (703) 358–2281.

Dated: December 21, 2001.

Monica Farris,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 02–708 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–070–1310–EJ]

Notice of Availability of Draft Environmental Impact Statement (DEIS) and Draft Planning Amendments on the Powder River Basin Oil and Gas Project

AGENCY: Bureau of Land Management, Cooperating Agencies—United States Forest Service, Agriculture; State of Wyoming, Interior.

ACTION: Notice of Availability of Draft Environmental Impact Statement (DEIS) and Draft Plan Amendments on the Powder River Basin Oil and Gas Project in Johnson, Sheridan, Campbell and Converse Counties, Wyoming.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of the Powder River Basin Oil and Gas Project DEIS which evaluates, analyzes, and discloses to the public direct, indirect, and cumulative environmental impacts from continued development of oil and gas resources in the Project Area in Sheridan, Campbell, Johnson, and Converse Counties, Wyoming. The DEIS also considers amendments to the BLM's Buffalo Resource Management Plan (RMP) and Platte River RMP and the Forest Services' Thunder Basin National Grassland (TBNG) Land and Resource Management Plan (LRMP) as a result of the impacts of this development. The Forest Service and the State of Wyoming are Cooperating Agencies.

The DEIS analyzes a proposal by companies to drill and develop wells on their leased acreage within the Powder River Basin Project Area (approximately 8 million acres) in northeastern Wyoming. The lands analyzed include all of the BLM Buffalo Field Office, the northern portion of Converse County of the Casper Field Office, and the TBNG within the four counties.

DATES: Comments on the DEIS will be accepted for 90 days following the date that the Environmental Protection Agency (EPA) publishes its Notice of Availability in the **Federal Register**. The BLM will notify all parties on the project mailing list of the dates when comments will be accepted. The BLM asks that those submitting comments on the DEIS make them as specific as possible and should refer to page numbers and chapters in the document. Comments are more helpful if they include suggested changes, sources, or methodologies. Comments that contain only opinions or preferences will not receive a formal response, however, they will be considered and included as part of the BLM decisionmaking process.

Future notification of public meetings (anticipated during March 2002) or other public involvement activities concerning the proposed project and resource management plan amendment, will be provided through public notices, news media releases, the Wyoming BLM homepage at www.wy.blm.gov and/or mailings. These notifications will provide at least 15 days notice of public meetings or gatherings and 30 days notice of written comment requests.

ADDRESSES: Comments on the DEIS should be sent to the Bureau of Land Management, Paul Beels (Project Manager), 1425 Fort Street, Buffalo, Wyoming 82834. A copy of the DEIS has been sent to affected Federal, State, and local government agencies and to those persons who responded to the BLM that they wished to receive a copy of the DEIS. Copies of the DEIS are available

for public inspection at the following BLM office locations:

Bureau of Land Management, Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming 82009

Bureau of Land Management, Buffalo Field Office, 1425 Fort Street, Buffalo, Wyoming 82834

Bureau of Land Management, Casper Field Office, 2987 Prospector Drive, Casper, Wyoming 82604–2968

SUPPLEMENTARY INFORMATION: The DEIS analyzes a proposal by companies to drill and develop coalbed methane (CBM) wells in their leased acreage within the Powder River Basin Project Area (approximately 7,911,000 acres) in northeastern Wyoming. The area encompasses all of Johnson and Sheridan Counties except the Bighorn National Forest, all of Campbell County, and the northern portion of Converse County from township 37 north to the Campbell County line. The area is accessed by Interstates 25 and 90.

The DEIS describes the physical, biological, cultural, historic, and socioeconomic resources in and surrounding the project area. The focus for impact analysis was based upon resource issues and concerns identified during an extensive public scoping process. Potential impacts of concern from development (not in priority order), are Buffalo, Sheridan, Gillette, and surrounding communities economic, social, health and safety effects, crucial elk winter range, sage grouse and raptor breeding and nesting, soil erosion, groundwater draw down and contamination, Historic Bozeman Trail condition and viewshed, and cumulative effects. The primary issues driving alternative development are water and air quality.

Three alternatives were analyzed in detail: (1) Proposed Action, (2) Proposed Action with Reduced Emission Levels and Expanded Produced Water Handling Scenarios, and (3) No Action.

Alternative 1—The companies' proposed action has been combined with the BLM's Reasonable Foreseeable Development (RFD) scenario. A RFD scenario is a model or projection of anticipated oil and gas exploration and/or development activity (leasing, exploration, development, production, and abandonment) in a defined area for a specified period of time. The RFD scenario is based primarily on geology (potential for oil and gas resource occurrence) past and present oil and gas activity, with consideration of other significant factors, such as economics, technology, and physical limitations on access, existing or anticipated infrastructure and transportation. Along with industry's Proposed Action, which relates only to CBM activity, the BLM's RFD scenario forecasts the continued drilling of an estimated 3,200 oil wells. The RFD scenario also forecasts there could be an estimated 51,000 CBM wells in the EIS area over the next 10 years.

The companies' projections of CBM well drilling and production include various ancillary facilities within the Project Area. The ancillary facilities include access roads, pipelines for gathering gas and produced water, electrical utilities, facilities for treating and compressing gas and disposing of produced water, and pipelines for delivering gas under high pressure to transmission pipelines. Although the Companies would develop new wells throughout the 10-year period beginning in 2002, most of the drilling would occur during the first 8 years. All 51,000 wells would not be drilled into a single coal seam. Wells drilled into different coal seams can be collocated on common well pads. The projected number of well pads is 35,589. The total numbers of wells and well pads is based on an 80 acre well spacing pattern (eight pads per square mile). The 51,000 proposed CBM wells include an estimated 12,000 existing wells.

Under the Proposed Action, the Companies would construct, operate, and maintain wells and ancillary facilities in 10 of the 18 sub-watersheds that comprise the Project Area. However, most of the new wells (63 percent) and facilities would be constructed in two sub-watersheds: The Upper Powder River and Upper Belle Fourche River sub-watersheds. Sub-watersheds with relatively high numbers of wells and facilities include Clear Creek, Crazy Woman Creek, Tongue River, and Little Powder River.

Overall, implementation of the Proposed Action could disturb as many as 212,000 acres. This short-term disturbance would encompass about 3 percent of the Project Area. Most of this would be associated with the construction of pipelines and roads. Long-term disturbance is projected to be approximately 109,000 acres. Compressor stations would account for the smallest amount of the overall disturbance.

Construction of the Powder River Basin wells would begin during 2002. Generally, construction of most wells would be completed over the first 8 years (by the end of 2010). The production lifetime of the wells is expected to be about 7 years and final reclamation is expected to be completed during the 2 to 3 years following the end of production.

Emphasis for water handling for Alternative 1 is untreated surface discharge. All compression would be CBM powered.

Alternative 2 proposes the same number of CBM and conventional wells as the proposed action. There are two additional water-handling methods analyzed: A—Emphasis on infiltration and B—emphasis on treatment for beneficial use.

There are also two air quality options: A—Fifty percent of the booster compression would be electrically powered and B—One hundred percent of the booster compression would be electrically powered.

Alternative 3—No Action. This alternative would consist of no new Federal wells. Wells would only be developed on State and private mineral ownership.

Agency-Preferred Alternative: The BLM's preferred alternative is Alternative 1-Proposed Action. This alternative provides for the best balance of effects to costs and development of the CBM. Most of the Federal minerals in the project area have already been leased. The pattern of Federal and non-Federal mineral ownership coupled with the BLM's responsibilities under 43 CFR 3162.2 to prevent drainage of Federal CBM preclude the BLM from choosing Alternative 3 as the preferred alternative.

Alternatives 2A and 2B offer some advantages over Alternative 1, however, the advantages are insufficient to justify the additional costs and disturbance. Both alternatives 2A and 2B would increase short- and long-term disturbance over Alternative 1 by at least 10 percent. However, as documented in the analysis they would not substantially decrease effects to air quality, visibility, water quality, the primary issues for which the alternatives were developed. The amount of CBM water produced by alternatives 1, 2A, and 2B would be the same. The costs of implementing the water handling procedures of alternatives 2A and 2B would be substantially higher than those associated with Alternative 1, but the difference between the effects of these two alternatives and Alternative 1 does not reflect or justify these additional costs. The analysis documents that the benefits to air quality and visibility from electrifying half or all of the booster compressors would be insufficient to justify the additional costs of requiring the Companies to use electric booster compressors. It is estimated that few booster compressors would be built on surface that is Federally owned. The BLM does not have the ability to require

electrification of compressors constructed off Federal surface. The permitting of the compressors is the responsibility of the State of Wyoming.

Draft RMP/ LRMP Amendments: The Forest Service is using the analysis documented in this DEIS to make a decision on authorization of leases on those portions of the TBNG that have potential for CBM development. The Forest Service has released a Final EIS and Proposed LRMP for the TBNG. In that analysis, they deferred the lease authorization decision for this analysis. The lease availability decision will be made in the Record of Decision (ROD) for the LRMP EIS.

The outcome of the impact analysis has shown no need for changes to areas open and closed to oil and gas leasing or stipulations proposed in the Final LRMP EIS. Several new mitigation measures would be required for lease authorization.

The BLM has also reviewed the existing RMP's decisions relative to this EIS impact analysis. The Agency Preferred Alternative would result in amendments to the Buffalo and Platte River RMPs. The RMP decisions with this alternative would be to continue oil and gas exploration and development including coalbed methane at the higher level of intensity evaluated in this alternative and including new mitigation measures.

Draft Amendments for the Buffalo RMP:

(1) No changes to current designations of areas open or closed to leasing.

(2) No changes to current, or addition of any new, lease stipulations.

(3) No changes to current resource objectives or decisions.

(4) Several new mitigation measures would be implemented.

(5) Impact analysis of the new RFD scenario for oil and gas.

Draft Amendments for the Platte River RMP:

(1) No changes to current designations of areas open or closed to leasing.

(2) No changes to current, or addition of any new, lease stipulations.

(3) No changes to current resource objectives or decisions.

(4) New mitigation measures.

The Final EIS and ROD would serve as an amendment to the Buffalo and Platte River RMPs. The Forest Service would need a ROD for their authorization decision.

This DEIS, in compliance with section 7(c) of the Endangered Species Act (as amended), includes the Biological Assessment for the purpose of identifying any endangered or threatened species likely to be affected by the proposed action.

Two Technical Report Documents have also been prepared in conjunction with the DEIS. They contain detailed technical information regarding air quality modeling, and groundwater modeling. A limited number of the technical report documents are available upon request or they may be reviewed at the BLM offices listed above.

The DEIS was prepared pursuant to the National Environmental Policy Act, and other regulations and statutes, to address possible environmental and socioeconomic impacts which could result from the project and to solicit public comments and concerns. This DEIS is not a decision document. Its purpose is to inform the public of the impacts associated with implementing the companies' drilling proposal and to evaluate alternatives to the proposal. This DEIS is also intended to provide information to other regulatory agencies for use in their decisionmaking process for other permits required for implementation of the project.

Comments, including the names and street addresses of respondents, will be made available for review by the public at the addresses listed below during regular business hours (8:00 a.m. to 4:30 p.m.), Monday through Friday, except holidays, and will be published as part of the Final EIS. However, individual respondents may request confidentiality. If you wish to withhold your name and/or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Dated: December 18, 2001.

Alan R. Pierson,

State Director.

[FR Doc. 02–2 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

National Park Service

Reopen Public Comment Period for Environmental Assessment for Proposed Improvements Within Jones Point Park Under the Woodrow Wilson Bridge Project

AGENCY: National Park Service, Interior.

ACTION: Reopen the availability of the Environmental Assessment (EA) for the proposed mitigation to Jones Point Park (JPP), associated with the Woodrow Wilson Bridge project which was originally published in the **Federal Register** (cite 66 FR 58517) on Wednesday, November 21, 2001.

SUMMARY: Pursuant to Council on Environmental Quality regulations and National Park Service (NPS) policy, the NPS announces the reopening of the availability of an EA for the proposed mitigation to JPP, associated with the Woodrow Wilson Bridge project within the George Washington Memorial Parkway (Parkway). The NPS is soliciting comments on this EA. These comments will be considered in evaluating it and making decisions pursuant to the National Environmental Policy Act (NEPA).

DATES: The EA will remain available for public comment on or before February 11, 2002. Written comments should be received no later than this date.

ADDRESSES: Comments on this EA should be submitted in writing to: Ms. Audrey F. Calhoun, Superintendent, George Washington Memorial Parkway, Turkey Run Park, McLean, Virginia 22101. The EA will be available for public inspection Monday through Friday, 8:00 a.m. through 4:00 p.m. at Parkway Headquarters, Turkey Run Park, McLean, VA, at several libraries in Alexandria, Fairfax and Arlington, Virginia and on the Woodrow Wilson Bridge Project Website at www.wilsonbridge.com.

SUPPLEMENTARY INFORMATION: All interested individuals, agencies, and organizations are urged to provide comments on the EA during this comment extension period. The NPS in making a final decision regarding this matter will consider all comments received by the closing date.

FOR FURTHER INFORMATION CONTACT: Mr. Dan Sealy (703) 289–2531.

Audrey F. Calhoun,

Superintendent, George Washington Memorial Parkway.

[FR Doc. 02–737 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Proposed Land Exchange Between the National Park Service (NPS) and the Eastern Band of Cherokee Indians (Eastern Band) at the Great Smoky Mountains National Park, Tennessee

SUMMARY: Under the provisions of the National Environmental Policy Act of 1969, the NPS intends to prepare a DEIS for a proposed Land Exchange. NPS intends to gather information necessary for the preparation of a proposed Land Exchange DEIS and to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed. Alternatives currently under consideration include (1) no action, (2) a land exchange as proposed by the Eastern Band, and (3) a land exchange subject to development restrictions to protect natural and cultural resources. The NPS requests other suggested alternatives from the public through the scoping process.

DATES: Three public scoping meetings are being planned. The first will be held in Cherokee, North Carolina in February 2002. Exact locations, dates, and times of this and future public scoping meetings will be announced in local and NPS media. The proposal would involve the exchange of lands within Great Smoky Mountains National Park for an equivalent amount of land offered by the Eastern Band adjacent to the Blue Ridge Parkway.

ADDRESSES: Requests for information concerning dates, times of public meetings, written comments, information concerning the scope of the proposed Land Exchange DEIS and other matters should be sent to the following address: Attention Anita Jackson, National Park Service, Southeast Regional Office, Planning and Compliance Division, 100 Alabama St. SW, Atlanta, Georgia 30303. Requests to be added to the project mailing list should be directed to the same address.

FOR FURTHER INFORMATION CONTACT: Anita Jackson, Environmental Compliance Specialist, National Park Service, Southeast Regional Office, 404–562–3124 ext. 705. Information on the dates and times of public scoping meetings may also be found on the Great Smoky Mountains National Park Web site, *www.nps.gov/grsm.*

SUPPLEMENTARY INFORMATION: Great Smoky Mountains National Park, a unit of the National Park System, is bordered on the south by the Reservation of the Eastern Band known as the Qualla Boundary. The Eastern Band operates the primary and secondary schools within the Qualla Boundary under a contract with the U.S. Department of the Interior. The Interior Department several decades ago constructed the existing school buildings. The buildings are aging, overcrowded, and inadequate to meet the current and future educational needs of the Eastern Band. In the mountainous lands of western North Carolina, suitable lands for the location and construction of new schools are limited. The Eastern Band has requested that up to 200 acres of land within Great Smoky Mountains National Park be made available to them for the purpose of new school construction. The Eastern Band also seeks the same parcel of land to reestablish a land corridor between two parts of the Qualla Boundary that are separated by NPS land. The Eastern Band has offered in exchange 218 acres of land, identified as a priority for acquisition by the Blue Ridge Parkway, adjacent to the Waterrock Knob Visitor Center. The NPS has agreed to explore the possibility of a land exchange.

Our practice is to make comments, including names and addresses of respondents, available for public review during regular business hours. If you wish for us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials or organizations or businesses, available for public inspection in their entirety.

Dated: December 21, 2001.

W. Thomas Brown,

Acting Regional Director, Southeast Region.

[FR Doc. 02–674 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Cape Cod National Seashore, South Wellfleet, MA; Cape Cod National Seashore Advisory Commission Two Hundred Thirty-Sixth Meeting; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770, 5 U.S.C. App 1, section 10), that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, February 1, 2002.

The Commission was reestablished pursuant to Public Law 87–126 as amended by Public Law 105–280. The purpose of the Commission is to consult with the Secretary of the Interior, or his designee, with respect to matters relating to the development of Cape Cod National Seashore, and with respect to carrying out the provisions of sections 4 and 5 of the Act establishing the Seashore.

The Commission members will meet at 1:00 p.m. at Headquarters, Marconi Station, Wellfleet, Massachusetts for the regular business meeting to discuss the following:

1. Adoption of Agenda.
2. Approval of minutes of previous meeting (December 7, 2001).
3. Reports of Officers.
4. Reports of Subcommittees, Dune Shacks, Nickerson Fellowship.
5. Superintendent's Report,News from Washington,Horseshoe crab study,Penniman House status,East Harbor,ORV report status,Marconi bust and exhibit, commemorative plans,Pilgrim Lake.
6. Old Business.
7. New Business, Pheasant hunting.
8. Date and agenda for next meeting.
9. Public comment and.
10. Adjournment.

The meeting is open to the public. It is expected that 15 persons will be able to attend the meeting in addition to Commission members.

Interested persons may make oral/written presentations to the Commission during the business meeting or file written statements. Such requests should be made to the park superintendent at least seven days prior to the meeting. Further information concerning the meeting may be obtained from the Superintendent, Cape Cod National Seashore, 99 Marconi Site Road, Wellfleet, MA 02667.

Dated: December 13, 2001.

Maria Burks,

Superintendent.

[FR Doc. 02–675 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 22, 2001. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service,1849 C St. NW., NC400, Washington, DC 20240. Written

comments should be submitted by January 28, 2002.

Erika Martin Seibert,

Acting, Keeper of the National Register.

Arkansas

Clark County

Arkadelphia Boy Scout Hut, 8th St.,Arkadelphia, 01001526

Hot Spring County

Rockport Cemetery,US 270,Rockport, 01001527

Perry County

Hawks Schoolhouse, Co. Rd. 7,Ava, 01001528

Connecticut

New London County

Slater Library and Fanning Annex,26 Main St.,Griswold, 01001529

Tolland County

Captain Nathan Hale Monument,120 Lake St.,Coventry, 01001531

Florida

Hillsborough County

SS AMERICAN VICTORY (Victory ship), 705 Channelside Dr, Berth 271,Tampa, 01001533

Miami-Dade County

Bricknell Point Site,401 Brickell Ave,Miami, 01001534

Nassau County

American Beach Historic District,Roughly bounded by Gregg, Lewis, Leonard, Main and James Sts., and OceanBlvd.,American Beach, 01001532

GEORGIA

Decatur County

First African Missionary Baptist Church,515 Webster St.,Bainbridge, 01001535

Meriwether County

Lone Oak Academy,4945 Lone Oak Rd.,Lone Oak, 01001536

Manchester Community Building,105 E 2nd Ave.,Manchester, 01001537

ILLINOIS

Cook County

Crane Company Building,836 S Michigan Ave.,Chicago, 01001538

IOWA

Clayton County

Lakeside Ballroom,1202 N. 4th St.,Guttenberg, 01001539

Des Moines County

Chicago, Burlington and Quincy Station,300 S Main St.,Burlington, 01001540

Dubuque County

Dubuque YMCA Building,125 W 9th St.,Dubuque, 01001541

Fremont County

Rector, Jason and Elizabeth Baylor, House,2174 Bluff Rd.,Thurman, 01001542

KANSAS

Atchison County

Earhart, Amelia, Historic District,115–125,200–227,302–315,318,324 2nd St, 203–305 North Ter, 124,200,300 3rdSt, and 205,112 and 224 Santa Fe St.,Atchison, 01001543

Cowley County

St. John's Lutheran College Girls Dormitory,6th Ave and Gary St.,Winfield, 01001544

NEVADA

Churchill County

Churchill County Jail,10 W Williams Ave.,Fallon, 01001546

Hazen Store,00 Reno Highway,Hazen, 01001547

SOUTH CAROLINA

Aiken County

Zubly Cemetery,Forrest Dr.,Beech Island, 01001548

Dillon County

Dillon Downtown Historic District,Roughly bounded by E and W Main St, N and S Railroad Ave, N MacArthur Ave, and E Harrison St.,Dillon, 01001549

Florence County

Gregg—Wallace Farm Tenant House,310 Price Rd.,Mars Bluff, 01001550

Lake City Downtown Historic District,

Main St and Acline Ave.,Lake City, 01001551

TENNESSEE

Davidson County

East Nashville High and Junior High Schools,110, 112 Gallatin Rd.,Nashville, 01001552

WISCONSIN

Dane County

Wisconsin Heights Battlefield,.4 mi SE of Jcto of Co. Rd. Y and WI 78.,Sauk City, 01001553

[FR Doc. 02–730 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 29,2001. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW, NC400, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 800 N. Capitol St.NW, Suite 400, Washington DC 20002; or by fax, 202–343–1836. Written or faxed comments should be submitted by January 28, 2002.

Carol D. Shull,

Keeper of the National Registerof Historic Places.

CONNECTICUT

Hartford County

Clark Farm Tenant House Site,Address Restricted,East Granby, 01001554.

GEORGIA

Fulton County

Spotswood Hall,(West Paces Ferry Road MRA)555 Argonne Dr., NW,Atlanta, 01001556.

Meriwether County

Greenville Presbyterian Church and Cemetery, Greenville Rocky Mount Rd, off GA41/US27 Alt.,Greenville, 01001555.

MASSACHUSETTS

Middlesex County

Old Burying Ground, King St., near jct. with White St.,Littleton, 01001560.

Suffolk County

Boston Consumptives Hospital, 249 River St., Boston, 01001557.

Immaculate Conception Rectory, 108 Beach St., Revere, 01001559.

Worcester County

Blackstone Viaduct, Canal, Farnum and Mill Sts., Blackstone, 01001558.

MISSISSIPPI

Chickasaw County

Okolona Historic District, Roughly bounded by Fleming, Monroe, Buchanan, and Washington Sts.,Okolona, 01001561.

NEW YORK

Monroe County

Immanuel Baptist Church, 815 Park Ave., Rochester, 01001566.

Pulaski Library, 1151 Hudson Ave., Rochester, 01001562.

Ontario County

Cronkite, Jeremiah, House, 1095 Lynaugh Rd., Victor, 01001563.

Howe, Dr. John Quincy, House, 66 Main St., Phelps, 01001564.

Orleans County

Tousley—Church House, 249 N. Main St., Albion, 01001565.

TENNESSEE

Putnam County

Broad Street Church of Christ, 157 W. Broad St.,Cookeville, 01001567.

VIRGINIA

Botetourt County

Greyledge, 1066 Greyledge Rd., Buchanan, 01001571.Galax (Independent City)
Felts, Gordon C., House, 404 N. Main St., Galax (Independent City), 01001572.

Prince George County

Aberdeen, 15301 James River Dr., Disputanta, 01001569.

Richmond Independent City

Laburnum Park Historic District, Westwood, Palmyra, Confederate, Wilmington, W. Laburnum Aves., Chatham,Gloucester and Lamont Sts.,Richmond (Independent City), 01001573.

Rockbridge County

Cedar Hill Church and Cemeteries, Cedar Hill Church Rd. and Kygers Hill Rd.,Lexington, 01001570.

Shenandoah County

Beydler, Abraham, House, 2748 Zion Church Rd., Maurertown, 01001568.

[FR Doc. 02–731 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 15, 2001. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St., NW., NC400, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 800 N. Capitol St., NW., Suite 400, Washington, DC 20002; or by fax, 202–343–1836. Written or faxed comments should be submitted by January 28, 2002.

Carol D. Shull,

Keeper of the National Register of Historic Places.

CALIFORNIA

Santa Clara County

Donner—Houghton House, 156 E. St. John, San Jose, 01001483

IDAHO

Power County

American Falls Reservoir Flooded Townsite, American Falls Reservoir,American Falls, 01001480

IOWA

Cerro Gordo County

St. John Baptist Church, 715 6th St. SW, Mason City, 01001484

Dubuque County

Four Mounds Estate Historic District, 4900 Peru Rd., Dubuque, 01001487
Town Clock Building, 823–25 Main St., Dubuque, 01001488

Hardin County

Union Cemetery Gardener's Cottage, (Iowa Falls MPS) Union Cemetery,Iowa Falls, 01001486

Lucas County

First United Methodist Church, 923 Roland, Chariton, 01001485

LOUISIANA

Avoyelles Parish

Ponthieu, Adam, Store—Big Bend Post Office,8554 LA 451, Big Bend, 01001490

Vernon Parish

Booker—Lewis House, 102 East North St., Leesville, 01001489
First United Methodist Church, 202 N. Fifth St., Leesville, 01001491

NEW JERSEY

Morris County

New York Susquehanna & Western Railroad Station, Main St.,Butler Borough, 01001492

NEW YORK

Cayuga County

East Genoa Methodist Episcopal Church, 558 E. Genoa Rd., Genoa, 01001500
St. Peter's Episcopal Church Complex, (Historic Churches of the Episcopal Diocese of Central New York MPS) 169 Genesee St., Auburn, 01001508
Sterling Grist Mill Complex, 1332 NY 104A, Sterling, 01001498

Columbia County

Emmanuel Lutheran Church of Harlemville and Cemetery, Cty. 21 and Pheasant Ln., Harlemville Rd. at Ten Broeck Rd., Harlemville, 01001505

Cortland County

First Presbyterian Church, Courtland Cty Rd. 108B, Preble, 01001502

Erie County

East Main—Mechanic Streets Historic District, Approx. jct. of East Main and Mechanic Sts., Springville, 01001506

Jefferson County

Swathout Site—A04507.000038, Address Restricted, Clayton, 01001504

Madison County

Fenner Baptist Church, 3122 Bingley Rd., Fenner, 01001501

Montgomery County

Ames Academy Building, 611 Latimer Hill Rd., Ames, 01001496

Niagara County

Former Niagara Falls High School, 1201 Pine Ave., Niagara Falls, 01001507

Onondaga County

Elbridge Village Historic District, Roughly along NY 5 bet. Skaneatetes Creek and Carpenter's Brook, Elbridge, 01001494
Mills, Harriet May, House, 1074 W. Genesee St., Syracuse, 01001495
Oran Community Church, NY 92, Pompey, 01001503
Simmons, Alton, House, (Architecture of Ward Wellington Ward in Syracuse MPS) 309 Van Rensselaer St., Syracuse, 01001493

Oswego County

Lacona Railroad Station and Depot, 11 Park Ave., Lacona, 01001499

Sullivan County

Levitz Family Farm, 395 Beaver Dam Rd., Grahamsville, 01001497

OHIO

Cuyahoga County

Black, H., and Company Building, 1900–2000 or 2010 Superior Ave.,Cleveland, 01001523

Geauga County

Fowler's Mills Historic District, 10743–10779, 10750 Mayfield Rd.; 12426–12533 Fowlers Mill Rd., Chardon, 01001522

Highland County

Highland Egg and Poultry Company Building, 135 North West St., Hillsboro, 01001524

Virginia

Albemarle County
West Cote, Off VA 602 and VA 626, Howardsville, 01001510

Charlotte County

Woodfork, 3704 Woodfork Rd., Charlotte Court House, 01001509

Covington Independent City

First Baptist Church of Covington, Virginia, 337 S. Lexington Ave.,Covington (Independent City), 01001518

Hanover County

Sharp's Oakland, 12308 Verdon Rd., Doswell, 01001514

Lexington Independent City

Blandome, 101 Tucker St., Lexington (Independent City), 01001520

Lynchburg Independent City

Fort Early and Jubal Early Monument, 3511 Memorial Ave.,Lynchburg (Independent City), 01001517
Johnson, Dr. Robert Walker, House and Tennis Court, 1422 Pierce St., Lynchburg (Independent City), 01001519

Page County

Ruffner House, 440 Ruffner House Ln., Luray, 01001515

Patrick County

Stuart Uptown Historic District, Main St. and Blue Ridge St.,Stuart, 01001512

Powhatan County

Red Lane Tavern, 3009 Lower Hill Rd., Powhatan, 01001516

Roanoke County

Black Horse Tavern—Bellvue Hotel and Office, 7223–7229 Old Mountain Rd., Roanoke, 01001521

Starkey School, 6426 Merriman Rd., SW, Roanoke County, 01001513

Waynesboro Independent City

Waynesboro Downtown Historic District, Federal St., Main St., Wayne Ave., Waynesboro (Independent City), 01001511

WYOMING

Sublette County

Church of St. Hubert the Hunter and Library, US 191/189, Bondurant, 01001525

The fifteen day comment period has been reduced to three (3) days to aid in the preservation fo the following resources:

OHIO

Licking County

Newark Downtown Historic District, Roughly bounded by Church St., Second St., Fifth St., and Canal St., Newark, 01001482

Wayne County

Ault—Weygandt Farm, 15090 Back Massillon Rd., Orrville, 01001481

[FR Doc. 02–732 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the U.S. Department of the Interior, National Park Service, Death Valley National Park, Death Valley, CA and NV

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the U.S. Department of the Interior, National Park Service, Death Valley National Park, Death Valley, CA and NV.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the National Park Service unit that has control or possession of these Native American human remains. The Manager of the National NAGPRA Program is not responsible for the determinations within this notice.

A detailed assessment of the human remains and associated funerary objects was made by National Park Service professional staff in consultation with the Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California; Chemehuevi Indian Tribe of the Chemehuevi Reservation, California; Death Valley Timbi-Sha Shoshone Band of California; Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada; Ely Shoshone Tribe of Nevada; Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California; Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada; Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada; Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California; Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada; Paiute-Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation, California; Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada; Reno-Sparks Indian Colony, Nevada; Walker River Paiute Tribe of the Walker River Reservation, Nevada; and Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada. A representative of the Kawaiisu, a nonfederally recognized Indian group, was also consulted.

The National Park Service contracted with LSA Associates, Inc., of Irvine, CA, to assist in compliance with NAGPRA. The LSA study, Death Valley National Park Cultural Affiliation Study (1998), evaluated all collections from the area previously administered as U.S. Department of the Interior, Death Valley National Monument. In 1995, additional lands formerly under the control of the U.S. Department of the Interior, Bureau of Land Management were transferred to Death Valley National Park. Collections from these new lands have not been fully evaluated by the National Park Service at this time.

In 1953, human remains representing one individual were recovered during legally authorized excavations by William Wallace at site CA-INY-1034 near Mesquite Flat, Inyo County, CA. This individual had been cremated. No known individual was identified. The one associated funerary object is a chert projectile point. The associated funerary object indicates that these human remains probably were cremated during the Death Valley III or IV period (A.D. 1-1870).

In 1953, human remains representing one individual were recovered during legally authorized excavations by William Wallace at site CA-INY-1137 near Mesquite Flat, Inyo County, CA. This individual had been cremated. No known individual was identified. The five associated funerary objects are three manos, one chert drill, and one bag of glass beads. The associated funerary objects indicate that these human remains probably were cremated during the Death Valley IV period (A.D. 1000-1870).

In 1954, human remains representing one individual were recovered during legally authorized excavations by William Wallace at a site (no trinomial) near Wingate Wash, in either Inyo or San Bernardino County, CA. This individual was found in a previously disturbed site. No known individual was identified. The two associated funerary objects are two lithic quarry blanks. Mr. Wallace noted that an archaic type projectile was found in association with the burial and thus assigned this burial to the Death Valley II period (3000 B.C.-A.D. 1). This projectile point has not been found in the park's collections.

In 1954, human remains representing one individual were recovered during legally authorized excavations by William Wallace at site CA-INY-1239, Inyo County, CA. This individual had been cremated and was found at the base of a sand dune. No known individual was identified. The three associated funerary objects are two ceramic potsherds and one bag of glass beads. The associated objects indicate that these human remains probably were cremated during the Death Valley IV period (A.D. 1000-1870).

In 1954, human remains representing one individual were recovered during legally authorized excavations by William Wallace at site CA-INY-1215 near Mesquite Flat, Inyo County, CA. This individual had been cremated. No known individual was identified. The one associated funerary object is a lithic uniface fragment. The associated funerary object indicates that these human remains probably were cremated during the Death Valley III or IV Period (A.D. 1-1870).

In 1954, human remains representing one individual were recovered during legally authorized excavations by William Wallace at site CA-INY-1234 near Mesquite Flat, Inyo County, CA. This individual had been cremated. No known individual was identified. The 144 associated funerary objects are 10 shell beads, 3 stone pestle fragments, 6

manos, 1 pecking stone, 1 stone hammer, 1 stone pendant, 1 arrow shaft smoother, 1 smoothing stone, 2 corner notched chert projectile points (1 rosespring type and 1 possible elko type), 1 obsidian drill, 48 ceramic potsherds, 1 iron angle brace, 2 metal overall buttons, 2 pieces of window glass, 2 glass bottle fragments, 60 whole and fragmented glass beads, and 2 clay coils. The associated funerary objects indicate that these human remains probably were cremated during the Death Valley III or IV period (A.D. 1-1870).

In 1955, human remains representing one individual were recovered during legally authorized excavations by William Wallace and Edith Taylor at Hole-in-the-Rock rockshelter (no trinomial), Inyo County, CA. This individual was found wrapped in a rabbit-skin blanket and buried in the rockshelter. No known individual was identified. The nine associated funerary objects are five shell beads, one ceramic sherd scraper, one chopper, one hammerstone, and one fragmented rabbit-skin blanket or cloak. Mr. Wallace suggests that the site dates to the Death Valley III period. The associated funerary objects indicate that these human remains probably were buried sometime during the Death Valley III or IV period (A.D. 1-1870).

In 1955, human remains representing one individual were recovered during legally authorized excavations by William Wallace at site CA-INY-3328 near Mesquite Flat, Inyo County, CA. This individual had been cremated. No known individual was identified. The 23 associated funerary objects are 1 jar of glass beads, 7 rivets, 9 buttons, 3 overall clips, 1 projectile point, 1 mano, and 1 bag of glass beads. The associated funerary objects indicate that these human remains probably were cremated during the Death Valley IV period (A.D. 1000-1870).

In 1956, human remains representing four individuals were recovered during legally authorized excavations by William Wallace, Alice Hunt, and Edith Taylor at site CA-INY-522 near Tule Spring, Inyo County, CA. These individuals were found buried in a stone mound. No known individuals were identified. The 12 associated funerary objects are 3 projectile points (2 rosespring type and 1 unknown leaf-shaped point), 2 fragments of bone pendants, 1 bone awl, 4 fragments of a bone awl, 1 shell bead, and 1 lithic uniface. The associated funerary objects indicate that these human remains probably were buried during the Death Valley III period (A.D. 1-1000).

In 1956, human remains representing four individuals were recovered during legally authorized excavations by William Wallace, Alice Hunt, and Edith Taylor at site CA-INY-525 near Bennetts Well, Inyo County, CA. All four individuals were found buried in a rock mound. No known individuals were identified. The 45 associated funerary objects are 43 shell beads and 2 shells. The associated funerary objects indicate that these human remains probably were buried sometime during the Death Valley III period (A.D. 1-1000).

In 1956, human remains representing one individual were recovered during legally authorized excavations by William Wallace and Roger Desautels at site CA-SBR-90 near Saratoga Springs, San Bernardino County, CA. This individual was found buried in a bell-shaped pit. No known individual was identified. The seven associated funerary objects are three projectile point fragments (one rosespring or desert side-notched type and two of unknown type), three chert blade fragments, and one chert graver. The associated funerary objects indicate that these human remains probably were buried during the Death Valley III period (A.D. 1-1000).

In 1956, human remains representing one individual were recovered during legally authorized excavations by William Wallace at Old Crump rockshelter (site CA-INY-3044), Inyo County, CA. This individual was found buried in the rockshelter. No known individual was identified. The 42 associated funerary objects are 6 fragmented or complete stone blades, 8 fragmented or complete projectile points (including 2 cottonwood type, 1 rosespring type, and 5 of unknown type), 5 ceramic sherds, 3 bead fragments, 3 pendants, 2 awls, 3 mammal bone artifacts, 2 scrapers, 1 pipe fragment, 4 pine nut shells, 1 wood stick, 3 glass fragments, and 1 tin can fragment. The associated funerary objects indicate that these human remains probably were buried sometime during the Death Valley III or IV period (A.D. 1-1870).

In 1956, human remains representing one individual were recovered during legally authorized excavations by Alice Hunt at site CA-INY-793 near Tule Spring, Inyo County, CA. This individual was found buried in a stone mound. No known individual was identified. The two associated funerary objects are lithic bifaces. Similar Death Valley III and Death Valley IV burial sites located in this area and recorded by Ms. Hunt indicate that these human remains probably were buried during the Death Valley III or IV period (A.D. 1-1870).

In 1956, human remains representing one individual were recovered during legally authorized excavations by Alice Hunt at site CA-INY-582 near Tule Spring, Inyo County, CA. This individual was found buried in a stone mound. No known individual was identified. The one associated funerary object is a metal overall button. The associated funerary object indicates that these human remains probably were buried during the Death Valley IV period (A.D. 1000-1870).

In 1957, human remains representing one individual were recovered during legally authorized excavations by Alice Hunt at site CA-INY-896 near Gravel Well, Inyo County, CA. This individual was found buried in a stone mound. No known individual was identified. No funerary objects are present. Similar Death Valley III and Death Valley IV burial sites located in this area and recorded by Ms. Hunt indicate that these human remains probably were buried during the Death Valley III or IV period (A.D. 1-1870).

In 1957, human remains representing one individual were recovered during legally authorized excavations by Alice Hunt at site CA-INY-884 near Eagle Borax, Inyo County, CA. The individual was found buried in a stone mound. No known individual was identified. No funerary objects are present. Similar Death Valley III and Death Valley IV burial sites located in this area recorded by Ms. Hunt indicate that these human remains probably were buried during the Death Valley III or IV period (A.D. 1-1870).

In 1958, human remains representing one individual were recovered during legally authorized excavations by Alice Hunt at site CA-INY-3136 near Tule Spring, Inyo County, CA. This individual was found buried in a stone mound. No known individual was identified. No funerary objects are present. Similar Death Valley III and Death Valley IV burial sites located in this area and recorded by Ms. Hunt indicate that these human remains probably were buried during the Death Valley III or IV period (A.D. 1-1870).

In 1958, human remains representing one individual were recovered during legally authorized excavations by Alice Hunt at site Mound E (no trinomial) near Tule Spring, Inyo County, CA. The individual was found buried in a stone mound. No known individual was identified. No funerary objects are present. Similar Death Valley III and Death Valley IV burial sites located in this area and recorded by Ms. Hunt indicate that these human remains

probably were buried during the Death Valley III or IV period (A.D. 1-1870).

In 1958, human remains representing one individual were recovered during legally authorized excavations by Alice Hunt at site CA-INY-3142 near Bennetts Well, Inyo County, CA. This individual was found buried in a stone mound. No known individual was identified. No funerary objects are present. Similar Death Valley III and Death Valley IV burial sites located in this area and recorded by Ms. Hunt indicate that these human remains probably were buried during the Death Valley III or IV period (A.D. 1-1870).

In 1958, human remains representing one individual were recovered during legally authorized excavations by Alice Hunt at site CA-INY-3137 near Tule Spring, Inyo County, CA. This individual had been cremated and was found buried in a stone mound. No known individual was identified. The four associated funerary objects are blue glass trade beads. The associated funerary objects indicate that these human remains probably were cremated during the Death Valley IV period (A.D. 1000-1870).

In 1959, human remains representing one individual were recovered during legally authorized excavations by Alice Hunt at site Mound C (no trinomial) near Tule Spring, Inyo County, CA. This individual was found buried in a stone mound. No known individual was identified. The two associated funerary objects are bird bones. Similar Death Valley III and Death Valley IV burial sites located in this area recorded by Ms. Hunt indicate that these human remains probably were buried during the Death Valley III or IV period (A.D. 1-1870).

Around 1960, human remains representing one individual were recovered during unauthorized excavations by Ken Robinson at an unspecified location within Death Valley National Monument. No known individual was identified. The 45 associated funerary objects are 6 worked sticks, 1 small animal trap, 1 rawhide strip, 2 basketry fragments, 1 ceramic potsherd, 1 nut shell, 2 metal buttons, 1 .36-caliber lead ball, 1 wooden fire drill platform, 13 pieces of cordage, 15 projectile points (11 cottonwood type, 1 desert side-notch type, 1 rosespring type, 1 that is either a rosespring type or a drill, and 1 unknown type), and 1 bifacial blade. Mr. Robinson transferred the human remains and associated funerary objects to the Maturango Museum in Ridgecrest, CA. The museum contacted the monument when they learned the origin of the human remains and associated funerary objects, and returned them to the monument in 1992. The associated funerary objects indicate that these human remains probably were buried sometime during the Death Valley III or IV Period (A.D. 1-1870).

The above-mentioned human remains were dated based on projectile point cross-dating, changes in burial practices, the presence of ceramics or trade beads, and other archeological evidence. The remains of one individual were dated to the Death Valley II period (3000 B.C.-A.D. 1) based on the presence of an archaic style projectile point. The remains of the other 27 individuals were dated to the Death Valley III or Death Valley IV periods (A.D. 1-1870). Alice Hunt suggests in Archeology of the Death Valley Salt Pan, California (1960) that during the early Death Valley II period, human remains were typically buried in pits in a flexed position, along with arrow points, bone tools, and shell beads, and covered with mounds of rock. This pattern continues into the Death Valley III period. William Wallace documented a shift to cremation during the Death Valley III and Death Valley IV periods in Death Valley National Monument's Prehistoric Past: An Archeological Overview (1977). Rock burial mounds also are a trait of the Death Valley IV occupation. Mr. Wallace interprets the shift in burial practices to reflect the arrival of a new population in the area that ultimately absorbed the original population and incorporated much of their culture. Mr. Wallace concludes that the resulting new population is the ancestors of the Panamint (Shoshone) Indians of historic times.

Relevant ethnographic research and oral traditions pertaining to language, social and political organization, subsistence strategies, resources and settlement patterns, trade and exchange, religion, ritualism, and ceremonialism further supports the archeological record. The LSA study concludes that ≥all of the archaeological sites located within Death Valley [National Park] and including human remains appear to be part of an unbroken archaeological tradition beginning circa 3000 B.C. and continuing through historic contact. Hence, without specific evidence to the contrary, all the archaeological material have probable affiliation with the Timbi-Sha Shoshone people who currently live in Death Valley.≥

Based on the above-mentioned information, the superintendent of Death Valley National Park has determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of 28 individuals of Native American ancestry. The superintendent of Death Valley National Park also has determined that, pursuant to 43 CFR 10.2 (d)(2), the 348 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, the superintendent of Death Valley National Park has determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and associated funerary objects and the Death Valley Timbi-Sha Shoshone Band of California.

This notice has been sent to officials of the Death Valley Timbi-Sha Shoshone Band of California. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact James T. Reynolds, Superintendent, Death Valley National Park, P.O. Box 579, Death Valley, CA 92328, telephone (760) 786-2331, before February 11, 2002. Repatriation of the human remains and associated funerary objects to the Death Valley Timbi-Sha Shoshone Band of California may begin after that date if no additional claimants come forward.

Dated: November 20, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 02–733 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–70–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items in the Possession of the Milwaukee Public Museum, Milwaukee, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3005(1) (2), of the intent to repatriate cultural items in the possession of the Milwaukee Public Museum that meet the definition of ''cultural patrimony'' under Section 2 of the Act.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these cultural items. The National Park Service is not

responsible for the determinations within this notice.

The cultural items are a set of five Dilzini Gaan masks and a medicine staff. The cultural items were collected by Otto Schoenberg in April 1903 and were purchased by the Milwaukee Public Museum in January 1904. Correspondence accompanying the purchase specifically describes the use of these cultural items in ceremonies performed at Fort Apache, AZ, in 1903.

Authorized representatives of the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, have identified these cultural items as having ongoing historical, traditional, and cultural importance central to the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, and as communal property of the people of the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, which could not have been legally alienated, appropriated, or conveyed by any individual.

This notice has been sent to officials of the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona. Representatives of any other Indian Tribe that believes itself to be culturally affiliated with this object should contact Alex W. Barker, Ph.D., Curator of North American Archaeology and Section Head, Anthropology, Milwaukee Public Museum, 800 West Wells Street, Milwaukee WI 53233, telephone (414) 278-2786, facsimile (414) 278-6100, before February 11, 2002. Repatriation of these items of cultural patrimony to the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, can begin after that date if no additional claimants come forward.

Dated: December 13, 2001.

Robert Stearns,

Program Manager, National NAGPRA Program.

[FR Doc. 02–736 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–70–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Phoebe A. Hearst Museum of Anthropology, University of California, Berkeley, Berkeley, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Phoebe A. Hearst Museum of Anthropology, University of California, Berkeley, Berkeley, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

An assessment of the human remains and catalogue records and associated documents relevant to the human remains was made by Phoebe A. Hearst Museum professional staff in consultation with representatives of Big Lagoon Rancheria, California; Resighini Rancheria, California; Cher-Ae Heights Indian Community of the Trinidad Rancheria, California; and the Yurok Tribe of the Yurok Reservation, California.

In 1924, human remains representing at least one individual were recovered from site CA-Hum-NL-2, Humboldt County, CA, and donated to the Phoebe A. Hearst Museum of Anthropology the same year by A. L. Kroeber. No known individual was identified. The one associated funerary object is a grooved stone sinker.

Based on consultation and geographic, linguistic, and archaeological evidence, including the presence of site-specific artifacts site CA-Hum-NL-2 has been identified as a Yurok site.

During the 1920s, human remains representing at least two individuals were removed from site CA-Hum-NL-4, Trinidad, Humboldt County, CA, and donated to the Phoebe A. Hearst Museum of Anthropology in 1931 by Dr. Herbert H. Stuart. No known individuals were identified. No associated funerary objects are present in the Phoebe A. Hearst Museum of Anthropology collections.

Based on consultation and geographic, linguistic, archaeological, and ethnographic evidence site CA-Hum-NL-4 has been identified as a Yurok site.

During the 1920s, human remains representing at least three individuals were recovered from site CA-Hum-NL-9, Big Lagoon, Humboldt County, CA, and donated to the Phoebe A. Hearst Museum of Anthropology in 1931 by Dr. Herbert H. Stuart. No known individuals were identified. No associated funerary objects are present in the Phoebe A. Hearst Museum of Anthropology collections.

Based on consultation and geographic, linguistic, archaeological, historic, and ethnographic evidence site CA-Hum-NL-9 has been identified as a Yurok site.

Based on the above-mentioned information, officials of the Phoebe A. Hearst Museum of Anthropology have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of at least six individuals of Native American ancestry. Officials of the Phoebe A. Hearst Museum of Anthropology also have determined that, pursuant to 43 CFR 10.2 (d)(2), the one object listed above is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Phoebe A. Hearst Museum of Anthropology also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and associated funerary objects and the Big Lagoon Rancheria, California; Resighini Rancheria, California; Cher-Ae Heights Indian Community of the Trinidad Rancheria, California; and the Yurok Tribe of the Yurok Reservation, California.

This notice has been sent to officials of the Big Lagoon Rancheria, California; Resighini Rancheria, California; Cher-Ae Heights Indian Community of the Trinidad Rancheria, California; and the Yurok Tribe of the Yurok Reservation, California. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and the associated funerary object should contact C. Richard Hitchcock, NAGPRA Coordinator, Phoebe A. Hearst Museum of Anthropology, University of California, Berkeley, CA 94720, telephone (510) 643-7884, before February 11, 2002. Repatriation of the human remains and associated funerary objects to the Big Lagoon Rancheria, California; Resighini Rancheria, California; Cher-Ae Heights Indian Community of the Trinidad Rancheria, California; and the Yurok Tribe of the Yurok Reservation, California may begin after that date if no additional claimants come forward.

Dated: December 13, 2001.

Robert Stearns,

Program Manager, National NAGPRA Program.

[FR Doc. 02–735 Filed 01–10–02; 8:45 am]

BILLING CODE 4310–70–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the State University of West Georgia, Carrollton, GA, and in the Control of the Georgia Department of Transportation, Atlanta, GA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the State University of West Georgia, Carrollton, GA, and in the control of the Georgia Department of Transportation, Atlanta, GA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by Georgia Department of Transportation in consultation with representatives of the Alabama-Quassarte Tribal Town, Oklahoma; Catawba Indian Nation (also known as Catawba Tribe of South Carolina); Cherokee Nation, Oklahoma; Chickasaw Nation, Oklahoma; Eastern Band of Cherokee Indians of North Carolina; Absentee-Shawnee Tribe of Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; Thlopthlocco Tribal Town, Oklahoma; and United Keetoowah Band of Cherokee Indians of Oklahoma.

In 1988, human remains representing one individual were excavated from the Rae's Creek site (9Ri327), Richmond County, GA, by Dr. Morgan R. Crook, Jr., of Georgia State University, Atlanta, GA. The work was conducted as part of a highway construction project under Georgia Department of Transportation/ Federal Highway Administration contract M-750 (4). The remains are curated at the Antonio J. Waring,, Jr., Archaeology Laboratory, State University of West Georgia, Carrollton, GA. No known individual was identified. The six associated funerary objects are two columella shell ear pins, two faceted glass beads, one partial shell-tempered plain globular jar with flaring rim, and one chert biface.

The Rae's Creek site is located near the confluence of Rae's Creek and the Savannah River. The human remains and associated funerary objects date to the 1600s through the early 1700s based on artifacts recovered from the site. The ceramic vessel (a globular, flaring rim, shell-tempered vessel) form is consistent with late Mouse Creek and/ or Dallas phase occupations (A.D. 1450-1625) in eastern Tennessee, while the faceted glass beads indicate an early 1700s date. These artifacts suggest a Creek Indian affiliation. Consultation evidence presented by representatives of the Creek tribal governments indicates this area was within the traditional occupation territory of the Creeks during this time period.

Based on the above-mentioned information, officials of the Georgia Department of Transportation have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the Georgia Department of Transportation also have determined that, pursuant to 43 CFR 10.2 (d)(2), the six objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Georgia Department of Transportation also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and associated funerary objects and the Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

This notice has been sent to officials of the Alabama-Coushatta Tribes of Texas; Alabama-Quassarte Tribal Town, Oklahoma; Catawba Indian Nation (also known as Catawba Tribe of South Carolina); Cherokee Nation, Oklahoma; Chickasaw Nation, Oklahoma; Eastern Band of Cherokee Indians of North Carolina; Coushatta Tribe of Louisiana; Absentee-Shawnee Tribe of Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Miccosukee Tribe of Indians of Florida; Poarch Band of Creek Indians of Alabama; Seminole Nation of Florida; Seminole Nation of Oklahoma; Thlopthlocco Tribal Town, Oklahoma; and United Keetoowah Band of Cherokee Indians of Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Eric Anthony Duff, NAGPRA Coordinator, Georgia Department of Transportation, Office of Environment/ Location, 3993 Aviation Circle, Atlanta, GA 30336-1593, e-mail eric.duff@dot.state.ga.us, telephone (404) 699-4437, facsimile (404) 699-4440, before February 11, 2002. Repatriation of the human remains and associated funerary objects to the Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma may begin after that date if no additional claimants come forward.

Dated: December 13, 2001.

Robert Stearns,

Program Manager, National NAGPRA Program.

[FR Doc. 02–734 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–70–S

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[DEA–224N]

RIN 1117–AA60

Notice of Intent To Conduct Performance Verification Testing of Public Key Infrastructure Enabled Controlled Substance Orders

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Notice.

SUMMARY: As part of its Electronic Commerce Initiatives, DEA, in partnership with the Health Care Distribution Management Association (HDMA) and the National Association of Chain Drug Stores (NACDS), announces its intent to conduct a pilot project to test PKI-enabled controlled substances orders.

DATES: Persons interested in participating in this pilot project must notify DEA of participation no later than January 25, 2002.

ADDRESSES: Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Washington, D.C., 20537, Attention: Vickie Seeger, R.Ph., ODLP; fax: (202) 307–8570; *http://www.deadiversion.usdoj.gov*

FOR FURTHER INFORMATION CONTACT: Patricia M. Good, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307–7297. The Business Contact is Mike Patnode, PEC Solutions Inc., (703) 679–4900, the Administrative Contact is: Steve Bruck, PEC Solutions Inc., (703) 679–4900, the Technical contact is: Trung Tran, PEC Solutions Inc., (703) 679–4900, the Testing contact is: Margaret Leary, PEC Solutions Inc., (703) 679–4900.

SUPPLEMENTARY INFORMATION:

Background

Under the authority of the Controlled Substances Act of 1970 (CSA), DEA, regulates the manufacture and distribution of controlled substances in the United States. This regulatory control is designed to ensure there is a sufficient supply of controlled substances for legitimate medical, scientific, research, and industrial purposes while preventing the diversion of legitimate controlled substances into illegal channels. To do this, the CSA creates a closed system of distribution. For Schedules I and II controlled substances, the CSA requires that distributions be made only in response to a DEA FORM 222, ''U.S. Official Order Forms for Schedules I and II Controlled Substances (Accountable Forms)''. Currently, this is a paper-based system using a triplicate form issued by DEA. DEA is working to modify its regulations to allow for a secure electronic system for the transmission of controlled substances orders without the supporting paper DEA Form 222. The Controlled Substances Ordering System (CSOS) is expected to bring numerous benefits to the manufacturing, distribution, and pharmacy community by allowing more efficient and cost effective means of ordering and distributing Schedule I and II controlled substances.

The Pilot Project

As a first step, DEA is establishing a pilot project, which will allow industry participants to test their internal order systems using proposed DEA PKI standards, and identify and resolve technical and operational issues. DEA is working with PEC Solutions, Inc. (PEC) which will operate the pilot project and act as a technical point of contact for Industry participants.

DEA believes that the development of these new standards and regulations must be based on a clear understanding of industry practices, health care delivery issues, and legal/regulatory requirements at both the state and Federal levels. As a result, the pilot project is designed to allow interested parties to evaluate the use of DEA's planned controlled substances Public Key Infrastructure for digitally signed controlled substances orders. Participants will be expected to operate their system in accordance with DEA's proposed standards, which can be found on the Diversion Control Program web site (*http://www.deadiversion.usdoj.gov*). The pilot project is expected to be conducted in multiple phases over a 6-month period during 2002: Phase I, online registration; Phase II, application; Phase III, order processing; Phase IV, reporting; Phase V, DEA auditing.

How To Participate

During the course of the pilot project, DEA will be coordinating with Industry representatives to identify and resolve technological and policy issues. This input will be used to refine the system standards. Any organization that supports registrants in the supply chain business category wishing to participate in the pilot project should notify DEA in writing. The letter should contain the following information, and should be provided to DEA at the address listed in the Addresses section of this notice: (1) company/organization name; (2) company/organization address; (3) DEA registration number, if applicable; (4) the name, address, phone number, and e-mail address of the primary and secondary points of contact coordinating the company's/organization's pilot project participation.

Note: Due to current delays in receiving mail, DEA recommends that interested participants submit notice of participation via facsimile at (202) 307–8570 and submit the original participation notification to follow via mail. The deadline for notification of participation in the pilot project is January 25, 2002. Periodic announcements will be made to coordinate follow-on phases of the pilot project. Such announcements will be made on the Diversion Control Program web site at *http://www.deadiversion.usdoj.gov*,and will also be made directly to identified participants. Pilot project participants will be expected to secure the resources to support their participation in the project. A conference call will be held in January, 2002 to explain the pilot process to potential participants.

Dated: January 4, 2002.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. 02–796 Filed 1–10–02; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of December, 2001.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–38,813; Blount, Inc., Prentice, WI
TA–W–39,398; Boss Industries, Inc., Erie, PA
TA–W–39,578; McLaughlin Co., A Div. Of Michigan Rivet Corp., Petoskey, MI
TA–W–39,983; Edgewater Steel Ltd, Oakmont, PA
TA–W–39,831 and A; Chipman Union, Inc., Union Point, GA and Bryan Scott Plant, Greensboro, GA

TA–W–40,073; Micro Tool and Manufacturing, Inc., Meadville, PA
TA–W–40,124; Krones, Inc., Franklin, WI
TA–W–40,321; Fibermark, Inc., Rochester, MI
TA–W–39,541; Signature Software, Inc., Hood River, OR
TA–W–39,091; Heraeus Electro-Nite, Philadelphia, PA
TA–W–39,760; Kingfield Wood Products, Kingfield, ME
TA–W–39,802; Superior Dye, Passaic, NJ
TA–W–39,835B; Dyersburg Fabrics, Trenton Mills, Trenton, TN
TA–W–39,872; De-Sta-Co Manufacturing, Arden, NC
TA–W–40,153; Burkart Foam, Inc., Cairo, IL
TA–W–39,835B; Trenton Mills, Trenton, TN

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–39,987; GSI Lumonics, Inc., Maple Grove, MN
TA–W–40,087; Spicer Axle, Inc., Columbia, MO
TA–W–40,136; Emerson Process Management, Regulator Div., McKinney, TX
TA–W–40,246; Incoe Corp., North Plant, Frankfort, MI
TA–W–40,167A; Axiohm Transation Solutions, Inc., IPB Div., Ithaca, NY
TA–W–39,686; J and K Sales Co., Inc., Pawtucket, RI
TA–W–40,117; Drake Extrusion, Spartanburg, SC
TA–W–40,151; Sara Lee Hosiery, Hanes Hosiery Div., Yadkinville, NC
TA–W–40,342; Stinson Seafood 2001, Inc., Formerly Stinson Seafood 2000, Inc., Belfast, ME

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–39,861; Swimwear Anywhere, Inc., Farmingdale, NY
TA–W–39,518G; Spartan International, Inc., Spartan International Retail Business, Charlotte, NC

The investigation revealed that criteria (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA–W–40,280 and A; Munro and Company, Inc., Dewitt Footwear, Dewitt, AR and Munro and Company, Inc., Clarendon Footwear, Clarendon, AR

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA–W–40,167; Axiohm Transaction Solutions, Inc., American Magnetics Div., Cypress, CA: September 20, 2000.
TA–W–40,484; Bristol Compressor Sparta, Inc., Sparta, NC: October 22, 2000.
TA–W–39,208; RMG Foundry, LLC, Mishawaka, IN: April 23, 2000.
TA–W–39,202; ECK Industries, Inc., Manitowoc, WI: April 26, 2001.
TA–W–39,307; Creative Embroidery Corp., Bloomfield, NJ: May 7, 2000.
TA–W–39,497; Superior Electric, Bristol, CT: June 7, 2000.
All workers engaged in employment related to the production of VR motors and stators and;
All workers engaged in employment related to the production of motors (except VR motors and stators), stepper drives, adjustment speed drives and voltage control flash regulator equipment are denied.
TA–W–39,737; Rebel Screeners, Inc., Sharon, TN: July 17, 2000.
TA–W–39,828; GSC Management Co., Enterprise, AL: July 27, 2000.
TA–W–39,835 & A; Dyersburg Fabrics, Main Plant, Dyersburg, TN and Knitting Plant, Dyersburg, TN: July 19, 2000.
TA–W–39,860; Sheftex, Sheftex USA, Inc., St. Johnsbury, VT: August 3, 2000.
TA–W–39,918; Beloit Corp., Rockton, IL: August 18, 2000.
TA–W–39,984; Hollander Home Fashions, Tignall, GA: August 23, 2000.
TA–W–40,031; Laclede Steel Co., Vandalia, IL: August 28, 2000.
TA–W–40,209; Laclede Steel Co., Fairless Hills, PA: September 26, 2000.
TA–W–40,224; Munsey Products, Inc., Little Rock, AR: October 1, 2000.
TA–W–40,233; Garan Manufacturing, Adamsville, TN: October 14, 2001.
TA–W–40,322; The Santee Co., LLC, Eden, NC: October 9, 2000.
TA–W–40,336; Plaid Clothing Co, Inc., Erlanger, KY: June 4, 2001.
TA–W–40,344; Bradford Electronics, Inc., Bradford, PA: November 2, 2000.
TA–W–40,346; Freeman Products, A Div. Of Trophy Holdings, Inc., Knox, IN: November 1, 2000.
TA–W–39,518; Spartan International, Inc., Cherokee Finishing Plant, Gaffney, SC and A; Sparton Plant, Spartanburg, SC, B; Rosemont Plant, Jonesville, SC, C; King Finishing Plant, Dover, GA, D; King Mill, August, GA, E; Cleveland Mills, Lawndale, NC, F; Cleveland-Caroknit, Jefferson, SC, H; Spartan International Sales Office, New York, NY and I: Corporate Office, Spartansburg, SC: June 2, 2000.
TA–W–40,067; Stanly Knitting Mills, Inc., Headwear Div., Oakboro, NC: September 11, 2000.
TA–W–40,095; Galina Bouquet, Inc., New York, NY: August 31, 2000.
TA–W–40,137; American Trouser, Inc., Cutting Department, Columbus, MS: September 12, 2000.
TA–W–40,167; Fujikura Composite America, Inc., Vista, CA: September 26, 2000.
TA–W–40,193; Wilson Sporting Goods, Racquet Sports, Fountain Inn, SC: September 24, 2000.
TA–W–40,215; Armstrong-Hunt, Inc., Milton, FL: September 26, 2000.
TA–W–40,351; Libro Shirt Corp., Lykens, PA: November 1, 2000.
TA–W–40,061; Parker Hannifin Corp., Brass Department, Otsego, MI: September 4, 2000.
TA–W–39,901; Providence Metallizing Co., Inc., Pawtucket, RI: January 30, 2001.
TA–W–39,570; Tyrolit North America, Westboro, MA: February 2, 2001.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of December, 2001.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased,

and that the increased imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA–TAA–05440; Munro and Company, Inc., Clarendon Footwear, Clarendon, AR
NAFTA–TAA–05119; Rebel Screener, Inc., Sharon, TN
NAFTA–TAA–05441; Munro and Company, Inc., Dewitt Footwear, Dewitt, AR
NAFTA–TAA–05065; Taylor Wharton, Harsco Gas and Fluid Control, Harrisburg, PA
NAFTA–TAA–05310; Laclede Steel, Vandalia, IL
NAFTA–TAA–05330; Micro Tool and Manufacturing, Inc., Meadville, PA
NAFTA–TAA–05344; Drake Extrusion, Spartanburg, SC
NAFTA–TAA–05368; Burkart Foam, Inc., Cairo, IL
NAFTA–TAA–05384; Sara Lee Hosiery, Hanes Hosiery Div., Yadkinville, NC
NAFTA–TAA–05400; Incoe Corp., North Plant, Frankfort, MI
NAFTA–TAA–05403; Garan Manufacturing, Adamsville, TN
NAFTA–TAA–05467; Commercial Warehouse and Cartage, Inc., El Paso, TX
NAFTA–TAA–05526; Haskell Senator International, Haskell Div., Verona, PA
NAFTA–TAA–05536; Libro Shirt Corp., Lykens, PA
NAFTA–TAA–04832; ECK Industries, Inc., Manitowoc, WI

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–05490; Johnson Controls, Inc., Reynoldsburg, OH: October 17, 2000.
NAFTA–TAA–05341; Miller Bag, Freeman Plant, Freeman, SD: September 24, 2000.
NAFTA–TAA–05509 & A; HMG Intermark Worldwide Manufacturing, Inc., Site R–1, Reading, PA and Site R–5, Reading, PA: October 26, 2000.
NAFTA–TAA–05517; Armstrong-Hunt, Inc., Milton, FL: October 14, 2000.
NAFTA–TAA–05533 & A; Port Townsend Paper Corp., Port Townsend, WA and Portland, OR
NAFTA–TAA–05539; Indiana Knitwear Corp., Willacy Apparel, Lyford, TX: November 9, 2000.
NAFTA–TAA–05540; Plaid Clothing Co., Inc., Erlanger, KY: June 4, 2001.
NAFTA–TAA–05469 & A, B, C; Aalfs Manufacturing, Inc., Mena, AR, Arkadelphia, AR, Malvern, AR, Glenwood, AR: October 22, 2000. TX: August 17, 2000.
NAFTA–TAA–05469D; Aalfs Manufacturing, Sioux City, IA: November 11, 2001.
NAFTA–TAA–05140 & A; Dyersburg Fabrics, Main Plant, Dyersburg, TN and Knitting Plant, Dyersburg, TN: July 20, 2000.
NAFTA–TAA–05198; Sheftex, Sheftex USA, Inc., St. Johnsbury, VT: August 13, 2000.
NAFTA–TAA–05415; The Santee Co., LLC, Eden, NC: October 9, 2000.
NAFTA–TAA–05456; Apparel Finishers, Inc., Athens, GA: October 19, 2000.

I hereby certify that the aforementioned determinations were issued during the month of December, 2001. Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: December 27, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–714 Filed 1–10–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of December, 2001 and January, 2002.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or sub-division have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–39,324; Maverick Tube Corp., Beaver Falls, PA
TA–W–40,004; Baldor Drives and Motors, Plymouth, MN
TA–W–40,035; Eagle Veneer, Inc., Harrisburg, OR
TA–W–40,147 & A; Guilford Mills, Inc., Cobleskill, NY and Sales Division, New York, NY
TA–W–40,223 & A; Supreme Machine Products, Spring Lake, MI and Anderson, SC
TA–W–40,251; Pratt and Austin Co., Inc., Holyoke, MA
TA–W–40,295; TNS Mills, Spartanburg, SC
TA–W–40,326; Jones and Vining of Maine, Lewiston, ME
TA–W–40,331; Georgia-Pacific West, Camas, WA
TA–W–40,355 & A; R.L. Stowe Mills, Inc., Mebane, NC and Belmont, NC
TA–W–40,195; Warwood Tool Co., Wheeling, WV
TA–W–40,152; Butech, Inc., Salem, OH
TA–W–39,863; Lynn Ann Fashions, Brooklyn, NY

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–40,188; GFC Foam LLC, West Hazleton, PA
TA–W–40,230; Garlock Sealing Technologies, A Div. of B.F. Goodrich, Sodus, NY
TA–W–40,266; Modern Engineering, Troy, MI

TA–W–40,368; SEH-America, Vancouver, WA

TA–W–40,129; Tyco International, A Div. of Tyco Electronic Power Systems, Formerly Lucent Technologies, Mesquite, TX

The investigation revealed that criteria (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA–W–40,388; X-Fab Texas, Inc, Lubbock, TX

TA–W–40,131; Levcort International, Paradoy Fabrics Div and Andrew Knits Div., New York, NY

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–40,412; Alcatel USA Marketing, Inc., Andover, MA

TA–W–39,614; Trinity Industries, Inc., Railcar Repair Group, Paris, TN

TA–W–40,488; Sunbrand, A Div. Of Willcox and Gibbs, Inc., Norcross, GA

Affirmative Determination for Workers Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA–W–40,466; & A; Value Line Textiles, Inc., Pilot Mountain, NC and Lenoir City, TN: November 17, 2000.

TA–W–40,380; HLS Fashions Corp., New York, NY: October 31, 2000.

TA–W–39,931; Minister Machine Co., Minister, OH: August 16, 2000.

TA–W–40,375; EGS Electrical Group/ Sola Hevi-Duty, Lake Geneva, WI: November 20, 2000.

TA–W–40,281; Rezyal Ltd, New York, NY: September 15, 2000.

TA–W–40,228; Omaha Fixture Manufacturing, Inc., Omaha, NE: August 1, 2000.

TA–W–40,126; Miller Bag, Freeman Plant, Freeman, SD: September 17, 2000.

TA–W–40,006 & A; Planar Systems, Inc., Highway V, Lake Mills, WI and Jefferson Street, Lake Mills, WI: August 23, 2000.

TA–W–40,892; A and M Apparel, Hamilton, AL: August 7, 2000.

TA–W–39,891; CMS North America, A Div. Of The CMS Group, Caledonia, MI: August 6, 2000.

TA–W–40,010; Seville Dyeing Co., Inc., Woodsocket, RI: September 17, 2000.

TA–W–40,142; Mercury Marine, Brunswick Corp., Fond Du Lac, WI: September 10, 2000.

TA–W–39,700; Priority Finishing Corp., Fall River, MS: June 26, 2000.

TA–W–39,733; Raltron Electronics, Miami, FL: July 18, 2000.

TA–W–40,204; Fisher-Rosemount, Austin, TX: September 28, 2000.

TA–W–40,208; Joseph L. Ertl. Inc., d/b/a Scale Models, Dyersville, IA: September 24, 2000.

TA–W–39,931; Minister Machine Co., Minister, OH: August 16, 2000.

TA–W–40, 229; Eastwood Industrial, Inc., Albermarle, NC: October 4, 2000.

TA–W–40,394 & A; N and H Corp., Mohnton, PA and Reading, PA: November 6, 2000.

TA–W–40,359; Nocona Leather Goods Co Ltd, Nocona Athletic Goods, Nocona, TX: October 16, 2000.

TA–W–40,323; Summitville Tiles, Inc., Summitville Carolina Div., Morganton, NC: October 16, 2000.

TA–W–40,299; Gilbert Paper, Div. Of Mead Corp., Menasha, WI: October 11, 2000.

TA–W–40,297 & A; Controls, Inc., Logansport, IN and Charlotte, NC: October 11, 2000.

TA–W–40,253; Mauney Hosiery Mills, Inc., Kings Mountain, NC: October 10, 2000.

TA–W–39,804 & A,B,C; Kemet Electronics Corp., Greenville, SC, Mauldin Plant, Simpsonville, SC, Simpsonville Plant, Simpsonville, SC, Fountain Inn Plant, Fountain Inn, SC: July 23, 2000.

TA–W–40.227; Delphi Harrison Thermal Systems, Moraine, OH: September 21, 2000.

TA–W–39,743; DuPont Corp., Polyester Enterprise, Dacron Polyester Fiber, Cape Fear Plant, Wilmington, NC, A; Kinston Plant, Kinston, NC, B; Cooper River Plant, Charleston, SC, C; Sales and Marketing Offices, Charlotte, NC, D; Administrative Offices, Wilmington, DE: August 24, 2001.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub.L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of December, 2001.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof (including workers in any agricultural firm or appropriate subdivision thereof), have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increased imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA–TAA–05237; Versatile Mold and Design, Inc., Rutledge, GA

NAFTA–TAA–05466; Nocona Leather Goods Co. Ltd., Nocona Athletic Goods, Nocona, TX

NAFTA–TAA–05613; Hibbing Taconite Co., Cliffs Mining Co., Hibbing, MN

NAFTA–TAA–05624; AXV Corp., Vancouver, WA

NAFTA–TAA–05386; GFC Foam, LLC, West Hazleton, PA

NAFTA–TAA–05416; Gilbert Paper, Div. of Mead Corp., Menasha, WI

NAFTA–TAA–05525 & A; R.L. Stowe Mills, Inc., Mebane, NC and Belmont, NC

NAFTA–TAA–05537; Chemwest Systems, Inc., Portland, OR

NAFTA–TAA–05576; Von Hoffman Press, Inc., Owensville, MO

NAFTA–TAA–04879; Maverick Tube Corp., Beaver Falls, PA

NAFTA–TAA–05273; Raltron Electronics, Miami, FL

NAFTA–TAA–05304; Eagle Veneer, Inc., Harrisburg, OR

The workers firm does not produce an article as required for certification under Section 250(a), Subchapter D, Chapter 2, Title II, the Trade Act of 1974, as amended.

NAFTA–TAA–05625; Alcatel USA Marketing, Inc., Andover, MA

NAFTA–TAA–05462; Modern Engineering, Troy, MI

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–5351; Davis Wire Corp., Hayward, CA: August 28, 2000.

NAFTA–TAA–04823; Brillcast, Inc., Grand Rapids, MI: April 30, 2000.

NAFTA–TAA–05470; Tyco International, Ltd., A Div. of Tyco Electronic Power Systems, Formerly Lucent Technologies, Mesquite, TX: October 22, 2000.

NAFTA–TAA–05388 & A; Mexican Industries, Detroit, MI and Dearborn, MI: October 3, 2000.

NAFTA–TAA–5423; Eastwood Industrial, Inc., Albemarle, NC: October 1, 2000.

NAFTA–TAA–05428; Controls, Inc., Logansport, IN and Charlotte, NC: October 10, 2000.

NAFTA–TAA–05451; Mauney Hosiery Mills, Inc., Kings Mountain, NC: October 10, 2000.

NAFTA–TAA–05521; Value Line Textiles, Inc., Pilot Mountain, NC: November 1, 2000.

NAFTA–TAA–05522; Value Line Textiles, Inc., Lenoir City, TN: November 1, 2000.

NAFTA–TAA–05529; Safeway, Inc., Juice and Dressings Div., Grandview, WA: October 29, 2000.

NAFTA–TAA–05535; Rich Products Manufacturing Corp., Appleton Div., Appleton, WI: November 1, 2000.

NAFTA–TAA–05571; Wesley Industries, Inc., Bloomfield Hills, MI: November 20, 2000.

NAFTA–TAA–5351; Davis Wire Corp., Hayward, CA: August 28, 2000.

NAFTA–TAA–5599; Artex International, Boiling Springs, NC: December 4, 2000.

I hereby certify that the aforementioned determinations were issued during the month of December, 2001 and January, 2002. Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: January 7, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–712 Filed 1–10–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determination Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of December, 2001.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–40,239; W.G. Benjey, Inc., Alpena, MI

TA–W–39,739; MEMC Southwest, Sherman, TX

TA–W–40,245; 3M Co., Guin, AL

TA–W–39,640; ABC–NACO, Inc., Superior, WI

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–40,033; Kraft Foods North America, Inc., Lehigh Valley, PA

The investigation revealed that criteria (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA–W–40,345; Bombardier Transportation, 1200 Lebanon Road, Pittsburgh, PA, A; Bombardier Transportation, 1501 Lebanon Church Road, Pittsburgh, B; 2001 Lebanon Road, Pittsburgh, PA

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA–W–39,194; Miami Richard Grading, Inc., Medley, FL: April 25, 2000.

TA–W–39,217; Brillcast, Inc., Grand Rapids, MI: April 25, 2000.

TA–W–39,484; Cooper Wood Products, Rocky Mount, VA: May 1, 2000.

TA–W–39,643; Precision Mold, Inc., Kent, WA: June 26, 2000.

TA–W–40,057; Virginia Glove, Glade Spring, VA: August 31, 2000.

TA–W–39,721; Parker Hannifin Corp., Engineered Seals Div., Goshen, IN: July 13, 2000.

TA–W–39,812; Acro Industries, Inc., Elmgrove Road, Rochester, NY: July 29, 2000.

TA–W–40,083; Hooker Furniture Corp., Martinsville, VA: September 7, 2000.

TA–W–40,226; Columbian Rope Co., Guntown, MS: September 25, 2000.

TA–W–40,225; Thermatex Corp., Newton Falls, OH: October 3, 2000.

TA–W–40,298; Aventis Crop Science, USA, Mt. Pleasant, TN: October 22, 2000.

TA–W–40,430; Vesuvius USA, Employed at LTV Steel Co., Cleveland, OH: November 5, 2000.

TA–W–40,440; Cardinal Brands, Inc., Hazel Promotional Products, Washington, MO: October 22, 2000.

TA–W–40,199; Washington Group International, Mining Unit, Boise, ID, Employed at Equatorial Tonopah, Inc., Tonapah, NV: September 26, 2000.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub.L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of December, 2001.

In order for an affirmative determination to be made and certification of eligibility to apply for NAFTA–TAA the following group

eligibility requirements of Section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increased imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA–TAA–05332; Mercury Marine, Brunswick Corp., Fond du Lac, WI
NAFTA–TAA–05501; Huhtamaki, Food Services Div., Formerly Known as Packaging Resources, Mt. Carmel, PA
NAFTA–TAA–05481; Texfi Industries, Jefferson, GA
NAFTA–TAA–05405; W.G. Benjey, Inc., Alpena, MI
NAFTA–TAA–05471; Syst-A-Matic Tool and Design, Inc., Meadville, PA
NAFTA–TAA–05514; Pennsylvania Tool and Gages, Inc., Meadville, PA
NAFTA–TAA–05605; Hershey Foods Corp., Pennsburg, PA
NAFTA–TAA–05291; Kraft Foods North America, Inc., Lehigh Valley, PA
NAFTA–TAA–05060; ABC–NACO, Inc., Superior, WI
NAFTA–TAA–05037; Precision Mold, Inc., Kent, WA
NAFTA–TAA–05218; Chipman Union, Inc., Union Point, GA
NAFTA–TAA–05327; Parker Hannifin Corp., Brass Department, Otsego, MI
NAFTA–TAA–04569; Blount, Inc., Prentice, WI
NAFTA–TAA–05298; Craftsman Fabrics, Phoenix Mills, Concord, NC
NAFTA–TAA–04914; Boss Industries, Inc., Erie, PA
NAFTA–TAA–05453; Fibermark, Inc., Rochester, MI

The workers firm does not produce an article as required for certification under Section 250(a), Subchapter D, Chapter 2, Title II, the Trade Act of 1974, as amended.

NAFTA–TAA–05512; Sunbrand, A Div. Of Wilcox and Gibbs, Inc., Norcross, GA

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–05136; Federal Mogul Corp., Powertrain Systems, St. Johns, MI: July 26, 2000.
NAFTA–TAA–05473; Madill Corp., Kalama, WA: October 25, 2000.
NAFTA–TAA–05419; Thermatex Corp., Newton Falls, OH: August 28, 2000.
NAFTA–TAA–05028; Parker Hannifin Corp., Engineered Seals Div., Goshen, IN: June 29, 2000.
NAFTA–TAA–05497; Cardinal Brands, Inc., Hazel Promotional Products, Washington, MO: October 23, 2000.
NAFTA–TAA–05538; Leased Workers of Employment Group at St. Clair Technologies, Charlotte, MI: November 2, 2000.
NAFTA–TAA–05569; NACCO Materials Handling Group, Inc., Americas Div., Greenville, NC: November 15, 2000.
NAFTA–TAA–04932; Kentucky Electric Steel, Ashland, KY: April 25, 2000.
NAFTA–TAA–05425; Solectron Corp., Durham, NC: October 9, 2000.

I hereby certify that the aforementioned determinations were issued during the month of December, 2001. Copies of these determinations are available for inspection in room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: January 2, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–719 Filed 1–11–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[Docket No. TA–W–40,096]

Crenlo, Inc. Rochester, Minnesota; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 24, 2001, in response to a petition filed on behalf of workers at CRENLO, Inc., Rochester, Minnesota.

Further examination of the Trade Adjustment Assistance petition form shows that the filing does not meet the Trade Act requirements for a valid petition. The petition is invalid because it contains the signature of only one worker, not the required three. Consequently, further investigation would serve no purpose and the investigation has been terminated.

Signed in Washington, DC this 3rd day of January, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–718 Filed 1–10–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,452]

N & H Corporation, Mohnton, Pennsylvania; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 17, 2001, in response to a worker petition which was filed on behalf of workers at N & H Corporation, Mohnton, Pennsylvania.

A petition for this worker group is currently under investigation (TA–W–40,394). Consequently, further investigation would serve no purpose and the investigation has been terminated.

Signed in Washington, DC, this 27th day of December, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–715 Filed 1–10–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40, 202]

Renaissance Woodworking, Inc. Brooklyn, New York; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on October 15, 2001, in response to a petition that was filed on behalf of workers at Renaissance Woodworking, Inc., Brooklyn, New York.

The Department was unable to locate an official of the company to obtain the information necessary to conduct the investigation. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 2nd day of January, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–717 Filed 1–10–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,385]

Steag Hamatech, Inc., Saco, Maine; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on December 3, 2001, in response to a worker petition, which was filed on behalf of workers at Steag Hamatech, Inc., Saco, Maine.

An active certification covering the petitioning group of workers remains in effect (TA–W–38,953). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 31st day of December, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–713 Filed 1–10–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Investment Act (WIA) Standardized Record Data (WIASRD), Quarterly Summary Report, and Annual Report; Proposed Collection; Comment Request

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 Employment and Training Administration is soliciting comments concerning the proposed extension of the Workforce Investment Act Management Information and Reporting System.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee's section below on or before March 12, 2002.

ADDRESSES: U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue, N.W., Room S–4231, Washington, DC, 20210. Attention: William Rabung, Telephone: (202) 693–3031 (not a toll-free number), Facsimile number: (202) 693–3229, E-mail address: *wrabung@doleta.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In implementing the performance accountability and reporting provisions of the Workforce Investment Act of 1998 (WIA), all state jurisdictions and territories operating programs under WIA Title I–B are required to submit three types of participation and performance reports electronically to DOL on a periodic basis that allow the Department to manage its responsibilities under: (1) WIA section 136(d); (2) WIA section 185(a)(2), (c)(2), and (d); and (3) WIA section 189(d). These responsibilities include reporting the progress of States in achieving negotiated levels of performance on the required core and customer satisfaction measures, reports and recordkeeping, and responsibilities under the Government Performance and Results Act (GPRA). The Department seeks to extend these data collection and reporting requirements without change. The Department originally received approval of this reporting package on March 1 of this year with an expiration date of October 31 of this year. This very limited approval period made it impossible for the Department to receive required information from states or to perform any analyses of the data for purposes of program administration. The Department has requested and received a 90 day extension of this reporting package in order for the Department to at least receive the next quarterly report and the first annual report and WIASRD data from states. In order to meet the requirements of the Paperwork Reduction Act, the Department is submitting this package as approved on March 1, 2000 with only minor clarification and grammatical corrections for extension of data collection and reporting requirements.

There are two basic report systems—financial and program. The financial reports are required quarterly, as provided for in WIA sec. 185(e). To avoid unnecessary reporting, the quarterly financial report looks at expenditures and records related to WIA sec. 185(f) and (g). The quarterly financial report was addressed in a separate **Federal Register** notice (65 FR 5897–5898, Feb. 7, 2000). Turning to the program report system, there are three types of reports submitted by states: individual records, quarterly summary reports, and annual reports.

A. Individual Records

The Department established a standard set of core data elements that must be maintained for each individual who receives WIA Title I–B services beyond self-service and informational activities. The number of data elements collected for each individual is driven by the level of service. States submit individual record-level electronic records for program exiters annually. The Workforce Investment Act Standardized Record Data (WIASRD) contains:

—Relevant demographic characteristics including race, ethnicity, sex and age and other related information on the participants (WIA sec. 185(d)(1)(A));

—WIA Title I–B and partner program activities in which the participants are enrolled (WIA sec. 185(d)(1)(B)); and

—Outcomes for the participants, including occupations and placement in non-traditional employment (WIA sec. 185(d)(1)(C)).

The WIASRD and related documents can be viewed at the Department's Internet Web site, *http://www.usworkforce.org.*

B. Quarterly Summary Reports

The quarterly summary reports reflect statewide activity for negotiated performance and actual performance levels as well as the number of current participants and those participants who exited during the program period.These reports provide DOL with key information necessary for program oversight purposes. This information

facilitates the Department's efforts in assessing its own performance against established GPRA goals. States electronically submit the quarterly summary reports within 45 days following the end of each quarter.

The Quarterly Summary Report format and instructions for completing this report can be viewed at the Department's Internet Web site, *http://www.usworkforce.org.*

C. Annual Reports

On an annual basis, each state publishes and submits to the Secretary an Annual Report which explains the outcomes of WIA Title I-B programs to employers, taxpayers, participants and Congress and meets the provisions at WIA sec.136(d) and WIA sec. 185(d). This report emulates the private sector's ''report to stockholders'' and affords considerable flexibility to states to represent their qualities in the most advantageous manner to all stakeholders, including Congress, Governors, state legislators, workforce investment boards, and the public. This report is submitted electronically to DOL.

The state's Annual Report includes state performance as well as local performance. Copies of each state's Annual Report are sent to Congress. The performance outcomes detailed in the report will serve as the basis for awarding incentives or administering sanctions to states for performance which exceeds or falls below the negotiated levels of performance.

The instructions for completing an annual report can be accessed and viewed at the Department's Internet Web site, *http://www. usworkforce.org.* In order to report on the two required customer satisfaction measures (one for employers and one for participants) in the annual and quarterly summary reports, states must conduct surveys of both groups following the directions contained in Attachment V posted on the Department's Internet Web site, *http://www.usworkforce.org.*

II. Current Actions

The proposed extension of the data collection and reporting system will assist the Department in meeting its mandated responsibilities by providing standardized information regarding demographics, activities and outcomes for all registrants receiving more than informational or self-service in all states and workforce investment areas. Information will also be used for general oversight, continuous improvement and research purposes.

Type of Review: Extension.

Agency: Employment and Training Administration.

Titles: Workforce Investment Act Standardized Record Data, (WIASRD), Annual Report, Quarterly Summary Reports.

OMB Number: 1205–0420.

Affected Public: State governments, local workforce investment areas, and local workforce investment boards.

Cite/Reference: Authority to collect this information is provided by the Workforce Investment Act of 1998 in secs. 136, 185, and 189.

Form/etc: See the documents posted on the Department's Internet Web site, *http://www.usworkforce.org.*

Total Respondents: 53 (50 States, District of Columbia, Puerto Rico, and Virgin Islands).

Frequency: Annual Report—Yearly by December 1; Quarterly Summary Report—submitted within 45 days following each quarter; Individual Record—Annually by December 1.

Total Responses: One Annual Report for each respondent. States must submit three hard copies and one electronic copy of the annual report to the Secretary of Labor. One electronic submission of the Quarterly Summary Report from each respondent. One electronic data set from each of the respondents containing individual records for each registrant served.

Average Time: 2,384 hours.

Per Response: The actual response time varies by number of local workforce investment boards and individual records of individuals served in the state.

Estimated Total Burden Hours:

Cite/reference	Total respondents	Frequency	Total responses	Average time per response	Burden (total nat. hrs.)
Individual Records.	53 entities are required to submit individual records 6 entities may submit individual records [1].	Annually	53 (One set of records per respondent. Set will vary in size depending on the number of individuals served in the jurisdiction.).	13,272 hours	703,416 hours
Annual Report	See above	Annually	53	45 hours	2,385 hours
Customer Satisfaction Survey.	53 States*	Quarterly/Annually.	(Results to be included in the Annual and Quarterly Reports).	5 min. (1/12 hr.)**	4,417 hours
	Agency Administration 53			688 hours	36,464 hours
	Overhead 53			154 hours	8,162 hours
Quarterly Summary Report.	53	Quarterly	212 (53×4)	16 hours	3,392 hours.
Totals	53	Quarterly/Annually.	318	2,384 hours	758,236 hours.

*Each State will submit one index score for the employer responses and one for the participant responses.

**Assumes only 3 ASCI questions are administered.

[1] All 50 States, the District of Columbia, Puerto Rico and The U.S. Virgin Islands are required to submit individual records, quarterly reports and annual reports using the instructions and formats provided.

The Secretary may reserve up to ¼ of 1 percent of the WIA Title I–B funds for Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States (The Marshall Islands, Palau and the Federated States of Micronesia). Notwithstanding any other provision of law, the Freely Associated States shall not receive any assistance for any program year that begins after September 30, 2001 (WIA section 127(b)(1)(B)(ii)(IV)). These areas have limited access to technology, wage records and unique economies that result in barriers to implementing some of the indicators of performance and to collecting and reporting data. Given these unique circumstances, regional staff will work with these entities to develop suitable reporting requirements. These areas are not eligible to receive incentive grants for exceeding negotiated levels of performance.

Explanation of Burden Hours:

A. Individual Record—703,416 hrs.

Baseline: 8,768 hrs./reporting unit in the Paperwork Reduction Package regarding the JTPA reporting system (SPIR = 56 State reporting units).

Factor: 51% higher due to (1) increase in size of record, and (2) increase in number of program participants. Increases were not cumulative; some allowance made for economies of scale and learning curve.

B. Annual Report—2,385 hrs.

Estimate based on 45 hrs./reporting unit to produce one report per year (includes program run, checking, report formatting for transmission).

C. Quarterly Report—3,392 hrs.

Estimate based on 64 hrs./reporting unit to produce four reports per year (includes program run, checking, report formatting for transmission)—16 hrs./report.

D. Customer Satisfaction Survey.

Respondents—4,417 hrs.

Estimate based on 1,000 responses per reporting unit (500 WIA participants and 500 employers) and 5 min. (1/12 hr.) per survey. This assumes the three ACSI questions are asked. States may incur increased costs in the event additional questions are asked on the surveys.

Survey Administration—36,464 hrs.

Estimate based on 41 minutes to obtain a completed survey (telephone contacts, call-backs, data entry). This estimate assumes 50% of the respondents for each State will take an average of 30 minutes each, 25% will require an average of 45 minutes, and 25% will require an average of 60 minutes to obtain each completed survey.

Survey Preparation and Overhead—8,162 hrs.

Estimate based on:

Survey development (preparation of questionnaire and telephone script for interviewer)—40 hrs./reporting unit;

Sample selection—24 hrs./reporting unit;

Survey set-up (setting up survey for telephone administration and creation of a database)—40 hrs./reporting unit;

Compilation of results (includes generation of descriptive statistics and calculation of index for participants and employers)—50 hrs./reporting unit.

Total Burden Cost (Capital/Start-up Costs): $0. All respondents are currently operating production-status reporting systems.

Total Burden Cost (Operation and Maintenance Costs): $18,986,229.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

III. Documents for Review and Comment

The following documents cited in this notice can be viewed at the Department's Internet Web site, *http://www.usworkforce.org;*

—The Workforce Investment Act Title I–B Standardized Record Data (WIASRD) layout;
—The Workforce Investment Act Quarterly Summary Report Format;
—The Instructions for Submission of WIA Quarterly Summary Report;
—The instructions for submission of the WIA Annual Report; and
—The instructions for capturing, computing and recording outcomes on the Customer Satisfaction Measures.

Dated: December 13, 2001.

Emily Stover DeRocco,

Assistant Secretary of Labor.

[FR Doc. 02–667 Filed 1–10–02; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for NAFTA Transitional Adjustment Assistance

Petitions for transitional adjustment assistance under the North American Free Trade Agreement-Transitional Adjustment Assistance Implementation Act (Pub. L. 103–182), hereinafter called (NAFTA–TAA), have been filed with State Governors under Section 250(b)(1) of Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended, are identified in the Appendix to this Notice. Upon notice from a Governor that a NAFTA–TAA petition has been received, the Director of the Division of Trade Adjustment Assistance (DTAA), Employment and Training Administration (ETA), Department of Labor (DOL), announces the filing of the petition and takes action pursuant to paragraphs (c) and (e) of Section 250 of the Trade Act.

The purpose of the Governor's actions and the Labor Department's investigations are to determine whether the workers separated from employment on or after December 8, 1993 (date of enactment of P.L. 103–182) are eligible to apply for NAFTA–TAA under Subchapter D of the Trade Act because of increased imports from or the shift in production to Mexico or Canada.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing with the Director of DTAA at the U.S. Department of Labor (DOL) in Washington, DC provided such request if filed in writing with the Director of DTAA not later than January 21, 2002.

Also, interested persons are invited to submit written comments regarding the subject matter of the petitions to the Director of DTAA at the address shown below not later than January 21, 2002.

Petitions filed with the Governors are available for inspection at the Office of the Director, DTAA, ETA, DOL, Room C–5311, 200 Constitution Avenue, N.W. Washington, DC 20210.

Signed at Washington, DC, this 2nd day of January, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

APPENDIX

Subject firm	Location	Date received at Governor's office	Petition No.	Articles produced
A.O. Smith Electrical Products (Co.)	Scottsville, KY	12/11/2001	NAFTA–5, 634	Stator & coil electric motor.
Sumitomo Electric Wiring (Co.)	Morgantown, KY	12/11/2001	NAFTA–5, 635	Electric wiring harnesses.
Bayer Clothing Group (UNITE)	Clearfield, PA	12/10/2001	NAFTA–5, 636	Men's tailored suits and sportscoats.
Daisbowa America (Wkrs)	Port Angeles, WA	12/10/2001	NAFTA–5, 637	Woods clips.
Scientific Molding (Wkrs)	Brownsville, TX	12/12/2001	NAFTA–5, 638	Assembled tools and molding.
Acme Steel (Wkrs)	Riverdale, IL	12/07/2001	NAFTA–5, 639	Hot rolled steel.
VF Jeanswear (Co.)	Russellville, AL	12/12/2001	NAFTA–5, 640	Jeans.
VDO North America LLC (Co.)	Winchester, VA	12/18/2001	NAFTA–5, 641	Fuel systems for cars.
Imperial Home Decor Group (UAW)	Adams, MA	12/11/2001	NAFTA–5, 642	Wallpaper.
A.O. Smith Electrical Products (Co.)	Lexington, TN	12/10/2001	NAFTA–5, 643	Electric motors.
Bose Corporation (Wkrs)	Hillsdale, MI	12/14/2001	NAFTA–5, 644	Automotive loudspeaker.

APPENDIX—Continued

Subject firm	Location	Date received at Governor's office	Petition No.	Articles produced
Eurotherm Action (Co.)	San Diego, CA	10/17/2001	NAFTA–5, 645	Signal conditioners.
Smiley Hats (Co.)	Sparks, NV	11/09/2001	NAFTA–5, 646	Hats, mittens, scarfs, blankets.
Active Transportation (IBT)	Portland, OR	12/13/2001	NAFTA–5, 647	Heavy duty trucks.
Harper Wyman (Wkrs)	Princeton, IL	12/14/2001	NAFTA–5, 648	Engineering services.
IEC Electronics (Wkrs)	Newark, NY	10/25/2001	NAFTA–5, 649	Communications equipment.
Holland Binkley (Co.)	Dayton, OH	12/17/2001	NAFTA–5, 650	Semi trailer axles.
Bourns (Co.)	Logan, UT	12/17/2001	NAFTA–5, 651	Electronic components.
Magnequench International (UAW)	Anderson, ID	12/13/2001	NAFTA–5, 652	Permanent magnets & magnetic powders.
Empire Iron Mining Partnership—Tilden (Co.).	Cleveland, OH	12/12/2001	NAFTA–5, 653	Steel.
Hayes Lemmerz International (Wkrs)	Petersburg, MI	11/17/2001	NAFTA–5, 654	Plastic intake manfolds.
Kennametal (Co.)	Pine Bluff, AR	12/12/2001	NAFTA–5, 655	Drill.
Eaton Corporation—Actuator Esensor (Wkrs).	Sanford, NC	12/17/2001	NAFTA–5, 656	Right angle thermal expansion valve.
USNR (Wkrs)	Woodland, WA	12/17/2001	NAFTA–5, 657	Saw mill equipment and spare parts.
Perceptron (Co.)	Lake Oswego, OR	12/11/2001	NAFTA–5, 658	Sensor and robotic equipment.
Liz Claiborne (UNITE)	Mt. Pocono, PA	12/19/2001	NAFTA–5, 659	Men's and women's apparel.
Vanity Fair Intimates (Co.)	Monroeville, AL	12/20/2001	NAFTA–5, 660	Women's intimate apparel.
Tree Machine Tools (IAMAW)	Franklin, WI	12/19/2001	NAFTA–5, 661	Computer controlled machining centers.
Robert Mitchell—Douglas Brothers (Co.).	Portland, ME	12/19/2001	NAFTA–5, 662	Stainless steel pipe and fitting.
Exide Technologies (UAW)	Shreveport, LA	12/19/2001	NAFTA–5, 663	12 volt automotive batteries.
Neville Chemical (USWA)	Pittsburgh, PA	12/19/2001	NAFTA–5, 664	Hydro carbon resins for printing ink.
JBI, LP (Co.)	Osseo, WI	12/19/2001	NAFTA–5, 665	Parts washers and ovens.
Dana Corporation—Spicer Mfg. (Wkrs)	Pottstown, PA	12/19/2001	NAFTA–5, 666	Slip yokes, flange yokes etc.
Accuride International (Co.)	South Bend, IN	12/18/2001	NAFTA–5, 667	Ball bearing linear slides.
Parker Hannifin (Wkrs)	Eaton, OH	12/17/2001	NAFTA–5, 668	Tube fittings.
Midcom, Inc. (Co.)	Watertown, SD	12/18/2001	NAFTA–5, 669	Transformer for telecommunications.
Greenwood Mills (Co.)	Greenwood, SC	12/20/2001	NAFTA–5, 670	Textiles.
Beta Steel (Co.)	Portage, IN	12/26/2001	NAFTA–5, 671	Steel, hot rolled coils.
Pacific Scientific Instruments (Wkrs)	Crants Pass, OR	12/19/2001	NAFTA–5, 672	Particle counters and software.
Phoenix Gold International (Wkrs)	Portland, OR	12/19/2001	NAFTA–5, 673	Circuit board.
Loren Casting (Wkrs)	Hollywood, FL	12/20/2001	NAFTA–5, 674	Wax carving and wax stone setting.
STS Apparel (Wkrs)	Hialeah, FL	12/18/2001	NAFTA–5, 675	Embroidery for garments.
Nortel Networks (Wkrs)	Boca Raton, FL	12/19/2001	NAFTA–5, 676	Optical networking systems.
Swift Spinning Mills (Co.)	Columbus, GA	12/19/2001	NAFTA–5, 677	Denim.
Swift Spinning Mills (Co.)	Columbus, GA	12/19/2001	NAFTA–5, 678	Spun cotton yarn.
Biokyowa (Co.)	Cape Girardeau, MO	12/21/2001	NAFTA–5, 679	Lysine amino acid feed supplement.
F.C. Mayer Packaging (Wkrs)	St. Louis, MO	12/21/2001	NAFTA–5, 680	Shoe cartons.
VF Jeanswear (Wkrs)	Springfield, MO	12/21/2001	NAFTA–5, 681	Jeans and casual wear.
Parallax Power Components (Co.)	Goodland, IN	12/20/2001	NAFTA–5, 682	Transformers.
Multi Products (Wkrs)	Erie, PA	12/27/2001	NAFTA–5, 683	Custom plastic injection molds.
Kraft Foods North America (Wkrs)	Allentown, PA	12/27/2001	NAFTA–5, 684	Barbecue sauce and salad dressing.

[FR Doc. 02–716 Filed 1–10–02; 8:45 am]
BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment Standards Administration; Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination; Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue

current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under the Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department.

Further information and self-explanatory forms from the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3014, Washington, DC 20210.

Modification to General Wage Determination Decisions

The number of the decisions listed to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

None

Volume II

None

Volume III

None

Volume IV

None

Volume V

None

Volume VI

None

Volume VII

None

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and Related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage determinations Issued Under the Davis-Bacon And Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

General wage determination issued under the Davis-Bacon and related Acts are available electronically at no cost on the Government Printing Office site at *www.access.gpo.gov/davisbacon.* They are also available electronically by subscription to the Davis-Bacon Online Service (*http://davisbacon.fedworld.gov*) of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068. This subscription offers value-added features such as electronic delivery of modified wage decisions directly to the user's desktop, the ability to access prior wage decisions issued during the year, extensive Help desk Support, etc.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800.

When Ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate Volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 3rd day of January 2002.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 02–482 Filed 1–10–02; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collection, Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance 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. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed revision of the ''Consumer Price Index Commodities and Services Survey.'' A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section of this notice on or before March 12, 2002.

ADDRESSES: Send comments to Amy A. Hobby, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 3255, 2 Massachusetts Avenue, NE., Washington, DC 20212, telephone number 202–691–7628 (this is not a toll free number).

FOR FURTHER INFORMATION CONTACT: Amy A. Hobby, BLS Clearance Officer, telephone number 202–691–7628. (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

Under the direction of the Secretary of Labor, the Bureau of Labor Statistics (BLS) is directed by law to collect, collate, and report full and complete statistics on the conditions of labor and the products and distribution of the products of the same; the Consumer Price Index (CPI) is one of these statistics. The collection of data from a wide spectrum of retail establishments and government agencies is essential for the timely and accurate calculation of the Commodities and Services (C&S) component of the CPI.

The CPI is the only index compiled by the U.S. Government that is designed to measure changes in the purchasing power of the urban consumer's dollar. The CPI is a measure of the average change in prices over time paid by urban consumers for a market basket of goods and services.

The CPI is used most widely as a measure of inflation, and serves as an indicator of the effectiveness of government economic policy. It also is used as a deflator of other economic series, that is, to adjust other series for price changes and to translate these series into inflation-free dollars. A third major use of the CPI is to adjust income payments. Over two million workers are covered by collective bargaining contracts which provide for increases in wage rates based on increases in the CPI.

The continuation of the collection of prices for the CPI is essential since the CPI is the nation's chief source of information on retail price changes. If the information on C&S prices were not collected, Federal fiscal and monetary policies would be hampered due to the lack of information on price changes in a major sector of the U.S. economy, and estimates of the real value of the Gross National Product could not be made. The consequences to both the Federal and private sectors would be far-reaching and would have serious repercussions on Federal government policy and institutions.

II. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Action

A new outlet rotation model introduced during the 1998 revision is now fully deployed. This model results in rotating the full C&S sample every four years.

A new initiative to reinitiate a subset of the currently priced item sample in existing outlets to account for new goods is under development. This initiative is referred to as Item Rotation. Item rotation is a process that allows for the inclusion of new goods when reinitiating existing quotes within currently priced outlets and enables the item sample to be refreshed without the expense and delay of a full Telephone Point of Purchase Survey (TPOPS) rotation. Under this initiative at currently priced outlets for selected item categories the items priced will be reinitiated two years after the original initiation, thus offering the chance that new goods will be selected for pricing. An example is prescription drugs, where under this initiative based on current sales data priced drugs will be reinitiated. Since this reinitiation will include all currently dispensed drugs those that have been introduced since the previous initiation will have a chance to be selected. Over a four year period up to half our priced outlets will be subject to item rotation.

Currently, data for the CPI are recorded on collection schedules by CPI field staff in assigned retail outlets and are mailed to the National Office for processing. A key element nearing completion is to convert all ongoing data collection and transmission to electronic systems. The gradual introduction of a Computer-Assisted Data Collection (CADC) system for the C&S portion of the CPI will begin in the fall of 2002. The use of CADC will result in significant advantages by increasing productivity and improving the overall quality of the CPI. Electronic data collection and transmission will provide long-term savings through a major reduction of mail, paper, and printing costs. Electronic systems will provide an opportunity to reduce data capture and review time, and to improve survey logistics management.

Type of Review: Revision of a currently approved collection.

Agency: Bureau of Labor Statistics.

Title: Consumer Price Index Commodities and Services Survey.

OMB Number: 1220–0039.

Affected Public: Business or other for-profit; not-for-profit institutions; and state, local or tribal government.

Form number	Total number of respondents	Frequency	Total annual responses	Minutes per response (average)	Estimated total burden hours
BLS 3400	14,178	Annual	14,178	4	993
BLS 3400A.2	19,105	Annual	19,105	29.76	9,486
BLS 3400B	19,105	Annual	19,105	25.50	8,124
BLS 3400C	1,375	Annual	1,375	6	138
BLS 3401	39,415	Monthly/Bimonthly	343,699	13.8	79,051
Totals	[1]58,520		[2]362,804	[3]15	97,792

[1] The total number of respondents, 58,520, does not reflect the sum of the number of respondents for the five listed forms because the first form only applies to all of our activities that involve initiation, while the second and third forms involves all initiations plus item rotation. The fourth form is only used in a sub set of outlets being initiated. The fifth form is used only for the regular pricing of sampled outlets. Thus the total individual respondents impacted by the five forms is 39,415 + 19,105 = 58,520 respondents.

[2] The total annual responses does not reflect the sum of all of the listed responses because, as noted in footnote 1, some forms are used at the same respondent when they are initiated or are part of item rotation. Thus the total annual responses associated with the five forms is 343,699 + 19,105 = 362,804.

[3] The sum of minutes represents a weighted average of the minutes per respondent, using annual responses as a weight.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 19th day of December, 2001.

Jesús Salinas,

Acting Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 02–668 Filed 1–10–02; 8:45 am]

BILLING CODE 4510–24–P

NATIONAL SCIENCE FOUNDATION

Alan T. Waterman Award Committee; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Alan T. Waterman Award Committee (1172).

Date/Time: Wednesday, March 6, 2000, 9 a.m.–3 p.m., room 340.

Place: National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed.

Contact Person: Mrs. Susan E. Fannoney, Executive Secretary, Room 1220, National Science Foundation, 4201 Wilson Blvd, Arlington, VA 22230. Telephone: 703/292–8096.

Purpose of Meeting: To provide advice and recommendations in the selection of the Alan T. Waterman Award recipient.

Agenda: To review and evaluate nominations as part of the selection process for awards.

Reasons for Closing: The nominations being reviewed include information of a personal nature where disclosure would constitute unwarranted invasions of personal privacy. These matters are exempt under (4) and (6) of 5 U.S.C. 552b(c) of the Government in the Sunshine Act.

Dated: January 8, 2002.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 02–758 Filed 1–10–02; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Research, Evaluation and Communication; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463), as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel on Research, Evaluation and Communication (1210).

Dates/Time: January 29, 2002 (8:00 a.m.-5:00 p.m.), January 30, 2002 (8:00 a.m. to-5:00 p.m.).

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Open.

Contact Person: Kenneth Whang, Program Director, Division of Research, Evaluation and Communication (REC), Room 855, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: 703/292–8650.

Purpose of Meeting: To discuss trends and implications of brain research and education.

Agenda (Tentative):

January 29, 2002

2:15 pm
Overview and welcome
Introductions
2:30 pm
The ROLE portfolio: brain and cognitive components
3:00 pm
Discussion
3:30 pm
The ROLE program: guidelines, review, and management
4:00 pm
Discussion
4:30 pm
The ROLE community: outreach and development
5:00 pm
Discussion
5:30 pm
Break
6:00 pm
Dinner

January 30, 2002

8:30 pm
Synthesis and outstanding issues
Discussion a
10:00 am
Complete panel write-ups of recommendations
12:00 pm
Adjourn

Dated: January 8, 2002.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 02–774 Filed 1–10–02; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–254 and 50–265]

Exelon Generation Company, LLC and MidAmerican Energy Company; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant HazardsConsideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DAR–29 and DAR–30 issued to Exelon Generation Company, LLC, and MidAmerican Energy Company (the licensee) for operation of the Quad Cities Nuclear Power Station, Units 1 and 2, located in Rock Island County, Illinois.

The proposed amendment would revise technical specification section 3.3.1.1, ''Reactor Protection System Instrumentation,'' to modify the description for Reactor Protection System (RPS) Function 7.a, ''Scram Discharge Volume Water Level—High.'' This change supports a planned upgrade to the scram discharge volume level instrumentation from Fluid Components International thermal switches to Magnetrol float switches. These float switches are more reliable than the existing thermal switches, which are highly sensitive to a steam environment, since they respond to actual water level increases within the scram discharge volume. These types of Magnetrol float switches are used successfully in various applications at Quad Cities.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in Title 10 of the Code of Federal Regulations (10 CFR), Section 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. 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:

Does the Proposed Change Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated?

During the upcoming refueling outages at Quad Cities Nuclear Power Station (QCNPS), a design change will be implemented that upgrades the existing Scram Discharge Water Level—High instrumentation from thermal switches to float switches. Float switches are a proven technology that provide a more reliable measurement than existing equipment. Float switches are used in various applications at QCNPS, including the Emergency Core Cooling Systems instrumentation for Suppression Pool Water Level High function.

TS requirements that govern operability or routine testing of plant instruments are not

initiators of any analyzed event because these instruments are intended to prevent, detect, or mitigate accidents. Therefore, this proposed change will not involve an increase in the probability of occurrence of an accident previously evaluated. Additionally, the proposed change will not increase the consequences of an accident previously evaluated because the proposed change does not adversely impact structures, systems, or components (SSCs). The planned instrument upgrade results in a more reliable design than existing equipment. The proposed change maintains existing 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. For these reasons, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

Does the Proposed Change Create the Possibility of a New or Different Kind of Accident From Any Accident Previously Evaluated?

The proposed change supports a planned instrumentation upgrade and does not alter surveillance requirements required to ensure operability. The proposed change does not adversely impact the manner in which the SDV will operate under normal, abnormal, and accident conditions. There is no change being made to the parameters within which QCNPS is operated. There are no setpoints at which protective or mitigative actions are initiated that are affected by the proposed change. This proposed change will not alter the manner in which equipment operation is initiated nor will the function demands on credited equipment be changed. No alteration in the procedures, which ensure QCNPS remains within analyzed limits, is proposed, and no change is being made to procedures relied upon to respond to an off-normal event. Therefore, this proposed change provides an equivalent level of safety. The proposed change in methods governing normal plant operation are consistent with the current safety analysis assumptions. Therefore, this proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

Does the Proposed Change 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 or actions. The proposed change supports a planned instrumentation upgrade. The proposed change does not affect the probability of failure or availability of the affected instrumentation. The change to float switches for the Scram Discharge Volume Water Level—High RPS Sub-Function 7.a provides for increased reliability that aligns with that of similar instrumentation. Therefore, it is concluded that the proposed changes will not result in a significant reduction in the margin of safety.

Therefore, based upon the above evaluation, EGC has concluded that these changes involve no 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.

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. 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 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By February 10, 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, which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or electronically on the Internet at the NRC Web site *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If there are problems in accessing the document, contact the Public Document Room Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov.* 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 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 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 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: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Edward J. Cullen Jr., Vice President and General Counsel, Exelon Generation Company, LLC, 300 Exelon Way, Kennett Square, PA 19348, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated [date], which is available for public inspection at the Commission's Public Document Room (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 (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html*. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC Public Document Room Reference staff by telephone at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 8th day of January 2002.

For the Nuclear Regulatory Commission.

George F. Dick, Jr.,

Project Manager, Section 2, Project Directorate 3, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 02–694 Filed 1–10–02; 8:45 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Act; January 24, 2002 Public Hearing; Meeting

TIME AND DATE: 2 PM, Thursday, January 24, 2002.

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue, NW., Washington, DC.

STATUS: Hearing OPEN to the Public at 2 PM.

PURPOSE: Annual Public Hearing and Hearing in conjunction with the quarterly meeting of OPIC's Board of Directors, to afford an opportunity for any person to present views regarding the activities of the Corporation.

Procedures

Individuals wishing to address the hearing orally must provide advance notice to OPIC's Corporate Secretary no later than 5 PM, Friday, January 18, 2002. The notice must include the individual's name, organization, address, and telephone number, and a concise summary of the subject matter to be presented.

Oral presentations may not exceed ten (10) minutes. The time for individual presentations may be reduced proportionately, if necessary, to afford all participants who have submitted a timely request to participate an opportunity to be heard.

Participants wishing to submit a written statement for the record must submit a copy of such statement to OPIC's Corporate Secretary no later than 5 PM, Friday, January 18, 2002. Such statements must be typewritten, double-spaced and may not exceed twenty-five (25) pages.

Upon receipt of the required notice, OPIC will prepare an agenda for the hearing identifying speakers, setting forth the subject on which each participant will speak, and the time allotted for each presentation. The agenda will be available at the hearing.

A written summary of the hearing will be compiled, and such summary will be made available, upon written request to OPIC's Corporate Secretary, at the cost of reproduction.

CONTACT PERSON FOR INFORMATION: Information on the hearing may be obtained from Connie M. Downs at (202) 336–8438, via facsimile at (202) 218–0136, or via email at *cdown@opic,gov.*

SUPPLEMENTARY INFORMATION: OPIC is a U.S. Government agency which provides, on a commercial basis, political risk insurance and financing in friendly developing countries and emerging democracies for environmentally sound projects which confer positive developmental benefits upon the project country while creating employment in the U.S. OPIC is required by section 231A(c)(1) of the Foreign Assistance Act of 1961, as amended (''the Act'') to hold at least one public hearing each year; and by section 231A(c)(2) to hold a public hearing in conjunction with the quarterly meeting of the Board of Directors.

Among other issues, OPIC's annual public hearing has, in previous years, provided a forum for testimony concerning section 231A(a) of the Act. This section provides that OPIC may operate its programs only in those

countries that are determined to be ''taking steps to adopt and implement laws that extend internationally recognized worker rights * * * to workers in that country (including any designated zone in that country).''

Based on consultations with Congress, OPIC complies with annual determinations made by the Executive Branch with respect to worker rights for countries that are eligible for the Generalized System of Preferences (''GSP''). Any country for which GSP eligibility is revoked on account of its failure to take steps to adopt and implement internationally recognized worker rights is subject concurrently to the suspension of OPIC programs until such time as a favorable worker rights determination can be made.

For non-GSP countries in which OPIC operates its programs, OPIC reviews any country which is the subject of a formal challenge at its annual public hearing. To qualify as a formal challenge, testimony must pertain directly to the worker rights requirements of the law as defined in OPIC's 1985 reauthorizing legislation (Public Law 99–204) with reference to the Trade Act of 1974, as amended, and be supported by factual information.

Dated: January 8, 2002.

Connie M. Downs,

OPIC Corporate Secretary.

[FR Doc. 02–843 Filed 1–9–02; 11:00 am]

BILLING CODE 3210–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–25357; 812–12746]

Capital One Financial Corporation, et al.; Notice of Application

January 7, 2002.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for exemption under section 6(c) of the Investment Company Act of 1940 (the ''Act'') from all provisions of the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain finance subsidiaries of Capital One Financial Corporation (''COFC'') to sell securities and use the proceeds to finance the business activities of COFC, and certain companies controlled by COFC (''Controlled Companies'').

APPLICANTS: COFC; Capital One Capital II, Capital One Capital III and Capital One Capital IV (collectively, the ''COC Trusts''); and Capital One Capital II, LLC, Capital One Capital III, LLC and Capital One Capital IV, LLC (collectively, the ''COC LLCs'') (the COC Trusts and COC LLCs, collectively, the ''Finance Subsidiaries'').

FILING DATES: The application was filed on January 7, 2002.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on February 1, 2002 and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Applicants, John G. Finneran, Jr., Capital One Financial Corporation, Suite 1300, 2980 Fairview Park Drive, Falls Church, Virginia 22042–4525.

FOR FURTHER INFORMATION CONTACT: Jaea F. Hahn, Senior Counsel (202) 942–0614, or Janet M. Grossnickle, Branch Chief (202) 942–0564 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street NW, Washington, DC 20549–0102 (tel. 202–942–8090).

Applicants' Representations

1. COFC, a Delaware corporation, is a company whose subsidiaries provide a variety of financial products and services to consumers. COFC's principal subsidiary, Capital One Bank (''Bank''), is a limited-purpose Virginia state-chartered credit card bank offering credit card products. COFC also owns Capital One, F.S.B. (''Savings Bank''), a federally chartered savings bank, which is a member of the Federal Home Loan Bank System. The Bank has filed applications with the Board of Governors of the Federal Reserve System and the Bureau of Financial Institutions of the Virginia State Corporation Commission seeking to merge the Savings Bank with and into the Bank and to effect the conversion of the Bank into a Virginia state-chartered savings bank (the ''Merger and Conversion'').

2. COFC will establish the COC Trusts as Delaware business trusts and will own all of the outstanding voting beneficial interests to be issued by the COC Trusts. The Bank will establish the COC LLCs as Delaware limited liability companies and will own all of the outstanding voting beneficial interests to be issued by the COC LLCs. Because the Bank is a wholly owned direct subsidiary of COFC, the COC LLCs will be indirect subsidiaries of COFC.

3. The Finance Subsidiaries will be organized to engage in financing activities that will provide funds for use in the operations of COFC, the Bank, and other Controlled Companies. The Finance Subsidiaries' primary function will be to obtain funds through the offer and sale of their preferred beneficial interests (the ''Preferred Interests'') in U.S., European, and other overseas markets, and to apply the proceeds exclusively to finance the operations of COFC, the Bank and other Controlled Companies. Each COC Trust will hold the Preferred Interests of the related COC LLC which will be contributed to the COC Trust by COFC. Any issuance of a Finance Subsidiary's Preferred Interests will be guaranteed unconditionally (on a subordinated basis) by COFC with a guarantee that meets the requirements of rule 3a-5(a)(2) under the Act (the ''Guarantees''). The Guarantees provide each holder of Preferred Interests a direct right of action against COFC to enforce COFC's obligations under the applicable Guarantee without first proceeding against the applicable Finance Subsidiary. In accordance with rule 3a-5(a)(5) under the Act, at least 85% of any cash or cash equivalents raised by each Finance Subsidiary will be invested in or loaned to COFC or Controlled Companies as soon as practicable, but in no event later than six months after such Finance Subsidiary's receipt of such cash or cash equivalents. Additionally, after giving effect to the requested exemption, each Finance Subsidiary will meet the requirements of rule 3a-5(a)(6) under the Act.

Applicants' Legal Analysis

1. Applicants request an order under section 6(c) of the Act exempting each Finance Subsidiary from all provisions of the Act. Rule 3a–5 under the Act provides an exemption from the Act for certain companies organized primarily to finance the business operations of their parent companies or companies controlled by their parent companies.

2. Rule 3a–5(b)(3)(i) under the Act, in relevant part, defines a ''company controlled by the parent company'' to mean any corporation, partnership, or joint venture that is not considered an investment company under section 3(a) of the Act, or that is excepted or exempted by order from the definition of investment company by section 3(b) or by the rules and regulations under section 3(a) of the Act. The Bank does not fit, and after the proposed Merger and Conversion still will not fit, within the definition of ''company controlled by the parent company'' because it derives its non-investment company status from section 3(c)(3) of the Act. Consequently, the outstanding securities of a COC LLC would be owned by a company that does not meet the requirements of rule 3a–5(b)(1)(i) under the Act. In addition, to the extent a Finance Subsidiary makes loans to or makes or holds investments in the Bank, that Finance Subsidiary would not meet the definition of a ''finance subsidiary'' under rule 3a–5 because it would be financing an entity that does not meet the definition of a company controlled by the parent company as required by rule 3a–5(b)(1)(ii) under the Act. The COC LLCs also do not fit within the definition of ''company controlled by the parent company'' because they would, after giving effect to requested relief, be exempted by order under section 6(c) of Act rather than by the rules or regulations under section 3(a) of the Act. Consequently, a COC Trust that holds or makes investments in securities of a COC LLC would not meet the requirement in rule 3a–5(a)(6) under the Act.

3. Applicants request exemptive relief to permit the Finance Subsidiaries to finance the operations of the Bank, which is excluded from the definition of investment company by virtue of section 3(c)(3), and to permit the Bank to own all outstanding voting ownership interests of each COC LLC. In addition, Applicants request exemptive relief to permit each Finance Subsidiary to make loans to or make or hold investments in a COC LLC that relies on an order issued under section 6(c) of the Act. Applicants state that neither the Bank nor the Finance Subsidiaries will engage primarily in investment company activities, and that each Finance Subsidiary's primary business purpose will be to engage in financing activities that will provide funds for COFC and the Bank.

4. Section 6(c) of the Act, in pertinent part, provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants submit that its exemptive request meets the standards set out in section 6(c) of the Act.

Applicants' Condition

Applicants agree that the order granting the requested relief will be subject to the following condition:

Each Finance Subsidiary will comply with all of the provisions of rule 3a-5 under the Act, except: (1) the Bank will not meet the portion of the definition of ''company controlled by the parent company'' in rule 3a–5(b)(3)(i) under the Act solely because it is excluded from the definition of investment company under section 3(c)(3) of the Act; and (2) each Finance Subsidiary will be permitted to make loans to or make or hold investments in corporations, partnerships, and joint ventures that do not meet the portion of the definition of ''company controlled by the parent company'' in rule 3a(b)(3)(i) under the Act solely because (i) they are excluded from the definition of investment company under section 3(c)(3) of the Act or (ii) they are a COC LLC that does not meet the definition of ''company controlled by the parent company'' in rule 3a-5(b)(3)(i) under the Act solely because it is relying on an order issued under section 6(c) of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–806 Filed 1–10–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of January 14, 2002:

A closed meeting will be held on Tuesday, January 15, 2002, at 10:00 a.m.

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)(5), (7), (9)(B), and (10) and 17 CFR 200.402(a)(5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the closed meeting.

The subject matters of the closed meeting scheduled for Tuesday, January 15, 2002, will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings of an enforcement nature; and

Formal orders of investigation.

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: January 8, 2002.

Jonathan G. Katz,

Secretary.

[FR Doc. 02–805 Filed 1–8–02; 4:37 pm]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45241; File No. SR–Amex–2002–01]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval to Proposed Rule Change by the American Stock Exchange LLC To Extend for an Additional 90 Days its Pilot Program Relating to Facilitation Cross Transactions

January 7, 2002.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 3, 2002, the American Stock Exchange LLC (''Amex'' of ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. For the reasons discussed below, the Commission is

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

granting accelerated approval of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to extend for an additional 90 days its pilot program relating to facilitation cross transactions, described in detail in item II.A. below. The text of the proposed rule change is available at the Office of the Secretary, Amex, and at the Commission.

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 III 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

The Exchange proposes to extend for an additional 90 days its pilot program relating to member firm facilitation cross transactions, which was originally approved by the Commission in June 2000, was most recently extended in October 2001, and is due to expire on January 7, 2002.[3]

Revised Commentary .02(d) to Amex Rule 950(d) establishes a pilot program to allow facilitation cross transactions in equity options.[4] The pilot program entitles a floor broker, under certain conditions, to cross a specified percentage of a customer order with a member firm's proprietary account before market makers in the crowd can participate in the transaction. The provision generally applies to orders of 400 contracts or more. However, the Exchange is permitted to establish smaller eligible order sizes, on a class by class basis, provided that the eligible order size is not for fewer than 50 contracts.

Under the current program, when a trade takes place at the market provided by the crowd, all public customer orders on the specialist's book or represented in the trading crowd at the time the market was established must be satisfied first. Following satisfaction of any customer orders on the specialist's book, the floor broker is entitled to facilitate up to 20% of the contracts remaining in the customer order. When a floor broker proposes to execute a facilitation cross at a price between the best bid and offer provided by the crowd in response to his initial request for a market—and the crowd then wants to take part or all of the order at the improved price—the floor broker is entitled to priority over the crowd to facilitate up to 40% of the contracts. If the floor broker has proposed the cross at a price between the best bid and offer provided by the crowd in response to his initial request for a market, and the trading crowd subsequently improves the floor broker's price, and the facilitation cross is executed at that improved price, the floor broker would only be entitled to priority to facilitate up to 20% of the contracts.

The program also provides that if the facilitation transaction takes place at the specialist's quoted bid or offer, any participation allocated to the specialist pursuant to Amex trading floor practices would apply only to the number of contracts remaining after all public customer orders have been filled and the member firm's crossing rights have been exercised.[5] However, in no case could the total number of contracts guaranteed to the member firm and the specialist exceed 40% of the facilitation transaction.

In the year and a half since the pilot program was first implemented, the Exchange has found it to be generally successful. The Exchange seeks to extend the pilot program for an additional 90 days, pending consideration of a related proposed rule change it has filed with the Commission[6] concerning revisions to the program that the Amex believes will provide further incentive for price improvement by using different procedures to determine specialist and registered option trader participation. The related proposal would also make the program permanent.

In order to allow the pilot program to be extended without significant interruption, the Amex has requested that the Commission expedite review of, and grant accelerated approval to, the proposal to extend it, pursuant to Section 19(b)(2) of the Act.[7]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act[8] in general, and furthers the objectives of Section 6(b)(5) of the Act[9] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. 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

[3] The pilot program, originally approved on June 2, 2000, was subsequently extended on two occasions, reinstated after a brief lapse in July 2001, and extended again in October 2001. *See* Securities Exchange Act Release Nos. 42894 (June 2, 2000), 65 FR 36850 (June 12, 2000), 43229 (August 30, 2000), 65 FR 54572 (September 8, 2000); 44019 (February 28, 2001), 66 FR 13819 (March 7, 2001); 44538 (July 11, 2001) 66 FR 37507 (July 18, 2001); and 44924 (October 11, 2001), 66FR 53456 (October 22, 2001).

[4] Facilitation cross transactions occur when a floor broker representing the order of a public customer of a member firm crosses that order with a contra side order from the firm's proprietary account.

[5] Amex trading floor practices provide specialists with a greater than equal participation in trades that take place at a price at which the specialist is on parity with registered options traders in the crowd. These practices are subject to a separate filing that seeks to codify specialist allocation practices. *See* Securities Exchange Act Release No. 42964 (June 20, 2000), 65 FR 39972 (June 28, 2000).

[6] *See* File No. SR–Amex–00–49, available for inspection at the Commission's Public Reference Room.

[7] 15 U.S.C. 78s(b)(2).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

Room. Copies of the filing will also be available for inspection and copying at the principal offices of the Exchange. All submissions should refer to File No. SR–Amex–2002–01 and should be submitted by February 1, 2002.

IV. Commission Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[10] In its original approval of the pilot program,[11] the Commission detailed its reasons for finding its substantive features consistent with the Act, and, in particular, the requirements of Sections 6(b)(5) and 6(b)(8) of the Act.[12] The Commission has previously approved rules on other exchanges that establish substantially similar programs on a permanent basis,[13] and the extension of the pilot program on the Amex—pending review of its related proposal to revise the program and make it permanent—raises no new regulatory issues for consideration by the Commission.

The Commission finds good cause, consistent with sections 6(b) and 19(b)(2) of the Act, for approving the proposed rule change prior to the thirtieth day after the date of publication of the notice of filing thereof in the **Federal Register.** The proposal will extend the pilot program without significant interruption while revisions are considered, and does not raise any new regulatory issues.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be, and hereby is, approved on an accelerated basis as a pilot program through April 7, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–759 Filed 1–10–02; 8:45 am]

BILLING CODE 8010–01–M

[10] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[11] *See supra,* note 3.

[12] 15 U.S.C. 78f(b)(5) and (b)(8).

[13] *See, e.g.,* Securities Exchange Act Release Nos. 42835 (May 26, 2000), 65 FR 35683 (June 5, 2000), and 42848 (May 26, 2000), 65 FR 36206 (June 7, 2000).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45244; File No. SR–CBOE–00–56]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the Chicago Board Options Exchange, Inc. and Notice of Filing and Order Granting Accelerated Approval of Amendment No. 1 to Proposed Rule Change, To Allow Certain Orders Entered Through the Exchange's Order Routing System To Automatically Trade Against Orders in the Exchange's Customer Limit Order Book

January 7, 2002.

I. Introduction

On November 13, 2000, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange''), filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to allow certain orders entered through the Exchange's Order Routing System (''ORS'') to automatically trade against orders in the Exchange's customer limit order book. The proposed rule change was published in the **Federal Register** on June 4, 2001.[3] The Commission received one letter and one e-mail, submitted by the same commenter, regarding the proposed rule change.[4] On October 1, 2001, the Exchange filed Amendment No. 1 to the proposed rule change.[5]

This order approves the proposed rule change, accelerates approval of Amendment No. 1, and solicits comments from interested persons on the amendment.

II. Description of the Proposed Rule Change

The CBOE's Automated Book Priority System (''ABP'') allows an order entered into the Exchange's Retail Automatic Execution System (''RAES'') to trade directly with an order on the Exchange's customer limit order book when the best bid (offer) on the Exchange's book is equal to the prevailing market bid (offer).[6] However, orders entered into the RAES system are subject to size limitations. The Exchange now proposes to expand the application of the ABP system to allow booked orders to trade directly with incoming marketable public customer orders routed through ORS which, because of their larger size, are ineligible for RAES.[7]

Currently, when a non-RAES eligible order is entered into the Exchange's ORS and the best bid (offer on the Exchange's book is equal to the prevailing market bid (offer), the order is routed to a Floor Broker's terminal, a work station in the crowd, or the order-sending firm's booth. CBOE submits that this helps ensure that such orders are handled and executed in a manner consistent with CBOE Rule 6.45, which provides that bids or offers displayed on the customer limit order book are entitled to priority over other bids or offers at the same price. However, CBOE states that once an order is so routed, it becomes subject to market risk, as there may be some delay between the time the order is rerouted and the time it is actually filled in open outcry. CBOE believes that in times of extreme market volatility this delay could have a significant effect on the price at which the order is executed.

Under the proposal, an incoming marketable public customer ORS order would be automatically executed against a customer limit order in the book that represents or equals the prevailing best bid (offer) up to the size of that booked order. Any remaining balance of the ORS order would then be instantly rerouted through the ORS as if it were a new order, which could, among other things, include handling under CBOE's RAES Rule (Rule 6.8). The proposed rule change also provides that no automatic execution would take place at a price inferior to the current best bid (offer) in any other market.

The proposed change would be contained in proposed new Rule 6.8.B. The new rule would further provide that the appropriate Floor Procedure Committee (''FPC'') could determine

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 44356 (May 25, 2001), 66 FR 30033 (June 4, 2001) (''Notice'').

[4] *See* Letter to the Secretary, Commission, dated June 3, 2001, and e-mail submitted to the Division of Market Regulation, Commission, dated June 4, 2001, from Mike Ianni (''Ianni Comments'')

[5] *See* Letter from Angelo Evangelou, Attorney, CBOE, to Andrew Shipe, Attorney, Division of Market Regulation, Commission, dated September 28, 2001 (''Amendment No. 1''). In Amendment No. 1, the CBOE clarified that the authority to exempt an option class from the provisions of the proposed rule change during unusual market conditions could be delegated by the Chairman of the appropriate Floor Procedure Committee only to another member of that Committee.

[6] *See* Securities Exchange Act Release No. 41995 (October 8, 1999), 64 FR 56547 (October 20, 1999).

[7] CBOE represents that the term ''marketable public customer order'' means a market or marketable limit order that is not for an account in which a member, non-member participant in a joint-venture with a member, or any non-member broker-dealer (including foreign broker-dealer) has an interest. E-mail from Angelo Evangelou, Attorney, CBOE, to Andrew Shipe, Attorney, Division, Commission, dated December 26, 2001.

which option classes would be subject to the rule. Furthermore, the proposed rule would allow two Floor Officials, the FPC Chairman, or the Chairman's designee to exempt an option class or classes from the proposed rule's requirements if warranted by unusual market conditions.[8]

III. Summary of Comments

The one commenter who expressed views on the proposed rule change generally supported the proposal. However, the commenter expressed concern that the proposal would not be implemented in all classes of CBOE-listed options, but only as determined by the appropriate FPC. The commenter submitted that ABP should be engaged for all classes of options, rather than implemented on a selective basis.[9]

IV. Discussion

The proposal would extend CBOE's ABP system to marketable public customer orders entered into the Exchange's ORS, on a class-by-class basis. The Commission believes that this expansion of the ABP system should benefit customers using the ORS system, as well as customer whose orders are residing in the Exchange's book, because these orders would be subject to quicker executions. The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[10] In particular, the Commission believes that the proposal is consistent with Section 6(b)(5) of the Act,[11] which requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market, and to protect investors and the public interest.

V. Amendment No. 1

The Commission further 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 thereof in the **Federal Register.** In Amendment No. 1, the Exchange clarified that the Chairman of the appropriate FPC may designate his authority to exempt an option class from the provisions of paragraph (a) of the proposed rule during unusual market condition only to another member of the FPC. The Commission notes that Amendment No. 1 merely clarified who is eligible to be the ''Chairman's designee'' for purposes of the proposed rule. Accordingly, the Commission believes that there is good cause, consistent with Sections 6(b)(5) and 19(b) of the Act.[12] to approve Amendment No. 1 on an accelerated basis.

VI. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 1, 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 at 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–CBOE–00–56 and should be submitted by February 1, 2002.

VII. Conclusion

For the foregoing reasons, the Commission finds that CBOE's proposal to amend its rules to allow for certain orders entered through the Exchange's Order Routing System to automatically trade against orders in the Exchange's customer limit order book, as amended, is consistent with the requirements of the Act and rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[13] that the proposed rule change (SR–CBOE–00–56), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–761 Filed 1–10–02; 8:45 am]

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[8] According to the Exchange, unusual market conditions may include drastic movement in the security underlying an option or new pending about the issuer of the underlying security. Telephone conversation between Angelo Evangelou, Counsel, CBOE, and Andrew Shipe, Attorney, Division, Commission, on September 5, 2001. *See also* Securities Exchange Act Release No. 43829 (January 10, 2001), 66 FR 4877, 4878, n.8 (January 18, 2001).

[9] *See* Ianni Comments.

[10] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78(c)(f).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78f(b)(5) and 78s(b).

[13] 15 U.S.C. 78s(b)(2).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45246; File No. SR–NYSE–2001–52]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the New York Stock Exchange, Inc. To Amend Rule 123

January 7, 2002.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934,[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 21, 2001, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the NYSE. 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 proposed rule change consists of amendments to NYSE Rule 123. The proposed rule text follows: Additions are *italicized,* deletions are [bracketed].

Rule 123—Records of Orders

Paragraphs headed ''Given Out'', ''Receipt of Orders'', ''Cancelled or Executed'', and ''By Accounts'', to be numbered (a), (b), (c) and (d), respectively.

(e) System Entry Required

Except as provided in paragraphs .21 and .22 below, no Floor member may represent or execute an order on the Floor of the Exchange unless the details of the order have been first recorded in an electronic system on the Floor. Any member organization proprietary system used to record the details of the order must be capable of transmitting these details to a designated Exchange data base within such time frame as the Exchange may prescribe. The details of each order required to be recorded shall include the following data elements,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

any changes in the terms of the order and cancellations, in such form as the Exchange may from time to time prescribe:

1. Symbol;
2. Clearing member organization;
3. Order identifier that uniquely identifies the order;
4. Identification of member or member organization recording order details;
5. Number of shares or quantity of security;
6. Side of market;
7. Designation as market, limit, stop, stop limit;
8. Any limit price and/or stop price;
9. Time in force;
10. Designation as held or not held;
11. Any special conditions;
12. System-generated time of recording order details, modification of terms of order or cancellation of order;
13. Such other information as the Exchange may from time to time require.

* * * * *

.20 Orders—For purposes of paragraph (e), an order shall be any written, oral or electronic instruction to effect a transaction.

.21 Orders not subject to paragraph (e) recording requirements—Any order executed by a specialist, Competitive Trader or Registered Competitive Market Maker for his or her own account and any orders which by their terms are incompatible for entry in an Exchange system relied on by a Floor member to record the details of the order in compliance with this Rule shall be exempt from the order entry requirements of paragraph (e) above.

.22 With respect to a bona fide arbitrage order, a member may execute such order before entering the order into an electronic system as required by paragraph (e) above, but such member must enter such order into such electronic system no later than 60 seconds after the execution of such order. With respect to an order to offset a transaction made in error, a member may, upon discovering such error within the same trading session, effect an offsetting transaction without first entering such order into an electronic system, but such member must enter such order into such electronic system no later than 60 seconds after the execution of such order.

.23 With respect to any order in an Investment Company Unit (including a bona fide arbitrage order or an order to offset a transaction made in error), a member may execute such order before entering the order into an electronic system as required by paragraph (e) above, but such member must enter such order into such electronic system no later than 90 seconds after the execution of such order.

.24[3] Time standards—Any member organization proprietary system used to record the details of an order for purposes of this rule must be synchronized to a commonly used time standard and format acceptable to the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statuary Basis for, the Proposed Rule Change

In its filing with the Commission, the NYSE 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 NYSE 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

The proposed rule change is being filed as a one-year pilot.

The Exchange has adopted requirements for the electronic capture of orders at the point of sale (front end systemic capture, or ''FESC'')[3] and at the point of receipt (order tracking system, or ''OTS''). The purpose of the requirements is to create a complete systemic record of orders handled by members and member organizations. These requirements will provide benefits both to the Exchange and members in terms of recordkeeping, surveillance and order processing.

The Exchange's FESC rule (Rule 123) requires that all orders in any security traded on the Exchange be entered into an electronic database before they can be represented in the Exchange's auction market. These are certain exceptions, such as orders to offset an error, or for bona fide arbitrage, that may be entered within the 60 seconds after a trade is executed.[4]

In December 2000, the Exchange began trading an Exchange-Traded Fund (''ETF'') on the S&P Global 100 (symbol IOO). In addition, in July 2001, the Exchange began trading on an unlisted trading privileges basis (''UTP''), certain ETFs currently listed and trading on other markets. These ETF's include the NASDAQ 100 Trust (symbol QQQ), Standard and Poor's Depository Receipts (symbol SPY) and the Dow Industrials DIAMONDS (symbol DIA).

ETF products have unique trading characteristics. They are derivatively priced, and trade very rapidly in response to changes in the underlying value of fund components, and changes in prices of options and futures contracts on the funds. The Exchange is not the primary market for the most active ETF's which its trades, and must compete for order flow with other markets that do not have a FESC requirement.

Some market participants believe that the FESC requirement may be a disincentive to sending order flow to the Exchange as it may unduly slow down the trading process and interfere with trading strategies dependent upon speed of execution. Accordingly, the Exchange is proposing to amend its FESC rule to provide that orders in ETFs may be entered within 90 seconds of execution. The Exchange believes that this proposal will facilitate trading in ETFs on the Exchange, while still ensuring that the Exchange maintains its electronic order database with orders being entered in reasonable proximity to order executions. The Exchange notes that requirements that members record the time of receipt of an order on the Floor remain in full effect and not affected by this proposal.

2. Statutory Basis

The Exchange believes that the basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) that an Exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The proposed rule change is designed to accomplish these ends by strengthening the Exchange's ability to surveil the Floor activities of members.

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 that is not necessary or appropriate in furtherance of the purposes of the Act.

[3] *See* Securities Exchange Act Release No. 43689 (December 7, 2000), 65 FR 79145 (December 18, 2000).

[4] *See* SR–NYSE–2001–36 (a one-month pilot), Securities Exchange Act Release No. 44783 (September 10, 2001), 66 FR 48304 (September 19, 2001), permanently approved (SR–NYSE–2001–39) by Securities Exchange Act Release No. 44943 (October 16, 2001), 66 FR 53820 (October 24, 2001).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3(A) of the Act[5] and subparagraph (f)(6) of thereunder.[6] At any time within 60 days of the filing of the proposed rule change the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[7]

The Commission notes that under Rule 19–4(f)(6)(iii),[8] the proposal does not become operative for 30 days after the date of its filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the five-day pre-filing requirement and designate that the proposed rule change become operative immediately to permit the implementation of this exception to NYSE Rule 123(e) without inconvenience or delay to the public, which the NYSE believe is consistent with investor protection and the public interest. In particular, the Exchange believes the proposed rule change will enable members to execute ETF-related orders quickly without having to immediately enter the order into an electronic system (FESC). The proposed rule change will still require that such orders be entered into an electronic system (FESC) within 90 seconds after the execution of the respective order.

The Commission believes that it is consistent with the protection of investors and the public interest to waive the five-day pre-filing required and designate the proposal immediately operative.[9] Accelerating the operative date and waiving the pre-filing requirement will permit the Exchange to implement the exception to NYSE Rule 123(e) without undue delay. For this reason, the Commission finds good cause to designate that the proposal become operative immediately.

IV. Solicitation of Comments

Interest persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should filed six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW, Washington, DC 20549–0609. Copies of 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 NYSE. All submissions should refer to File No. SR–NYSE–2001–52 and should be submitted by February 1, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–807 Filed 1–10–02; 8:45 am]

BILLING CODE 8010–01–M

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(f)(6)(iii).

[7] The Commission notes, however, this proposed rule change has been filed as a one-year pilot. During the pilot, the NYSE will surveil the application of the exception to NYSE Rule 123(e) and submit date to the Commission for the purpose of evaluating the Rule's efficacy.

[8] 17 CFR 240.19b–4(f)(6)(iii).

[9] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45249; File No. SR–NYSE–2001–55]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the New York Stock Exchange, Inc. To Amend NYSE Rule 51 Relating to Suspension of Trading

January 7, 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 December 31, 2001, the New York Stock Exchange, Inc. (''NYSE or Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend NYSE Rule 51, Hours for Business, to make emergency procedures more flexible and more responsive to the Exchange's current organizational structure and to the kinds of challenges that the Exchange may face. The text of the proposed rule change is below. Proposed new language is in italics; deletions are in brackets.

Rule 51. Hours for Business

Except as may be otherwise determined by the Board of Directors as to particular days, the Exchange shall be open for the transaction of business on every business day, excluding Saturdays,

(a) for a 9:30 a.m. to 4:00 p.m. trading session, and

(b) for the purposes of ''Off-Hours Trading'' (as Rule 900 (Off-Hours Trading: Applicability and Definitions) defines that term), during such hours as the Exchange may from time to time specify.

[The Chairman, Vice-Chairman and the Senior Floor Director or in the absence from the Floor of any of them, the next senior Floor Director present on the Floor acting by a majority shall have the power to suspend trading in all securities whenever in their opinion such suspension would be in the public interest. A special meeting of the Board

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

of Directors to consider the continuation or termination of such suspension or closing the market shall be held as soon thereafter as a quorum of Directors can be assembled.]

Except as may be otherwise determined by the Board of Directors, the Chairman of the Board shall have the power to halt or suspend trading in some or all securities traded on the Exchange, to close some or all Exchange facilities, and to determine the duration of any such halt, suspension or closing, when he deems such action to be necessary or appropriate for the maintenance of a fair and orderly market or the protection of investors, or otherwise in the public interest, due to extraordinary circumstances, such as (1) actual or threatened physical danger, severe climatic conditions, civil unrest, terrorism, acts of war, or loss or interruption of facilities utilized by the Exchange, or (2) a request by a governmental agency or official, or (3) a period of mourning or recognition for a person or event. In considering such action, the Chairman of the Board shall consult with the Vice Chairmen, if available, and such available Floor Directors as he deems appropriate under the circumstances. The Chairman of the Board shall notify the Board of actions taken pursuant to this Rule, except for a period of mourning or recognition for a person or event, as soon thereafter as is feasible.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined that 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

The NYSE proposed to amend NYSE Rule 51 to make emergency procedures more flexible and more responsive to the Exchange's current organizational structure and to the kinds of challenges that the Exchange may face.

NYSE Rule 51 sets forth the Exchange's trading hours, provides for ''off-hours'' trading hours and provides procedures for the suspension of trading. (NYSE Rule 80B provides for trading halts due to extraordinary market volatility.)

While NYSE Rule 51 has been modified from time to time, *e.g.,* to adjust trading hours and to change holidays, the procedures for suspension of trading have not been substantially revised since the Exchange's incorporation in 1971 or since the development and implementation of its numerous computerized systems. These procedures are provided in the second paragraph of the Rule

NYSE Rule 51's current procedure to suspend trading requires (1) action by a majority of the Chairman, Vice Chairman and most senior Floor Director available and (2) a meeting of the Board to consider continuation or termination or the suspension or closing the market. The current procedures provide only for suspension of trading of all securities traded on the Exchange.

The existing procedures under NYSE Rule 51 contemplate a Board that is in a position to meet quickly and, perhaps, more often in emergency situations. The Rule does not explicitly permit a suspension of some, but not all, securities, which partial suspension might be the most appropriate response in a future emergency. The current suspension procedures also do not adequately deal with situations involving the kind of unexpected, quick and devastating actions that the nation, and particularly the securities industry, faced on September 11, 2001, and days following. Nor are the current procedures effective in the face of the kind of system outages the Exchange experienced on June 8, 2001.

The NYSE proposes that the Chairman, in consultation with the Vice Chairmen of available and with such available Floor Directors as he deems appropriate under the circumstances, be authorized under amended NYSE Rule 51 to respond to future extraordinary circumstances by halting or suspending trading in some or all securities traded on the Exchange or by closing some or all Exchange facilities, and to determine the duration of any such halt or suspension or closing. The Chairman would be required to notify the Board of actions taken, other than for a period of mourning or recognition for a person or event, as soon as feasible after the actions.

Under the proposed rule change, action would be taken only as a result or extraordinary circumstances and only as the Chairman deems it necessary or appropriate for the maintenance of a fair and orderly market or the protection of investors or otherwise in the public interest. Examples of possible extraordinary circumstances include action or threatened physical danger, severe climatic conditions, civil unrest, terrorism, and act of war, or loss or interruption of facilities utilized by the Exchange. The Chairman would also be able to take action in the event of a request by a governmental agency or official, and for a period of mourning or recognition of a person or event.

The Board continues to have the power to take action it deems necessary or appropriate in particular situations and special Board meetings can be convened.

2. Statutory Basis

The NYSE believes the proposed rule change is consistent with the requirement under Section 6(b)(5) of the Act [3] that an Exchange have rules that are designed to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest. The proposed rule change is designed to accomplish these ends by strengthening the Exchange's ability to respond appropriately and in a timely fashion to future extraordinary circumstances.

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 that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change or,

[3] 15 U.S.C. 78f(b)(5).

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to file number SR–NYSE–2001–55 and should be submitted by February 1, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–809 Filed 1–10–02; 8:45 am]

BILLING CODE 8010–01–M

[4] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45240; File No. SR–PCX–2001–53)

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Pacific Exchange, Inc. Relating to Ceiling on Marketing Charges

January 7, 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 December 26, 2001, the Pacific Exchange, Inc. (''PCX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which the PCX has prepared. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PCX is proposing to establish a ceiling on marketing charges of $200 per trade. The text of the proposed rule change is available at the PCX and at the Commission.

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 PCX included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it had received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The PCX 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

The PCX recently adopted a payment-for-order-flow program under which it charges a marketing fee ranging from $0 to $1.00 per contract on a per-issue basis.[3] The PCX charges the marketing fees as set forth in the Schedule of Rates that it periodically files with the Commission.[4]

The PCX is proposing to establish a ceiling of $200 per trade for the marketing fee. The PCX believes that the proposed rule change is reasonable and equitable because, in its view, capping each trade at $200 would provide sufficient money for LLMs to maintain the marketing program while lessening the economic burden on Market Makers. By its terms, the proposed ceiling would become effective beginning with the January 2002 trade month.

2. Basis

The PCX believes that the proposal is consistent with Section 6(b) of the Act,[5] in general, and Section 6(b)(4) of the Act,[6] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among its members.

[3] *See* Securities Exchange Act Release 44830 (September 21, 2001), 66 FR 49728 (September 29, 2001) (SR–PCX–2001–37).

[4] *See* Securities Exchange Act Release No. 45167 (December 18, 2001), 66 FR 67346 (December 28, 2001) (SR–PCX–2001–49).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4).

B. Self-Regulatory Organization's Statement on Burden on Competition

The PCX does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The PCX neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the PCX has designated the foregoing as a fee change pursuant to Section 19(b)(3)(A) of the Act[7] and Rule 19b–4(f) thereunder,[8] it has become effective immediately upon filing with the Commission. At any time within 60 days after the filing of this proposed rule change, the Commission may summarily abrogate the 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.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to File No.

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f).

SR–PCX–2001–53 and should be submitted by February 1, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–760 Filed 1–10–02; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45250; File No. SR–Phlx–2001–119]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Trading Hours of Options on Exchange-Traded Fund Shares

January 7, 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 December 26, 2001, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed this proposal pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(6)[4] thereunder, which renders the proposal effective upon filing with the Commission.[5] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Supplementary Material .01 to Phlx Rule 101, Hours of Business, to eliminate the requirement that options on Nasdaq-100 Index Tracking Stock[6] will end at 4:04 PM. on the last trading day of each calendar month, and to add language regarding the trading hours of options on Exchange-Traded Fund Shares (''ETF Options'').[7] As amended, Phlx Rule 101, Supplementary material .01 would provide that the hours of trading of ETF Options designated by the Exchange may continue until 4:15 P.M. However, the revised rule would also provide that the Exchange may close trading in such options at an early time to coincide with the close of trading in a related futures contract when trading in a related futures contract closes earlier than 4:15 P.M. The text of the proposed rule change is below. Additions are in italics; deletions are in brackets.

Hours of Business

Rule 101.

* * * * *

Supplementary Material:

.01 Options Trading after 4:02 P.M. A trading rotation in any class of option contracts may be effected even though employment of the rotation will result in the transaction on the Exchange after 4:02 P.M. provided such rotation is conducted pursuant to Rule 1047 or Rule 1047A. [The hours of trading for Options on Nasdaq–100 Index Tracking Stock shall commence at 9:30 AM and end at 4:15 PM, each business day, except the last trading day of each calendar month, when trading in Options on Nasdaq–100 Index Tracking Stock will end at 4:04 PM.] *Options on any series of Exchange-Traded Fund Shares so designated by the Exchange may be traded on the Exchange until 4:15 P.M. each business day. The Exchange may close trading at an early time to coincide with the close of trading in a related futures contract on the last business day of the month, or any other day when a related futures contract closes earlier than 4:15 P.M.*

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Phlx proposes to eliminate the requirement that trading in options on Nasdaq–100 Index Tracking Stock shall close at 4:05 P.M. on the last trading day of the calendar month, and to add new language to the rule regarding trading hours for ETF Options generally. Currently, Phlx Rule 101, Hours of Business, Supplementary Material .01 provides that options on Nasdaq-100 Index Tracking Stock shall commence at 9:30 A.M. and end at 4:15 P.M., each business day, except the last trading day of each calendar month, when trading in options on Nasdaq-100 Index Tracking Stock will end at 4:05 P.M.[8]

The Exchange proposes to extend trading in all ETF Options so designated by the Exchange at 4:15 P.M.[9] The proposed new language would also permit the Exchange to close trading before 4:15 P.M. to coincide with the close of trading in a related futures contract on the last business day of the month, or any other day when trading in a related futures contract closes earlier than 4:15 P.M. ETF Options not designated by the Exchange as eligible for trading until 4:15 P.M. would continue to trade until 4:02 P.M. The Exchange expects that it would

[9] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] The Phlx asked the Commission to waive the five-day pre-filing notice requirement and the 30–day operative delay. *See* Rule 19b–4(f)(6). 17 CFR 240.19b–4(f)(6).

[6] Nasdaq–100 Nasdaq–100 Index, and Nasdaq are trade or service marks of The Nasdaq Stock Market, Inc. (with its affiliates, the ''Corporations'') and are licensed for use by the Exchange. Options on Nasdaq–100 Index Tracking Stock (the ''Products'') have not been passed on by the Corporations as to their legality or suitability. The Products are not issued, endorsed, sold, or promoted by the Corporations. The Corporations make no warranties and bear no liability with respect to the Products. The Corporations do not guarantee the accuracy and/or uninterrupted calculation of the Nasdaq–100 Index or any data included therein. The Corporations make no warranty, express or implied, as to results to be obtained by Licensee, owners of the Products, or any other person or entity from the use of the Nasdaq–100 Index or any data included therein. The Corporations make no express or implied warranties, and expressly disclaim all warranties of merchantability or fitness for a particular purpose or use with respect to the Nasdaq–100 Index or any data included therein. Without limiting any of the foregoing, in no event shall the Corporations have any liability for any lost profits or special, incidental, punitive, indirect, or consequential damages, even if notified of the possibility of such damages.

[7] Phlx Rule 1000(b)(42) defines ''Exchange-Traded Fund Shares'' as including Exchange-listed securities representing interests in open end unit investment trusts or pen-end management investment companies that hold securities based on an index or a portfolio of securities. The Exchange received approval by the Commission to trade options on Exchange-Traded Fund Shares on February 2, 2001. *See* Securities Exchange Act Release No. 43921 (February 2, 2001), 66 FR 9739 (February 9, 2001) (order approving SR-Phlx–00–107).

[8] *See* Securities Exchange Act Release No. 44055 (March 8, 2001), 66 FR 15310 (March 16, 2001) (SR–Phlx–2001–32).

[9] An ETF Option would be so designated by the Vice President of the Regulatory Services Department or his or her designee. The Exchange would notify members by issuance of a memorandum.

designate ETF Options for trading until 4:15 P.M. only where the underlying ETF is based on an index on which futures contracts trade.

The Phlx believes that the proposed rule change will bring its practices in line with current practice on the Chicago Board Options Exchange.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act [10] in general, and in particular, with Section 6(b)(5),[11] in that it is designed to promote just and equitable principles of trade; to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities; to remove impediments to and perfect the mechanism of a free and open market and a national market system; and, in general, to protect investors and the public interest; and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers. By adopting the proposed rule change, the Exchange should facilitate competition in the trading of ETF Options across markets.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

(i) significantly affect the protection of investors or the public interest;

(ii) impose any significant burden on competition; and

(iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [12] and Rule 19b–4(f)(6) thereunder.[13] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

The Exchange has requested that the Commission accelerate the operative date. The Commission finds good cause to designate the proposal to be effective on filing with the Commission because such designation is consistent with the protection of investors and the public interest. The Commission believes that the proposal should be effective and operative immediately upon filing to help facilitate competition in the trading of ETF Options across markets. For these reasons, the Commission finds good cause to designate that the proposal is both effective and operative upon filing with the Commission.[14]

IV. Solicitation of Comments

Interested persons are invit4ed to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to file number SR–Phlx–2001–119, and should be submitted by February 1, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–808 Filed 1–10–02; 8:45 am]

BILLING CODE 8010–01–M

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6).

[14] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[15] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Federal Highway Administration

Environmental Impact Statement: City of Fairfax and Fairfax and Prince William Counties, Virginia

AGENCY: Federal Transit Administration and Federal Highway Administration, DOT.

ACTION: Notice of intent.

SUMMARY: The Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) are jointly issuing this notice to advise the public of its intent to prepare an Environmental Impact Statement (EIS) in cooperation with the Virginia Department of Rail and Public Transportation (VDRPT) and Virginia Department of Transportation (VDOT) for potential transportation improvements in the Interstate 66 corridor in Fairfax and Prince William Counties to address projected increases in travel demand over the next twenty years. Three public scoping meetings have been scheduled and will be held from January 22–24, 2002, at 7 p.m. at the following locations as part of the preparation of the EIS:

January 22, 2002—Centreville High School, 6001 Union Mill Road, Clifton, Virginia 20124 (snow date: January 29);

January 23, 2002—Old Town Hall, 3999 University Drive, Fairfax, Virginia 22030 (snow date: January 30);

January 24, 2002—Stonewall Jackson Middle School, 10100 Lomond Drive, Manassas, Virginia 20109 (snow date: January 31);

One agency scoping meeting will be held on January 24, 2001, at 10:30 a.m. at the VDOT Northern Virginia District Office in Chantilly.

FOR FURTHER INFORMATION CONTACT: Edward Sundra, Senior Environmental Specialist, Federal Highway Administration, Post Office Box 10249, Richmond, Virginia 23240–0249, Telephone 804–775–3338; Patricia Mampf, Transportation Program Specialist, Federal Transit Administration, 1760 Market Street, Suite 500, Philadelphia, Pennsylvania 19103–4124, Telephone 215–656–7071; or Steve Suder, Senior Transportation Engineer, Virginia Department of Transportation—Northern Virginia District, 14685 Avion Parkway, Suite 345, Chantilly, Virginia 20151, Telephone 703–383–2217.

SUPPLEMENTARY INFORMATION: In late-1995 in accordance with 23 CFR

450.318, a Major Investment Study (MIS) was initiated for the Interstate 66 Corridor from Interstate 495 to Route 15 in Prince William County. The purpose of the MIS was to study this 24 mile-long section of the corridor to assess the need for the benefits and impacts of potential transportation improvements to accommodate projected travel demand growth over the next twenty years. The MIS, completed in 1999, identified a locally preferred investment strategy for the corridor which included adding general purpose lanes, and HOV lanes, extending Metrorail, adding transit centers/park and ride facilities, and increasing bus service in the study area. The recommendations included in the MIS were the result of a multi-level screening process in which numerous multi-modal transportation strategies were considered.

With this notice of intent, FTA and FHWA in cooperation with the VDRPT and VDOT are initiating the National Environmental Policy Act (NEPA) process to prepare an EIS for proposed improvements in the Interstate 66 corridor to address the need to improve transportation and to respond to projected growth and travel congestion. FTA and FHWA will serve as co-lead agencies in the development of the EIS. Section 4(f) of the Department of Transportation Act of 1966 may also be invoked as a result of the proposed transportation improvements. If this is the case, a Section 4(f) Evaluation will be prepared and included as part of the EIS.

The EIS will build upon the MIS by revisiting the purpose and need for the project and revising it, as necessary, to account for changes in regional needs or goals. Likewise, the development of strategies and the screening process from the MIS will be used as a starting point for the NEPA process. Recognizing the NEPA requires the consideration of a reasonable range of alternatives that will address the purpose and need, the EIS will include a range of alternatives for detailed study consisting of a no-build alternative as well as alternatives consisting of transportation system management strategies (including but not limited to increased bus service, development of transit centers and park and ride lots, and increased peak period Metrorail service), mass transit, and improvements to existing roadways (including the use of HOV lanes). These alternatives will be developed, screened, and carried forward for detailed analysis in the draft EIS based on their ability to address the purpose and need while avoiding, minimizing, and mitigating impacts to known and sensitive resources to the extent practical.

Letters describing the NEPA study and soliciting input will be sent to the appropriate Federal, State and local agencies and to organizations and citizens who have expressed or are known to have an interest or legal role in this proposal. A series of scoping meeting will be held as part of the NEPA process to facilitate, local, state, and federal agency involvement and input into the project in an effort to identify all of the issues that need to be addressed in the EIS.

Private organizations, citizens, and interest groups will also have multiple opportunities to provide input into the development of the EIS and identify issues that should be addressed. A comprehensive public participation program will be developed to involve them in the project development process. This program will use the following outreach efforts to provide information and solicit input: the Internet, kiosks, a telephone hotline, e-mail, informal meetings, public information meetings, public hearings and other efforts, as necessary and appropriate. Notices of public meetings or public hearings will be given through various forums providing the time and place of the meeting along with other relevant information. The draft EIS will be available for public and agency review and comment prior to the public hearings.

To ensure that the full range of issues related to this proposed action are identified and considered, comments and suggestions in response to this Notice of Intent are invited from all interested parties. Comments and questions concerning the proposed action and draft EIS should be directed to FHWA, FTA or VDOT at the addresses provided above. There will be several opportunities to provide comments throughout the scoping process, but all comments in response to this notice should be submitted within 30 days of its publication.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction; 20.500, Federal Transit Administration Capital Grants. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this proposed action.)

Authority: 23 U.S.C. 315; 49 CFR 1.48

Issued on: January 4, 2002.

Susan E. Schruth,

Regional Administrator, Federal Transit Administration.

Edward S. Sundra,

Senior Environmental Specialist, Federal Highway Administration.

[FR Doc. 02–709 Filed 1–10–02; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the information collection abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The nature of the information collection is described as well as its expected burden. The **Federal Register** notice with a 60-day comment period soliciting comments on the following information collection was published on November 2, 2001. No comments were received.

DATES: Comments must be submitted on or before February 11, 2002.

FOR FURTHER INFORMATION CONTACT: Christopher Krusa, Maritime Administration, 400 Seventh Street, S.W., Washington, DC 20590. Telephone: 202 366–2648 or Fax: 202 493–2288. Copies of this collection can also be obtained from that office.

SUPPLEMENTARY INFORMATION:

Title: Supplementary Training Course Application.

OMB Control Number: 2133–0030.

Type of Request: Extension of currently approved collection.

Affected Public: U.S. merchant seamen, both officers and unlicensed personnel, and other U.S. citizens employed in other areas of waterborne commerce.

Form(s): MA–823.

Abstract: Section 1305(a) of the Maritime Education and Training Act of 1980 indicates that the Secretary of Transportation may provide maritime-related training to merchant mariners of the United States and to individuals preparing for a career in the merchant marine of the United States. Also, the U.S. Coast Guard requires a fire-fighting certificate for U.S. merchant marine

officers. This information collection provides the information necessary for the maritime schools to plan their course offerings and for applicants to complete their certificate requirements.

Annual Burden Hours: 100 hours.

Addressee: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, N.W., Washington, DC 20503, Attention MARAD Desk Officer.

Comments are Invited on: (a) 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; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

Issued in Washington, D.C. on January 8, 2002.

Joel C. Richard,

Secretary.

[FR Doc. 02–810 Filed 1–10–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34139]

Butler County, Kansas—Acquisition Exemption—The Burlington Northern and Santa Fe Railway Company

Butler County, Kansas (County), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire (by donation) approximately 10.6 miles of rail line from The Burlington Northern and Santa Fe Railway Company (BNSF).[1] The line is located between milepost 483.62, at Augusta, KS, and milepost 494.22 near Andover, KS. The County certifies that its projected annual revenues as a result of this transaction will not result in its becoming a Class II or Class I rail carrier. The County further certifies that its annual freight revenues as a result of this transaction will not exceed $5 million.

The transaction was expected to be consummated on or shortly after December 19, 2001, the effective date of the exemption.

If this notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34139, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Karl Morell, Ball Janik LLP, Suite 225, 1455 F Street, NW., Washington, DC 20005.

Board decisions and notices are available on our website at ''*WWW.STB.DOT.GOV.*''

Decided: January 3, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–534 Filed 1–10–02; 8:45 am]

BILLING CODE 4915–00–P

[1] The County states that the line is currently out of service and will be rehabilitated after the acquisition is consummated. The County further states that it is its intent to have the above line operated by a yet-to-be determined third party rail operator. Anticipated rail operations by a third party over BNSF's trackage are subject to the Board's approval or exemption.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34160]

Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company

The Burlington Northern and Santa Fe Railway Company (BNSF) has agreed to grant temporary overhead trackage rights to Union Pacific Railroad Company (UP) over approximately 129 miles of BNSF's Ft. Worth Subdivision between BNSF milepost 6.1, near Ft. Worth, TX, and BNSF milepost 218.1, near Temple, TX.[1]

The transaction was scheduled to be consummated on or after January 3, 2002. The temporary trackage rights will facilitate maintenance work on UP's lines.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34160, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Robert T. Opal, Esq., Union Pacific Railroad Company, 1416 Dodge Street, Room 830, Omaha, NE 68179.

Board decisions and notices are available on our website at *www.stb.dot.gov.*

Decided: January 3, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–765 Filed 1–10–02; 8:45 am]

BILLING CODE 4915–00–P

[1] On December 27, 2001, UP concurrently filed a petition for exemption in STB Finance Docket No. 34160 (Sub-No. 1), *Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company,* wherein UP requests that the Board permit the proposed temporary overhead trackage rights arrangement described in the present proceeding to expire on or about February 23, 2002. That petition will be addressed by the Board in a separate decision.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34143]

Keokuk Junction Railway Co.—Acquisition and Operation Exemption—West End of the Toledo, Peoria and Western Railway Corporation

Keokuk Junction Railway Co. (KJRY), a Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.41 to acquire and operate approximately 12.1 miles of rail line owned by Toledo, Peoria and Western Railway Corporation (TP&W), plus 15.5 miles of incidental trackage rights over The Burlington Northern and Santa Fe Railway Company (BNSF) between Lomax, IL, and Fort Madison, IA.[1] The

[1] The County of McDonough, City of Macomb, and Joseph C. Szabo filed a petition on December 18, 2001, to stay the effectiveness of this exemption and to stay the operation of the exemptions in *SF&L*

Continued

line to be acquired extends from milepost 194.5 near La Harpe, IL, to milepost 206.6 near Lomax, IL. The incidental trackage rights extend over BNSF's line between milepost 218.5 near Lomax and milepost 234.0 near Fort Madison, and tracks numbered 66, 37, 65, 125, 84, 81, 70, 38, 233, 185, 251, 181, 182, 259, 90, 91, 151, 366, 260, 261, and 344 or portions thereof in BNSF's Fort Madison Yard (formerly Atchison Topeka and Santa Fe Railway Yard), plus North and South main line tracks between milepost 234.0 and milepost 236.5. KJRY states that it has entered into an agreement to buy certain assets, rights and obligations of TP&W referenced in this proceeding. KJRY certifies that its projected annual revenues as a result of this transaction will not result in the creation of a Class I or Class II rail carrier.

The transaction was scheduled to be consummated on or after December 19, 2001, the effective date of the exemption.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34143, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on William A. Mullins, 401 Ninth Street, N.W., Suite 1000, Washington, DC 20004.

Board decisions and notices are available on our website at *WWW.STB.DOT.GOV.*

Decided: January 2, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–414 Filed 1–10–02; 8:45 am]

BILLING CODE 4915–00–P

Railway, Inc.—Acquisition and Operation Exemption—Toledo, Peoria and Western Railway Corporation Between La Harpe and Peoria, IL, STB Finance Docket No. 33995, and *Kern W. Schumacher and Morris H. Kulmer—Continuance in Control Exemption—SF&L Railway, Inc.,* STB Finance Docket No. 33996. The petition to stay was denied in *Keokuk Junction Railway Company—Acquisition and Operation Exemption—West End of Toledo, Peoria and Western Railway Corporation,* STB Finance Docket No. 34143, *SF&L Railway, Inc.—Acquisition and Operation Exemption—Toledo, Peoria and Western Railway Corporation Between La Harpe And Peoria, IL,* STB Finance Docket No. 33995, and *Kern W. Schumacher and Morris H. Kulmer—Continuance in Control Exemption—SF&L Railway, Inc.,* STB Finance Docket No. 33996 (STB served Dec. 26, 2001).

Notices

Federal Register
Vol. 67, No. 8
Friday, January 11, 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.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 01–071–1]

Notice of Request for Reinstatement of an Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Reinstatement of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a reinstatement of an information collection in support of the State-Federal Brucellosis Eradication Program.

DATES: We invite you to comment on this docket. We will consider all comments we receive that are postmarked, delivered, or e-mailed by March 12, 2002.

ADDRESSES: You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 01–071–1, Regulatory Analysis and Development, PPD,APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 01–071–1. If you use e-mail, address your comment to *regulations@aphis.usda.gov.* Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and ''Docket No.01–071–1'' on the subject line.

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

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

FOR FURTHER INFORMATION CONTACT: For information regarding the State-FederalBrucellosis Eradication Program, contact Dr. Valerie Ragan, Senior Staff Veterinarian, National Animal Health Programs Staff, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231; (301) 734–7708. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

SUPPLEMENTARY INFORMATION:

Title: Brucellosis Eradication Program.

OMB Number: 0579–0047.

Type of Request: Reinstatement of an information collection.

Abstract: The Animal and Plant Health Inspection Service (APHIS) is responsible for, among other things, administering regulations intended to prevent the spread of brucellosis and other animal diseases within the United States.

Brucellosis is a contagious disease that primarily affects cattle, bison, and swine. It causes the loss of young through spontaneous abortion or birth of weak offspring, reduced milk production, and infertility. The continued presence of brucellosis in a herd seriously threatens the health of other animals. Brucellosis has caused devastating losses to farmers in the UnitedStates over the last century.

The State-Federal Brucellosis Eradication Program, which is a national program, is working toward eliminating this serious disease of livestock. The program is conducted under the various States' authorities supplemented by Federal authorities regulating interstate movement of affected animals. Effective screening programs and extensive epidemiologic investigations are required to locate infection and to eradicate the disease.

Conducting effective brucellosis screening programs and epidemiologic investigations requires the use of many information collection activities, such as applications for tags or tattoos, epidemiology report forms, permits for movement of restricted animals, monthly reports of brucellosis eradication and program surveillance activities, reports of brucellosis reactors slaughtered, and permits for shipping exposed herds. The information obtained from these activities is used to continue the search for other infected herds, maintain identification of livestock, monitor deficiencies in identification of animals for movement, and monitor program deficiencies in suspicious and infected herds. These information collection activities are essential in determining the status of a brucellosis area and helping herd owners by speeding up the detection and elimination of serious disease conditions in their herds.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for 3 years.

The purpose of this notice is to solicit comments form the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary fo the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.0076513 hours per response.

Respondents: Veterinarians, livestock inspectors, and herd owners.

Estimated annual number of respondents: 7,382.

Estimated annual number of responses per respondent: 71.455703.

Estimated annual number of responses: 527,486.

Estimated total annual burden on respondents: 4,036 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the average reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 7th day of January 2002.

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–742 Filed 1–10–02; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 01–024–2]

Availability of Environmental Assessment and Finding of No Significant Impact for Confined Field Test of Genetically Engineered Pink Bollworm

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that an environmental assessment and finding of no significant impact have been prepared relative to the issuance of a permit to allow the field testing of pink bollworm genetically engineered to express green fluorescence as a marker. The environmental assessment provides a basis for our conclusion that the confined field testing of the genetically engineered pink bollworm will not present a risk of introducing or disseminating a plant pest and will not have a significant impact on the quality of the human environment. Based on its finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared for this field test.

EFFECTIVE DATE: October 1, 2001.

ADDRESSES: You may read a copy of the environmental assessment and the finding of no significant impact and comments received on an earlier notice of the availability of the environment assessment at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. To be sure that someone is there to help you, please call (202) 690–2817 before coming.

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

FOR FURTHER INFORMATION CONTACT: Dr. Robert I. Rose, Biotechnology Assessments Section, PPQ, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 734–8723. To obtain a copy of the environmental assessment and finding of no significant impact, contact Ms. Kay Peterson at (301) 734–4885; e-mail: *kay.peterson@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340 (referred to as the regulations) regulate the introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products that are plant pests or that there is reason to believe are plant pests (regulated articles). A permit must be obtained or a notification acknowledged before a regulated article may be introduced into the United States. The regulations set forth the permit application requirements and the notification procedures for the importation, interstate movement, and release into the environment of a regulated article.

On January 29, 2001, the Animal and Plant Health Inspection Service (APHIS) received a permit application (APHIS No. 01–029–01r) from APHIS' Plant Protection Center in Phoenix, AZ, for a permit to field test the plant pest pink bollworm (PBW), *Pectinophora gossypiella* (Lepidoptera: Gelechiidae).

APHIS published a notice in the **Federal Register** on June 21, 2001 (66 FR 33226, Docket No. 01–024–1), announcing the availability for public comment of an environmental assessment (EA) for the proposed confined field test of the genetically engineered PBW. Comments were to have been received by APHIS on or before July 23, 2001. APHIS received nine comments on the EA during the designated comment period. The comments were from universities, environmental and consumer groups, a university medical research center, a crop protection association, a cotton industry organization, and a cotton growers group. Four comments were in favor of the proposed field test, while three were opposed. (We counted as a single comment three separate comments critical of the proposed field test that were written by the same commenter and were identical in content.) The commenters favoring the field test stressed the thoroughness of the control and containment measures proposed, the negligible risks of the experiment because of the planned safeguards, the adequacy of the EA, and the need for gathering data on PBW control. The commenters who opposed the proposed field test expressed concern about the need for additional data on transgene stability, the need for an independent assessment of the permit application, the adequacy of the proposed containment procedures, potential human health risks, and alleged deficiencies in APHIS' compliance with the requirements of the Endangered Species Act and the National Environmental Policy Act (NEPA), including the need for an Environmental Impact Statement (EIS) for a transgenic PBW sterile insect technique program. APHIS identified and addressed the majority of these issues in the EA prepared for the subject field trial, and we have provided a response to comments as an attachment to our finding of no significant impact (FONSI), which is available from the person listed under **FOR FURTHER INFORMATION CONTACT.** With regard to the comment concerning the need for an EIS, APHIS is committed to considering the long-term issues associated with the release of certain transgenic arthropods through the NEPA EIS process.

The subject PBW has been genetically engineered to express an enhanced green fluorescent protein (EGFP) derived from a jellyfish, *Aequora victoria.* The PBW expresses EGFP fluoresces when viewed under an ultraviolet light source. A *piggyBac* transposable element derived from the plant pest cabbage looper (*Trichoplusia ni*) was used to transform the subject PBW, and expression of the EGFP is controlled through use of the *Drosophila melanogaster* hsp70 and *Bombyx mori* actin A3 promoters. The subject transgenic PBW is considered a regulated article under the regulations in 7 CFR part 340 because the recipient organism is a plant pest and because it contains gene sequences from a plant pest. The field test will be conducted under carefully controlled and confined conditions.

The transgenic PBW with EGFP as a marker has been developed for use in confined, on-site experimentation and field performance studies in the PBW sterile insect program, which is designed to depress PBW populations. The transgenic PBW will be reared in

the Phoenix PBW insect-rearing facility, sterilized with radiation, and placed in escape-proof screen field cages near the facility, where they will undergo a series of fitness and related tests.

An EA was prepared to examine any potential environmental impacts and plant pest risk associated with the confined field testing of the transgenic EGFP PBW. Based on that EA, APHIS has reached a FONSI relative to the issuance of a permit for the confined field testing of the subject PBW with EGFP. In summary, we have based our FONSI on the following conclusions: (1) The possibility of the genetically engineered organism reverting to or undergoing unanticipated genetic transformation is exceedingly low; (2) it is highly unlikely that the EGFP gene would persist in the environment because it provides no fitness advantage to the PBW; (3) multiple levels of physical and biological confinement in the proposed research are designed to contain the transgenic PBW; (4) the PBW is not native to the United States and there are no known sexually compatible species in North America; (5) there is no current evidence that this gene can be transferred through predation, natural decay, or parasitism; (6) the confined research would not result in an additional pesticide load on the environment; (7) the research will not disproportionately affect minority or low income populations, or disproportionately affect children, or result in any environmental health risks or safety risks to children; and (8) APHIS has determined that, based on the location of the test field and the measures designed to contain the transgenic PBW, the proposed test will have no effect on listed, threatened, endangered, or candidate species.

The EA and FONSI were prepared in accordance with: (1) NEPA, as amended(42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Done in Washington, DC, this 7th day of January 2002.

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–741 Filed 1–10–02; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 01–117–1]

Procedures for Importing Cattle into the United States; Public Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: We are informing the public that Veterinary Services of the Animal and Plant Health Inspection Service is holding a public meeting to provide a forum to discuss the process and science used to establish and verify compliance with protocols for importing cattle into the United States.

DATES: The meeting will be held on Wednesday, February 6, 2002, from 9 a.m. to 5 p.m.

ADDRESSES: The public meeting will be held in the Columbine Room at the Lincoln Center, 417 West Magnolia, Fort Collins, CO.

FOR FURTHER INFORMATION CONTACT: Dr. Andrea M. Morgan, Acting Director, Animal Health Programs, VS, APHIS, 4700 River Road Unit 33, Riverdale, MD 2073–1231; (301) 734–8093.

SUPPLEMENTARY INFORMATION: The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture is responsible for administering regulations to prevent the introduction of communicable diseases of livestock and poultry into the United States. In administering the regulations, we follow an import process that includes, among other things, developing an import protocol between the exporting and importing countries or regions, monitoring the disease status of countries or regions, quarantining and testing imported animals, and evaluating the risk of introducing disease into the United States through the importation of animals.

APHIS seeks to establish the import protocols between the exporting and importing countries or regions based upon the best available technical and scientific information. The protocols establish health requirements, including the disease status of the region or country of origin and diagnostic test requirements for specific diseases, under which importation of animals is allowed.

To provide a forum to discuss the process and science used to establish and verify compliance with protocols for importing cattle into the United States, APHIS' Veterinary Services program is holding a public meeting on Wednesday, February 6, 2002, in the Columbine Room at the Lincoln Center, 417 West Magnolia, Fort Collins, CO. Topics discussed at the meeting will include, but are not limited to, the disease status of exporting regions or countries, transportation issues, quarantine issues, and the risk of the introduction of disease into the United States from the importation of cattle.

The public meeting will begin at 9 a.m. and is scheduled to end at 5 p.m., with registration from 8:30 a.m. to 9 a.m. However, the meeting may end earlier if all persons desiring to speak have been heard.

If you require special accommodations, such as a sign language interpreter, please send us an e-mail to *regulations@aphis.usda.gov.*

If you are interested in making a presentation at the meeting, please register in advance by calling the Regulatory Analysis and Development voice mail at (301) 734–4339 or by sending an e-mail to *regulations@aphis.usda.gov.* The message should include your name, telephone number, organization, if any, and the topic of your presentation. On the day of the meeting, you may also register from 8:30 to 9 a.m. at the meeting site.

To allow everyone wishing to speak an opportunity to be heard, participants should limit their presentations to 10 minutes. Depending upon the number of speakers, we may further limit the time for presentations so that everyone wishing to speak has the opportunity. Starting with the advance registrants, we will call speakers in the order in which they registered.

If you plan to present a written statement, we ask that you provide a copy of your statement to the chairperson of the meeting.

The meeting will be recorded. The complete record, including the transcript and any written statements, will be available to the public.

Done in Washington, DC, this 7th day of January 2002.

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–743 Filed 1–10–02; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Resource Advisory Committee Meeting

AGENCY: North Central Idaho Resource Advisory Committee, Grangeville, Idaho, Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act (Public Law 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393) the Nez Perce and Clearwater National Forests' North Central Idaho Resource Advisory Committee will meet Friday, February 1, 2002 in Orofino, Idaho for a business meeting. The meeting is open to the public.

SUPPLEMENTARY INFORMATION: The business meeting on February 1 begins at 10 AM, in the Clearwater National Forest Headquarters Office Building, 12730 Highway 12, Orofino, Idaho. Agenda topics will include discussion of potential projects. A public forum will begin at 2:30 PM (PST).

FOR FURTHER INFORMATION CONTACT: Ihor Mereszczak, Staff Officer and Designated Federal Officer, at (208) 983–1950.

Dated: January 3, 2002.

Ihor Mereszczak,

Acting Forest Supervisor.

[FR Doc. 02–683 Filed 1–10–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Siskiyou Resource Advisory Committee (RAC); Meeting

AGENCY: Forest Service, USDA.

ACTION: Meeting.

SUMMARY: The Siskiyou Resource Advisory Committee (RAC) will meet on Monday, February 4, and Tuesday, February 5, 2002. Monday's meeting is scheduled to begin at 1 p.m. and conclude at approximately 4:30 p.m. Tuesday's meeting will begin at 9:30 a.m. and will conclude at approximately 4:30 p.m. The meeting will be held at the Chetco Community Public Library, 405 Alder Street, Brookings, Oregon. The tentative agenda for February 4 includes: (1) FACA overview; (2) Roles and responsibilities for Advisory Committees; (3) Timelines for projects related to the Secure Rural Schools and Community Self-Determination Act of 2000; (4) Election of the RAC chairperson; and (5) Public Forum. The public forum is tentatively scheduled to begin at 3:20 p.m. Time allotted for individual presentations will be limited to 3–4 minutes. The tentative agenda for February 5 includes: (1) Presentation of projects proposed by the Forest Service; (2) Public forum. The public forum is tentatively scheduled to begin at 2 p.m. Time allotted for individual presentations will be limited to 3–4 minutes. Written comments are encouraged, particularly if the material cannot be presented within the time limits for the public forum. Written comments may be submitted prior to the February 4 and 5 meetings by sending them to the Designated Federal Official Jack E. Williams at the address given below.

FOR FURTHER INFORMATION CONTACT: Designated Federal Official Jack E. Williams; Rogue and Siskiyou national forests; P.O. Box 520, Medford, Oregon 97501; (541) 858–2200.

Dated: January 7, 2002.

Jack E. Williams,

Forest Supervisor, Rogue River and Siskiyou National Forests.

[FR Doc. 02–693 Filed 1–10–02; 8:45 am]

BILLING CODE 3410–11–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: February 11, 2002.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice for each service will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will result in authorizing small entities to furnish the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following services are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Services

Eyewear Prescription Service, Department of Veterans Affairs, Veteran Integrated Service Network 7, (Alabama, Georgia and South Carolina)

NPA: Winston-Salem Industries for the Blind, Winston-Salem, North Carolina

Government Agency: Department of Veteran Affairs, Litigation Support Services, USDA Food and Nutrition Service, Alexandria, Virginia

NPA: Federal Dispute Resolution Center, Alexandria, Virginia

Government Agency: USDA Food and Nutrition Service, Mailroom Support Services, Internal Revenue Service, Milwaukee, Wisconsin

NPA: Industries for the Blind, Inc., Milwaukee, Wisconsin

Government Agency: Internal Revenue Service

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. 02–726 Filed 1–10–02; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds to the Procurement List a commodity and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List a commodity and a service previously furnished by such agencies.

EFFECTIVE DATE: February 11, 2002.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly (703) 603–7740

SUPPLEMENTARY INFORMATION: On November 2 and November 30, 2001, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (66 FR 55635 and 59778) of proposed additions to and deletions from the Procurement List:

Additions

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodity and services and impact of the additions on the current or most recent contractors, the Committee has determined that the commodity and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity and services to the Government.

2. The action will not have a severe economic impact on current contractors for the commodity and services.

3. The action will result in authorizing small entities to furnish the commodity and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity and services proposed for addition to the Procurement List. Accordingly, the following commodity and services are added to the Procurement List:

Commodity

Stand, Office Machine
7110–00–601–9849
7110–00–601–9835
7110–01–136–1563
GSA/National Furniture Center for Zones 2 and 3

Services

Mailroom Operation, Federal Deposit Insurance Corporation, 1910 Pacific Avenue, Dallas, Texas
Photocopying, James E. Van Zandt, Veterans Affairs Medical Center, Altoona, Pennsylvania

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Deletions

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action will not have a severe economic impact on future contractors for the commodity and the service.

3. The action will result in authorizing small entities to furnish the commodity and the service to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity and the service deleted from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the commodity and the service listed below are no longer suitable for procurement by the FederalGovernment under 41 U.S.C. 46–48c and 41 CFR 51–2.4. Accordingly, the following commodity and service are deleted from the Procurement List:

Commodity

Hood, Radioactive Contaminant Protective
8415–00–NSH–0027

Service

Janitorial/Custodial, U.S. Air Force Recruiting Station, Wasilla, Alaska

Sheryl D. Kennerly,
Director, Information Management.

[FR Doc. 02–727 Filed 1–10–02; 8:45 am]

BILLING CODE 6353–01–P

COMMISSION ON CIVIL RIGHTS

Supplemental Hearing on Environmental Justice

AGENCY: Commission on Civil Rights.

ACTION: Notice of supplemental hearing.

SUMMARY: Notice is hereby given pursuant to the provisions of the Civil Rights Commission Amendments Act of 1994, section 3, Public Law 103–419, 108 Stat. 4338, as amended, and 45 CFR 702.3., that a public hearing before the U.S. Commission on Civil Rights will take place on Friday, February 8, 2002, at the U.S. Commission on Civil Rights, in the Fifth Floor Conference Room 540, 624 Ninth Street, NW., Washington, DC 20425, beginning at approximately 10:00 a.m., immediately following the Commission's regularly-scheduled monthly meeting. This is a continuation of the Commission's first environmental justice hearing, which was held on January 11, 2002, and first published in the **Federal Register** on December 13, 2001, at 66 FR 64397. The purpose of this supplemental hearing is to collect information within the jurisdiction of the Commission, under Public Law 98–183, section 5(a)(1) and section 5(a)(5), related particularly to the effect of environmental hazards, including hazardous waste sites and industries located in, or near, low-income communities and communities of color, and the question of whether the civil rights of those communities in question are being violated. The Commission is authorized to hold hearings and to issue subpoenas for the production of documents and the attendance of witnesses pursuant to 45 CFR 701.2. The Commission is an independent bipartisan, fact finding agency authorized to study, collect, and disseminate information, and to appraise the laws and policies of the Federal Government, and to study and collect information with respect to discrimination or denials of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice. Hearing impaired persons who will attend the hearing and require the services of a sign language interpreter, should contact Pamela Dunston, Administrative Services and

Clearinghouse Division at (202) 376–8105 (TDD (202) 376–8116), at least five (5) working days before the scheduled date of the hearing.

FOR FURTHER INFORMATION CONTACT: Les Jin, Office of the Staff Director (202) 376–7700.

Dated: January 8, 2002.

Debra A. Carr,

Deputy General Counsel.

[FR Doc. 02–773 Filed 1–10–02; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 1–2002]

Foreign-Trade Zone 3, San Francisco, California Proposed Foreign-Trade Subzone Ultramar, Inc. (Oil Refinery Complex) Martinez, California, Area

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the San Francisco Port Commission, grantee of FTZ 3, requesting special-purpose subzone status for the oil refinery complex of Ultramar, Inc. (Ultramar), a subsidiary of Ultramar Diamond Shamrock Corporation, located in the Martinez, California, area. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on January 3, 2002.

The Ultramar refinery complex is located at 3 sites in the Martinez, California, area (Contra Costa County), some 30 miles northeast of San Francisco: *Site 1* (168,000 BPD capacity, 2,690,000 barrel storage capacity, 2038.65 acres)—main refinery complex, located at 150 Solano Road; *Site 2* (87.9 acres, 522,000 barrel storage capacity)—Amorco crude oil storage facility located on the Carquinez Strait and west of Interstate 680, some 2.5 miles west of the refinery; and, *Site 3* (13.2 acres)—Pittsburg Marine Terminal for the storage and shipment of petroleum coke, 595 East Third Street, Pittsburg, some 11.5 miles east of the refinery on the Carquinez Strait. The refinery complex is within the San Francisco Customs port of entry.

The ''Golden Eagle'' refinery (636 full-time and 434 contract employees) is used to produce fuels and petrochemical feedstocks. Fuel products include gasoline, jet fuel, distillates, residual fuels, naphthas and motor fuel blendstocks. Petrochemical feedstocks and refinery by-products include propane, butane, petroleum coke and sulfur. Some 20 percent of the crude oil (90–95 percent of inputs) is sourced abroad. The company is also requesting to import certain intermediate inputs (naphthas and gas oils) under FTZ procedures.

Zone procedures would exempt the refinery from Customs duty payments on the foreign products used in its exports. On domestic sales, the company would be able to choose the Customs duty rates that apply to certain petrochemical feedstocks and refinery by-products (duty-free) by admitting incoming foreign inputs (crude oil, natural gas condensate, gas oil, naphtha) in non-privileged foreign status. The duty rates on inputs range from 5.25¢/barrel to 10.5¢/barrel. The application indicates that the savings from zone procedures would help improve the refinery's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the following addresses:

1. Submissions Via Express/Package Delivery Services: Foreign-Trade-Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th St. NW., Washington, DC 20005; or

2. Submissions Via the U.S. Postal Service: Foreign-Trade-Zones Board, U.S. Department of Commerce, FCB—Suite 4100W, 1401 Constitution Ave. NW., Washington, DC 20230.

The closing period for their receipt is March 12, 2002. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period until March 27, 2002.

A copy of the application and accompanying exhibits will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at address Number 1 listed above, and at the U.S. Department of Commerce Export Assistance Center, 530 Water Street, Suite 740, Oakland, California 94607.

Dated: January 4, 2002.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 02–768 Filed 1–10–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–839]

Five-Year (Sunset) Reviews; Termination of Investigation

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

ACTION: Notice of final results of five-year (''Sunset'') review, termination of suspended antidumping duty investigation on sodium azide from Japan.

SUMMARY: On December 3, 2001, the Department of Commerce (''the Department'') initiated a sunset review of the suspended antidumping duty investigation on sodium azide from Japan. Because no domestic party responded to the sunset review notice of initiation by the applicable deadline, the Department is terminating this suspended investigation.

EFFECTIVE DATE: January 7, 2002.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit or James P. Maeder, Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–5050 or (202) 482–3330, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statue

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

Background

On January 7, 1997, the Department suspended the antidumping duty investigation on sodium azide from Japan (62 FR 973). Pursuant to section 751(c), the Department initiated a sunset review of the suspended investigation by publishing notice of the initiation in the **Federal Register**, December 3, 2001 (66 FR 60184). In addition, as a courtesy to interested parties, the Department sent letters, via certified and registered mail, to each party listed on the Department's most current service list for this proceeding to inform them of the automatic initiation of the sunset review of this suspended investigation.

No domestic interested party in the sunset review of this suspended investigation responded to the notice of initiation by the December 18, 2001, deadline (*see* section 351.218(d)(1)(i) of *Procedures for Conducting Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13520 (March 20, 1998) (''*Sunset Regulations*'')).

Determination To Terminate

Pursuant to section 751(c)(3)(A) of the Act and § 351.218(d)(1)(iii)(B)(3) of the *Sunset Regulations,* if no domestic interested party responds to the notice of initiation, the Department will issue a final determination, within 90 days after the initiation of the review, terminating the suspended investigation. Because no domestic interested party responded to the notice of initiation by the applicable deadline, December 18, 2001, we are terminating the suspended antidumping investigation of sodium azide from Japan.

Effective Date of Termination

The termination of the suspended investigation is effective as to all entries, or withdrawals from warehouse, of the subject merchandise on or after January 7, 2002.

Dated: January 4, 2002.

Bernard T. Carreau,

Acting Assistant Secretary for Import Administration.

[FR Doc. 02–767 Filed 1–10–02; 8:45 am]

BILLING CODE 3510–25–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 010802A]

Proposed Information Collection; Comment Request; Fishing Capacity Reduction Program Buyback Requests

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

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, Pub. L. 104–13 (44 U.S.C. 3506 (c)(2)(A)).

DATES: Written comments must be submitted on or before March 12, 2002.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Michael A. Sturtevant, National Marine Fisheries Service, Financial Services Division, Room 13334, 1315 East West Highway, Silver Spring, MD 20910 (301–713–2390).

SUPPLEMENTARY INFORMATION:

I. Abstract

NOAA has established a program to reduce excess fishing capacity by paying fishermen to (1) surrender their fishing permits or (2) both, surrender their permits and either scrap their vessels or restrict vessel titles to prevent fishing. Buybacks can be funded by a Federal loan to the industry or by direct Federal or other funding. Depending upon the type of buyback involved, the program can entail the submission of buyback requests by industry, the submission of bids, referenda if fishery participants, and reporting of the collection of fees to repay a Federal loan. For buybacks involving State-managed fisheries, the State may need to develop the buyback plan and comply with other information requirements.

In its request for renewed Paperwork Reduction Act approval NOAA will also request the merger of referenda requirements currently approved under 0648–0413 and the addition of a provision that would allow the public 30 days to advise of any holder or owner claims that conflict with accepted bidders' representations about reduction permit ownership or reduction vessel ownership.

II. Method of Collection

Paper forms or submission are primarily used.

III. Data

OMB Number: 0648–0376.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations; individuals or households; and State, Local, or Tribal government.

Estimated Number of Respondents: 1,272.

Estimated Time Per Response: 6,634 hours for a business plan, 4 hours for a referenda vote, 4 hours for an invitation to bid, 10 minutes to submit a fish ticket, 2 hours for a monthly buyer report, 4 hours for an annual buyer report, 2 hours for a seller/buyer report, 270 hours for a state approval of plans and amendments to state fishery management plan, and 1 hour for advising of any holder or owner claims that conflict with accepted bidders' representations about reduction permit ownership or reduction vessel ownership.

Estimated Total Annual Burden Hours: 37,119.

Estimated Total Annual Cost to Public: $6,000.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 4, 2002.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 02–777 Filed 1–10–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 010702A]

Proposed Information Collection; Comment Request; Highly Migratory Species Observer Notification Requirements

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

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, Pub. L. 104–13 (44 U.S.C. 3506 (c)(2)(A)).

DATES: Written comments must be submitted on or before March 12, 2002.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Christopher Rogers at the National Marine Fisheries Service (NMFS), Highly Migratory Species Management Division, 1315 East West Highway, Silver Spring, MD 20910, or by e-mail at christopher.rogers@noaa.gov or phone at 301–713–2347.

SUPPLEMENTARY INFORMATION:

I. Abstract

Under current regulations NMFS may select for observer coverage any fishing trip by a vessel that has a permit for Atlantic Highly Migratory Species (HMS). NMFS will advise vessel owners in writing when their vessels have been selected. The owners of those vessels are then required to notify NMFS before commencing any fishing trip for Atlantic HMS. Such notification allows NMFS to arrange for observer placements and assignments. The estimated number of responses exceeds the number of respondents due to multiple trips taken within a particular season.

II. Method of Collection

Notification can be made by phone, fax, or letter.

III. Data

OMB Number: 0648–0374.
Form Number: None.
Type of Review: Regular submission.
Affected Public: Business or other for-profit organizations; individuals or households.
Estimated Number of Respondents: 212.
Estimated Time Per Response: 2 minutes.
Estimated Total Annual Burden Hours: 295.
Estimated Total Annual Cost to Public: $4,468.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 4, 2002.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 02–781 Filed 1–10–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 010702B]

Proposed Information Collection; Comment Request; NMFS Alaska Region Vessel Monitoring System (VMS) Program

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

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, Pub. L. 104–13 (44 U.S.C. 3506 (c)(2)(A)).

DATES: Written comments must be submitted on or before March 12, 2002.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via the Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Patsy A. Bearden, F/AKR2, P.O. Box 21668, Juneau, AK 99802–1668 (telephone 907–586–7008).

SUPPLEMENTARY INFORMATION:

I. Abstract

As required in the reasonable and prudent measures in the Endangered Species Act, Section 7 biological opinion on the effects of the Bering Sea and Aleutian Islands and Gulf of Alaska pollock, Atka mackerel, and Pacific cod fisheries on the endangered Steller sea lions, National Marine Fisheries Service (NMFS) has implemented changes to information collected from fishery participants. Any vessel that is registered for directed fishing for Pacific cod, pollock, and Atka mackerel in the exclusive economic zone off Alaska must install a vessel monitoring system (VMS) unit and operate the VMS while directed fishing for each of the species. The VMS unit automatically transmits location information every 20 minutes. NOAA uses the information for determining vessel locations and enforcing the closure of areas of critical habitat. Participants must also fax NOAA a check-in report when a VMS unit has been installed.

II. Method of Collection

The position reports are electronic and automatic. Check-in reports must be faxed.

III. Data

OMB Number: 0648–0445.
Form Number: None.
Type of Review: Regular submission.
Estimated Number of Respondents: 539.
Affected Public: Business or other for-profit organizations.
Estimated Time Per Response: 6 hours to install a VMS, 4 hours per year to maintain a VMS, 5 seconds for an automated position report, and 12 minutes to fax a check-in report.
Estimated Total Annual Burden Hours: 13,044.
Estimated Total Annual Cost to Public: $811,000.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information

on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 4, 2002.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 02–782 Filed 1–10–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Public Hearing on the Supplement to the Draft Environmental Impact Statement and Draft Management Plan for the Proposed San Francisco Bay National Estuarine Research Reserve in California

AGENCY: The Estuarine Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Public hearing notice.

SUMMARY: Notice is hereby given that the Estuarine Reserves Division, of the Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold a public hearing for the purpose of receiving comments on the Supplement to the Draft Environmental Impact Statement and Draft Management Plan (DEIS/DMP) prepared on the proposed designation of the San Francisco Bay National Estuarine Research Reserve in California. The Supplement to the DEIS/DMP addresses research, monitoring, education and resource protection needs for the proposed reserve.

The Estuarine Reserves Division will hold a public hearing at 7:00 p.m. on February 13th, at Pittsburg, California City Hall, 65 Civic Avenue, Pittsburg, CA 94565.

The views of interested persons and organizations on the adequacy of the Supplement to the DEIS/DMP are solicited, and may be expressed orally and/or in written statements. Presentations will be scheduled on a first-come, first-heard basis, and may be limited to a maximum of five (5) minutes. The time allotment may be extended before the hearing when the number of speakers can be determined. All comments received at the hearing will be considered in the preparation of the Final Environmental Impact Statement (FEIS) and Final Management Plan.

The comment period for the Supplement to the DEIS/DMP will end on February 26, 2002. All written comments received by this deadline will be considered in the preparation of the FEIS.

FOR FURTHER INFORMATION CONTACT: Ms. Laurie McGilvray (301) 713–3155 extension 158, Estuarine Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 1305 East West Highway, N/ORM2, Silver Spring, MD 20910. Copies of the Supplement to the Draft Environmental Impact Statement/Draft Management Plan are available upon request to the Estuarine Reserves Division.

Federal Domestic Assistance Catalog Number 11.420 (Coastal Zone Management) Research Reserves

Dated: January 4, 2002.

Jamison S. Hawkins,

Deputy Assistant Administrator for Ocean Services and Coastal Zone, Management.

[FR Doc. 02–588 Filed 1–10–02; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 010802B]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) and its Ecosystem Management Committee, Squid, Mackerel, Butterfish Committee, Protected Resources Committee, and Executive Committee will hold a public meeting.

DATES: The meetings will be held on Monday, January 28 through Thursday, January 31, 2002. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: This meeting will be held at the Radisson Suite Hotel, 350 Rt. 3 West, Secaucus, NJ 07094, telephone 201–863–8700.

Council address: Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904, telephone: 302–674–2331.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302–674–2331, ext. 19.

SUPPLEMENTARY INFORMATION: *Monday, January 28, 2002, from 1 p.m. to 4 p.m.*—the Ecosystem Planning Committee will meet.

Tuesday, January 29, 2002, from 8 a.m. until noon the Ecosystem Planning Committee will continue its meeting.

Tuesday, January 29, 2002, from 1 p.m. to 4 p.m.—the Squid, Mackerel, Butterfish Committee will meet.

Tuesday, January 29, 2002, from 4 p.m. to 5 p.m.—the Protected Resources Committee will meet.

Wednesday, January 30, 2002, from 9 a.m. to 10. a.m.—the Executive Committee will meet.

Wednesday, January 30, 2002—the Council will convene at 10 a.m. and adjourn at 5 p.m.

Thursday, January 31, 2002, 8 a.m. until 4 p.m.—Council will meet.

Agenda items for the committees and Council meeting(s), as appropriate, are: Discussion of alternative recreational and commercial management approaches for MAFMC species; review scoping comments for Amendment 9 to the Squid, Mackerel, Butterfish FMP, review Amendment 9 issues paper, finalize management measures for Amendment 9 public hearing draft, and develop timeline for Amendment 9 completion; review update to recent bottlenose dolphin take reduction team's report; receive and discuss the advisory report on the status of monkfish, Georges Bank winter flounder, and Loligo squid developed at the 34th Stock Assessment Workshop; discuss approval of Framework Adjustment1 to the Monkfish FMP (options include: 1) no action and allowing the FMP Year 4 default measures to take effect eliminating the directed fishery, 2) the preferred alternative of postponing the Year 4 default measures for one year and adjusting trip limits and days at sea allocations to achieve fishing year 2000 landing levels after accounting for the court-ordered adjustment to the gillnet trip limits, 3) adjusting management measures to reduce catches to the Years 2 and 3 total allowable catch targets); convene public scoping meeting for Amendment 2 to the Monkfish FMP; receive and discuss organizational and committee reports including the New England Council's report regarding

possible actions on herring, groundfish, monkfish, red crab, scallops, skates, and whiting.

On Wednesday, January 30, there will be a scoping meeting for Amendment 2 to the Monkfish Fishery Management Plan (FMP). The New England and Mid-Atlantic Fishery Management Councils propose to amend the Monkfish FMP. The amendment process will serve two purposes: it will enable the Councils to modify the FMP rules as needed and to update the analysis of the cumulative impact of the FMP on the human environment. In the process, the Councils will prepare a Supplemental Environmental Impact Statement (SEIS) as described in the National Environmental Policy Act for the amendment. This notice is to inform you that the Councils will gather information for the preparation of the SEIS and to ask for your input on the range of issues to be addressed and alternatives to be considered. The Councils are taking this action for the following reasons: (1) to address updated scientific information on the status of the stocks, (2) to address problems with the implementation and enforcement of the current management program, (3) to evaluate the impact of the rebuilding program on the human environment, (4) to consider proposals for providing controlled access to the monkfish resource south of the North Carolina/Virginia border to vessels from that area that are currently excluded, and (5) to comply with a federal Court Order to update the Essential Fish Habitat (EFH) elements of the FMP. You may comment at any of the public Council or committee meetings where Amendment 2 is on the agenda, or you may submit written comments by February 11, 2002 to:

Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950; telephone: 978–465–0492, fax: 978–465–3116.

Although non-emergency issues not contained in this agenda may come before the Council for discussion, these issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final actions to address such emergencies.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Mid-Atlantic Council (see **ADDRESSES**) least 5 days prior to the meeting date.

Dated: January 8, 2002.

Richard W. Surdi,

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

[FR Doc. 02–778 Filed 1–10–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 010302F]

Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Council) Groundfish Management Team (GMT) will hold a working meeting to plan the annual management cycle and strategize on 2002 Council initiatives. This meeting is open to the public.

DATES: The GMT working meeting will convene on Monday, February 4, 2002 at 1 p.m. and may go into the evening until business for the day is completed. The GMT meeting will reconvene from 8 a.m. to 5 p.m. Tuesday, February 5 through Thursday, February 7 until business for the day is completed.

ADDRESSES: The GMT working meeting will be held at the Pacific Fishery Management Council office, West Conference Room, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220; 503–326–6352.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220–1384, 503–326–6352.

FOR FURTHER INFORMATION CONTACT: Mr. John DeVore, Fishery Management Staff Officer for Groundfish, 503–326–6352.

SUPPLEMENTARY INFORMATION: The primary purpose of the GMT working meeting is to plan the GMT's annual schedule and strategies to effectively aid the Council in managing 2002 West Coast groundfish fisheries and Council initiatives expected to arise in 2002. Additionally, the GMT will discuss groundfish management measures in place for the winter and spring months, respond to assignments relating to implementation of the Council's groundfish strategic plan, consider technical aspects of draft stock rebuilding plans and analyses, review new groundfish stock assessments and survey results, and address other assignments relating to groundfish management.

Although nonemergency issues not contained in this agenda may come before the GMT for discussion, those issues may not be the subject of formal GMT action during this meeting. GMT action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice requiring emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the GMT's intent to take final action to address the emergency.

Special Accommodations

The meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at 503–326–6352 at least 5 days prior to the meeting date.

Dated: January 4, 2002.

Richard W. Surdi,

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

[FR Doc. 02–779 Filed 1–10–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 121901A]

Magnuson-Stevens Act Provisions; Atlantic Highly Migratory Species; Exempted Fishing and Scientific Research Permits

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

ACTION: Issuance of 2002 Exempted Fishing and Scientific Research Permits; request for comments.

SUMMARY: NMFS announces the intent to issue Exempted Fishing Permits (EFPs) and Scientific Research Permits (SRPs) for the collection of Atlantic highly migratory species (HMS). These EFPs/SRPs would authorize collections of a limited number of tunas, swordfish, billfishes, and sharks from Federal waters in the Atlantic Ocean and Gulf of Mexico for the purposes of scientific data collection and public display. Generally, the EFPs will be valid

through December 31, 2002. NMFS also announces the intent to issue EFPs upon receiving applications from U.S. fishermen whose vessels fish for Atlantic HMS while operating under contract within the Exclusive Economic Zone of other nations. These EFPs would allow a U.S. fishing vessel to fish so as to be consistent with another country's regulations without violating U.S. regulations, and would ensure that such vessels report to the proper authorities.

DATES: Written comments on these collection, research and fishing activities will be considered by NMFS in issuing such EFPs/SRPs if received on or before January 28, 2002.

ADDRESSES: Send comments to Christopher Rogers, Chief, Highly Migratory Species Management Division (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910. The EFP/SRP applications and copies of the regulations under which EFPs/SRPs are issued may also be requested from this address. Comments also may be sent via facsimile (fax) to (301) 713–1917. Comments will not be accepted if submitted via e-mail or Internet.

FOR FURTHER INFORMATION CONTACT: Sari Kiraly, 301–713–2347; fax: 301–713–1917.

SUPPLEMENTARY INFORMATION: EFPs and SRPs are requested and issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and/or the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*). Regulations at 50 CFR 600.745 and 50 CFR 635.32 govern scientific research activity, exempted fishing, and exempted educational activity with respect to Atlantic HMS.

Issuance of EFPs and/or SRPs may be necessary because possession of certain shark species is prohibited, possession of billfishes on board commercial fishing vessels is prohibited, and because the commercial fisheries for bluefin tuna, swordfish and large coastal sharks may be closed for extended periods, during which collection of live animals and/or biological samples would otherwise be prohibited. In addition, NMFS regulations at 50 CFR 635.32 regarding implantation or attachment of archival tags in Atlantic HMS require prior authorization and a report on implantation activities.

NMFS also seeks public comment on its intention to issue EFPs for the purpose of collecting biological samples under at-sea fisheries observer programs. NMFS intends to issue EFPs to any NMFS or NMFS-approved observer to bring onboard and possess, for scientific research purposes, biological sampling, measurement, etc., any Atlantic swordfish, Atlantic shark, or Atlantic billfish, provided the fish is a recaptured tagged fish, a dead fish prior to being brought onboard, or specifically authorized for sampling by the Director of the Office of Sustainable Fisheries at the request of the Southeast Fisheries Science Center or Northeast Fisheries Science Center. On average, several humdred swordfish and sharks are collected by at-sea observers under such EFPs any given year.

Collection of bluefin tuna would be authorized for scientific research age and growth, genetic, and spawning studies. In 2001, five permits for bluefin tuna archival tagging and research were issued. In 2002, pursuant to the International Commission for the Conservation of Atlantic Tunas (ICCAT) recommendations calling for research that addresses bluefin tuna spawning locations, NMFS intends to issue SRPs and/or EFPs for U.S. participation in an international program that could involve the landing of up to 15 metric tons of bluefin tuna and other regulated HMS for scientific sampling. This would be in addition to SRPs and EFPs issued for other tuna research.

In 2001 NMFS issued one EFP allowing commercial fishing vessels to assist NOAA scientists, and one SRP involving NOAA research vessels, in order that experiments in the Northeast Distant Waters of Grand Banks and in the DeSoto Canyon area of the Gulf of Mexico, respectively, could be conducted. These experiments addressed gear modifications to reduce bycatch in the Atlantic HMS pelagic longline fisheries.

NMFS also intends to continue to issue EFPs to vessel operators requesting offloading windows in the Atlantic Swordfish fishery, in the event the swordfish fishery is closed and a vessel is not equipped with a vessel monitoring system that would enable it to remain at sea after the announced closure date. NMFS anticipates that commercial EFP applicants would be captains of larger vessels out on extended trips at the time of a closure announcement. These applicants would benefit from delayed offloading by avoiding market gluts and cold storage problems.

NMFS also seeks public comment on its intention to issue EFPs for distant water pelagic longline vessels for the purpose of expanding access of U.S. vessels into other markets while continuing to collect information about U.S. fishing effort and landings. NMFS would consider applications from any U.S. Atlantic pelagic longline vessel. NMFS intends to issue such EFPs to any U.S. vessel fishing under contract to another nation, provided its landings and discards are consistent with ICCAT recommendations and, due to the requirements of the contract, those landings are being reported to ICCAT by that other nation or otherwise appropriately accounted for.

NMFS is also seeking public comment on its intention to issue EFPs for the collection of restricted species of sharks for the purpose of public display. In the Final Fishery Management Plan for Atlantic Tunas, Swordfish and Sharks (HMS FMP), NMFS established a public display quota of 60 metric tons wet weight for this purpose. NMFS has preliminarily determined that up to 3,000 sharks could be taken with this current quota and such harvest would be consistent with the most recent environmental impact statement prepared for this fishery. NMFS believes that harvesting this amount for public display will have a minimal impact on the stock. In 2001, nine EFPs were issued for the collection of sharks for display purposes.

Generally, the authorized collections or exemptions would involve activities otherwise prohibited by regulations implementing the HMS FMP and Amendment 1 to the Atlantic Billfish Fishery Management Plan. The EFPs, if issued, may authorize recipients to fish for and possess tunas, billfishes, swordfish and sharks outside the applicable Federal commercial seasons, size limits and retention limits, or to fish for and possess prohibited species.

NMFS intends to undertake rulemaking to revise certain aspects of the procedures for issuing EFPs and complying with EFP requirements for Atlantic HMS. Permits may be issued under the current regulations and be valid until new regulations become effective, at which time revised permits may be issued. A final decision on issuance of any EFPs/SRPs will depend on the submission of all required information about the proposed activities, NMFS' review of public comments received on this notice, conclusions in the Final Environmental Impact Statement (EIS) and any subsequent Environmental Assessments (EAs) or EISs contained in the Final HMS FMP (64 FR 13575; March 19, 1999) and any consultations with any appropriate Regional Fishery Management Councils, states, or Federal agencies. NMFS does not anticipate any environmental impacts from the issuance of these EFPs other than impacts already assessed in the Final HMS FMP and subsequent EAs.

Authority: 16 U.S.C. 971 *et seq.* and 16 U.S.C. 1801 *et seq.*

Dated: January 7, 2002.

Jonathan M. Kurland,

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

[FR Doc. 02–780 Filed 1–10–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Closed Meeting

AGENCY: Defense Intelligence Agency, Joint Military Intelligence College, DoD.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the provisions of Subsection (d) of section 10 of Public Law 92–463, as amended by section 5 of Public Law 94–409, notice is hereby given that a closed meeting of the DIA Joint Military Intelligence College Board of Visitors has been scheduled as follows:

DATES: Tuesday, January 8, 2002, 0800 to 1700; and Wednesday, January 9, 2002, 0800 to 1200.

ADDRESSES: Joint Military Intelligence College, Washington, DC 20340–5100.

FOR FURTHER INFORMATION CONTACT: Mr. A. Denis Clift, President, DIA Joint Military Intelligence College, Washington, DC, 20340–5100 (202/231–3344).

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed. The Board will discuss several current critical intelligence issues and advise the Director, DIA, as to the successful accomplishment of the mission assigned to the Joint Military Intelligence College.

Dated: January 4, 2002.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, DoD.

[FR Doc. 02–669 Filed 1–10–02; 8:45 am]

BILLING CODE 5001–04–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Privacy Act of 1974; System of Records

AGENCY: Department of the Air Force, DoD.

ACTION: Notice to alter systems of records.

SUMMARY: The Department of the Air Force is proposing to alter a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended. The alteration will expand the category of individuals covered, and add a (j)(2) exemption to the system of records. The exemption is intended to increase the value of the system of records for law enforcement purposes.

DATES: This proposed action will be effective without further notice on February 11, 2002 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Air Force Privacy Act Manager, CIO–BIM/P, 1155 Air Force Pentagon, Washington, DC 20330–1155.

FOR FURTHER INFORMATION CONTACT: Mrs. Anne Rollins at (703) 601–4043 or DSN 329–4043.

SUPPLEMENTARY INFORMATION: The Department of the Air Force systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system reports, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on December 28, 2001, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: January 4, 2002.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

F090 AF IG B

SYSTEM NAME:

Inspector General Records (June 8, 1999, 64 FR 30492).

CHANGES:

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete last sentence and replace with 'All individuals who are or have been subjects of reviews, inquiries, or investigations.'

* * * * *

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Add to entry 'Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principle function any activity pertaining to the enforcement of criminal laws.'

* * * * *

F090 AF IG B

SYSTEM NAME:

Inspector General Records.

SYSTEM LOCATION:

Office of the Inspector General, Office of the Secretary of the Air Force (SAF/IG), 1140 Air Force Pentagon, Washington, DC 20330–1140. Headquarters of major commands and at all levels down to and including Air Force installations. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All those who have registered a complaint, allegation or query with the Inspector General or Base Inspector on matters related to the Department of the Air Force. All individuals who are or have been subjects of reviews, inquiries, or investigations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters/transcriptions of complaints, allegations and queries; letters of appointment; reports of reviews, inquiries and investigations with supporting attachments, exhibits and photographs; record of interviews; witness statements; reports of legal review of case files, congressional responses; memoranda; letters and reports of findings and actions taken; letters to complainants and subjects of investigations; letters of rebuttal from subjects of investigations; finance; personnel; administration; adverse information, and technical reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by, 10 U.S.C. 8020, Inspector General, and E.O. 9397 (SSN).

PURPOSE(S):

Used to insure just, thorough, and timely resolution and response to complaints, allegations or queries, and a means of improving morale, welfare, and efficiency of organizations, units, and personnel by providing an outlet for redress. Used by the Inspector General and Base Inspectors in the resolution of complaints and allegations and responding to queries involving matters concerning the Department of the Air Force and in some instances the Department of Defense. Used in

connection with the recommendation/selection/removal or retirement of officers eligible for promotion to or serving in, general officer ranks.

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, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and in Automated Complaints Tracking System (ACTS) database.

RETRIEVABILITY:

Retrieved by Complainant's name, subject of investigation's name and case number.

SAFEGUARDS:

Records are accessed by custodian of the system of records and by person(s) responsible for maintaining the system of records in the performance of their official duties. These personnel are properly screened and cleared for need-to-know. Records are stored in a locked room protected by cipher lock. Information maintained in the ACTS database is protected by computer system software and password.

RETENTION AND DISPOSAL:

Retained in office files for two years after year in which case is closed. For senior official case files, retained in office files until two years after the year in which case is closed, or two years after the senior official retires, whichever is later. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

The Inspector General, Office of the Secretary of the Air Force (SAF/IG), 1140 Air Force Pentagon, Washington, DC 20330–1140.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to or visit the Inspector General, Office of the Secretary of the Air Force (SAF/IG), 1140 Air Force Pentagon, Washington, DC 20330–1140.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Inspector General, Office of the Secretary of the Air Force (SAF/IG), 1140 Air Force Pentagon, Washington, DC 20330–1140.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37–132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Complainants, inspectors, members of Congress, witnesses and subjects of investigations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency, which performs as its principal function any activity pertaining to the enforcement of criminal laws.

Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C. 552a(j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of the information, the individual will be provided access to the information exempt to the extent that disclosure would reveal the identity of a confidential source.

Note: When claimed, this exemption allows limited protection of investigative reports maintained in a system of records used in personnel or administrative actions.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 806b. For additional information contact the system manager.

[FR Doc. 02–670 Filed 1–10–02; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Privacy Act of 1974, System of Records

AGENCY: Department of the Air Force, DoD.

ACTION: Notice to amend systems of records.

SUMMARY: The Department of the Air Force is amending a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on February 11, 2002, unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Air Force FOIA/Privacy Manager, CIO–BIM/P, 1155 Air Force Pentagon, Washington, DC 20330–1155.

FOR FURTHER INFORMATION CONTACT: Mrs. Anne Rollins at (703) 601–4043.

SUPPLEMENTARY INFORMATION: The Department of the Air Force systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the records systems being amended are set forth below followed by the notices, as amended, published in their entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: January 4, 2002.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

F036 AF CIC A

SYSTEM NAME:

Biographical Data and Automated Personnel Management System (June 11, 1997, 62 FR 31793).

CHANGES:

SYSTEM IDENTIFIER:

Delete entry and replace with ''F036 AF A''.

* * * * *

SYSTEM LOCATION:

Replace ''unified and specified commands'' with ''combatant commands''.

CATEGORIES OF INDIVIDUALS COVERED:

Replace ''unified and specified commands'' with ''combatant commands''.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete ''Director of Information Management, Office of the Administrative Assistant to the Secretary of the Air Force, Washington, DC 20330–1000. Local system managers''.

* * * * *

F036 AF A

SYSTEM NAME:

Biographical Data and Automated Personnel Management System.

SYSTEM LOCATION:

Headquarters United States Air Force; headquarters of major commands; field operating agencies; direct reporting units; headquarters of combatant commands for which Air Force is Executive Agent, and all Air Force installations and units. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Air Force military personnel, and Air Force Reserve and Air National Guard personnel. Air Force civilian employees and contractors may be included when records are created which are identical to those on military members. Army, Navy, and Marine Corps Active duty military and civilian personnel may be included when assigned to combatant commands for which Air Force is the Executive Agent. Records may be maintained in this system on personnel in a Temporary Duty (TDY) status for the duration of the TDY.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information which may include name, rank, Social Security Number, service dates, date of birth, civilian employment, military and civilian education, military and civilian experience, program specialties, hobbies, and names of family members, religion, professional expertise and appointments, membership in professional societies, civic activities and state of license.

Limited locator type information which may include home address, home phone, home of record and name and address of next of kin. Records relating to assignment to include unit of assignment, authorized and assigned grade, duty title, duty Air Force Specialty Code and Military Occupation Code, position number, date assigned to organization, estimated date of departure, control tour code, assignment availability date, overseas tour start date, short tour return date, supervisor's name and date supervision began.

Performance data, i.e. date of last report and date next report due.

May also contain limited routine administrative training information consisting of application for training, name and date of course completion, and educational level, when not filed in a separate system.

Limited routine correspondence on promotions, military honors and awards, security and letters of appreciation, when not filed in a separate system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force and E.O. 9397 (SSN).

PURPOSE(S):

This system is established as a management tool to provide commanders and supervisors with ready reference information file for managing their personnel, manpower and resources.

To assist in determining and scheduling workload requirements in support of their organization's assigned mission.

This system serves a ready reference locator and can be used to produce manpower reports.

Used to determine eligibility/suitability for assignment/reassignment; determine eligibility for retirement related action, to make determinations on discharges or mobilization, deferments, and fulfillment of local or statutory requirements.

Records maintained as a historical file while individual is assigned to the unit.

Used to answers correspondence/telephone inquiries; updating and/or changing information in computer and/or individual record.

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, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD ''Blanket Routine Uses'' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, in computers and on computer output products.

RETRIEVABILITY:

Retrieved by name and/or Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Retain in office files until superseded, obsolete, no longer needed for reference, reassignment, separation or retirement of the individual or inactivation of the organization. Records on TDY personnel will be destroyed upon completion of the individual's TDY. Records are destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Commanders/supervisors at the installation, base, unit, organization, office or function to which the individual is assigned. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address inquiries to or visit the respective unit commander or supervisor who maintains the records. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the respective unit commander or supervisor who maintains the records. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and

appealing initial agency determinations are published in Air Force Instruction 37–132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual, personnel or training records and records created by commander/supervisor.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 02–678 Filed 1–10–02; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to add and delete systems of records.

SUMMARY: The Department of the Army is proposing to add a system of records notice to its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended. The proposed new system of records is a product of consolidating two similar existing Army Inspector General systems of records (A0020–1a SAIG and A0020–1b SAIG). As a result of the consolidation, A0020–1a SAIG and A0020–1b SAIG are being deleted.

DATES: This proposed action will be effective without further notice on February 11, 2002 unless comments are received which result in a contrary determination.

ADDRESSES: Records Management Division, U.S. Army Records Management and Declassification Agency, ATTN: TAPC–PDD–RP, Stop 5603, 6000 6th Street, Ft. Belvoir, VA 22060–5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390 or Ms. Christie King at (703) 806–3711 or DSN 656–3711.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on December 28, 2001, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: January 4, 2002.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Deletions

A0020–1a SAIG

SYSTEM NAME:

Inspector General Investigation Files (December 8, 2000, 65 FR 77008).

REASON:

Records are now covered under the Army system of records A0020–1 SAIG, entitled 'Inspector General Records'.

* * * * *

A0020–1b SAIG

SYSTEM NAME:

Inspector General Action Request/ Assistance Files (August 3, 1993, 58 FR 41250).

REASON:

Records are now covered under the Army system of records A0020–1 SAIG, entitled 'Inspector General Records'.

* * * * *

A0020–1 SAIG

SYSTEM NAME:

Inspector General Records

SYSTEM LOCATION:

Office of the Inspector General, U.S. Army Inspector General Agency, Department of the Army, 1700 Army Pentagon, Washington, DC 20320–1700.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, military or civilian (including contractors), who have made allegations or against whom allegations of wrongdoing/misconduct have been made related to, violations of laws, rules, or regulations or mismanagement, gross waste of funds, abuse of authority, or whistleblower reprisals that have reviewed or upon which inquiries or investigation have been conducted.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative case files containing investigative reports, such as preliminary inquiries, preliminary analyses, reports of investigation (ROIs), administrative documents, and computer indices. ROIs include the authority for the inquiry/investigation, matters investigated, narrative, summaries/excerpts of testimony given by witnesses, and appended exhibits that may include supporting documents, documentary evidence, summaries of interviews or transcripts of verbatim testimony, or other investigative information from outside sources.

Computerized indices contain the names/subjects of the inquiry/ investigation, opening and closing dates, function codes reflecting the type of allegations and codes designating their status and determination, brief synopsis of allegations and their disposition, case notes, locations of the inquiries/investigations and the assigned case numbers.

Whistleblower Reprisal, Defense Hotline Complaint and Inspector General Action Request (IGAR) case files, administrative documents; and computer indices: Whistleblower Reprisal case files contain allegations accepted and investigated or decline through preliminary analysis by Army Inspectors General or referred by the DoD Inspector General (DODIG) for action.

Defense Hotline Complaint files contain allegations/complaints referred by the DODIG for inquiry/investigation, Hotline Completion Reports forwarded to the DODIG providing the results of inquiry/investigations, and any backup documentation. IGAR case files contain Report of Inquiry/Investigation, requests for assistance or complaints, summaries documents, summaries of actions taken, interviews or verbatim testimony, other related investigative information from Federal, State, and local investigative agencies and departments.

IG inspections conducted and information accumulated by Headquarters Department of the Army (HQDA). Included are inspection reports and related information pertaining to annual general inspections (overall economy, efficiency, discipline, morale or readiness of a unit, organization or activity), procurement, special nuclear surety, intelligence oversight, and Federal recognition inspections conducted by HQDA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army; Inspector General Act of 1978 (Pub.L. 95–452), as amended; 42 U.S.C. 1061 *et seq.*, Victims Rights; DoD Directive 1030.1, Victim and Witness Assistance; Army Regulation 20–1, Inspector General Activities and Procedures; and E.O. 9397 (SSN).

PURPOSE(S):

To review and conduct law enforcement inquiries/investigations into allegations of wrongdoing/ misconduct contained Defense Hotline

Complaints, allegations contained in Inspector General Action Request of wrongdoing by Army personnel related to violations of laws, rules, or regulations, mismanagement, gross waste of funds, abuse of authority, and allegations of whistleblower reprisals.

To report the results to the Office of the Secretary of Defense and Army officials so that they may discharge their responsibilities and take corrective action, if needed.

To provide facts and evidence upon which to base prosecution.

To provide information upon which determinations may be made for individuals' suitability for various personnel action including but not limited to retention, promotion, assignment, and retirement in grade or selection for sensitive or critical positions in the Armed Forces or Federal Service.

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, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To victims and witnesses of a crime for purposes of providing information, consistent with the requirements of the Victim and Witness Assistance Program, regarding the investigation and disposition of an offense.

To Federal, state, and local agencies having jurisdiction over the substance of the allegations or a related investigative interest.

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and on electronic storage media.

RETRIEVABILITY:

By individual's full name, Social Security Number and/or other descriptive information cross-referenced to the case number.

SAFEGUARDS:

Access is limited to authorized individuals having need for the records in the performance of their official duties. Paper files and CD–ROMs are stored in containers with locks, located in a locked room, in a secured building with controlled access.

Computer indices are secured in locked rooms with limited/controlled access. Access to computerized information is controlled by a system of assigned passwords and available only to personnel responsible for system operation and maintenance.

Recipients of information for official use purposes are responsible for safeguarding the information within guidelines.

RETENTION AND DISPOSAL:

Disposition pending (until NARA approves a disposition and retention schedule, treat as permanent).

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Inspector General, ATTN: Chief, Information Management Division, 2511 Jefferson Davis Highway, Arlington, VA 22002–3912.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this system should address written inquiries to the Office of The Inspector General, ATTN: Records Release Office, 2511 Jefferson Davis Highway, Arlington, VA 22202–3912.

Individual should provide the full name, home address, telephone numbers and Army unit or activity to which assigned at the time of any Army Inspector General investigation, and a fee statement.

Requests submitted on behalf of other persons must include their written, notarized or certified authorization.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine if information about themselves is contained in this system should address written inquiries to the Office of The Inspector General, ATTN: Records Release Office, 2511 Jefferson Davis Highway, Arlington, VA 22202–3912.

Individual should provide the full name, home address, telephone numbers and Army unit or activity to which assigned at the time of any Army Inspector General investigation, and a fee statement.

Requests submitted on behalf of other persons must include their written, notarized or certified authorization.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, Army records and reports, and other sources providing or containing pertinent information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Investigative material compiled for law enforcement purposes may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

Investigative material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) published in 32 CFR part 505. For additional information contact the system manager.

[FR Doc. 02–672 Filed 1–10–02; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Defense Contract Audit Agency

Privacy Act of 1974; Systems of Records

AGENCY: Defense Contract Audit Agency, DOD.

ACTION: Notice to delete and amend records systems.

SUMMARY: The Defense Contract Audit Agency is deleting a system of records notice and amending two notices in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The actions will be effective on February 11, 2002 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to Senior Advisor, Defense Contract Audit Agency, Information and Privacy, CM, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, VA 22060–6219.

FOR FURTHER INFORMATION CONTACT: Mr. Dave Henshall at (703) 767–1005.

SUPPLEMENTARY INFORMATION: The Defense Contract Audit Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the

Federal Register and are available from the address above.

The proposed action is not within the purview of subsection (r) of the Privacy Act (5 U.S.C. 552a), as amended, which would require the submission of a new or altered system report for each system.

January 4, 2002.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Deletion
RDCAA 152.17

SYSTEM NAME:

Security Status Master List (November 20, 1997, 62 FR 62003).

REASON:

These records are no longer being collected or maintained by the Defense Contract Audit Agency.

Amendments
RDCAA 152.1

SYSTEM NAME:

Security Information System (SIS) (May 18, 1999, 64 FR 26947).

CHANGES:

* * * * *

SYSTEM NAME:

Delete entry and replace with 'The Enhanced Access Management System (TEAMS)'.

* * * * *

RDCAA 152.1

SYSTEM NAME:

The Enhanced Access Management System (TEAMS).

SYSTEM LOCATION:

Security Office, Headquarters, Defense Contract Audit Agency, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, VA 22060–6219.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DCAA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain name, Social Security Number, date and place of birth, citizenship, position sensitivity, accession date, type and number of DCAA identification, position number, organizational assignment, security adjudication, clearance, eligibility, and investigation data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; E.O. 10450, Security Requirements for Government Employees, as amended; E.O. 12958, Classified National Security Information; and E.O. 9397 (SSN).

PURPOSE(S):

To provide the DCAA Security Office with a ready reference of security information on DCAA personnel.

To submit data on a regular basis to the Defense Clearance and Investigations Index (DCII).

To provide the DCAA Drug Program Coordinator with a listing of individuals who hold security clearances for the purpose of creating the drug testing pool, from which individuals are randomly chosen for drug testing.

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, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' that appear at the beginning of DCAA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in automated data systems.

RETRIEVABILITY:

Records are retrieved by Social Security Number or name of employee.

SAFEGUARDS:

Automated records are protected by restricted access procedures. Records are accessible only to authorized personnel who are properly cleared and trained and who require access in connection with their official duties.

RETENTION AND DISPOSAL:

Records are retained in the active file until an employee separates from the agency. At that time, records are moved to the inactive file, retained for five years, and then deleted from the system. Hard copy listings and tapes produced by this system are destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, Headquarters, Defense Contract Audit Agency, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, VA 22060–6219.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Security Office, Headquarters, Defense Contract Audit Agency, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, VA 22060–6219.

Individuals must furnish name, Social Security Number, and approximate date of their association with DCAA.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Security Office, Headquarters, Defense Contract Audit Agency, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, VA 22060–6219.

Individuals must furnish name, Social Security Number, and approximate date of their association with DCAA.

CONTESTING RECORD PROCEDURES:

DCAA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DCAA Regulation 5410.10; 32 CFR part 317; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information, other than data obtained directly from individual employees, is obtained by DCAA Headquarters Security and Regional Office Personnel Divisions, and Federal Agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

RDCAA 590.8

SYSTEM NAME:

DCAA Management Information System (FMIS/AMIS) (August 3, 2000, 65 FR 48221).

CHANGES:

* * * * *

SYSTEM NAME:

Delete ''(FMIS/AMIS)'' from entry.

* * * * *

RDCAA 590.8

SYSTEM NAME:

DCAA Management Information System (DMIS).

SYSTEM LOCATION:

Defense Contract Audit Agency, Information Technology Division, 4075 Park Avenue, Memphis, TN 38111–7492.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DCAA employees and contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to audit work performed in terms of hours expended by individual employees, dollar amounts audited, exceptions reported,

and net savings to the government as a result of those exceptions; records containing contractor information; records containing reimbursable billing information; name, Social Security Number, pay grade and (optionally) address information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397 (SSN).

PURPOSE(S):

To provide managers and supervisors with timely, on-line information regarding audit requirements, programs, and performance.

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, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD ''Blanket Routine Uses'' that appear at the beginning of DCAA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in an on-line database and on magnetic tape at secure offsite storage.

RETRIEVABILITY:

Records are retrieved by organizational levels, name of employee, Social Security Number, office symbol, audit activity codes, or any other combination of these identifiers.

SAFEGUARDS:

Automated records are protected by restricted access procedures. Access to records is strictly limited to authorized officials with a bona fide need for the records.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Information Technology Division, Defense Contract Audit Agency, 4075 Park Avenue, Memphis, TN 38111–7492.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Information Technology Division, Defense Contract Audit Agency, 4075 Park Avenue, Memphis, TN 38111–7492.

Individuals must furnish name, Social Security Number, approximate date of record, and geographic area in which consideration was requested for record to be located and identified. Official mailing addresses are published as an appendix to the DCAA's compilation of systems notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Information Technology Division, Defense Contract Audit Agency, 4075 Park Avenue, Memphis, TN 38111–7492.

Individuals must furnish name, Social Security Number, approximate date of record, and geographic area in which consideration was requested for record to be located and identified.

CONTESTING RECORD PROCEDURES:

DCAA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DCAA Regulation 5410.10; 32 CFR part 317; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual employees, supervisors, audit reports and working papers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 02–671 Filed 1–10–02; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare a Joint Environmental Impact Statement/ Environmental Impact Report for the San Clemente Shoreline Feasibility Study, San Clemente, CA

AGENCY: Army Corps of Engineers (Corps), DoD.

ACTION: Notice of intent.

SUMMARY: The Corps and the city of San Clemente propose to study alternatives to provide shoreline protection to the San Clemente Shoreline. The study is for that portion of the shoreline that runs from Shorecliff Beach to San Mateo Point, approximately eight kilometers (five miles).

FOR FURTHER INFORMATION CONTACT: Questions regarding the scoping process or preparation of the EIS/EIR may be directed to Mr. Paul Rose, Chief, Environmental Resources Branch, U.S. Army Corps of Engineers, P.O. Box 532711, Los Angeles, California, 90053–2325, (213) 452–3840.

SUPPLEMENTARY INFORMATION:

1. Proposed Action

Provide shoreline protection against wave attack from coastal storms to the San Clemente shoreline. Running along the entire length of the San Clemente shoreline is a portion of the Los Angeles to San Diego (Lossan) railroad corridor. The Lossan is a major passenger rail line linking San Diego to the rest of the United States. The Lossan is owned by the Orange County Transportation Authority (OCTA). This commuter rail corridor is among the busiest in the country and separates the beach from the bluff. Loss of shoreline protection and recreational beach width is a continuous problem for the city of San Clemente. Damages to coastal residential and commercial properties from storm-induced waves have become a serious threat over the past several years. The study will investigate alternatives to provide shoreline protection.

2. Alternatives

Alternatives that may be considered include non-structural and/or structural measures to provide protection against wave attack from coastal storms. Non-structural measures include beach and near-shore nourishment with dredged sand.

3. Scoping Process

The Corps and the city of San Clemente are preparing a joint Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) to address potential impacts associated with the proposed project. The Corps is the Lead Federal Agency for compliance with NEPA for the project, and the city of San Clemente is the Lead State Agency for compliance with the CEQA for the non-Federal aspects of the project. The Draft EIS/EIR (DEIS/EIR) document will incorporate public concerns in the analysis of impacts associated with the Proposed Action and associated project alternatives. The DEIS/EIR will be sent out for a 45-day public review period, during which time both written and verbal comments will be solicited on the adequacy of the document. The Final EIS/EIR (FEIS/EIR) will address the comments received on the DEIS/EIR during public review, and will be furnished to all who commented on the DEIS/EIR, and is made available to anyone that requests a copy during

the 30-day public comment period. The final step involves, for the Federal EIS, preparing a Record of Decision (ROD) and, for the state EIR, certifying the EIR and adopting a Mitigation Monitoring and Reporting Plan. The ROD is a concise summary of the decisions made by the Corps from among the alternatives presented in the FEIS/EIR. The ROD can be published immediately after the FEIS public comment period ends. A certified EIR indicates that the environmental document adequately assesses the environmental impacts of the proposed project with respect to CEQA. A formal scoping meeting to solicit public comment and concerns on the proposed action and alternatives will be held on January 10, 2002 at 7 p.m., in the Multipurpose Room (1 & 2) in the San Clemente Senior Center, 242 Avenue Del Mar, San Clemente, California.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–771 Filed 1–10–02; 8:45 am]

BILLING CODE 3710–KF–M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Matilija Dam Ecosystem Restoration Feasibility Study, Ventura County, CA

AGENCY: Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The Los Angeles District of the U.S. Army Corps of Engineers will prepare a DEIS to support the Matilija Dam Ecosystem Restoration Feasibility Study, Ventura County, California. The study area is the Matilija Dam area and downstream to the Venture River Estuary. This study will investigate feasible alternatives to restore the Matilija Creek riverine ecosystem, primarily by removing Matilija Dam. Also, feasible alternatives for the removal of sediment behind the dam and the beneficial use of that sediment will be investigated.

The DEIS will analyze the potential impacts (beneficial and adverse) on the environment of a range of alternatives, including the proposed action and the no action alternative. The Los Angeles District and the Ventura County Flood Control District will cooperate in conducting this feasibility study.

ADDRESSES: District Engineer, U.S. Army Corps of Engineers, Los Angeles District, ATTN: CESPL–PD–RQ (R. Farve), P.O. Box 532711, Los Angeles, California 90053–2325.

FOR FURTHER INFORMATION CONTACT: Mr. Rey Farve, Environmental Coordinator, telephone (213) 452–3864, or Mr. Jonathan Vivanti, Study Manager, telephone (213) 452–3809.

SUPPLEMENTARY INFORMATION:

1. Authorization

This feasibility study was authorized by U.S. House of Representatives Committee Resolution on Transportation and Infrastructure (Docket 2593), dated April 15, 1999, which states, in part: ''that the Secretary of the Army is requested to review the report of the Chief of Engineers on the Ventura River, Ventura County, California, published as House Document 323, 77th Congress, 1st Session, and other pertinent reports, with a view to determining whether any modifications of the recommendations contained therein are advisable at this time, in the interest of environmental restoration and protection, and related purposes, with particular attention to restoring anadromous fish populations on Matilija Creek and returning natural sand replenishment to Ventura and other Southern California beaches.''

2. Background

Matilija Dam is located on Matilija Creek, a tributary of the Ventura River, approximately 16 miles upstream from the Pacific Ocean. The dam is located in Ventura County California, approximately 7 miles and 25 miles from the Cities of Ojai and Ventura, California, respectively. The feasibility study area currently includes the Matilija Dam and the area immediately upstream, and downstream of the dam to the Ventura River Estuary. The non-federal sponsor of the feasibility study is the Ventura County Flood Control District.

Matilija Dam was constructed in the late 1940's by Ventura County Flood Control to provide water storage for agricultural needs. Matilija Dam is a concrete arch structure 190 feet in height with an arc length of 620 feet at its crest. Sediment carried by Matilija Creek has deposited behind the dam and filled the reservoir, rendering the structure useless as a water storage facility. It is estimated that 6,000,000 cubic yards of sediment lies trapped behind the dam.

The dam no longer provides any flood control protection due to sedimentation behind the dam. There is some continued water supply use. The Casitas Municipal Water District currently operates the dam under a lease agreement from the County of Ventura, which expires in 2009. The operation is an integral part of the Robles/Casitas Reservoir water supply facilities and is estimated to currently contribute approximately 400 acre-feet of water per year. This water function, however, is projected to diminish rapidly as the reservoir continues to fill with sediments, and is expected to effectively cease by 2010 after the reservoir fills completely with sediment.

Presently, the dam is considered to be a major contributor to the declining numbers of steelhead trout in Matilija Creek. If no action is taken to secure passage for the steelhead trout to reach the upper watershed and its tributaries, the dam will continue to obstruct this endangered species, thereby limiting the amount of spawning and rearing habitat. In addition, the dam would continue to act as a barrier for wildlife movement for other terrestrial and aquatic species.

3. Alternatives

The feasibility study will focus on addressing the problems and needs caused by Matilija Dam with the primary objective of the feasibility study being to restore the Matilija Creek riverine ecosystem. Other objectives that are considered appropriate may involve possible beneficial use of the sediment behind the dam for beach nourishment or other environmental restoration.

In general, alternative plans will investigate reasonable alternatives to restore Matilija Creek, primarily by removing Matilija Dam. Feasible alternatives for the removal of sediment behind the dam and the beneficial use of that sediment will also be investigated. Significant beneficial impacts to the riverine ecosystem (especially to steelhead trout) are expected from restoration alternatives identified in the feasibility study.

4. Scoping Process

Participation of all interested Federal, State, and County agencies, groups with environmental interests, and any interested individuals are encouraged. Public involvement will be most beneficial and worthwhile in identifying the scope of pertinent, significant environmental issues to be addressed, identifying and eliminating from detailed study issues that are not significant, offering useful information such as published or unpublished data, providing direct personal experience or knowledge which informs decision making, and recommending suitable mitigation measures to offset potential impacts from the proposed action or alternatives.

A public scoping meeting is scheduled at the Ventura County Hall of Administration, County Board of Supervisors Meeting Room, 800 South Victoria Avenue, Ventura, CA 93009 at 7 pm on January 31, 2002. The purpose of the scoping meeting will be to gather information from the general public or interested organizations about issues and concerns that they would like to see addressed in the DEIS. Comments may be delivered in writing or verbally at the meeting or sent in writing to the Los Angeles District at the address given above. The scoping period will conclude March 12, 2002.

5. Availability of the DEIS

The DEIS is expected to be available to the public for review and comment beginning in the winter of 2004.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–772 Filed 1–10–02; 8:45 am]

BILLING CODE 3710–KF–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Joint Environmental Impact Statement/ Environmental Impact Report for the Ventura Harbor Sand Bypass System and Regional Beneficial Reuse Feasibility Study, Ventura, CA

AGENCY: U.S. Army Corps of Engineers (Corps), DoD.

ACTION: Notice of intent.

SUMMARY: The Corps and the Ventura Port District propose to evaluate a sand bypassing system and other measures to improve maintenance of Federal harbors in the Ventura/Santa Barbara County area for more efficient operations and beneficial uses of the dredged material for storm damage protection and environmental restoration and enhancement.

FOR FURTHER INFORMATION CONTACT: Questions regarding the scoping process or preparation of the EIS/EIR may be directed to Mr. Paul Rose, Chief, Environmental Resources Branch, U.S. Army Corps of Engineers, P.O. Box 532711, Los Angeles, California, 90053–2325, (213) 452–3840.

SUPPLEMENTARY INFORMATION:

1. Proposed Action

For the Sand Bypassing component of the study, the purpose of the report shall focus on the alternatives for the sand bypassing system needed for accommodating the annual required dredge volume.

For the Regional Beneficial Use component, the purpose is to provide beneficial uses of the material for the Ventura County region for a proposed sand bypassing system at Ventura Harbor, California. The report shall be based on the Ventura Harbor Sand Bypass Regional Beneficial Uses Reconnaissance Report (Los Angeles District, 1997), to modify the existing federal navigation project for the purpose of providing regional uses of the dredged material for storm damage protection, environmental restoration and enhancement, and other beneficial uses.

Ventura Harbor is a small craft commercial and recreational harbor located approximately one hundred (100) kilometers northwest of the City of Los Angeles. The Los Angeles District currently maintains navigable channels by dredging an entrance channel and several sand traps outside of the harbor. The two (2) primary sand traps have a total capacity of approximately 640,000 m^3 and are located at the seaward end of the entrance channel and adjacent to the upcoast side of the North Jetty. Presently the Los Angeles District maintenance project is designed to dredge every two (2) years at an estimated dredge quantity of 615,000 m^3 per episode. Due to annual budgetary constraints, the Los Angeles District, in practice, maintains the entrance channel and sand traps on a yearly basis, removing on the average approximately 535,000 m^3 of sand per dredging episode. Fiscal year 2000 dredging resulted in the removal of approximately 140,000 m^3 from the navigation channel and channel trap, and approximately 320,000 m^3 from sand trap adjacent to the North Jetty. The dredged sands have historically been placed directly onto McGrath State Beach, in the nearshore environment adjacent to McGrath State Beach, directly onto South Beach, or, on a few occasions, onto the upcoast groin field cell.

2. Alternatives

Alternatives that may be considered include selection of various disposal sites as well as various sites and dredging methodologies for the dredging side of the bypass system, continued use of periodic dredging with beach/ nearshore disposal, and no-project.

3. Scoping Process

The Corps and the Ventura Port District are preparing a joint Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) to address potential impacts associated with the proposed project. The Corps is the Lead Federal Agency for compliance with NEPA for the project, and the Ventura Port District is the Lead State Agency for compliance with the CEQA for the non-Federal aspects of the project. The Draft EIS/EIR (DEIS/EIR) document will incorporate public concerns in the analysis of impacts associated with the Proposed Action and associated project alternatives. The DEIS/EIR will be sent out for a 45-day public review period, during which time both written and verbal comments will be solicited on the adequacy of the document. The Final EIS/EIR (FEIS/EIR) will address the comments received on the DEIS/EIR during public review, and will be furnished to all who commented on the DEIS/EIR, and is made available to anyone that requests a copy during the 30-day public comment period. The final step involves, for the federal EIS, preparing a Record of Decision (ROD) and, for the state EIR, certifying the EIR and adopting a Mitigation Monitoring and Reporting Plan. The ROD is a concise summary of the decisions made by the Corps from among the alternatives presented in the FEIS/EIR. The ROD can be published immediately after the FEIS public comment period ends. A certified EIR indicates that the environmental document adequately assesses the environmental impacts of the proposed project with respect to CEQA. A formal scoping meeting to solicit public comment and concerns on the proposed action and alternatives will be held on January 8, 2002, at 6:00 P.M., in the Channel Islands National Park Visitor Center, 1901 Spinnaker Drive, Ventura, California.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–770 Filed 1–10–02; 8:45 am]

BILLING CODE 3710–KF–M

DEPARTMENT OF DEFENSE

Department of the Army

Armed Forces Epidemiological Board (AFEB); Open Meeting

AGENCY: Office of The Surgeon General, DoD.

ACTION: Notice of meeting.

SUMMARY: In accordance with section 10(a)(2) of Pub. L. 92–463, The Federal Advisory Committee Act, this announces the forthcoming AFEB meeting. This Board will meet from 0730–1630 on Tuesday, 19 February 2002, and 0730–1300 on Wednesday, 20 February 2002. The purpose of the

meeting is to address pending and new Board issues, provide briefings for Board members on topics related to ongoing and new Board issues, conduct subcommittee meetings, and conduct an executive working session. The meeting location will be at the Island Club North Island Naval Air Station, 3629 Tulagi Road, Building 4, San Diego, California 92155–5000.

This meeting will be open to the public, but limited by space accommodations. Any interested person may attend, appear before or file statements with the committee at the time and in the manner permitted by the committee.

FOR FURTHER INFORMATION CONTACT: Lt Col. James R. Riddle, Executive Secretary, Armed Forces Epidemiological Board, Skyline Six, 5109 Leesburg Pike, Room 682, Falls Church, Virginia 22041–3258, (703) 681–8012/3.

SUPPLEMENTARY INFORMATION: None.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–769 Filed 1–10–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Navy

Meeting of the Board of Advisors to the Superintendent, Naval Postgraduate School

AGENCY: Department of the Navy, DoD.

ACTION: Notice of open meeting.

SUMMARY: The purpose of the meeting is to elicit the advice of the board on the Naval Service's Postgraduate Education Program. The board examines the effectiveness with which the Naval Postgraduate School is accomplishing its mission. To this end, the board will inquire into the curricula, instruction, physical equipment, administration, state of morale of the student body, faculty, and staff; fiscal affairs; and any other matters relating to the operation of the Naval Postgraduate School as the board considers pertinent. This meeting will be open to the public.

DATES: The meetings will be held on Monday, February 4, 2002 from 8:30 a.m. to 4 p.m. and on Tuesday, February 5, 2002 from 8 a.m. to 12 p.m.

ADDRESSES: The meetings will be held at the National Defense University, Fort McNair, Hill Conference Room, Roosevelt Hall, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mrs. Jaye Panza, Naval Postgraduate School, 1 University Circle, Monterey, CA, 93943–5000, telephone number (831) 656–2514.

Dated: January 7, 2002.

T.J. Welsh,

Lieutenant Commander, Judge Advocate General's Corp, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 02–696 Filed 1–10–02; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Partially Exclusive Patent License; Tracey A. Dodenhoff

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Tracey A. Dodenhoff, a revocable, nonassignable, partially exclusive license to practice in the United States, the Government-owned inventions described in U.S. Patent No. 5,769,084, issued June 23, 1998, entitled ''Method and Apparatus For Diagnosing Sleep Breathing Disorders'' and U.S. Patent Application Serial No. 09/724,402, filed on November 28, 2000, entitled ''Method and Apparatus For diagnosing Sleep Breathing Disorders While A Patient Is Awake'' in the field of underwater acoustic systems.

DATES: Anyone wishing to object to the grant of this license has fifteen (15) days from the date of this notice to file written objections along with supporting evidence, if any.

ADDRESSES: Written objections are to be filed with the Naval Undersea Warfare Center Division, Newport, 1176 Howell St., Bldg. 112T, Code 00OC, Newport, RI 02841.

FOR FURTHER INFORMATION CONTACT: Mr. M.J. McGowan, Deputy Counsel—Patents, Naval Undersea Warfare Center Division, Newport, 1176 Howell St., Bldg. 112T, Code 00OC, Newport, RI 02841, telephone (401) 832–4736.

(**Authority:** 35 U.S.C. 207, 37 CFR part 404)

Dated: January 7, 2002.

T.J. Welsh,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 02–695 Filed 1–10–02; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before February 11, 2002.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10202, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the Internet address *Lauren_Wittenberg@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: January 7, 2002.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Student Financial Assistance

Type of Review: Revision.

Title: Child Care Provider Loan Forgiveness Application and Forgiveness Forbearance Form.

Frequency: Annually.

Affected Public: Individuals or household; Businesses or other for-profit; Not-for-profit institutions; Federal Government; state, local, or tribal gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden: Responses: 2,790. Burden Hours: 618.

Abstract: The Child Care Provider Loan Forgiveness Application is used to determine whether borrowers meet the eligibility requirements for Child Care Provider Loan Forgiveness Program which is a demonstration program administered on a first-come, first-serve basis (subject to the availability of funds) and is intended to bring more highly trained individuals into the early child care field for longer periods. Under this program, individuals who work full-time in certain child care facilities that serve low-income families and meet other qualifications may be eligible to have up to 100% of their Direct Loan and/or Federal Family Education Loan (FFEL) program loan forgiven. The Child Care Provider Loan Forgiveness Forbearance Form is required to fulfill program guidance that provides forbearance for child care providers and to determine the child care providers eligibility for forbearance.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the Internet address *OCIO_RIMG@ed.gov* or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Joseph Schubart at his Internet address *Joe.Schubart@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 02–682 Filed 1–10–02; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before February 11, 2002.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10202, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the Internet address *Lauren_Wittenberg@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: January 7, 2002.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Bilingual Education and Minority Language Affairs

Type of Review: New.

Title: Descriptive Study of the Emergency Immigrant Education Program.

Frequency: Semi-Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs; Businesses or other for-profit.

Reporting and Recordkeeping Hour Burden: Responses: 555. Burden Hours: 317.

Abstract: The goals of the Descriptive Study of Immigrant Education are to provide information about: (1) The types of programs and services for immigrant children and youth and best practices for serving this population; (2) the degree to which immigrant students are meeting state standards; and (3) the way in which services are paid for and provided. This study will include case studies of 15 districts that represent diverse circumstances and populations, and a range of approaches to serving recent immigrant children and youth.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the Internet address *OCIO_RIMG@ed.gov* or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at (202) 708–6287 or via her Internet address *Sheila.Carey@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 02–720 Filed 1–10–02; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA No. 84.116J]

Fund for the Improvement of Postsecondary Education—Special Focus Competition: European Community—United States of America Cooperation Program in Higher Education and Vocational Education and Training; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2002

Purpose of Program: To provide grants or enter into cooperative agreements to improve postsecondary education opportunities by focusing on problem areas or improvement approaches in postsecondary education.

Eligible Applicants: Institutions of higher education and vocational education and training or combinations of institutions and other public and private nonprofit educational institutions and agencies.

Deadline for Transmittal of Applications: April 1, 2002.

Deadline for Intergovernmental Review: May 15, 2002.

Applications Available: January 14, 2002.

Available Funds: $840,000 in fiscal year 2002; $2,370,000 over three years.

Estimated Range of Awards: $25,000–$200,000 total for up to three years.

Estimated Average Size of Awards: $25,000 for one-year preparatory projects; $35,000 for one-year complementary activities projects; $75,000 for two-year complementary activities projects; $50,000 for year one of a three-year consortia implementation project with a $200,000 three-year total.

Estimated Number of Awards: 12.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, 85, 86, 97, 98, and 99.

SUPPLEMENTARY INFORMATION: Under the Special Focus Competition, we will award grants or enter into cooperative agreements that focus on problem areas or improvement approaches in postsecondary education. We have included an invitational priority to encourage proposals designed to support the formation of educational consortia of institutions and organizations in the United States and the European Union to encourage cooperation in the coordination of curricula, the exchange of students and the opening of educational opportunities between the United States and the European Union. The invitational priority is issued in cooperation with the European Union. European institutions participating in any consortium proposal responding to the invitational priority may apply to the European Commission's Directorate General for Education and Culture for additional funding under a separate European competition.

Priority

The Secretary is particularly interested in applications that meet the following invitational priority. However, an application that meets this invitational priority does not receive competitive or absolute preference over other applications (34 CFR 75.105(c)(1)).

Invitational Priority: Projects that support consortia of institutions of higher education that promote institutional cooperation and student mobility between the United States and the Member States of the European Union.

Methods for Applying Selection Criteria

The Secretary gives equal weight to the listed criteria. Within each of the criteria, the Secretary gives equal weight to each of the factors.

Selection Criteria

In evaluating applications for grants under this program competition, the Secretary uses selection criteria chosen from those listed in 34 CFR 75.210.

For Applications Contact: Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398, Telephone (toll free) 1–877–433–7827, fax (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free) 1–877–576–7734. You may also contact ED Pubs at its web site: *http://www.ed.gov/pubs/edpubs.html* or you may contact ED Pubs at its e-mail address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.116J. You may also request application forms by calling 732–544–2504 (fax on demand), or application guidelines by calling 202–358–3041 (voice mail) or submitting the name of the competition and your name and postal address to *FIPSE@ed.gov* (e-mail).

Applications are also listed on the FIPSE Web Site: *http://www.ed.gov/FIPSE* e-APPLICATIONS are available at: *http://e-grants.ed.gov.*

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339. For additional program information call the FIPSE office (202–502–7500) between the hours of 8 a.m. and 5 p.m., Eastern Time, Monday through Friday.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact number listed under *For Applications Contact.*

Individuals with disabilities also may obtain a copy of the application package in an alternative format by contacting that number. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

Application Procedures

Note: Some of the procedures in these instructions for transmitting applications differ from those in EDGAR (34 CFR 75.102). Under the Administrative Procedure Act (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed regulations. However, these amendments make procedural changes only and do not establish new substantive policy. Therefore, under 5 U.S.C. 553(b)(A), the Secretary has determined that proposed rulemaking is not required.

Pilot Project for Electronic Submission of Applications

In Fiscal Year 2002 the U.S. Department of Education is continuing to expand its pilot project of electronic submission of applications to include additional grant programs and additional discretionary grant competitions. The European Community-United States of America Cooperation Program in Higher Education and Vocational Education and Training CFDA 84.116J is included in the pilot project. If you are an applicant under the European Community-United States of America Cooperation Program in Higher Education and Vocational Education and Training, you may submit your application to us in either electronic or paper format.

The pilot project involves the use of the Electronic Grant Application System (e-APPLICATION, formerly e-GAPS) portion of the Grant Administration and Payment System (GAPS). We request your participation in this pilot project. We shall continue to evaluate its success and solicit suggestions for improvement.

If you participate in this e-APPLICATION pilot, please note the following:

- Your participation is voluntary.
- You will not receive any additional point value or penalty because you submit a grant application in electronic or paper format.
- You can submit all documents electronically, including the Title Page, (substitutes for the ED Form 424), Budget Information-Non-Construction Programs (substitutes for the ED Form 524), and all necessary assurances and certifications.
- Within three working days of submitting your electronic application fax a signed copy of the Title Page to the Application Control Center after following these steps:

1. Print the Title Page from the e-APPLICATION system.

2. Make sure that the institution's Authorizing Representative signs this form.

3. Before faxing this form, submit your electronic application via the e-APPLICATION system. You will receive an automatic acknowledgement, which will include a PR/Award number (an identifying number unique to your application).

4. Place the PR/Award number in the upper right hand corner of the Title Page.

5. Fax the Title Page to the Application Control Center at (202) 260–1349.

• We may request that you give us original signatures on all other forms at a later date.

You may access the electronic grant application for the European Community-United States of America Cooperation Program in Higher Education and Vocational Education and Training at: *http://e-grants.ed.gov.*

Due to software upgrades, it is anticipated that the e-Application software will be unavailable for several days in mid-January. The tentative dates for this system down time are January 11–21, 2002. Please check this site for future updates on system availability.

We have included additional information about the e-APPLICATION pilot project (see Parity Guidelines between Paper and Electronic Applications) in the application package.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *www.ed.gov/legislation/FedRegister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.access.gpo.gov/nara/index.html.*

Program Authority: 20 U.S.C. 1138–1138d.

Dated: January 8, 2002.

Kenneth W. Tolo,

Acting Deputy Assistant Secretary for Policy, Planning and Innovation, Office of Postsecondary Education.

[FR Doc. 02–728 Filed 1–10–02; 8:45 am]

BILLING CODE 4001–01–U

DEPARTMENT OF EDUCATION

[CFDA No. 84.116N]

Fund for the Improvement of Postsecondary Education—Special Focus Competition (Institutional Cooperation and Student Mobility in Postsecondary Education Among the United States, Canada and Mexico); Notice Inviting Applications for New Awards for Fiscal Year (FY) 2002

Purpose of Program: To provide grants or enter into cooperative agreements to improve postsecondary education opportunities by focusing on problem areas or improvement approaches in postsecondary education.

Eligible Applicants: Institutions of higher education or combinations of institutions and other public and private nonprofit institutions and agencies.

Applications Available: January 18, 2002.

Deadline for Transmittal of Applications: March 29, 2002.

Deadline for Intergovernmental Review: July 15, 2002.

Available Funds: $300,000 for FY 2002.

Estimated Range of Awards: $30,000 for FY 2002.$200,000–$215,000 for four-year duration of grant.

Estimated Average Size of Awards: $30,000 for FY 2002. $210,000 for four-year duration of grant.

Estimated Number of Awards: 10.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 48 months.

Page Limit: The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit your narrative to the equivalent of no more than twenty (20) double-spaced pages using the following standards:

• A ''page'' is 8.5″ × 11″ on one side only, with 1″ margins at the top, bottom, and both sides.

• Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

• Use a font that is either 12-point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to the title page, the budget section, including the narrative budget justification, the assurances and certifications, the resumes, the bibliography, or the letters of support.

Our reviewers will not read any pages of your application narrative that—

• Exceed the page limit if you apply these standards; or

• Exceed the equivalent of the page limit if you apply other standards.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, 85, 86, 97, 98, and 99.

Supplementary Information: This program is a Special Focus Competition to support projects addressing a particular problem area or improvement approach in postsecondary education. The competition also includes an invitational priority to encourage proposals designed to support the formation of educational consortia of American, Canadian and Mexican institutions to encourage cooperation in the coordination of curricula, the exchange of students and the opening of educational opportunities throughout North America. The invitational priority is issued in cooperation with Canada and Mexico. Canadian and Mexican institutions participating in any consortium proposal responding to the invitational priority may apply, respectively, to Human Resources Development Canada and the Mexican Department of Public Education for additional funding under separate Canadian and Mexican competitions.

Priority

We are particularly interested in applications that meet the following invitational priority.

Under 34 CFR 75.105(C)(1) we do not give an application that meets the invitational priority a competitive or absolute preference over other applications.

Invitational Priority: Projects that support consortia of institutions of higher education that promote institutional cooperation and student mobility among the United States, Canada, and Mexico.

Methods for Applying Selection Criteria

We give equal weight to the listed criteria. Within each of the criteria, we give equal weight to each of the factors.

Selection Criteria

In evaluating applications for grants under this program competition, we use selection criteria chosen from those listed in 34 CFR 75.210 of EDGAR.

For Applications or Information Contact: Fund for the Improvement of Postsecondary Education (FIPSE), U.S. Department of Education, 1990 K Street, NW, 8th Floor, Washington, DC 20006–8544. You may also request application forms by calling 732–544–2504 (fax on demand), or application guidelines by

calling 202–358–3041 (voice mail) or submitting the name of the competition and your name and postal address to *FIPSE@ED.GOV* (e-mail).

Applications are also listed on the FIPSE Web Site: *http://www.ed.gov.FIPSE*

e–APPLICATIONS are available at: *http://e-grants.ed.gov*

If you use a telecommunications device for the deaf (TDD) you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339. For additional program information call the FIPSE office (202–502–7500) between the hours of 8 a.m. and 5 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact number listed under **For Applications or Information Contact.**

Individuals with disabilities also may obtain a copy of the application package in an alternative format by contacting that number. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

Application Procedures

Note: Some of the procedures in these instructions for transmitting electronic applications differ from those in the Education Department General Administrative Regulations (EDGAR) (34 CFR 75.102). Under the Administrative Procedure Act (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed regulations. However, these amendments make procedural changes only and do not establish new substantive policy. Therefore, under 5 U.S.C. 553(b)(A), the Secretary has determined that proposed rulemaking is not required.

Pilot Project for Electronic Submission of Applications

In Fiscal Year 2002, the U.S. Department of Education is continuing to expand its project of electronic submission of applications to include additional formula grant programs and additional discretionary grant competitions. The Program for North American Mobility in Higher Education (CFDA No. 84.116N) is one of the programs included in this project. If you are an applicant under the Program for North American Mobility in Higher Education, you may submit your application to us in either electronic or paper format.

The pilot project involves the use of the Electronic Grant Application System (e–APPLICATION, formerly e–GAPS) portion of the Grant Administration and Payment System (GAPS). We request your participation in this pilot project. We shall continue to evaluate its success and solicit suggestions for improvement.

- If you participate in this e-APPLICATION pilot, please note the following:
- Your participation is voluntary.
- You will not receive any additional point value or penalty because you submit a grant application in electronic or paper format.
- You can submit all documents electronically, including the Title Page, (substitutes for the ED Form 424), Budget Summary Form (substitutes for the ED Form 524), and all necessary assurances and certifications.
- Within three working days of submitting your electronic application fax a signed copy of the Title Page (replaces ED 424) to the ApplicationQ Control Center after the following these steps:

1. Print the Title Page from the e-APPLICATION system.
2. Make sure that the institution's Authorizing Representative signs this form.
3. Before faxing this form, submit your electronic application via the e-APPLICATION system. You will receive an automatic acknowledgement, which will include a PR/Award number (an identifying number unique to your application).
4. Place the PR/Award number in the upper right hand corner of the Title page.
5. Fax the Title page to the Application Control Center at (202) 260–1349 within three working days of submitting your electronic application.

- We may request that you give us original signatures on all other forms at a later date.

You may access the electronic grant application for the Program for North American Mobility in Higher Education at: *http://e-grants.ed.gov.*

Due to software upgrades, it is anticipated that the e-Application software will be unavailable for several days in mid-January. The tentative dates for this system down time are January 11–21, 2002. Please check this site for future updates on system availability.

We have included additional information about the e-APPLICATION pilot project (see Parity Guidelines between Paper and Electronic Applications) in the application package.

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To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO) toll free at 1–888–293–6498; or in the Washington DC, area at (202) 512–1530.

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Program Authority: 20 U.S.C. 1138–1138d.

Dated: January 8, 2002.

Kenneth W. Tolo,

Acting Deputy Assistant Secretary, Policy Planning and Innovation, Office of Postsecondary Education.

[FR Doc. 02–729 Filed 1–10–02; 8:45 am]

BILLING CODE 4001–01–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–4512–002, et al.]

Consolidated Water Power Company, et al.; Electric Rate and Corporate Regulation Filings

January 7, 2002.

Take notice that the following filings have been made with the Commission. Any comments should be submitted in accordance with Standard Paragraph E at the end of this notice.

1. Consolidated Water Power Company

[Docket No. ER98–4512–002]

Take notice that on December 27, 2001, Consolidated Water Power Company (CWPCo) tendered for filing with the Federal Energy Regulatory Commission (Commission) an updated market analysis pursuant to Commission Order.

Comment Date: January 17, 2002.

2. Cinergy Services, Inc.

[Docket No. ER02–677–000]

Take notice that on January 2, 2002, Cinergy Services, Inc. (Provider) tendered for filing a Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (OATT) entered into between Provider and Cinergy Services, Inc. (Customer) (AREF# 69637578).This service agreement has a yearly firm transmission service with American

Electric Power via the Gibson Unit Nos. 1–5 Generating Station.

Provider and Customer are requesting an effective date of January 1, 2002.

Comment Date: January 22, 2002.

3. Cinergy Services, Inc.

[Docket No. ER02–678–000]

Take notice that on January 2, 2002, Cinergy Services, Inc. (Provider) tendered for filing a Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (OATT) entered into between Provider and Cinergy Services, Inc. (Customer) (AREF# 69637579). This service agreement has a yearly firm transmission service with American Electric Power via the Gibson Unit Nos. 1–5 Generating Station.

Provider and Customer are requesting an effective date of January 1, 2002.

Comment Date: January 22, 2002.

4. Cinergy Services, Inc.

[Docket No. ER02–679–000]

Take notice that on January 2, 2002, Cinergy Services, Inc. (Provider) tendered for filing a Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (OATT) entered into between Provider and Allegheny Energy Supply Company, LLC (Customer) (OASIS# 69630559). This service agreement has a yearly firm transmission service with American Electric Power via Enron Wheatland Control Area.

Provider and Customer are requesting an effective date of January 1, 2002.

Comment Date: January 22, 2002.

5. Cinergy Services, Inc.

[Docket No. ER02–680–000]

Take notice that on January 2, 2002, Cinergy Services, Inc. (Provider) tendered for filing a Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (OATT) entered into between Provider and Cinergy Services, Inc. (Customer) (AREF# 69634099). This service agreement has a yearly firm transmission service with Ameren via the Gibson Unit Nos. 1–5 Generating Station.

Provider and Customer are requesting an effective date of January 1, 2002.

Comment Date: January 22, 2002.

6. Cinergy Services, Inc.

[Docket No. ER02–681–000]

Take notice that on January 2, 2002, Cinergy Services, Inc. (Provider) tendered for filing a Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (OATT) entered into between Provider and Allegheny Energy Supply Company, LLC (Customer) (OASIS# 69630557). This service agreement has a yearly firm transmission service with American Electric Power via Enron Wheatland Control Area.

Provider and Customer are requesting an effective date of January 1, 2002.

Comment Date: January 22, 2002.

7. Cinergy Services, Inc.

[Docket No. ER02–682–000]

Take notice that on January 2, 2002, Cinergy Services, Inc. (Provider) tendered for filing a Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (OATT) entered into between Provider and Cinergy Services, Inc. (Customer) (AREF# 69637581). This service agreement has a yearly firm transmission service with Dayton Power & Light via the Miami Fort Generating Station.

Provider and Customer are requesting an effective date of January 1, 2002.

Comment Date: January 22, 2002.

8. Cinergy Services, Inc.

[Docket No. ER02–683–000]

Take notice that on January 2, 2002, Cinergy Services, Inc. (Provider) tendered for filing a Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (OATT) entered into between Provider and Cinergy Services, Inc. (Customer) (AREF# 69652525).This service agreement has a yearly firm transmission service with Louisville Operating Companies via the Gibson Unit Nos. 1–5 Generating Station.

Provider and Customer are requesting an effective date of January 1, 2002.

Comment Date: January 22, 2002.

9. Cinergy Services, Inc.

[Docket No. ER02–684–000]

Take notice that on January 2, 2002, Cinergy Services, Inc. (Provider) tendered for filing a Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (OATT) entered into between Provider and Cinergy Services, Inc. (Customer) (AREF# 69637945). This service agreement has a yearly firm transmission service with Louisville Operating Companies via the Gibson Unit Nos. 1–5 Generating Station.

Provider and Customer are requesting an effective date of January 1, 2002.

Comment Date: January 22, 2002.

10. Commonwealth Edison Company

[Docket No. ER02–685–000]

Take notice that on January 2, 2002, Commonwealth Edison Company (ComEd) submitted for filing with the Federal Energy Regulatory Commission (Commission) revised interconnection agreements between ComEd and its affiliate, Exelon Generation Company. ComEd requests an effective date for the revised interconnection agreements of January 3, 2002, and, accordingly, seeks waiver of the Commission's notice requirements. ComEd states that a copy of the filing was served on Exelon Generation Company and the Illinois Commerce Commission.

Comment Date: January 22, 2002.

11. American Transmission Company LLC

[Docket No. ER02–558–001]

Take notice that on January 2, 2002, American Transmission Company LLC (ATCLLC) tendered for filing a revised Exhibit 1 to the Generation-Transmission Interconnection Agreement (Substitute Revised Service Agreement No. 79) between ATCLLC and Wisconsin Electric Power Company.

ATCLLC requests an effective date of January 1, 2001.

Comment Date: January 22, 2002.

12. Ameren Energy, Inc. on behalf of Union Electric Company d/b/a AmerenUE and Ameren Energy Generating Company

[Docket No. ER02–674–000]

Take notice that on January 2, 2002, Ameren Energy, Inc. (Ameren Energy), on behalf of Union Electric Company d/b/a AmerenUE and Ameren Energy Generating Company (collectively, the Ameren Parties), pursuant to section 205 of the Federal Power Act, 16 U.S.C. 824d, and the market rate authority granted to the Ameren Parties, submitted for filing umbrella power sales service agreements under the Ameren Parties' market rate authorizations entered into with DTE Energy Trading, Inc. Ameren Energy seeks Commission acceptance of these service agreements effective November 21, 2001.

Copies of this filing were served on the public utilities commissions of Illinois and Missouri and the respective counterparty.

Comment Date: January 22, 2002.

13. Ameren Energy, Inc. on behalf of Union Electric Company d/b/a AmerenUE and Ameren Energy Generating Company

[Docket No. ER02–675–000]

Take notice that on December 28, 2001, Ameren Energy, Inc. (Ameren Energy), on behalf of Union Electric Company d/b/a AmerenUE and Ameren

Energy Generating Company (collectively, the Ameren Parties), pursuant to section 205 of the Federal Power Act, 16 U.S.C. 824d, and the market rate authority granted to the Ameren Parties, submitted for filing umbrella power sales service agreement under the Ameren Parties' market rate authorizations entered into with *TXU Energy Trading Company*. Ameren Energy seeks Commission acceptance of these service agreements effective November 8, 2001.

Copies of this filing were served on the public utilities commissions of Illinois and Missouri and the respective counterparty.

Comment Date: January 22, 2002.

14. Consolidated Water Power Company

[Docket No.ER02–676–000]

Take notice that on January 2, 2002, Consolidated Water Power Company (CWP) tendered for filing with the Federal Energy Regulatory Commission (Commission) an umbrella service agreement with WPS Energy Services (WPS) under CWP's market-based rates tariff, FERC Electric Rate Schedule No. 1. CWP states that it has served the Customer with a copy of this filing.

CWP requests that the umbrella service agreement be made effective on January 1, 2002.

Comment Date: January 22, 2002.

15. Dresden Energy, LLC, Fairless Energy, LLC (formerly S.W.E.C., LLC), Armstrong Energy Limited Partnership, LLLP, Troy Energy, LLC

[Docket Nos. ER02–22–001, ER02–23–001, ER02–24–001, ER02–25–001]

Take notice that on January 3, 2002, Dresden Energy, LLC, Fairless Energy, LLC, Armstrong Energy Limited Partnership, LLLP, and Troy Energy, LLC tendered for filing with the Federal Energy Regulatory Commission (Commission) a revised Market-Based Rate Tariff, FERC Electric Tariff, Original Volume No. 1 (Revised Tariff) to comply with a letter order issued by the Commission on December 19, 2001, in the above-captioned proceedings (Letter Order). Dresden Energy, LLC, S.W.E.C., LLC, Armstrong Energy Limited Partnership, LLLP, and Troy Energy, LLC, 97 FERC ¶ 61,277 (2001). S.W.E.C., LLC changed its name to Fairless Energy, LLC and the company filing reflects the name change.

Copies of the filing were served upon the Ohio Public Service Commission, The Public Service Commission of West Virginia, The Pennsylvania Public Service Commission, and the Virginia State Corporation Commission.

Comment Date: January 24, 2002.

16. GNE, LLC

[Docket No. ER02–159–001]

Take notice that on January 3, 2002, GNE, LLC (GNE) tendered its compliance filing with the Federal Energy Regulatory Commission (Commission) to the Commission's letter order issued December 19, 2001 herein granting its application for authorization to sell electric power at market based rates.

Comment Date: January 24, 2002.

17. Mirant Delta, LLC, Mirant Potrero, LLC

[Docket No. ER02–198–001]

Take notice that on January 2, 2002, Mirant Delta, LLC and Mirant Potrero, LLC (collectively, Mirant) submitted with the Federal Energy Regulatory Commission (Commission) a filing in compliance with the Commission's directives in Mirant Delta, LLC and Mirant Potrero, LLC, 97 FERC ¶ 61,284 (2001).

Comment Date: January 23, 2002.

18. Boston Edison Company, Cambridge Electric Light Company, Commonwealth Electric Company

[Docket No. ER02–246–001]

Take notice that on January 3, 2002, Boston Edison Company (BECo), Cambridge Electric Light Company (Cambridge) and Commonwealth Electric Company (Commonwealth) (collectively, the NSTAR Companies), tendered for filing revised Market-Based Rate Tariffs, FERC Electric Tariffs, Original Volume Nos. 10, 10 and 8 respectively to comply with a letter order issued by the Commission on December 19, 2001 in the above-captioned proceedings. NSTAR Companies, 97 FERC ¶ 61,288 (2001).

The NSTAR Companies state that they served copies of the filing on the Massachusetts Department of Telecommunications and Energy.

Comment Date: January 23, 2002.

19. American Transmission Company LLC

[Docket No. ER02–285–001]

Take notice that on January 3, 2002, American Transmission Company LLC (ATCLLC) tendered for filing a Compliance Filing in association with ATCLLC's earlier filing (dated November 7, 2001) of its proposed revisions its Open Access Transmission Tariff to provide for ATCLLC's collection of must run generation costs from network customers on a phase-in basis. ATCLLC's Compliance Filing incorporates certain modifications identified in the Commission's Order conditionally accepting tariff changes proposed by ATCLLC, to be effective December 1, 2001, Wisconsin Electric Power Company, 97 FERC ¶ 61,337 (2001).

Comment Date: January 23, 2002.

20. Delmarva Power & Light Company

[Docket No. ER02–634–001]

Take notice that on January 2, 2002, Delmarva Power & Light Company (Delmarva) tendered for filing a cover sheet and a revised page 44 to supplement its December 28, 2001 filing of an executed Interconnection Agreement between Delmarva and the Delaware Municipal Electric Corporation (DEMEC).

Delmarva respectfully requests that the Interconnection Agreement with the cover sheet and revised page 44 to become effective on December 31, 2001, the date on which Delmarva originally requested the Interconnection Agreement to become effective.

Copies of the filing were served upon the Delaware Public Service Commission, the Maryland Public Service Commission and the Virginia State Corporation Commission.

Comment Date: January 22, 2002.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

C. B. Spencer,

Acting Secretary.

[FR Doc. 02–697 Filed 1–10–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act; Notice of Meeting

January 8, 2002.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: January 16, 2002 (30 Minutes Following Regular Commission Meeting).

PLACE: Room 2C, 888 First Street, NE., Washington, DC 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Docket No. RM02–4–000, Critical Energy Infrastructure Information, Docket No. PL02–1–000, Treatment of Previously Public Documents.

CONTACT PERSON FOR MORE INFORMATION: C.B. Spencer, Acting Secretary, Telephone (202) 208–0400.

C.B. Spencer,

Acting Secretary.

[FR Doc. 02–840 Filed 1–9–02; 10:00 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act: Notice of Meeting

January 9, 2002.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C 552B:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: January 16, 2002, 10:00 a.m.

PLACE: Room 2C, 888 First Street, NE., Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda,

*** Note—** Items Listed on the Agenda May Be Deleted Without Further Notice.

CONTACT PERSON FOR MORE INFORMATION: C.B. Spencer, Acting Secretary, Telephone (202) 208–0400, for a Recording Listing Items Stricken From or Added to the Meeting, Call (202) 208–1627.

This is a list of matters to be considered by the commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the reference and information center.

781st—Meeting January 16, 2002, Regular Meeting, 10:00 a.m.

Administrative Agenda

A–1.
Docket# AD02–1, 000, Agency Administrative Matters

A–2.
Docket# AD02–7, 000, Customer Matters, Reliability, Security and Market Operations

Markets, Tariffs and Rates—Electric

E–1.
Docket# AD02–6, 000, Infrastructure Discussion in the Northeast

E–2.
Omitted

E–3.
Docket# ER02–407, 000, Geysers Power Company, LLC

E–4.
Omitted

E–5.
Docket# QF87–492, 003, American Ref-Fuel Company of Delaware Valley, L.P.

E–6.
Docket# ER00–1379, 000, Ameren Services Company
Other#s ER00–1386, 000, Ameren Services Company
ER00–2068, 000, Ameren Services Company
ER00–2361, 000, Ameren Services Company
ER00–2365, 000, Ameren Services Company
ER00–2365, 001, Ameren Services Company
ER01–1969, 000, Ameren Services Company

E–7.
Docket# ER02–371, 000, American Electric Power Service Corporation

E–8.
Omitted

E–9.
Docket# TX02–1, 000, Pinnacle West Capital Corporation

E–10.
Docket# TX97–8, 000, PECO Energy Company

E–11.
Docket# TX98–2, 000, Public Service Company of Colorado

E–12.
Docket# ER99–4392, 001, Southwest Power Pool, Inc.

E–13.
Omitted

E–14.
Docket# ER02–146, 000, CalPeak Power-Panoche LLC
Other#s ER02–147, 000, CalPeak Power-Vaca Dixon LLC
ER02–148, 000, CalPeak Power-Enterprise LLC
ER02–149, 000, CalPeak Power-Border LLC

E–15.
Docket# ER02–381, 000, Southwestern Electric Power Company

E–16.
Omitted

E–17.
Docket# ER02–394, 000, International Transmission Company

E–18.
Omitted

E–19.
Docket# EL00–62, 037, ISO New England, Inc.

E–20.
Docket# EL01–89, 001, Morgan Stanley Capital Group Inc. v. California Independent System Operator Corporation

Miscellaneous Agenda

M–1.
Reserved

Markets, Tariffs and Rates—Gas

G–1.
Docket# RP99–301, 035, ANR Pipeline Company

G–2.
Docket# RP01–190, 000, Kern River Gas Transmission Company

G–3.
Omitted

G–4.
Docket# RP02–85, 000, Tennessee Gas Pipeline Company
Other#s RP02–114, 000, Tennessee Gas Pipeline Company

G–5.
Docket# RP01–292, 000, Mississippi River Transmission Corporation
Other#s TM00–1–25, 000, Mississippi River Transmission Corporation
TM00–1–25, 001, Mississippi River Transmission Corporation
TM00–1–25, 002, Mississippi River Transmission Corporation
TM00–1–25, 003, Mississippi River Transmission Corporation
TM00–1–25, 004, Mississippi River Transmission Corporation
TM00–1–25, 005, Mississippi River Transmission Corporation
TM00–1–25, 006, Mississippi River Transmission Corporation
TM00–1–25, 007, Mississippi River Transmission Corporation
TM00–1–25, 008, Mississippi River Transmission Corporation
RP01–292, 001, Mississippi River Transmission Corporation
RP01–292, 002, Mississippi River Transmission Corporation
RP01–292, 003, Mississippi River Transmission Corporation
RP01–292, 004, Mississippi River Transmission Corporation
RP01–292, 005, Mississippi River Transmission Corporation

G–6.
Omitted

G–7.
Omitted

G–8.
Docket# RP00–325, 006, Colorado Interstate Gas Company
Other#s RP01–38, 003, Colorado Interstate Gas Company

G–9.
Omitted

G–10.
Docket# RM01–9, 000, Reporting of Natural Gas Sales to the California Market

G–11.
Docket# PR01–15, 001, Green Canyon Pipe Line Company, L.P.
G–12.
Docket# RP00–390, 003, Granite State Gas Transmission, Inc.
Other#s RP00–390, 002, Granite State Gas Transmission, Inc.

Energy Projects—Hydro

H–1.
Omitted
H–2.
Docket# AD02–8, 000, Third Report to Congress on Appropriateness of Statutory Limit on Government Dam Annual Charges under Section 10(e) of the Federal Power Act
H–3.
Omitted
H–4.
Docket# P–2216, 056, New York Power Authority
H–5.
Docket# P–2107, 011, Pacific Gas and Electric Company

Energy Projects—Certificates

C–1.
Docket# CP01–94, 000, Nornew Energy Supply, Inc. and Norse Pipeline, L.L.C.
Other#s CP01–95, 000, Nornew Energy Supply, Inc.
CP01–96, 000, Nornew Energy Supply, Inc.
CP01–97, 000, Nornew Energy Supply, Inc. and Norse Pipeline, L.L.C.
C–2.
Docket# CP02–10, 000, Transcontinental Gas Pipe Line Corporation
C–3.
Docket# CP01–442, 000, Black Marlin Pipeline Company, MCNIC Black Marlin Offshore Company and WBI Offshore Pipeline, Inc.
Other#s CP00–140, 000, Black Marlin Pipeline Company, MCNIC Black Marlin Offshore Company and WBI Offshore Pipeline, Inc.
C–4.
Docket# CP01–22, 002, North Baja Pipeline LLC
Other#s CP01–23, 000, North Baja Pipeline LLC
CP01–24, 000, North Baja Pipeline LLC
CP01–25, 000, North Baja Pipeline LLC
CP01–22, 000, North Baja Pipeline LLC
C–5.
Omitted
C–6.
Docket# CP01–80, 001, East Tennessee Natural Gas Company

C.B. Spencer,

Acting Secretary.

[FR Doc. 02–844 Filed 1–9–02; 11:00 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[NV068–NOA; FRL–7128–1]

Adequacy Status of the Clark County, Nevada Submitted PM10 Attainment Plan for Transportation Conformity Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Adequacy Determination.

SUMMARY: In this notice, EPA is notifying the public that we have found that the motor vehicle emissions budgets contained in the submitted Clark County (Las Vegas, NV) serious area fine particulate matter (PM10) attainment plan are adequate for transportation conformity purposes. As a result of our finding, the Clark County Regional Transportation Commission and the Federal Highway Administration must use the PM10 motor vehicle emissions budgets from the submitted plan for future conformity determinations.

DATES: This determination is effective January 28, 2002.

FOR FURTHER INFORMATION CONTACT: The finding is available at EPA's conformity web site: *http://www.epa.gov/oms/traq*, (once there, click on the ''Conformity'' button, then look for ''Adequacy Review of SIP Submissions for Conformity''). You may also contact Karina O'Connor, U.S. EPA, Region IX, Air Division AIR–2, 75 Hawthorne Street, San Francisco, CA 94105; (775) 687–4670 ext. 3112 or *oconnor.karina@epa.gov*.

SUPPLEMENTARY INFORMATION:

Background

This notice announces our finding that the emissions budgets contained in the *PM10 State Implementation Plan for Clark County*, submitted by the State of Nevada on July 23, 2001, are adequate for transportation conformity purposes. EPA Region IX made this finding in a letter to the Nevada Division of Environmental Protection on November 9, 2001. We are also announcing this finding on our conformity web site: *http://www.epa.gov/oms/traq*, (once there, click on the ''Conformity'' button, then look for ''Adequacy Review of SIP Submissions for Conformity'').

Transportation conformity is required by section 176(c) of the Clean Air Act. Our conformity rule requires that transportation plans, programs, and projects conform to state air quality implementation plans (SIPs) and establishes the criteria and procedures for determining whether or not they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP's motor vehicle emission budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). One of these criteria is that the plan provide for attainment of the relevant ambient air quality standard by the applicable Clean Air Act attainment date. We have preliminarily determined that the Clark County PM10 plan does provide for attainment of the PM10 standards and, therefore, can be found adequate.

We have described our process for determining the adequacy of submitted SIP budgets in guidance (May 14, 1999 memo titled ''Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision''). We followed this guidance in making our adequacy determination on the emissions budgets contained in the Clark County PM10 plan.

Authority: 42 U.S.C. 7401–7671q.

Dated: December 16, 2001.

Wayne Nastri,

Regional Administrator, Region IX.

[FR Doc. 02–704 Filed 1–10–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6625–4]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of FederalActivities, General Information (202)564–7167 *www.epa.gov/oeca/ofa.*

Weekly receipt of Environmental Impact Statements
Filed December 31, 2001 Through January 04, 2002
Pursuant to 40 CFR 1506.9.

EIS No. 020000, FINAL EIS, AFS, ID, MT, LemhiPass National Historic Landmark Management Plan, Implementation, Beaverhead-Deerlodge National Forest, Beaverhead County, MT and Salmon-Challis National Forest, Lemhi County, ID, Wait Period Ends: February 11, 2002, Contact: Katie R. Bump (406) 683–3955.

EIS No. 020001, FINAL EIS, BLM, NV, Phoenix Project, Current Mining Operations and Processing Activities Expansion, Battle Mountain, Plan of Operations Approval, Lander County,

NV, Wait Period Ends: February 11, 2002, Contact: Pam Jarnecke (775) 635–4144. This document is available on the Internet at: *http://www.nv.blm.gov/battlemountain.*

EIS No. 020002, DRAFT EIS, FHW, TN, Route 475 (Knoxville Beltway) Construction, I–75 south of Knoxville to I–75 north of Knoxville, Funding, US Army COE Section 10 and 404 Permits and NPDES Permit Issuance, Loudon, Roane, Knox and Anderson Counties, TN , Comment Period Ends: February 25, 2002, Contact: Charles S. Boyd (615) 781–5770.

EIS No. 020003, FINAL EIS, FHW, MO, US 65 Improvements, County Road 65–122 South to Route EE Intersection south of Buffalo, Funding and US Army COE Section 404 Permit Issuance, Dallas County, MO , Wait Period Ends: February 11, 2002, Contact: Don Neumann (573) 636–7104.

EIS No. 020004, DRAFT SUPPLEMENT, NOA, Pelagic Sargassum Habitat Fishery Management Plan, Implementation, Updated Information concerning the Public's Opportunity to Comment on Proposed Actions South Atlantic Region, Comment Period Ends: February 25, 2002, Contact: Joseph E. Powers (727) 570–5301.

EIS No. 020005, FINAL EIS, AFS, ID, Little Weiser Landscape Vegetation Management Project, Implementation, Council Ranger District, Payette National Forest, Adams County, ID, Wait Period Ends: February 11, 2002, Contact: Faye Krueger (208) 253–0100. This document is available on the Internet at: http://fs.fed.us/r4/payette/main.html.

EIS No. 020006, DRAFT SUPPLEMENT, NOA, CA, San Francisco Bay National Estuarine Research Reserve, Proposed Designation of Three Sites: China, Camp State Park, Brown's Island Regional Parks District and Rush Ranch Open Space Preserve, Additional Information regarding Commercial Navigation and Socioeconomic Issues, Contra Costa, Marin, and Solano Counties, CA, Comment Period Ends: February 25, 2002, Contact: Nina Garfield (301) 713–3132.

EIS No. 020007, DRAFT EIS, BOR, AZ, NV, CA, Implementation Agreement (IA), Inadvertent Overrun and Payback Policy (IOP), and Related Federal Actions, Implementation, Quantification Settlement Agreement (QSA), Lower Colorado River, In the States of AZ, CA and NV, Comment Period Ends: March 12, 2002, Contact: Bruce D. Ellis (602) 216–3854.

EIS No. 020008, FINAL EIS, FRC, AZ, CA, North Baja Pipeline Project, Docket Nos. CP01–22-000 and CP01–23–000, Construction and Operation A New Natural Gas Transmission Pipeline, Land Use Plan Amendment, Right-of-Way Grant, NPDES, COE Section 10 and 404 Permits, La Praz and Yuma Counties, AZ and Imperial, Kern, Riverside, Palo Verde, San Bernardino and San Diego Counties, Wait Period Ends: February 11, 2002, Contact: Lynda Kastoll (760) 337–4421.

EIS No. 020009, FINAL EIS, AFS, MT, Threemile Stewardship Project, Proposed Short-Term and Long-Term Vegetation and Road Management Activities, Ashland Ranger District, Custer National Forest, Powder and Rosebud Counties, MT, Wait Period Ends: February 11, 2002, Contact: Nancy T. Curriden (406) 657–6200.

Amended Notices

EIS No. 010531, DRAFT EIS, UAF, CA, EL Rancho Road Bridge Project, To Provide a Flood-Free Crossing at San Antonia Creek to Access North Vandenberg Air Force Base, Santa Barbara County, CA , Comment Period Ends: February 25, 2002, Contact: Jack Bush (703) 604–0553. Revision of FR Notice Published on 12/21/2001: CEQ Comment Period Ending 02/04/2002 has been extended to 02/25/2002.

Dated: January 8, 2002.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 02–721 Filed 1–10–02; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6625–5]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260–5076. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated May 18, 2001 (66 FR 27647).

Draft EISs

ERP No. D–AFS–J65009–00 Rating LO, Programmatic EIS—Kootena, Idaho Panhandle, and Lolo National Forests, Forest Plan Amendments for Access Management within the Selkirk and Cabinet-Yaak Grizzly Bear Recovery Zones, ID, WA and MT.

Summary: EPA generally supports the Forest Service's preferred alternative for grizzly bear management based on site-specific conditions and projects. EPA questions whether resources are sufficient to implement the preferred alternatives and road management for water quality.

ERP No. D–NPS–K65080–AZ Rating LO, Sunset Crater Volcano National Monument, General Management Plan, Implementation, Flagstaff Area, Coconina County, AZ.

Summary: EPA has no objections to the Park Service's preferred management plans for three National Monuments in the Flagstaff area.

ERP No. D–NPS–K65081–AZ Rating LO, Wupatki National Monument, General Management Plan, Implementation, Flagstaff Area, Coconina County, AZ.

Summary: EPA has no objections to the Park Services's preferred management plans for three National Monuments in the Flagstaff area.

ERP No. D–NPS–K65082–AZ Rating LO, Walnut Canyon National Monument, General Management Plan, Implementation, Flagstaff Area, Coconina County, AZ.

Summary: EPA has no objections to the Park Service's preferred management plans for three National Monuments in the Flagstaff area.

ERP No. DS–COE–E34030–FL Rating LO, Central and Southern Florida Project, Indian River Lagoon-South Feasibility Study, Additional Information, Restoration, Protection and Preservation, Canals denoted; C–23, C–24, C–25 and C–44, Comprehensive Everglades Restoration Plan, (CERP), Martin and St. Lucie Counties, FL.

Summary: EPA supports the positive water quality and habitat benefits which should result from the proposed IRLS plan.

ERP No. DS–GSA–K81011–CA Rating EC2, Los Angeles Federal Building—U.S. Courthouse, Construction of a New Courthouse in the Civic Center, Additional Information, City of Los Angeles, Los Angeles County, CA.

Summary: EPA expressed continued environmental concerns with the lack of information regarding comments GSA received on the DEIS, building space requirements, and traffic and air quality impacts.

Final EISs

ERP No. F–FHW–G40163–TX IH–10 West from Taylor Street to FM–1489, Construction and Reconstruction,

Central Business District (CBD), Funding, Right-of-Way Permit and US Army COE Section 404 Permit Issuance, Harris, Fort Bend and Waller Counties, TX.

Summary: EPA had no further comments to offer on the FinalEnvironmental Impact Statement.

Dated: January 8, 2002.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 02–722 Filed 1–10–02; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7128–2]

National Advisory Council for Environmental Policy and Technology; Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: Under the Federal Advisory Committee Act, P.L. 92463, EPA gives notice of a meeting of the National Advisory Council for Environmental Policy and Technology (NACEPT). NACEPT provides advice and recommendations to the Administrator of EPA on a broad range of environmental policy and management issues.

NACEPT consists of a representative cross-section of EPA's partners and principle constituents who provide advice and recommendations on policy issues and serve as a sounding board for new strategies that the Agency is developing.

NACEPT has identified emerging environmental issues and trends facing the Agency and will present a draft report and recommendations to the EPA. In addition, NACEPT will report on the work and status of subcommittees and workgroups. NACEPT will also determine next steps in continuing its role as a strategic and visionary advisory group. The meeting will be preceded by a new member administrative orientation session on January 28, 2002.

DATES: NACEPT will hold a two-day public meeting on Tuesday, January 29, 2002, from 8:30 a.m. to 5:00 p.m., and Wednesday, January 30, 2002, from 8:30 a.m. to 1:00 p.m. A pre-meeting orientation for newly appointed NACEPT members will take place from 2:00–5:00 p.m. on Monday, January 28, 2002.

ADDRESSES: The meeting will be held at the Hilton Alexandria Old Town located at 1767 King Street, Alexandria, VA. The hotel is conveniently located across from the King Street Metro.

SUPPLEMENTARY INFORMATION: Materials or written comments to the Council can be sent to Peter Redmond, Designated Federal Officer/NACEPT, using the contact information below (e-mail is preferred). Also, contact Mr. Redmond for copies of the draft report on emerging trends and issues. The public is welcome to attend all portions of the meeting; members of the public expecting to submit written comments and/or make brief oral statements (suggested 5-minute limit) during the public comment session are encouraged to contact Mr. Redmond by January 22, 2002.

Meeting Access: Individuals requiring special accommodation at this meeting, including wheelchair access, should contact Mr. Redmond at least five business days prior to the meeting so that appropriate arrangements can be made.

FOR FURTHER INFORMATION CONTACT: Peter G. Redmond, Designated Federal Officer/NACEPT, *redmond.peter@epa.gov,* (ph) 202–564–1292, (fax) 202–501–0661, U.S. EPA, Office of Cooperative Environmental Management (1601A), 1200 Pennsylvania Avenue NW, Washington, D.C. 20460.

Dated: January 7, 2002.

Peter G. Redmond,

Designated Federal Officer/NACEPT,Office of Cooperative Environmental Management.

[FR Doc. 02–705 Filed 1–10–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL 7127–9]

EPA Science Advisory Board; Notification of Public Advisory Committee Meeting

Pursuant to the Federal Advisory Committee Act, Pub. L. 92–463, notice is hereby given that the Ecological Reporting Panel of the US EPA Science Advisory Board's (SAB) Ecological Processes and Effects Committee (EPEC) will conduct a public teleconference on February 8, 2002 from 12:00 noon to 3:00 pm Eastern Standard Time.

Purpose of the Meeting—The purpose of the meeting will be to finalize the Panel's report, A Framework for Reporting on Ecological Condition. The report is a result of a strategic project begun by the Ecological Processes and Effects Committee several years ago to assist the Agency to more systematically assess and report on the condition of ecological resources for decision-makers and the public. The strategic project arose from the Committee's experience reviewing a number of Agency programs and projects such as those designed to assess ecological risks, define biological criteria, monitor and report on watershed condition. Given the time frame of the strategic project, and the need to set it aside from time to time to conduct priority peer reviews for the Agency, new members were appointed to EPEC over the course of the project and the terms of other members ended. For this reason, the current Ecological Reporting Panel is composed of a subset of both past and present members of EPEC and is reporting directly to the SAB Executive Committee.

Availability of Review Materials—Because the Panel is not conducting a review, there are no Agency materials associated with the meeting. When the Panel reaches agreement on the draft report, it will be forwarded to the SAB Executive Committee for their consideration. At that time, the draft report will be posted to the SAB Website (*http://www.epa.gov/sab*).

For Further Information—Any member of the public wishing further information concerning this meeting or wishing to submit brief oral comments (3 minutes or less) must contact Ms. Stephanie Sanzone, Designated Federal Officer, EPA Science Advisory Board (1400A), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone (202) 564–4561; FAX (202) 501–0582; or via e-mail at *sanzone.stephanie@epa.gov*. Requests for oral comments must be *in writing* (e-mail, fax or mail) and received by Ms. Sanzone no later than noon Eastern Time on February 5, 2002. Additional instructions on how to participate in the conference call may be obtained by contacting Mary Winston at (202) 564–4538, or via e-mail at winston.mary@epa.gov.

Providing Oral or Written Comments at SAB Meetings

It is the policy of the EPA Science Advisory Board to accept written public comments of any length, and to accommodate oral public comments whenever possible. The EPA Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements.

Oral Comments: In general, each individual or group requesting an oral presentation at a face-to-face meeting

will be limited to a total time of ten minutes (unless otherwise indicated). For teleconference meetings, opportunities for oral comment will usually be limited to no more than three minutes per speaker and no more than fifteen minutes total. Deadlines for getting on the public speaker list for a meeting are given above. Speakers should bring at least 35 copies of their comments and presentation slides for distribution to the reviewers and public at the meeting. *Written Comments:* Although the SAB accepts written comments until the date of the meeting (unless otherwise stated), written comments should be received in the SAB Staff Office at least one week prior to the meeting date so that the comments may be made available to the committee for their consideration. Comments should be supplied to the appropriate DFO at the address/contact information noted above in the following formats: one hard copy with original signature, and one electronic copy via e-mail (acceptable file format: WordPerfect, Word, or Rich Text files (in IBM–PC/Windows 95/98 format). Those providing written comments and who attend the meeting are also asked to bring 25 copies of their comments for public distribution.

General Information—Additional information concerning the EPA Science Advisory Board, its structure, function, and composition, may be found on the SAB Website (*http://www.epa.gov/sab*) and in The FY2000 Annual Report of the Staff Director which is available from the SAB Publications Staff at (202) 564–4533 or via fax at (202) 501–0256. Committee rosters, draft Agendas and meeting calendars are also located on our website.

Meeting Access—Individuals requiring special accommodation at this meeting, including wheelchair access to the conference room, should contact the Ms. Sanzone at least five business days prior to the meeting so that appropriate arrangements can be made.

Donald G. Barnes,

Staff Director, EPA Science Advisory Board.

[FR Doc. 02–703 Filed 1–10–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[CA069–EMF, FRL–7128–4]

Official Release of EMFAC2000 Motor Vehicle Emission Factor Model for Use in the San Francisco Bay Area; State of California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: EPA is approving and announcing the availability of the latest version of the California EMFAC model for use in ozone State Implementation Plan (SIP) development in the San Francisco Bay Area. EPA is approving the model for use in the Bay Area with certain conditions due to technical limitations of the model. The model is only approved for use in development of ozone motor vehicle emission factors for SIP development and future conformity determinations in the San Francisco Bay Area.

DATES: This determination is effective Jnauary 11, 2002.

FOR FURTHER INFORMATION CONTACT: Karina O'Connor (775) 687–4670, x3112, Air Planning Office (AIR–2), Air Division, U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, California.

SUPPLEMENTARY INFORMATION:

I. Background

A. What Is the EMFAC Model?

The EMFAC model is part of the California Air Resources Board's (CARB's) Motor Vehicle Emission Inventory (MVEI) modeling system. The first three models in the system are the CALIMFAC, the WEIGHT and the EMFAC models. The CALIMFAC model estimates emission rates for California on-road vehicles when the vehicle is new and as it ages. The WEIGHT model determines each vehicle model year's accumulated mileage and the relative weight each vehicle model year should be given in the California statewide emission inventory. The EMFAC model combines the results from these two models, along with correction factors and other data, to produce emission factors for the entire California vehicle fleet.

B. Why Are We Announcing Our Approval of the EMFAC Model?

Clean Air Act section 172(c)(3) and 40 CFR 51.112(a)(1) require that SIP inventories be based on the most current and applicable emission estimation models that are available at the time the SIP is developed. Clean Air Act section 176(c)(1) requires that the latest emission estimates be used in transportation conformity analyses. Transportation conformity is a Clean Air Act requirement to ensure that federally supported highway and transit activities are consistent with (''conform to'') the SIP. Conformity to a SIP means that a transportation activity will not cause or contribute to new violations of ambient air quality standards; worsen existing violations; or delay timely attainment of such standards.

Under 40 CFR 93.111(a), EPA must approve new versions of EMFAC for SIP development before they can be used in conformity analyses. In its November 30, 2001 letter, CARB requested that EPA approve EMFAC2000 for use in Bay Area ozone SIP development and transportation conformity determinations. EPA notes that EMFAC2000 would normally be considered the latest emissions model for statewide use in California SIP development (rather than an interim update to the EMFAC model as EMFAC7G was an interim update to EMFAC7F). EMFAC2000 is a significant change from previous EMFAC models and is capable of calculating motor vehicle emissions for all California areas. However, EMFAC2000 is now known to contain technical limitations. It would be inappropriate to approve EMFAC statewide for all SIPs and conformity determinations.

C. Why Is EPA Approving This Version of EMFAC for Only Ozone Emission Analyses in the Bay Area?

EPA is approving EMFAC2000 for ozone SIP development for only the Bay Area at this time. EPA is proceeding with this approval because: (1) EMFAC2000 is an improvement on existing available models despite certain technical limitations; and (2) CARB has committed to revise the Bay Area ozone attainment SIP's motor vehicle emissions budgets with EMFAC2001 or a successor model as part of its mid-course review SIP revision in April 2004. Additionally, we understand that the next EMFAC model will correct EMFAC2000's technical limitations and be available for use in all future California SIPs. Therefore, CARB does not currently intend to develop other SIPs with EMFAC2000.

II. EPA Action

A. What Version of EMFAC Is EPA Approving?

In this notice, EPA is approving and announcing that EMFAC 2000, as developed by CARB and submitted for approval to EPA on November 30, 2001,

is available to use in the development of ozone motor vehicle emission estimates in the Bay Area, as described above. Note that CARB refers to EMFAC in its request for approval as the SF Bay Area-EMFAC 2000.

B. When Will the Technical Limitations in EMFAC 2000 Be Corrected?

CARB will fix the technical errors in EMFAC 2000 in its next version of EMFAC. At this time EPA understands that EMFAC2001 or its successor will be released by CARB before any additional California SIPs are submitted to EPA. EMFAC2001 or its successor will also include a user interface so local agencies can examine alternative scenarios and update local data (e.g., vehicle miles traveled (VMT), fleet characteristics). The future model will allow transportation agencies to complete their own conformity determinations. Note that the Bay Area SIP includes CARB's commitment to revise the SIP with the latest technical information as part of its mid-course review in April 2004, which was subject to the state public comment process. EPA understands that California will not be submitting EMFAC2001 or its successor for EPA approval until early 2003, so that CARB's submission of the mid-course review using the newly available model will occur within one year of EPA's approval of EMFAC2001 or its successor. This is consistent with EPA's past practice where older versions of models such as the national MOBILE model have been used prior to release of newer versions of the model that make certain corrections in emission estimation.

C. What Pollutants Can EMFAC2000 Be Used To Estimate?

EPA is approving the model only for use to estimate ozone emissions. Since this approval is specific to ozone for the Bay Area, carbon monoxide microscale analyses in the Bay Area should continue to be based on EMFAC7F.

D. Will a Conformity Grace Period for the Entire State of California Be Started by This Approval of EMFAC2000?

No. The transportation conformity rule (40 CFR part 93.111) requires that conformity analyses be based on the latest motor vehicle emissions model approved by EPA for SIP purposes for a state or area. When EPA approves a new emissions model like EMFAC2000, we normally establish a grace period before the model is required for new conformity analyses (40 CFR 93.111(b)). However, as explained above, EMFAC2000 is known to contain a few technical problems. Due to the limitations of EMFAC2000, it would be inappropriate to approve EMFAC2000 statewide for all SIP planning, and thus to require its use for conformity determinations in all areas, particularly those without a SIP and budgets based on EMFAC2000. Based on discussions with CARB, EPA understands that EMFAC2001 or its successor will correct the limitations and include additional improvements. Therefore, EPA is not approving EMFAC2000 for statewide SIP planning, and a conformity grace period for the entire state will not be established for EMFAC2000.

Although EPA's potential approval of EMFAC2001 or its successor will not occur until farther into the future, EPA currently intends to establish a grace period before EMFAC2001 or its successor would be required for new transportation conformity analyses across the state of California. From now until the end of such a grace period, nonattainment and maintenance areas outside the Bay Area can continue to use EMFAC7F and EMFAC7G as appropriate for new conformity analyses. For more information about the use of EMFAC7F and EMFAC7G, please see the April 16, 1998, EPA Region IX letter to CARB describing the applicability of these models for conformity analyses.

EMFAC2000 will apply for all future ozone conformity analyses in the Bay Area until one of the following two scenarios occurs (1) a revised attainment SIP and budgets with EMFAC2001 or its successor are submitted and EPA has found these revised budgets adequate or (2) the grace period for EMFAC2001 or its successor has expired. Since EPA is approving EMFAC2000 for use in the Bay Area based on CARB's commitment to revise the Bay Area ozone SIP once an improved model is available, EPA intends to approve the motor vehicle emission budgets in any Bay Area ozone SIP only until new budgets developed with the new model are submitted and found adequate for conformity purposes.

E. Will any Special Requirements Apply to Bay Area Conformity Analyses Using EMFAC2000?

Since EMFAC2000 contains VMT estimates developed by CARB, CARB has committed in its November 30, 2001 letter requesting approval of EMFAC2000, to work with the Metropolitan Transportation Commission (MTC) to complete future conformity analyses in the Bay Area. Once EMFAC2001 or its successor is approved generally for use in California, MTC, like other MPOs, should be able to use the EMFAC model to examine alternative scenarios with its own VMT estimates for future conformity analyses.

III. Summary of EPA Actions

EPA is approving EMFAC2000 as submitted by CARB on November 30, 2001 with the following limitations and conditions.

(1) The approval is limited to the Bay Area.

(2) The approval is limited to ozone.

(3) No statewide conformity grace period will be triggered.

(4) CARB will correct the technical limitations in EMFAC2001 or its successor, and EPA understands that the new model will be released by CARB for EPA approval before any additional California SIPs are submitted to EPA.

(5) CARB will revise the Bay Area ozone SIP with EMFAC2001 or its successor in its mid-course review of the Bay Area SIP by April 2004.

Dated: January 4, 2002.

Wayne Nastri,

Regional Administrator, Region IX.

[FR Doc. 02–756 Filed 1–10–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[PB–402404–IL; FRL–6815–5]

Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; State of Illinois Authorization Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On October 12, 2001, the State of Illinois submitted an application for EPA final approval to administer and enforce training and certification requirements, training program accreditation requirements, and work practice standards for lead-based paint activities in target housing and child-occupied facilities under section 402 of the Toxic Substances Control Act. This notice announces the receipt of Illinois' application, provides a 45–day public comment period, and provides an opportunity to request a public hearing on the application. Illinois has provided a certification that its program meets the requirements for approval of a State program under section 404 of TSCA. Therefore, pursuant to section 404, the program is deemed authorized as of the date of submission. If EPA finds that the program does not meet the requirements for approval of a State program, EPA will disapprove the program, at which

time a notice will be issued in the **Federal Register** and the federal program will take effect in Illinois.

DATES: Comments, identified by docket control number PB–402404–IL, must be received on or before February 25, 2002. In addition, a public hearing request may be submitted on or before February 25, 2002.

ADDRESSES: Comments and the public hearing request may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number PB–402404–IL in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Larisa Leonova, State of Illinois Project Officer, Pesticides and Toxics Branch (DT-8J), Environmental Protection Agency, Region V, 77 West Jackson Blvd., Chicago, IL 60604; telephone: (312) 353–5838; e-mail address: leonova.larisa@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to firms and individuals engaged in lead-based paint activities in Illinois. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document or Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this **Federal Register** notice document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents''. You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number PB–402404–IL. The official record consists of the documents specifically referenced in this action, this notice, the State of Illinois's authorization application, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The docket is located at the EPA Region V Office, Environmental Protection Agency, Waste, Pesticides and Toxics Division, Pesticides and Toxics Branch, Toxics Program Section, (DT-8J), 77 West Jackson Blvd, Chicago, IL 60604.

C. How and to Whom Do I Submit Comments and Hearing Requests?

You may submit comments and hearing requests through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number PB–402404–IL in the subject line on the first page of your response.

1. *By mail.* Submit your comments and hearing requests to: Environmental Protection Agency, Region V, Waste, Pesticides and Toxics Division, Pesticides and Toxics Branch, (DT-8J), 77 West Jackson Blvd, Chicago, IL 60604.

2. *In person or by courier.* Deliver your comments and hearing requests to: Environmental Protection Agency, Waste, Pesticides and Toxics Division, Pesticides and Toxics Branch, (DT-8J), 77 West Jackson Blvd, Chicago, IL 60604. The regional office is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

3. *Electronically.* You may submit your comments and hearing requests electronically by e-mail to: leonova.larisa@epamail.epa.gov or mail your computer disk to the address identified above. Do not submit any information electronically that you consider to be CBI. Electronic comments and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data and hearing requests will also be accepted on standard disks in WordPerfect 6.1/8.0 file format. All comments and hearing requests in electronic form must be identified by docket control number PB–402404–IL. Electronic comments and hearing requests may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI Information That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FURTHER INFORMATION CONTACT.**

II. Background

A. What Action is the Agency Taking?

The State of Illinois has provided a certification letter stating that its lead-based paint training and certification self-certified program meets the requirements for authorization of a State program under section 404 of TSCA and has requested final approval of the Illinois lead-based paint training and certification program. Therefore, pursuant to section 404 of TSCA, the program is deemed authorized as of the date of submission (i.e., October 12, 2001). If EPA subsequently finds that the program does not meet all the requirements for approval of a State program, EPA will work with the State to correct any deficiencies in order to approve the program. If the deficiencies are not corrected, a notice of disapproval will be issued in the **Federal Register** and a federal program will be implemented in the State.

Pursuant to section 404(b) of TSCA, 15 U.S.C. 2684(b), EPA provides notice and an opportunity for a public hearing on a State or Tribal program application before approving the application. Therefore, by this notice EPA is soliciting public comment on whether the Illinois application meets the requirements for EPA approval. This notice also provides an opportunity to request a public hearing on the

application. If a hearing is requested and granted, EPA will issue a **Federal Register** notice announcing the date, time, and place of the hearing. EPA's final decision on the application will be published in the **Federal Register**.

B. What is the Agency's Authority for Taking this Action?

On October 28, 1992, the Housing and Community Development Act of 1992, Public Law 102–550, became law. Title X of that statute was the Residential Lead-Based Paint Hazard Reduction Act of 1992. That Act amended TSCA,15 U.S.C. 2601 *et seq.,* by adding Title IV (15 U.S.C. 2681–2692), titled ''Lead Exposure Reduction.''

Section 402 of TSCA authorizes and directs EPA to promulgate final regulations governing lead-based paint activities in target housing, public and commercial buildings, bridges, and other structures. Those regulations are to ensure that individuals engaged in such activities are properly trained, that training programs are accredited, and that individuals engaged in these activities are certified and follow documented work practice standards. Under section 404 of TSCA, a State may seek authorization from EPA to administer and enforce its own lead-based paint activities program.

On August 29, 1996 (61 FR 45777) (FRL–5389–9), EPA promulgated final TSCA section 402/404 regulations governing lead-based paint activities in target housing and child-occupied facilities. Those regulations are codified at 40 CFR part 745, and allow both States and Indian Tribes to apply for program authorization. Pursuant to section 404(h) of TSCA, EPA is to establish the Federal program in any State or Tribal Nation without its own authorized program in place by August 31, 1998.

States and Tribes that choose to apply for program authorization must submit a complete application to the appropriate Regional EPA Office for review. Those applications will be reviewed by EPA within 180 days of receipt of the complete application. To receive EPA approval, a State or Tribe must demonstrate that its program is at least as protective of human health and the environment as the Federal program, and provides for adequate enforcement (section 404(b) of TSCA, 15 U.S.C. 2684(b)). EPA's regulations (40 CFR part 745, subpart Q) provide the detailed requirements a State or Tribal program must meet in order to obtain EPA approval.

A State may choose to certify that its lead-based paint activities program meets the requirements for EPA approval, by submitting a letter signed by the Governor or Attorney General stating that the program meets the requirements of section 404(b) of TSCA. Upon submission of such certification letter, the program is deemed authorized. This authorization becomes ineffective, however, if EPA disapproves the application or withdraws the program authorization.

III. State Program Description Summary

The following summary of the State of Illinois proposed program has been provided by the applicant.

EPA issued correspondence to the Illinois Department of Public Health (''the Department'') dated May 6, 1999, which granted a 3–year interim approval of the Illinois Lead Poisoning Prevention Program. The interim approval authorized the Department to enforce the Illinois Lead Poisoning Prevention Act (LPPA), 410 ILCS 45, and Lead Poisoning Prevention Code (LPPC), 77 Ill Adm. Code 845, in lieu of the Federal program. The effective date of the interim approval was April 16, 1999 (published by EPA in the **Federal Register** of February 29, 2000 (65 FR 10787) (FRL–6399–4). As a condition of the interim approval, the Department was required to submit a request for full (final) approval of the Illinois Program at least 180 days prior to the expiration of the 3–year interim approval.

Illinois is hereby applying for final approval and authorization to enforce its Lead Poisoning Prevention Program (LPPA). The Department provided amended copies of the LPPA, and Lead Poisoning Prevention Act Code (LPPC), and the Program Policies that govern the administration of the program. Copies of the correspondence from the Illinois Attorney General's office indicating the inapplicability of the Illinois Environmental Audit Privilege Law to the Illinois Lead Poisoning Prevention Act and the U.S. EPA response accepting the opinion offered by the Illinois Attorney General's office were also included with this application. These materials resolve the only remaining issue dealing with the applicability of the Illinois Environmental Audit Privilege Law to the enforcement of the LPPA and LPPC. Some materials submitted with the original application have been updated and revised and are submitted with this application. They are described below and will augment parts of the Department's original application for authorization.

Illinois Lead Abatement Program

The Department implements the LPPA and Code in order to carry out lead abatement programs that are designed to diminish the incidence of lead intoxication. The primary goal of the Department's Lead Abatement Program is to protect the public's health, safety and environment by identifying lead-bearing substances which may be the source of exposure to lead in children and to ensure that lead hazards are managed, mitigated or abated through the administration and enforcement of the LPPA and the LPPC, promulgated pursuant to the LPPA. The LPPA and LPPC, originally passed in 1973, were last amended in August 2001. This enabled the Department to pursue expanded enforcement for violations of the LPPA and LPPC, including administrative fines against licensed professionals and firms for violations of the LPPA and LPPC.

Individuals seeking licensure by the State of Illinois in the abatement industry as a worker, supervisor, inspector and risk assessor must first make application to the Department. The application requires proof the individual has successfully completed an appropriate lead training course. The course and the course provider chosen by the applicant must be one that is approved by the Department and provides training comparable to 40 CFR 745.225 as provided in section 845.28 of the LPPC. All lead licenses expire annually. Application for renewal includes the successful completion of an approved refresher course that is specific to the lead field of interest every 3 years. Individuals or firms can also apply for a lead contractor's license. This requires proof that the applicant holds a certificate of financial responsibility in the form of liability insurance that specifically covers lead work. The applicant has a written standard operation procedure that includes medical monitoring and a respirator protection program as specified in the Occupational Safety and Health Administration (OSHA) regulations; (incorporated by reference in section 845.12 of the LPPC), the applicant provides a detailed description of all legal proceedings or claims filed against them concerning any lead mitigation or lead abatement activities; the applicant signs a statement that only licensed lead workers and lead supervisors will be used to conduct lead mitigation and lead abatement activities; and, that the applicant agrees to notify the Department before beginning any lead mitigation or lead abatement project.

Although the contractor applicant is not required to successfully complete a lead abatement training course, the applicant needs to employ a licensed lead supervisor and must assure that all lead abatement workers will have a valid Illinois lead worker license and that a licensed lead supervisor will oversee the project and be on-site during lead mitigation or lead abatement activities. A contractor's license must be renewed annually. Reciprocal requests for any lead license may be submitted for review and will be considered on a case by-case-basis. If, upon review of the applicant's application, it is determined that the licensing state's lead program is at least as protective as the Illinois program, the Department will issue an appropriate license. Lists of all people conducting lead activities are maintained by the Department and are available to the public upon request.

Training course providers seeking approval from the State of Illinois for initial and refresher courses for lead worker, lead supervisor, lead inspector and lead risk assessor disciplines must first make application to the Department. The application packet includes a checklist of materials submitted along with other requirements that must be satisfied before approval can be granted. All approvals are renewed annually. Audits of courses are completed by Department staff and the training course provider is notified as to the results of the audit, the deficiencies observed, and whether the course was determined to be satisfactory or not satisfactory. Training courses found not to be satisfactory are issued a notice to correct the deficiencies together with a written explanation of the items that the Department expects the provider to correct before the next training course is scheduled. A list of approved training course providers is maintained by the Department and is made available to the public upon request. Illinois does not require the certification and licensure of the project designer discipline at this time. However, additional requirements have been established to prepare licensed lead supervisors for large-scale lead abatement projects as cited in 40 CFR 745.225(d)(4). The Department has statutory authority to adopt rules for lead-based paint activities in public and commercial buildings. Where EPA provides guidance under 40 CFR 745.230, the Department will establish rules which will govern such activities as necessary to maintain authorization.

Work practice standards are established in the Illinois LPPC and in the policies and procedures of the Department. The Department has incorporated in section 845.12 of the LPPC, the U.S. Department of Housing and Urban Development (HUD) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (1995 and 1997) to enhance the work and performance standards throughout the LPPC. All inspections and risk assessments are completed by individuals holding an appropriate inspector or risk assessor license issued by the Department. Inspections and risk assessments are to be performed per incorporated HUD Guidelines. Lead mitigation and lead abatement activities are performed only by individuals or firms who hold the appropriate lead contractor license issued by the Department. The lead contractor has the responsibility to utilize documented methodologies to ensure that work is performed effectively and in a manner that protects building occupants and workers, and complies with the requirements outlined in the HUD Guidelines and the LPPC requirements.

Complaint investigations, inspections, course audits and enforcement activities are accomplished by Department staff located in the central and regional offices and through delegate agency agreements with local health departments. Central office staff provides for the licensing of individuals that conduct all lead-based activities in the state. One administrative assistant, one office administrator and three office associates process all licensure application submitted to the Department. One office associate is dedicated to support the Department's third party examination process. The third party examination is administered by an environmental health specialist III. Compliance and enforcement activities are conducted by an environmental health specialist I. A public service administrator is directly responsible for the day-to-day lead program activities, overall management of all program activities, and maintaining and revising the LPPA, LPPC and program policies to ensure compliance with more stringent requirements and documented methodologies. The public service administrator also serves as the Department Radiation Safety Officer responsible for all radioactive material utilized by the Department for lead investigations. Eight regional program staff conduct inspections on a daily basis as well as approximately 90 licensed lead risk assessors that work within our lead program as delegate agents under contract to perform the required investigations in their respective counties or municipalities. Overall program direction is provided by a senior public service administrator in the central office. Funding is established through a mandate that provides a dedicated state fund for the lead program. Revenue from licensing and training course approval fees are also directed to that fund. Departmental policy and procedure manuals provide protocol to achieve all necessary aspects of the Illinois Lead Poisoning Prevention Program. In those policies, details of activities to be implemented, standard enforcement procedures and examples of required letters may be found. Enforcement is accomplished through administrative procedures that have been referenced in the LPPA and LPPC. Violations of the LPPA and LPPC are subject to enforcement by the State's Attorney in the respective county where the violation occurred, enforcement by the Illinois Attorney General's office, and enforcement through administrative fines and penalties by the Department.

The Department participates in Environmental Justice grants from EPA to provide education and information to people who would not normally receive information about the hazards of lead through normal media. Not-for-profit associations are provided grant funds to seek out parents of children who are likely to be exposed to lead and may not be aware of the hazards associated with lead or about how to prevent lead poisoning. Additionally, the Department or its agents provide consultative services and screening to high risk target populations within Illinois for lead poisoning.

Program Description

The Illinois lead program administration and enforcement is the responsibility of the Illinois Department of Public Health.

The Illinois Environmental Protection Agency (IEPA) is responsible for administration and enforcement of hazardous waste disposal including the provisions of RCRA.

Responsible Primary Agency:

Illinois Department of Public Health, G. Michael Brandt, Chief Asbestos and Lead Section, Division of Environmental Health, 525 West Jefferson Street, Springfield, IL 62761, (217) 782–3517.

Other Participating Departments and Agencies:

Illinois Department of Public Health, Ronald Brown, Chief, Division of Health Assessment and Screening, 535 West Jefferson Street, Springfield, IL 62761, (217) 782–1227.

Illinois Environmental Protection Agency, Connie Sullinger, Office of

Chemical Safety, P.O. Box 19276, Springfield, IL 62794–9276, (217) 785–0830.

EPA is only responsible for environmental pollution control in those cases where contaminants cross the property line of the address where lead abatement or mitigation is taking place. This includes waste disposal as well as air and water pollution that may leave the property. Such issues involving waste disposal or pollutants are investigated jointly, or are referred to IEPA.

IV. Federal Overfiling

Section 404(b) of TSCA makes it unlawful for any person to violate, or fail or refuse to comply with, any requirement of an approved State or Tribal program. Therefore, EPA reserves the right to exercise its enforcement authority under TSCA against a violation of, or a failure or refusal to comply with, any requirement of an authorized State or Tribal program.

V. Submission to Congress and the Comptroller General

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

List of Subjects

Environmental protection, Hazardous substances, Lead, Reporting and recordkeeping requirements.

Dated: December 13, 2001.

Thomas V. Skinner,

Regional Administrator, Region V.

[FR Doc. 02–698 Filed 1–10–02; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2523]

Petition for Reconsideration of Action in Rulemaking Proceeding

January 8, 2002.

Petition for Reconsideration has been filed in the Commission's rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of this document is available for viewing and copying in Room CY–A257, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, Qualex International (202) 863–2893. Oppositions to this petition must be filed by January 28, 2002. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendments of FM Table of Allotment (MM Docket No. 98–112).

Number of Petitions Filed: 1.

Magalie Roman Salas,

Secretary.

[FR Doc. 02–784 Filed 1–10–02; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, 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 (44 U.S.C. chapter 35). Currently, the FDIC is soliciting comments concerning an information collection titled ''Flood Insurance.''

DATES: Comments must be submitted on or before March 12, 2002.

ADDRESSES: Interested parties are invited to submit written comments to Tamara R. Manly, Management Analyst (Regulatory Analysis), (202) 898–7453, Office of the Executive Secretary, Room F–4058, Attention: Comments/OES,Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, DC 20429. All comments should refer to ''Flood Insurance.'' Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m. [FAX number (202) 898–3838; Internet address: *comments@ fdic.gov*]. Comments may also be submitted to the OMB desk officer for the FDIC: Alexander Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Tamara R. Manly, at the address identified above.

SUPPLEMENTARY INFORMATION:

Proposal To Renew the Following Currently Approved Collection of Information

Title: Flood Insurance.

OMB Number: 3064–0120.

Frequency of Response: On occasion.

Affected Public: Any depository institution whose borrower's loan requests were secured by a building located on property in a special flood hazard area.

Estimated Number of Respondents/Recordkeepers: 5,700.

Estimated Number of Transactions: 180,000.

Estimated Reporting Hours: .05 hours × 180,000 = 9,000.

Estimated Recordkeeping Hours: 5,700 hours.

Estimated Total Annual Reporting and Recordkeeping Burden Hours: 5,700 + 9,000 = 14,700 hours.

General Description of Collection: Each supervised lending institution is currently required to provide a notice of special flood hazards to a borrower acquiring a loan secured by a building on real property located in an area identified by the Director of the Federal Emergency Management Administration as being subject to special flood hazards. The Riegle Community Development Act requires that each institution must also provide a copy of the notice to the servicer of the loan (if different from the originating lender).

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be

collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the collection should be modified prior to submission to OMB for review and approval. Comments submitted in response to this notice also will be summarized or included in the FDIC's requests to OMB for renewal of this collection. All comments will become a matter of public record.

Dated at Washington, DC, this 3rd day of January, 2002.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 02–677 Filed 1–10–02; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL HOUSING FINANCE BOARD

[No. 2001–N–14]

Federal Home Loan Bank Members Selected for Community Support Review

AGENCY: Federal Housing Finance Board.

ACTION: Notice.

SUMMARY: The Federal Housing Finance Board (Finance Board) is announcing the Federal Home Loan Bank (Bank) members it has selected for the 2000–01 eighth quarter review cycle under the Finance Board's community support requirement regulation. This notice also prescribes the deadline by which Bank members selected for review must submit Community Support Statements to the Finance Board.

DATES: Bank members selected for the 2000–01 eighth quarter review cycle under the Finance Board's community support requirement regulation must submit completed Community Support Statements to the Finance Board on or before February 28, 2002.

ADDRESSES: Bank members selected for the 2000–01 eighth quarter review cycle under the Finance Board's community support requirement regulation must submit completed Community Support Statements to the Finance Board either by regular mail at the Office of Policy, Research and Analysis, Program Assistance Division, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, or by electronic mail at *FITZGERALDE@FHFB.GOV*.

FOR FURTHER INFORMATION CONTACT: Emma J. Fitzgerald, Program Analyst, Office of Policy, Research and Analysis, Program Assistance Division, by telephone at 202/408–2874, by electronic mail at *FITZGERALDE@FHFB.GOV*, or by regular mail at the Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006. A telecommunications device for deaf persons (TDD) is available at 202/408–2579.

SUPPLEMENTARY INFORMATION:

I. Selection for Community Support Review

Section 10(g)(1) of the Federal Home Loan Bank Act (Bank Act) requires the Finance Board to promulgate regulations establishing standards of community investment or service Bank members must meet in order to maintain access to long-term advances. *See* 12 U.S.C. 1430(g)(1). The regulations promulgated by the Finance Board must take into account factors such as the Bank member's performance under the Community Reinvestment Act of 1977 (CRA), 12 U.S.C. 2901 *et seq.*, and record of lending to first-time homebuyers. *See* 12 U.S.C. 1430(g)(2). Pursuant to the requirements of section 10(g) of the Bank Act, the Finance Board has promulgated a community support requirement regulation that establishes standards a Bank member must meet in order to maintain access to long-term advances, and review criteria the Finance Board must apply in evaluating a member's community support performance. *See* 12 CFR part 944. The regulation includes standards and criteria for the two statutory factors—CRA performance and record of lending to first-time homebuyers. 12 CFR 944.3. Only members subject to the CRA must meet the CRA standard. 12 CFR 944.3(b). All members, including those not subject to CRA, must meet the first-time homebuyer standard. 12 CFR 944.3(c).

Under the rule, the Finance Board selects approximately one-eighth of the members in each Bank district for community support review each calendar quarter. 12 CFR 944.2(a). The Finance Board will not review an institution's community support performance until it has been a Bank member for at least one year. Selection for review is not, nor should it be construed as, any indication of either the financial condition or the community support performance of the member.

Each Bank member selected for review must complete a Community Support Statement and submit it to the Finance Board by the February 28, 2002 deadline prescribed in this notice. 12 CFR 944.2(b)(1)(ii) and (c). On or before January 28, 2002, each Bank will notify the members in its district that have been selected for the 2000–01 eighth quarter community support review cycle that they must complete and submit to the Finance Board by the deadline a Community Support Statement. 12 CFR 944.2(b)(2)(i). The member's Bank will provide a blank Community Support Statement Form, which also is available on the Finance Board's web site: WWW.FHFB.GOV. Upon request, the member's Bank also will provide assistance in completing the Community Support Statement.

The Finance Board has selected the following members for the 2000–01 eighth quarter community support review cycle:

Member	City	State
Federal Home Loan Bank of Boston—District 1		
Savings Bank of Danbury	Danbury	Connecticut.
American Eagle Federal Credit Union	East Hartford	Connecticut.
InsurBanc, FSB	Farmington	Connecticut.
Savings Bank Life Insurance	Hartford	Connecticut.
Dime Savings Bank of Norwich	Norwich	Connecticut.
Stafford Savings Bank	Stafford Springs	Connecticut.
Sikorsky Federal Credit Union	Stratford	Connecticut.
Torrington Savings Bank	Torrington	Connecticut.
Constitution State Corporate Credit Union Inc	Wallingford	Connecticut.
North American Bank & Trust Company	Waterbury	Connecticut.
Webster Bank	Waterbury	Connecticut.
Maine State Employee's Credit Union	Augusta	Maine.

Member	City	State
Biddeford Savings Bank	Biddeford	Maine.
Atlantic Regional Federal Credit Union	Brunswick	Maine.
Ocean National Bank of Kennebunk	Kennebunk	Maine.
Community Credit Union	Lewiston	Maine.
Rainbow Federal Credit Union	Lewiston	Maine.
Ste. Croix Regional Federal Credit Union	Lewiston	Maine.
Portland Regional Federal Credit Union	Portland	Maine.
Evergreen Credit Union	Westbrook	Maine.
The Provident Bank	Amesbury	Massachusetts.
Athol-Clinton Co-operative Bank	Athol	Massachusetts.
Citizens Bank of Massachusetts	Boston	Massachusetts.
Member Plus Credit Union	Boston	Massachusetts.
Postal Community Credit Union	Boston	Massachusetts.
TELECOM Cooperative Bank	Boston	Massachusetts.
Bridgewater Savings Bank	Bridgewater	Massachusetts.
Metropolitan Credit Union	Chelsea	Massachusetts.
Pilgrim Co-operative Bank	Cohasset	Massachusetts.
Everett Co-operative Bank	Everett	Massachusetts.
St. Anne's Credit Union of Fall River	Fall River	Massachusetts.
I–C Federal Credit Union	Fitchburg	Massachusetts.
Community National Bank	Hudson	Massachusetts.
Jeanne D'Arc Credit Union	Lowell	Massachusetts.
Washington Savings Bank	Lowell	Massachusetts.
St. Mary's Credit Union	Marlborough	Massachusetts.
Medway Co-operative Bank	Medway	Massachusetts.
Auburndale Co-operative Bank	Newton	Massachusetts.
North Easton Savings Bank	North Easton	Massachusetts.
City Savings Bank	Pittsfield	Massachusetts.
Greylock Federal Credit Union	Pittsfield	Massachusetts.
Winter Hill Federal Savings Bank	Somerville	Massachusetts.
Mt. Washington Cooperative Bank	South Boston	Massachusetts.
Webster Five Cents Savings Bank	Webster	Massachusetts.
Mutual Federal Savings Bank	Whitman	Massachusetts.
Winchester Savings Bank	Winchester	Massachusetts.
Ledyard National Bank	Hanover	New Hampshire.
Monadnock Community Bank	Peterborough	New Hampshire.
Pemigewasset National Bank	Plymouth	New Hampshire.
Northeast Credit Union	Portsmouth	New Hampshire.
Southern New Hampshire Bank & Trust	Windham	New Hampshire.
Woodsville Guaranty Savings Bank	Woodsville	New Hampshire.
The People's Credit Union	Middleton	Rhode Island.
Pawtucket Credit Union	Pawtucket	Rhode Island.
Coastway Credit Union	Providence	Rhode Island.
Fleet National Bank	Providence	Rhode Island.
Vermont Development Credit Union	Burlington	Vermont.
Community National Bank	Derby	Vermont.
The First National Bank of Orwell	Orwell	Vermont.
Wells River Savings Bank	Wells River	Vermont.
Federal Home Loan Bank of New York—District 2		
Sterling Bank	Mt. Laurel	New Jersey.
Roselle Savings Bank	Roselle	New Jersey.
Summit Federal Savings and Loan Association	Summit	New Jersey.
Great Falls Bank	Totowa	New Jersey.
Sun National Bank	Vineland	New Jersey.
Valley National Bank	Wayne	New Jersey.
Marathon National Bank of New York	Astoria	New York.
Seneca Federal Savings and Loan Association	Baldwinsville	New York.
Ballston Spa National Bank	Ballston Spa	New York.
Bath National Bank	Bath	New York.
New York National Bank	Bronx	New York.
Dime Savings Bank of Williamsburg	Brooklyn	New York.
Community Bank, N.A	Canton	New York.
The North Country Savings Bank	Canton	New York.
Carthage Federal Savings and Loan Association	Carthage	New York.
Lake Shore Savings & Loan Association	Dunkirk	New York.
Ellenville National Bank	Ellenville	New York.
Savings Bank of the Finger Lakes	Geneva	New York.
Evergreen Bank, N.A	Glens Falls	New York.
City National Bank and Trust Company	Gloverville	New York.
The First National Bank of Jeffersonville	Jeffersonville	New York.
Sound Federal Savings and Loan Association	Mamaroneck	New York.
Bank Audi (USA)	New York	New York.

Member	City	State
North Fork Bank	New York	New York.
Ridgewood Savings Bank	New York	New York.
Alliance Bank, NA	Oneida	New York.
ESL Federal Credit Union	Rochester	New York.
Geddes Federal Savings and Loan Association	Syracuse	New York.
National Bank of Delaware County	Walton	New York.
EuroBank	Hato Rey	Puerto Rico.
R & G Premier Bank of Puerto Rico	Hato Rey	Puerto Rico.
Federal Home Loan Bank of Pittsburgh—District 3		
The First National Bank of Berwick	Berwick	Pennsylvania.
American Eagle Savings Bank, PaSA	Boothwyn	Pennsylvania.
Commerce Bank/Harrisburg, N.A	Camp Hill	Pennsylvania.
Croydon Savings Bank	Croydon	Pennsylvania.
FNB Bank, N.A	Danville	Pennsylvania.
Bank of Lancaster County, N.A	East Petersburg	Pennsylvania.
Marquette Savings Bank	Erie	Pennsylvania.
First United National Bank	Fryburg	Pennsylvania.
Adams County National Bank	Gettysburg	Pennsylvania.
First National Bank of Greencastle	Greencastle	Pennsylvania.
Huntingdon Savings Bank	Huntingdon	Pennsylvania.
Huntingdon Valley Bank	Huntingdon Valley	Pennsylvania.
First Commonwealth Bank	Indiana	Pennsylvania.
Abington Bank	Jenkintown	Pennsylvania.
Merchants National Bank of Kittanning	Kittanning	Pennsylvania.
Fulton Bank	Lancaster	Pennsylvania.
Citizens National Bank	Lansford	Pennsylvania.
The First National Bank of Lilly	Lilly	Pennsylvania.
Savings and Loan Association of Milton, Pa	Milton	Pennsylvania.
The First National Bank of Newport	Newport	Pennsylvania.
The Northumberland National Bank	Northumberland	Pennsylvania.
Berean Federal Savings Bank	Philadelphia	Pennsylvania.
First Republic Bank	Philadelphia	Pennsylvania.
Tioga-Franklin Savings Association	Philadelphia	Pennsylvania.
United Savings Bank	Philadelphia	Pennsylvania.
Fidelity Bank PaSb	Pittsburgh	Pennsylvania.
Prestige Bank	Pittsburgh	Pennsylvania.
Progress Federal Savings Bank	Plymouth Meeting	Pennsylvania.
West Milton State Bank	West Milton	Pennsylvania.
Bank of Charles Town	Charles Town	West Virginia.
Potomac Valley Bank	Petersburg	West Virginia.
Capon Valley Bank	Wardensville	West Virginia.
The Citizens Bank of Weston, Inc	Weston	West Virginia.
Federal Home Loan Bank of Atlanta—District 4		
First National Bank of Central Alabama	Aliceville	Alabama.
Farmers and Merchants Bank	Centre	Alabama.
Regions Bank	Birmingham	Alabama.
First Metro Bank	Muscle Shoals	Alabama.
West Alabama Bank and Trust	Reform	Alabama.
Bank Independent	Sheffield	Alabama.
First Southern National Bank	Stevenson	Alabama.
The Bank	Warrior	Alabama.
Treasury Bank, NA	Washington	DC.
Turnberry Bank	Aventura	Florida.
EuroBank	Boca Raton	Florida.
Destin Bank	Destin	Florida.
Englewood Bank	Englewood	Florida.
First Community Bank of Southwest Florida	Fort Myers	Florida.
Jacksonville Fireman's Credit Union	Jacksonville	Florida.
CNB National Bank	Lake City	Florida.
Peoples Community Bank	Malone	Florida.
BAC Florida Bank	Miami	Florida.
Executive National Bank	Miami	Florida.
Gulf Bank	Miami	Florida.
Fifth Third Bank, Florida	Naples	Florida.
Florida Citizens Bank	Ocala	Florida.
Bank of Central Florida	Orlando	Florida.
Madison Bank	Palm Harbor	Florida.
First American Bank of Pensacola, N.A	Pensacola	Florida.
Sunshine State FS&L Association	Plant City	Florida.
Colony Bank Ashburn	Ashburn	Georgia.

Member	City	State
Community National Bank	Ashburn	Georgia.
Cornerstone Bank	Atlanta	Georgia.
Atlantic National Bank	Brunswick	Georgia.
Bartow County Bank	Cartersville	Georgia.
Columbus Bank and Trust Company	Columbus	Georgia.
Lumpkin County Bank	Dahlonega	Georgia.
Farmers State Bank	Dublin	Georgia.
Towns County Bank	Hiawasee	Georgia.
Heritage Bank	Jonesboro	Georgia.
Charter Bank and Trust Company	Marietta	Georgia.
First Capital Bank	Norcross	Georgia.
Waycross Bank and Trust	Waycross	Georgia.
United Bank	Zebulon	Georgia.
Colombo Bank	Baltimore	Maryland.
The Harbor Bank of Maryland	Baltimore	Maryland.
Sequoia Bank	Bethesda	Maryland.
The Peoples Bank of Maryland	Denton	Maryland.
Farmers and Merchants Bank	Upperco	Maryland.
High Country Bank	Boone	North Carolina.
Four Oaks Bank & Trust Company	Four Oaks	North Carolina.
KS Bank	Kenly	North Carolina.
Bank of Davie	Mocksville	North Carolina.
Bank of Currituck	Moyock	North Carolina.
Carolina Community Bank	Murphy	North Carolina.
Roanoke Rapids Savings Bank, SSB	Roanoke Rapids	North Carolina.
Jackson Savings Bank, S.S.B	Sylva	North Carolina.
Tarboro Savings Bank, S.S.B	Tarboro	North Carolina.
Security Federal Bank	Aiken	South Carolina.
Bank of Anderson	Anderson	South Carolina.
BB & T of SC	Greenville	South Carolina.
Summit National Bank	Greenville	South Carolina.
CapitalBank	Greenwood	South Carolina.
Palmetto State Bank	Hampton	South Carolina.
Beach First National Bank	Myrtle Beach	South Carolina.
Newberry Federal Savings Bank	Newberry	South Carolina.
Highlands Union Bank	Abingdon	Virginia.
The First Bank and Trust Company	Abingdon	Virginia.
First National Bank of Altavista	Altavista	Virginia.
Bank of Clarke County	Berryville	Virginia.
Guaranty Bank	Charlottesville	Virginia.
Capital One, F.S.B	Falls Church	Virginia.
The Bank of Floyd	Floyd	Virginia.
Miners and Merchants Bank & Trust Company	Grundy	Virginia.
Rockingham Heritage Bank	Harrisonburg	Virginia.
Bank of Marion	Marion	Virginia.
Heritage Bank and Trust	Norfolk	Virginia.
Central Virginia Bank	Powhaton	Virginia.
Bank of Essex	Tappahannock	Virginia.
Resource Bank	Virginia Beach	Virginia.
The Fauquier Bank	Warrenton	Virginia.
F & M Bank—Winchester	Winchester	Virginia.
Federal Home Loan Bank of Cincinnati—District 5		
Auburn Banking Company	Auburn	Kentucky.
The Peoples Exchange Bk of Beattyville	Beattyville	Kentucky.
Central Appalachian Peoples FCU	Berea	Kentucky.
Farmers State Bank	Booneville	Kentucky.
The First National Bank of Brooksville	Brooksville	Kentucky.
Heritage Bank, Inc	Burlington	Kentucky.
Community Trust Bank, F.S.B	Campbellsville	Kentucky.
First National Bank of Clinton	Clinton	Kentucky.
Bank of Ohio County	Dundee	Kentucky.
Elkton Bank and Trust Company	Elkton	Kentucky.
Farmers Deposit Bank	Eminence	Kentucky.
Pendleton Federal Savings Bank	Falmouth	Kentucky.
The Bank of Kentucky	Florence	Kentucky.
First Federal Savings Bank of Frankfort	Frankfort	Kentucky.
The Commercial Bank of Grayson	Grayson	Kentucky.
The First National Bank of Grayson	Grayson	Kentucky.
Hebron Deposit Bank	Hebron	Kentucky.
Ohio Valley National Bank	Henderson	Kentucky.
Hyden Citizens Bank	Hyden	Kentucky.
Citizens Guaranty Bank	Irvine	Kentucky.

Member	City	State
Citizens B&T Company of Jackson	Jackson	Kentucky.
Peoples Bank	Lebanon	Kentucky.
Lewisburg Banking Company	Lewisburg	Kentucky.
The Vine Street Trust Company	Lexington	Kentucky.
First National Bank and Trust	London	Kentucky.
Bank of Louisville	Louisville	Kentucky.
Stock Yards Bank & Trust Company	Louisville	Kentucky.
Security Bank and Trust Company	Maysville	Kentucky.
Citizens Bank	Morehead	Kentucky.
Citizens Bank of Campbell County, Inc	Newport	Kentucky.
First Farmers Bank and Trust Company	Owenton	Kentucky.
Paducah Bank and Trust Company	Paducah	Kentucky.
Kentucky Bank	Paris	Kentucky.
Farmers Bank and Trust Company, Inc	Princeton	Kentucky.
Kentucky Bank and Trust of Greenup County	Russell	Kentucky.
Salyersville National Bank	Salyersville	Kentucky.
Citizens Union Bank of Shelbyville	Shelbyville	Kentucky.
Peoples Bank of Kentucky, Inc	Stanford	Kentucky.
Bank of the Mountains	West Liberty	Kentucky.
Winchester Federal Savings Bank	Winchester	Kentucky.
North Akron Savings Bank	Akron	Ohio.
The Andover Bank	Andover	Ohio.
The Sutton Bank	Attica	Ohio.
Farmers National Bank	Canfield	Ohio.
The Cincinnatus Savings and Loan Company	Cheviot	Ohio.
Foundation Savings Bank	Cincinnati	Ohio.
The Provident Bank	Cincinnati	Ohio.
The Union Bank Company	Columbus Grove	Ohio.
Heartland Federal Credit Union	Dayton	Ohio.
The State Bank and Trust Company	Defiance	Ohio.
Potters Bank	East Liverpool	Ohio.
Fremont Federal Credit Union	Fremont	Ohio.
The Ohio Valley Bank Company	Gallipolis	Ohio.
The Sycamore National Bank	Groesbeck	Ohio.
The Harrison Building and Loan Association	Harrison	Ohio.
Oak Hill Banks	Jackson	Ohio.
The Bank of Leipsic Company	Leipsic	Ohio.
The Lorain National Bank	Lorain	Ohio.
The Marion Bank	Marion	Ohio.
Minster Bank	Minster	Ohio.
First National Bank of New Bremen	New Bremen	Ohio.
Farmers State Bank	New Madison	Ohio.
The Sherwood State Bank	Sherwood	Ohio.
First Bank of Ohio	Tiffin	Ohio.
The Citizens National Bank of Urbana	Urbana	Ohio.
The Waverly Building and Loan Company	Waverly	Ohio.
National Bank and Trust Company	Wilmington	Ohio.
Woodsfield Savings Bank	Woodsfield	Ohio.
The Wayne County National Bank of Wooster	Wooster	Ohio.
First South Bank	Bolivar	Tennessee.
Union Planters Bank, National Association	Cordova	Tennessee.
The Weakley County Bank	Dresden	Tennessee.
Franklin National Bank	Franklin	Tennessee.
Bank of Friendship	Friendship	Tennessee.
The First National Bank of LaFollette	LaFollette	Tennessee.
McKenzie Banking Company	McKenzie	Tennessee.
Security Federal Savings Bank	McMinnville	Tennessee.
Financial Federal Savings Bank	Memphis	Tennessee.
First Tennessee Bank National Association	Memphis	Tennessee.
Nashoba Bank	Memphis	Tennessee.
Munford Union Bank	Munford	Tennessee.
Bank of Ripley	Ripley	Tennessee.
First Community Bank of East Tennessee	Rogersville	Tennessee.
The Citizens Bank of East Tennessee	Rogersville	Tennessee.
Hardin County Bank	Savannah	Tennessee.
Bank of Commerce	Trenton	Tennessee.
Wayne County Bank	Waynesboro	Tennessee.

Federal Home Loan Bank of Indianapolis—District 6

Central National Bank & Trust Company	Attica	Indiana.
Hoosier Hills Credit Union	Bedford	Indiana.
Bloomfield State Bank	Bloomfield	Indiana.
IU Employees Federal Credit Union	Bloomington	Indiana.

Member	City	State
Wayne Bank and Trust Company	Cambridge City	Indiana.
Heritage Community Bank	Columbus	Indiana.
Chiphone Federal Credit Union	Elkhart	Indiana.
Old National Bank in Evansville	Evansville	Indiana.
Fire Police City County Federal Credit Union	Fort Wayne	Indiana.
Midwest American Federal Credit Union	Fort Wayne	Indiana.
Peoples State Bank of Francesville	Francesville	Indiana.
The Friendship State Bank	Friendship	Indiana.
Sand Ridge Bank	Highland	Indiana.
First Bank of Huntingburg	Huntingburg	Indiana.
German American Bank	Jasper	Indiana.
Lafayette Bank and Trust Company	Lafayette	Indiana.
Union County National Bank	Liberty	Indiana.
Lynnville National Bank	Lynnville	Indiana.
Citizens State Bank	New Castle	Indiana.
Union Bank & Trust Company	North Vernon	Indiana.
Notre Dame Federal Credit Union	Notre Dame	Indiana.
State Bank of Oxford	Oxford	Indiana.
First Federal Savings Bank	Rochester	Indiana.
First Source Bank	South Bend	Indiana.
First National Bank of Valparaiso	Valparaiso	Indiana.
CentreBank	Veedersburg	Indiana.
The Merchants Bank & Trust Company	West Harrison	Indiana.
Centier Bank	Whiting	Indiana.
Chemical Bank—Shoreline	Benton Harbor	Michigan.
State Bank of Caledonia	Caledonia	Michigan.
Southern Michigan Bank and Trust	Coldwater	Michigan.
Century Bank and Trust	Coldwater	Michigan.
First State Bank	Decatur	Michigan.
Baybank	Gladstone	Michigan.
Founders Trust Personal Bank	Grand Rapids	Michigan.
West Michigan Community Bank	Hudsonville	Michigan.
Independent Bank	Ionia	Michigan.
The Miners State Bank of Iron River	Iron River	Michigan.
Peninsula Bank of Ishpeming	Ishpeming	Michigan.
The Dart Bank	Mason	Michigan.
Oxford Bank	Oxford	Michigan.
Independent Bank	Rockford	Michigan.
West Shore Bank	Scottville	Michigan.
Federal Home Loan Bank of Chicago—District 7		
Midwest Bank of McHenry County	Algonquin	Illinois.
Old Second National Bank of Aurora	Aurora	Illinois.
State Bank of Aviston	Aviston	Illinois.
Beardstown Savings s.b	Beardstown	Illinois.
First Bank, bc	Belvidere	Illinois.
Busey Bank fsb	Bloomington	Illinois.
Great Lakes Bank, National Association	Blue Island	Illinois.
Marine Trust Company	Carthage	Illinois.
Buena Vista National Bank	Chester	Illinois.
Chester National Bank	Chester	Illinois.
The Northern Trust Company	Chicago	Illinois.
Amicus FSB	Cicero	Illinois.
American Savings Bank of Danville	Danville	Illinois.
Republic Bank of Chicago	Darien	Illinois.
The First National Bank of Decatur	Decatur	Illinois.
The First National Bank of Dietrich	Dietrich	Illinois.
East Dubuque Savings Bank	East Dubuque	Illinois.
Citizens Bank of Edinburg	Edinburg	Illinois.
The Bank of Edwardsville	Edwardsville	Illinois.
C.P. Burnett & Sons, Bankers	Eldorado	Illinois.
First State Bank of Eldorado	Eldorado	Illinois.
First Bank & Trust	Evanston	Illinois.
The Fairfield National Bank	Fairfield	Illinois.
Flora Savings Bank	Flora	Illinois.
Marquette Bank Illinois	Galesburg	Illinois.
Glasford State Bank	Glasford	Illinois.
Heritage Community Bank	Glenwood	Illinois.
Golden State Bank	Golden	Illinois.
The Greenup National Bank	Greenup	Illinois.
Clay County State Bank	Louisville	Illinois.
Peoples State Bank	Mansfield	Illinois.
HomeStar Bank	Manteno	Illinois.

Member	City	State
First FSB of Mascoutah	Mascoutah	Illinois.
First Federal Savings & Loan Association	Mattoon	Illinois.
Morton Community Bank	Morton	Illinois.
Mt. Morris Savings & Loan Association	Mt. Morris	Illinois.
The First National Bank of Mt. Pulaski	Mt. Pulaski	Illinois.
First State Bank of Newman	Newman	Illinois.
Oak Brook Bank	Oak Brook	Illinois.
TrustBank	Olney	Illinois.
First Federal Savings Bank	Ottawa	Illinois.
First Bank and Trust, SB	Paris	Illinois.
Corn Belt Bank & Trust Company	Pittsfield	Illinois.
Bank of Rantoul	Rantoul	Illinois.
The First National Bank & Trust Co. of Rochelle	Rochelle	Illinois.
Northwest Bank of Rockford	Rockford	Illinois.
First Community Bank	Sherrard	Illinois.
South Holland Trust and Savings Bank	South Holland	Illinois.
Independent Bankers' Bank	Springfield	Illinois.
Sterling Federal Bank, F.S.B	Sterling	Illinois.
Streator Home Building & Loan Association	Streator	Illinois.
The First National Bank of Sullivan	Sullivan	Illinois.
Thomson State Bank	Thomson	Illinois.
Tempo Bank, A Federal Savings Bank	Trenton	Illinois.
Heritage Bank of Central Illinois	Trivoli	Illinois.
Capstone Bank	Watseka	Illinois.
Iroquois Federal Savings and Loan Association	Watseka	Illinois.
Bank of Waukegan	Waukegan	Illinois.
Wemple State Bank	Waverly	Illinois.
State Bank of Illinois	West Chicago	Illinois.
Abottsford State Bank	Abbottsford	Wisconsin.
First Banking Center Burlington	Burlington	Wisconsin.
Cambridge State Bank	Cambridge	Wisconsin.
Community Bank of Central Wisconsin	Colby	Wisconsin.
DMB Community Bank	DeForest	Wisconsin.
Charter Bank Eau Claire	Eau Claire	Wisconsin.
Royal Credit Union	Eau Claire	Wisconsin.
Grafton State Bank	Grafton	Wisconsin.
Hartford Savings Bank	Hartford	Wisconsin.
The Bank of Kaukauna	Kaukauna	Wisconsin.
First National Bank in Manitowoc	Manitowoc	Wisconsin.
The Stephenson National Bank & Trust	Marinette	Wisconsin.
Marshfield Savings Bank	Marshfield	Wisconsin.
Mayville Savings Bank	Mayville	Wisconsin.
McFarland State Bank	McFarland	Wisconsin.
North Milwaukee State Bank	Milwaukee	Wisconsin.
Wells Fargo Bank Wisconsin, N.A	Milwaukee	Wisconsin.
Monona State Bank	Monona	Wisconsin.
Oostburg State Bank	Oostburg	Wisconsin.
United Bank	Osseo	Wisconsin.
The Port Washington State Bank	Port Washington	Wisconsin.
Peoples State Bank	Prairie du Chien	Wisconsin.
F & M Bank—Wisconsin	Pulaski	Wisconsin.
Community First Bank	Rosholt	Wisconsin.
The First National Bank of Stoughton	Stoughton	Wisconsin.
Stratford State Bank	Stratford	Wisconsin.
Bank of Turtle Lake	Turtle Lake	Wisconsin.
First National Bank	Waupaca	Wisconsin.
Peoples State Bank	Wausau	Wisconsin.
State Bank of Withee	Withee	Wisconsin.
Citizens State Bank	Woodville	Wisconsin.
Federal Home Loan Bank of Des Moines—District 8		
The First National Bank of Akron	Akron	Iowa.
Farmers State Bank	Algona	Iowa.
Iowa State Bank	Algona	Iowa.
Rolling Hills Bank & Trust	Atlantic	Iowa.
Benton County State Bank	Blairstown	Iowa.
First State Bank	Britt	Iowa.
Poweshiek County Savings Bank	Brooklyn	Iowa.
Tri-County Bank and Trust	Cascade	Iowa.
Center Point Bank and Trust Company	Center Point	Iowa.
Clinton National Bank	Clinton	Iowa.
Northwest Bank and Trust Company	Davenport	Iowa.
Bankers Trust Company, N.A	Des Moines	Iowa.

Member	City	State
First Central State Bank	DeWitt	Iowa.
American Trust & Savings Bank	Dubuque	Iowa.
First Security State Bank	Evansdale	Iowa.
Manufacturers Bank & Trust Company	Forest City	Iowa.
Garnavillo Savings Bank	Garnavillo	Iowa.
Hancock County Bank & Trust	Garner	Iowa.
Heritage Bank, N.A	Holstein	Iowa
United Bank of Iowa	Ida Grove	Iowa.
Iowa State Bank & Trust Company	Iowa City	Iowa.
University of Iowa Community Credit Union	Iowa City	Iowa.
Community Choice Credit Union	Johnston	Iowa.
Le Mars Bank & Trust Company	Le Mars	Iowa.
First Community National Bank	Lenox	Iowa.
Luana Savings Bank	Luana	Iowa.
Central State Bank	Muscatine	Iowa.
Bank Iowa	Oskaloosa	Iowa.
Mahaska State Bank	Oskaloosa	Iowa.
Central Valley Bank	Ottumwa	Iowa.
Farmers State Bank	Schleswig	Iowa.
Pioneer Bank	Sergeant Bluff	Iowa.
Iowa State Bank	Sheldon	Iowa.
Bank Iowa	Shenandoah	Iowa.
The Commercial Trust & Savings Bank	Storm Lake	Iowa.
First State Bank	Stuart	Iowa.
American Savings Bank	Tripoli	Iowa.
West Des Moines State Bank	West Des Moines	Iowa.
Farmers Trust & Savings Bank	Williamsburg	Iowa.
Security State Bank of Aitkin, Inc	Aitkin	Minnesota.
Americana National Bank	Albert Lea	Minnesota.
First Federal Bank	Bemidji	Minnesota.
Security Bank USA	Bemidji	Minnesota.
Excel Bank	Edina	Minnesota.
First National Bank of Elk River	Elk River	Minnesota.
First State Bank of Emmons	Emmons	Minnesota.
Security State Bank of Fergus Falls	Fergus Falls	Minnesota.
First State Bank of Finlayson, Inc	Finlayson	Minnesota.
First National Bank	Hawley	Minnesota.
Stearns Bank Holdingford, N.A	Holdingford	Minnesota.
American Bank Lake City	Lake City	Minnesota.
Farmers State Bank of Madelia, Inc	Madelia	Minnesota.
Security State Bank of Mankato	Mankato	Minnesota.
Pioneer Bank	Mapleton	Minnesota.
State Bank of McGregor	McGregor	Minnesota.
Signal Bank N.A	Mendota Heights	Minnesota.
Marquette Capital Bank, N.A	Minneapolis	Minnesota.
Kanabec State Bank	Mora	Minnesota.
Alliance Bank	New Ulm	Minnesota.
Farmers and Merchants State Bank of New York Mills, Inc	New York Mills	Minnesota.
Valley Bank	North Mankato	Minnesota.
HomeTown Bank	Redwood Falls	Minnesota.
Eastwood Bank	Rochester	Minnesota.
First National Bank of the North	Sandstone	Minnesota.
First National Bank of Sauk Centre	Sauk Centre	Minnesota.
Stearns Bank, N.A	St. Cloud	Minnesota.
The Midway National Bank of St. Paul	St. Paul	Minnesota.
The Lake Bank, N.A	Two Harbors	Minnesota.
Stearns Bank Upsala, N.A	Upsala	Minnesota.
Mid-Central Federal Savings Bank	Wadena	Minnesota.
First National Bank of Waseca	Waseca	Minnesota.
Bank 10	Belton	Missouri.
Farmers State Bank	Cameron	Missouri.
Hometown Bank, N.A	Carthage	Missouri.
First State Bank & Trust Company, Inc	Caruthersville	Missouri.
Citizens Bank & Trust	Chillicothe	Missouri.
First National Bank of Clinton	Clinton	Missouri.
Community Bank of Excelsior Springs	Excelsior Springs	Missouri.
Hume Bank	Hume	Missouri.
Home Savings Bank	Jefferson City	Missouri.
First State Bank of Joplin	Joplin	Missouri.
Bank of Lee's Summit	Lee's Summit	Missouri.
The Farmers Bank of Lincoln	Lincoln	Missouri.
First National Bank of Mt. Vernon	Mt. Vernon	Missouri.
Community Bank and Trust	Neosho	Missouri.
Citizens Bank	New Haven	Missouri.

Member	City	State
Bank Star	Pacific	Missouri.
The Paris National Bank	Paris	Missouri.
Bank of the LeadBelt	Park Hills	Missouri.
Unico Bank	Potosi	Missouri.
Phelps County Bank	Rolla	Missouri.
Systematic Savings and Loan Association	Springfield	Missouri.
Farmers and Merchants Bank	St. Clair	Missouri.
Allegiant Bank	St. Louis	Missouri.
Heartland Bank	St. Louis	Missouri.
Osage Valley Bank	Warsaw	Missouri.
First Security Bank-West	Beulah	North Dakota.
Dakota Western Bank	Bowman	North Dakota.
Western State Bank	Devils Lake	North Dakota.
First State Bank of LaMoure	LaMoure	North Dakota.
Federal Home Loan Bank of Dallas—District 9		
The First National Bank	Ashdown	Arkansas.
Bank of Bentonville	Bentonville	Arkansas.
Citizens Bank	Booneville	Arkansas.
First Bank of South Arkansas	Camden	Arkansas.
Danville State Bank	Danville	Arkansas.
First State Bank of DeQueen	DeQueen	Arkansas.
First Service Bank	Dermott	Arkansas.
Superior Federal Bank	Fort Smith	Arkansas.
Farmers Bank	Hamburg	Arkansas.
Heritage Bank	Jonesboro	Arkansas.
Eagle Bank & Trust Company	Little Rock	Arkansas.
McGehee Bank	McGehee	Arkansas.
First National Bank in Mena	Mena	Arkansas.
Peoples Bank and Trust Company	Mountain Home	Arkansas.
TrustBanc	Mountain Home	Arkansas.
Bank of Paragould	Paragould	Arkansas.
First State Bank of Pineville	Plainview	Arkansas.
Portland Bank	Portland	Arkansas.
Arkansas State Bank	Siloam Springs	Arkansas.
First National Bank Of Wynne	Wynne	Arkansas.
Peoples Bank of Louisiana	Amite	Louisiana.
Caldwell Bank & Trust Company	Columbia	Louisiana.
Tri-Parish Bank	Eunice	Louisiana.
Louisiana Central Bank	Ferriday	Louisiana.
MidSouth National Bank	Lafayette	Louisiana.
Louisiana Delta Bank	Lake Providence	Louisiana.
Resource Bank	Mandeville	Louisiana.
Omni Bank	Metairie	Louisiana.
Gulf Coast Bank & Trust Company	New Orleans	Louisiana.
United Bank and Trust	New Orleans	Louisiana.
First FS&LA of Allen Parish	Oakdale	Louisiana.
St. Landry Homestead Federal Savings Bank	Opelousas	Louisiana.
Community Bank	Raceland	Louisiana.
First American Bank	Vacherie	Louisiana.
First Federal Savings & Loan	Aberdeen	Mississippi.
Farmers and Merchants Bank	Baldwyn	Mississippi.
Copiah Bank, N.A	Hazlehurst	Mississippi.
Planters Bank & Trust Company	Indianola	Mississippi.
First American National Bank	Iuka	Mississippi.
Citizens Bank and Trust Company	Marks	Mississippi.
Pike County National Bank	McComb	Mississippi.
United Mississippi Bank	Natchez	Mississippi.
Mississippi Telco Federal Credit Union	Pearl	Mississippi.
Western Bank	Alamogordo	New Mexico.
Bank of Albuquerque	Albuquerque	New Mexico.
Western Bank	Artesia	New Mexico.
Western Commerce Bank	Carlsbad	New Mexico.
Citizens Bank	Farmington	New Mexico.
Los Alamos National Bank	Los Alamos	New Mexico.
Portales National Bank	Portales	New Mexico.
Citizens Bank, N.A	Abilene	Texas.
Northwest National Bank of Arlington	Arlington	Texas.
First Bank	Azle	Texas.
First National Bank of Baird	Baird	Texas.
Western American National Bank	Bedford	Texas.
Blanco National Bank	Blanco	Texas.
Legend Bank, N.A	Bowie	Texas.

Member	City	State
First State Bank	Bremond	Texas.
First National Bank in Bronte	Bronte	Texas.
First National Bank of Bullard	Bullard	Texas.
First Bank	Burkburnett	Texas.
First Federal Savings Bank	College Station	Texas.
Corsicana National Bank and Trust	Corsicana	Texas.
First Mercantile Bank, N.A	Dallas	Texas.
U.S. Trust Company of Texas, N.A	Dallas	Texas.
The First National Bank of Eagle Lake	Eagle Lake	Texas.
State National Bank	El Paso	Texas.
The First National Bank of Emory	Emory	Texas.
Landmark Bank	Euless	Texas.
Greater South Texas Bank, FSB	Falfurrias	Texas.
Central Bank of Flatonia	Flatonia	Texas.
Pecos County State Bank	Fort Stockton	Texas.
Security State Bank & Trust	Fredericksburg	Texas.
Heritage National Bank	Granbury	Texas.
Preferred Bank	Houston	Texas.
Sterling Bank	Houston	Texas.
Stewart Title Guaranty Company	Houston	Texas.
TIB The Independent BankersBank	Irving	Texas.
State Bank of Texas	Irving	Texas.
The Jacksboro National Bank	Jacksboro	Texas.
Community Bank	Katy	Texas.
Worth National Bank	Lake Worth	Texas.
South Texas National Bank	Laredo	Texas.
NBC Bank, Laredo, NA	Laredo	Texas.
Huntington State Bank	Lufkin	Texas.
Bank of Commerce	McLean	Texas.
USAA Federal Savings Bank	San Antonio	Texas.
Sanderson State Bank	Sanderson	Texas.
First Bank of Snook	Snook	Texas.
City National Bank of Taylor	Taylor	Texas.
First National Bank of Trenton	Trenton	Texas.
Claritybank.com	Uvalde	Texas.
Van Horn State Bank	Van Horn	Texas.
Central National Bank	Waco	Texas.
Wallis State Bank	Wallis	Texas.
Federal Home Loan Bank of Topeka—District 10		
FirstBank North	Arvada	Colorado.
Colonial Bank	Aurora	Colorado.
FirstBank of Boulder	Boulder	Colorado.
FirstBank of Breckenridge	Breckenridge	Colorado.
American Business Bank	Denver	Colorado.
First Community Industrial Bank	Denver	Colorado.
Centennial Bank of the West	Eaton	Colorado.
Farmers Bank	Eaton	Colorado.
First National Bank of Estes Park	Estes Park	Colorado.
FirstBank of Northern Colorado	Fort Collins	Colorado.
First National Bank—Colorado	Fowler	Colorado.
Union Colony Bank	Greeley	Colorado.
FirstBank of Tech Center	Greenwood Village	Colorado.
The Gunnison Bank and Trust Company	Gunnison	Colorado.
Red Rocks Federal Credit Union	Highlands Ranch	Colorado.
First State Bank	Idaho Springs	Colorado.
Valley State Bank	Lamar	Colorado.
FirstBank of Longmont	Longmont	Colorado.
Heritage Bank	Louisville	Colorado.
Equitable Savings & Loan Association	Sterling	Colorado.
State Bank of Wiley	Wiley	Colorado.
American Bank	Baxter Springs	Kansas.
Commercial State Bank	Bonner Springs	Kansas.
The Citizens National Bank	Concorida	Kansas.
First Kansas Bank	Gardner	Kansas.
First National Bank	Goodland	Kansas.
The Morrill & Janes Bank and Trust Company	Hiawatha	Kansas.
Hoisington National Bank	Hoisington	Kansas.
First National Bank of Holcomb	Holcomb	Kansas.
Denison State Bank	Holton	Kansas.
First State Bank & Trust Company	Larned	Kansas.
Lyons Federal Savings	Lyons	Kansas.
Morrill State Bank & Trust Company	Sabetha	Kansas.

Member	City	State
Sunflower Bank, N.A	Salina	Kansas.
St. Marys State Bank	St. Marys	Kansas.
The First National Bank of Clifton	St. Marys	Kansas.
Emprise Bank	Wichita	Kansas.
First National Bank of Albion	Albion	Nebraska.
Valley Bank and Trust Company	Gering	Nebraska.
Hastings State Bank	Hastings	Nebraska.
Great Western Bank	Omaha	Nebraska.
American National Bank	Omaha	Nebraska.
Security First Bank	Sidney	Nebraska.
Iowa-Nebraska SB	South Sioux City	Nebraska.
Wahoo State Bank	Wahoo	Nebraska.
Citizens Bank & Trust Company	Ardmore	Oklahoma.
Peoples State Bank	Blair	Oklahoma.
Union Bank of Chandler	Chandler	Oklahoma.
The First National Bank of Coweta	Coweta	Oklahoma.
The First National Bank of Davis	Davis	Oklahoma.
Great Plains National Bank	Elk City	Oklahoma.
The Idabel National Bank	Idabel	Oklahoma.
First National Bank	Midwest City	Oklahoma.
All America Bank	Mustang	Oklahoma.
Americrest Bank	Oklahoma City	Oklahoma.
Bridgeview Bank, NA	Oklahoma City	Oklahoma.
Frontier State Bank	Oklahoma City	Oklahoma.
Quail Creek Bank, N.A	Oklahoma City	Oklahoma.
The Community State Bank	Poteau	Oklahoma.
The Exchange Bank	Skiatook	Oklahoma.
First National Bank of Stigler	Stigler	Oklahoma.
Stroud National Bank	Stroud	Oklahoma.
Bank of Oklahoma	Tulsa	Oklahoma.
Tulsa National Bank	Tulsa	Oklahoma.
Waurika National Bank	Waurika	Oklahoma.
Federal Home Loan Bank of San Francisco—District 11		
National Bank of Arizona	Phoenix	Arizona.
First National Bank of Nevada	Scottsdale	Arizona.
Jackson Federal Bank	Brea	California.
Tri Counties Bank	Chico	California.
First Northern Bank of Dixon	Dixon	California.
Cedars Bank	Los Angeles	California.
Manufacturers Bank	Los Angeles	California.
United California Bank	Los Angeles	California.
Kaiperm Federal Credit Union	Oakland	California.
World Savings Bank, FSB	Oakland	California.
Citizens Business Bank	Ontario	California.
Cupertino National Bank & Trust	Palo Alto	California.
Courts & Records Federal Credit Union	Pasadena	California.
Bank of the Sierra	Porterville	California.
American River Bank	Sacramento	California.
Mission Federal Credit Union	San Diego	California.
North Island Federal Credit Union	San Diego	California.
University and State Employees Credit Union	San Diego	California.
America California Bank	San Francisco	California.
First Republic Bank	San Francisco	California.
National American Bank	San Francisco	California.
North Coast Bank	Santa Rosa	California.
First Western Bank	Simi Valley	California.
Union Safe Deposit Bank	Stockton	California.
Kaweah National Bank	Visalia	California.
Federal Home Loan Bank of Seattle—District 12		
Alaska USA Federal Credit Union	Anchorage	Alaska.
Alaska Pacific Bank	Juneau	Alaska.
First Hawaiian Bank	Honolulu	Hawaii.
Hawaii National Bank	Honolulu	Hawaii.
West Oahu Community Federal Credit Union	Kapolei	Hawaii.
Idaho Independent Bank	Hayden Lake	Idaho.
Bank of Idaho	Idaho Falls	Idaho.
Wells Fargo Bank Montana, N.A	Minneapolis	Minnesota.
Flathead Bank of Bigfork	Bigfork	Montana.
Yellowstone Bank	Billings	Montana.
The United States N.B. of Red Lodge	Red Lodge	Montana.

Member	City	State
Valley Bank of Ronan	Ronan	Montana.
Citizens Bank	Corvallis	Oregon.
U-Lane-O Credit Union	Eugene	Oregon.
Oregon Pacific Banking Company	Florence	Oregon.
Southern Oregon Federal Credit Union	Grants Pass	Oregon.
Pacific State Bank	Reedsport	Oregon.
St. Helens Community Federal Credit Union	St. Helens	Oregon.
State Bank of Southern Utah	Cedar City	Utah.
Central Bank	Provo	Utah.
Far West Bank	Provo	Utah.
Liberty Bank	Salt Lake City	Utah.
First Mutual Bank	Bellevue	Washington.
Frontier Bank	Everett	Washington.
City Bank	Lynnwood	Washington.
Redmond National Bank	Redmond	Washington.
Washington School Employees Credit Union	Seattle	Washington.
American West Bank	Spokane	Washington.
Numerica Credit Union	Spokane	Washington.
Washington Trust Bank	Spokane	Washington.
Columbia State Bank	Tacoma	Washington.
Harborstone Credit Union	Tacoma	Washington.
Westside Community Bank	University Place	Washington.
Baker Boyer National Bank	Walla Walla	Washington.
Mid State Bank	Waterville	Washington.
First National Bank of Buffalo	Buffalo	Wyoming.
Wyoming Bank and Trust	Cheyenne	Wyoming.
The Jackson State Bank	Jackson	Wyoming.
First Interstate Bank	Sheridan	Wyoming.

II. Public Comments

To encourage the submission of public comments on the community support performance of Bank members, on or before January 28, 2002, each Bank will notify its Advisory Council and nonprofit housing developers, community groups, and other interested parties in its district of the members selected for community support review in the 2000–01 eighth quarter review cycle. 12 CFR 944.2(b)(2)(ii). In reviewing a member for community support compliance, the Finance Board will consider any public comments it has received concerning the member. 12 CFR 944.2(d). To ensure consideration by the Finance Board, comments concerning the community support performance of members selected for the 2000–01 eighth quarter review cycle must be delivered to the Finance Board on or before the February 28, 2002 deadline for submission of Community Support Statements.

By the Federal Housing Finance Board.

Dated: December 21, 2001.

Arnold Intrater,

Acting General Counsel.

[FR Doc. 02–153 Filed 1–10–02; 8:45 am]

BILLING CODE 6725–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than January 25, 2002.

A. Federal Reserve Bank of Kansas City (Susan Zubradt, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. John K. Kingsbury and Myra A. Kingsbury, Ponca, Nebraska; and Lovice M. Sprugel, Liberty, Missouri, trustee of Lovice M. Sprugel Trust and John E. Sprugel, Liberty, Missouri, trustee of John E. Sprugel Trust; to acquire voting shares of Kingsbury BDC Financial Services, Inc., Ponca, Nebraska, and thereby indirectly acquire voting shares of The Bank of Dixon County, Ponca, Nebraska.

Board of Governors of the Federal Reserve System, January 7, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–685 Filed 1–10–02; 8:45 am]

BILLING CODE 6210–02–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the

proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 4, 2002.

A. Federal Reserve Bank of Kansas City (Susan Zubradt, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Lauritzen Corporation, Omaha, Nebraska; to acquire 1.54 percent, for a total of 23.03 percent, of the voting shares of First National of Nebraska, Inc., Omaha, Nebraska, and thereby indirectly acquire additional interest in First National Bank of Omaha, Omaha, Nebraska; First National Bank, North Platte, Nebraska; Platte Valley State Bank & Trust Co., Kearney, Nebraska; Fremont National Bank & Trust Co., Fremont, Nebraska; First National Bank & Trust Company, Columbus, Nebraska; First National Bank, Overland Park, Kansas; First National Bank South Dakota, Yankton, South Dakota; First National of Colorado, Inc., Fort Collins, Colorado, First National Bank, Fort Collins, Colorado; Union Colony Bank, Greeley, Colorado; First National Bank of Colorado, Boulder, Colorado; First National of Illinois, Inc., Omaha, Nebraska, and Castle Bank, N.A., DeKalb, Illinois.

Board of Governors of the Federal Reserve System, January 7, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–686 Filed 1–10–02; 8:45 am]

BILLING CODE 6210–02–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97D–0282]

Medical Devices: General Principles of Software Validation; Final Guidance for Industry and FDA Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the guidance entitled ''General Principles of Software Validation.'' This document provides guidance to medical device manufacturers and FDA staff concerning requirements for validating software used within medical devices, in device production, or in implementing the manufacturer's quality system.

DATES: Submit written or electronic comments at any time.

ADDRESSES: Submit written requests for single copies on a 3.5″ diskette of the guidance document entitled ''General Principles of Software Validation'' to the Division of Small Manufacturers, International and Consumer Assistance (HFZ–220), Center for Devices and Radiological Health (CDRH), 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 your request to 301–443–8818. See the **SUPPLEMENTARY INFORMATION** section for information on electronic 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. Submit electronic comments to http://www.fda.gov/dockets/ecomments. Comments are to be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: John F. Murray, Center for Devices and Radiological Health (HFZ–340), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–4659.

SUPPLEMENTARY INFORMATION:

I. Background

This final guidance document entitled ''General Principles of Software Validation'' provides guidance to medical device manufacturers and FDA staff concerning requirements for validating software used within medical devices, in device production, or in implementing the manufacturer's quality system. It replaces the draft guidance that FDA issued for comment on June 9, 1997, and published in the **Federal Register** of July 25, 1997 (62 FR 40099).

We received responses from 36 organizations and individuals, with more than 650 questions, comments, and specific recommendations for changes to the guidance. However, further work on the guidance was interrupted by other high priority activities, including implementation of the Food and Drug Administration Modernization Act of 1997, FDA's response to year 2000 software concerns, and two rounds of implementation of our first medical device performance standard. Because of the delay in issuing this final guidance, we have chosen to summarize our response to the comments received. As with any guidance, we will continue to accept comments and may update this document in the future.

The following summarizes the comments we received, and significant changes we made to the guidance in response to those comments:

A. Intended Scope

From a few of the comments received, it appears that some parties may not have realized the full breadth of the quality system regulation. The software validation requirement in 21 CFR 820.70(i) of the quality system regulation also applies to automated tools used to design medical devices and tools used to develop software. Since the first medical device good manufacturing practice regulation was published in 1978, there has always been an explicit validation requirement for software used in device production or used to implement the quality system. When design controls were introduced into the quality system regulation in 1997, that software validation requirement was extended to software used to design devices, such as computer-aided design and software development tools. FDA clearly addressed this issue at the end of its response to comment 136 in the preamble to the quality system regulation (61 FR 52602 at 52630, October 7, 1996). A copy of the text is included at the end of this section.

Some comments objected to the discussion of validation activities during the predesign ''concept'' phase of software development, both because the quality system regulation does not apply to research activities, and because there is too little information available at that point to make any validation related activity worthwhile. In response to these concerns, we have removed all reference to validation activities during the ''concept'' phase.

Other comments noted that the guidance covered more than just validation issues, and suggested changing the title to broaden the scope of the guidance. We acknowledge that the scope of the guidance is somewhat broader than the scope of validation in the strictest definition of that term. However, we have chosen not to change the title of the guidance. Planning,

verification, testing, traceability, configuration management, and many other activities discussed in the guidance are important activities that together help to support a final conclusion that software is validated.

Some comments expressed concerns that the guidance might be applied too rigorously by FDA investigators, and some pharmaceutical manufacturers raised questions about how the guidance would be applied to their drug manufacturing operations. The agency's good guidance practices (GGPs) clearly state the role of FDA guidance. Alternative approaches that accomplish full compliance with the quality system regulation are acceptable. While it is clearly intended for medical device manufacturers, the guidance may also be useful to the pharmaceutical industry and other industries regulated by FDA.

Many comments suggested that we move all discussions regarding use of off-the-shelf (OTS) software to the agency's guidance entitled ''Off-the-Shelf Software Use in Medical Devices.'' In response to these comments, specific cross references to that document have been added within the text of this guidance. However, the OTS guidance document deals specifically with premarket submissions for OTS software contained in medical devices. It is not the appropriate guidance for OTS software used in manufacturing and quality systems applications.

B. Flexibility

Numerous comments cited overly restrictive language and lack of sufficient implementation flexibility in the draft guidance. For example, many comments noted that the guidance implies use of a ''waterfall'' as the preferred life cycle development methodology. Several comments suggested that more discussion was needed regarding ''rapid application development'' and ''component-based methodologies,'' as well as ''build a little/test a little'' as an acceptable methodology. Other comments asked for specific examples of available life cycle models that could be used. In response to these comments, and in accordance with our own GGPs, we have carefully rewritten the text to remove any direct or implied use of the words ''shall'' or ''must,'' except where we describe or reference a regulation. We also have added language to specifically state that incremental development methodologies may be used, and that activities and tasks can be performed in a different order, if called for by the chosen life cycle model. However, for ease of description, we have retained an organization of activities based on ''requirements,'' ''design,'' ''coding (or construction),'' and ''testing.'' Regardless of the order in which tasks are accomplished, these four categories of activities are common to most life cycle models. We have not included examples of the dozens of life cycle models that are available. To do so could imply agency endorsement of certain life cycle models that are included over those models that are not included. Instead, you are referred to many of the textbooks and other references listed at the end of the guidance, which provide details of many of these life cycle models.

One group of comments objected to any use of the word ''all'' when describing items to be included in specification documents, noting that ''all'' is not a quantifiable term. Other comments suggested use of the word ''may'' rather than ''should.'' On the other hand, a few comments asked for a specific compliance matrix, so that manufacturers would know exactly how to comply with FDA expectations. We have not adopted these suggested changes. We believe that agency guidance should identify and encourage use of approaches known to have been used effectively, while the manufacturer retains the prerogative to choose alternative approaches that are equally effective. Based on variables such as firm size and structure, device risk, project size, and complexity, manufacturers have the flexibility to choose different approaches for different projects, and to select effective approaches that best fit their specific needs.

C. Format

Several comments suggested use of the framework and format in international guidelines such as ISO 9000–3, GAMP, IEEE Software Standards and ISO/IEC 12207. We have drawn information from each of these sources and many other listed references, but unfortunately, there is no single format available. We have rewritten the guidance to address specific suggestions for wording changes and simpler language. Some comments asked for extensive use of charts, analogies, and examples for the concepts presented in the document. While valuable, such an approach could easily triple the size of the guidance. Instead, we suggest referring to any of the extensive list of references included at the end of the guidance for more details on specific implementation approaches.

D. Differences Between Hardware and Software

Regarding the discussion of differences between hardware and software, the comments were somewhat divided. Some comments applauded the agency for recognizing the legitimate differences between hardware engineering and software engineering. Other comments argued that ''software is not different'' and suggested deletion of all or most of this section, either because it was unnecessary, or because it could be misinterpreted by software developers who lack sufficient engineering discipline. One comment suggested emphasizing the similarities of the engineering discipline needed to build both hardware and software. We have chosen to keep this section because we believe it explains part of the rationale for why software must be thoroughly validated, and why the software development process needs to be carefully controlled and managed. We have also added additional information regarding the impact of mobility of software professionals on the long-term maintenance of software and the need for thorough documentation.

Some comments objected to the discussion of standardization and reuse of software components and asked for more recognition of the trend toward increased use of OTS and component-based development methods. Other comments objected to the statement that ''repairs made to correct software defects establish a new design.'' We have revised the text to address both of these concerns.

E. Principles of Software Validation

We reorganized and rewrote the section regarding ''Principles of Software Validation'' to address the comments received. For example, we moved the subsection dealing with documenting software ''Requirements'' to the front of the section to reflect the importance of requirements in the validation process. We clarified language regarding ''predetermined'' requirements to allow for incremental or evolutionary development of requirements during the development project. However, we have retained the concept that documented requirements should be established prior to formal testing or other verification activities to provide ''objective'' evidence that those requirements were met.

The subsection previously entitled ''Testing'' is retitled ''Defect Prevention'' and is revised to emphasize the importance of preventing software

defects, as opposed to trying to ''test quality into'' software.

We have renamed the subsection on ''Timing.'' In response to several comments concerning validation continuing ''for the entire life cycle,'' we have rewritten the text, but have retained the concept. At each stage of the software life cycle, there is information available that can contribute to a conclusion that the software meets user needs and intended uses. Therefore, the validation process does not end when the device is shipped.

We replaced the subsection on ''Management'' with a new subsection dealing with the ''Software Life Cycle.''

We have clarified the subsections dealing with ''Plans'' and ''Procedures'' to distinguish between plans that define what to do, and procedures that describe how to do it.

The subsection entitled ''Partial Validation'' is substantially rewritten and retitled ''Software Validation After a Change.'' Many readers misinterpreted the statement that ''software cannot be partially validated'' and thought we intended all validation testing to be repeated every time any change is made. That is not what we meant. Based on the comments received, we have rewritten the discussion to emphasize the need for regression analysis after a change, followed by an appropriate level of regression testing to reestablish the validation status of the software. We have deleted specific discussion of retrospective validation and reverse engineering of nonvalidated software, but these issues should be covered during the regression analysis.

We have retitled and rewritten the subsection on ''Amount of Effort.'' Now titled ''Validation Coverage,'' it still describes an approach that ties the level of validation and verification effort to the safety risk and complexity of the software.

We revised the subsection on ''Independence of Review'' to provide greater flexibility and a better explanation of its intent.

The subsection previously entitled ''Real World'' is now entitled ''Flexibility and Responsibility,'' and reemphasizes that device manufacturers/software developers have a lot of flexibility in how they implement their software validation process, but the device manufacturer is ultimately responsible for the adequacy and effectiveness of the selected approach.

F. Terminology

Some of the most significant comments we received had to do with our basic definition of software validation. In the previous draft guidance, we relied upon technical definitions used by the National Institute of Standards and Technology and by the Institute of Electrical and Electronic Engineers. These technical definitions created some confusion with other definitions in our quality system regulation. Numerous comments objected to our use of ''validation'' as an umbrella term to cover ''design review'' and ''verification'' as well as validation. They stated that both design review and verification are distinctly separable quality concepts and are not a part of validation. In response to these concerns, we have changed the definition of software validation to be more consistent with the quality system regulation and other international quality standards. Our revised definition of software validation is derived directly from the definitions of ''validation'' and ''design validation'' in the quality system regulation.

Comments also objected to the title ''Typical Validation Tasks'' at the end of each subsection in the section V of the guidance and suggested that they are really verification tasks. Other comments objected to possible interpretation of these as mandatory tasks. In response to these comments, we have also added text to explain that there are typical verification and testing tasks that support an overall conclusion that software is validated. Thereafter, when we discuss ''Typical Tasks Supporting Validation,'' we do not try to differentiate between verification tasks versus validation tasks. Instead, we have revised the text to list ''Typical Tasks.'' While we want to avoid any inference that the tasks are mandatory in every case, the guidance makes the point that these are ''typical'' approaches that are recommended by software engineering standards and textbooks, and widely used by many software engineering professionals.

Several comments noted inconsistencies in terminology from that contained in the quality system regulation, in two software guidances issued by the Office of Device Evaluation, and in the FDA glossary of computerized system and software development terminology. These comments also suggested use of the term ''risk analysis'' instead of ''hazard analysis'' throughout the software validation guidance. We have revised the guidance to incorporate the term ''risk analysis'' throughout. However, we continue to emphasize that while there are many different risks (e.g., economic or time to market), FDA is concerned about safety risk (hazard). At their next revision, we expect to update other software guidance documents and the FDA glossary with consistent definitions of validation, verification, and risk analysis. In addition, we now use the term ''user site testing'' rather than ''installation testing'' to describe testing performed at the user site and outside the control of the software manufacturer.

Some comments questioned whether OTS software could be validated because the device manufacturer frequently does not have access to the source code. These comments suggested that OTS software should be ''qualified'' rather than ''validated.'' However, we believe that the evidence developed by a device manufacturer concerning OTS software is a true validation because it directly supports a conclusion that the software meets user needs and intended uses. Where the source code is not available, it is incumbent upon the device manufacturer to use other means (such as audits, or more extensive black box testing) to infer the structural integrity of the OTS software. This issue is clearly addressed in comment 136 of the preamble to the quality system regulation (61 FR 52602 at 52630).

Other comments from the pharmaceutical industry suggested incorporation of widely understood process validation terminology (i.e., installation qualification (IQ), operational qualification (OQ), and performance qualification (PQ)) to describe software validation. Another comment suggested use of ''product performance qualification'' rather than ''design validation.'' We have added a section that refers to the various types of qualification, but we have chosen not to adopt ''qualification'' terminology in explaining software validation requirements. Of course, manufacturers may continue to organize their validation efforts using IQ/OQ/PQ terminology, if they wish.

In response to comments, a new subsection has been added to explain the differences between ''requirements,'' which may be general in nature, versus ''specifications,'' which are developed to an engineering level of detail.

Several comments objected to use of undefined terms such as ''microcode'' and ''assertions.'' We reiterate that these and many other terms used throughout the guidance are specifically defined in the FDA glossary of computerized system and software development terminology, which is available at http://www.fda.gov/ora/inspect_ref/igs/gloss.html.

G. Design Review

As noted above, design reviews are not a part of validation. In fact, several comments noted that results of verification and validation are inputs to design reviews—not the other way around. To emphasize this point, we moved the subsection on ''Design Reviews'' outside the section on ''Typical Tasks Supporting Validation.'' We also added information about the difference between formal design reviews that are mandated by the quality system regulation versus less formal technical reviews.

H. Traceability

A few comments objected to the guidance regarding ''traceability analysis,'' especially the discussion at the end of the subsection on ''Coding.'' Two comments noted that for very complex programs with thousands of lines of code or thousands of modules, the traceability analysis would be extremely complex and of little value. One suggested that design review was an adequate substitute for traceability analysis. We disagree. Traceability is an essential aspect of verification, and it is an important input into design reviews. We therefore do not believe that design review could be an adequate substitute for traceability analysis.

One comment stated that requirements are not always neatly structured, and it is very difficult to trace exactly how they are implemented in the design. There are numerous many-to-one and one-to-many relationships to be mapped from requirements to design to code. We agree with this observation; however, it actually further supports the need for traceability. The larger and more complex the project, the more important the traceability analysis becomes. Therefore, we have retained the discussions regarding traceability, and in response to several other comments, we have added traceability of software requirements to the safety risk analysis.

Another comment noted that inherent traceability can be built into documentation and code without having to have a separate traceability document. We agree and for that reason have avoided use of the most commonly used term—''traceability matrix.'' Three common approaches are traceability matrix, using computer databases to evaluate traceability, or building inherent traceability into the structure of the documentation and code. There may be many other approaches to traceability. Software developers have flexibility in how they want to implement traceability.

I. Risk Analysis

Many comments questioned the concept of a software failure modes and effects analysis (FMEA). They stated that given the difficulty of predicting specific software failure modes, FMEA is better used as a system level risk analysis tool. We have revised the guidance to discuss software risk analysis within the context of system safety. However, while we acknowledge some limitations in its use, we also believe that software FMEA can be a useful tool, especially for safety critical aspects of software applications. It may also be useful early in the development process for analyzing safety critical software requirements.

One comment objected to the suggestion that risk analysis begin at the stage where requirements are defined. However, to be useful and have an impact on the software development process, we believe that risk analysis needs to begin early and needs to be updated as the project progresses. In addition, we have revised various portions of the guidance to emphasize that the level of safety risk is a major factor in determining the level of effort to be applied in testing and other verification and validation tasks.

J. Planning

In response to comments, we have changed the subsection on ''Management'' to be entitled ''Quality Planning.'' It now provides a more general discussion of the software validation and verification concerns to consider during quality planning.

Several comments questioned the idea of early test planning, which was recommended in the draft guidance. For example, they argued that there is insufficient information available during requirements development to be able to develop a system test plan or an acceptance test plan. We disagree and have retained the recommendations for early test planning, but we have specified that test plans and test cases should be created as early in the software development process ''as feasible.'' One of the important criteria, both for requirements and for design, is that they be testable. The fact that there is insufficient information for a particular test plan is valuable feedback to the development process that perhaps the requirements or design processes are not yet sufficiently complete. Planning is a dynamic activity that should be reexamined and updated as the project progresses.

K. Requirements

Many comments objected to use of the word ''all'' in describing what is typically specified in software requirements. We agree that requirements frequently do not specify ''all'' that they should. However, that is widely recognized as one the major flaws in software development, and its correction is one of the most important messages intended by this guidance. In order to be complete, a software requirements specification should cover all the pertinent issues—not just a selected few.

One comment noted that requirements may not always be measurable. We have changed the text to state that requirements should be ''measurable or objectively verifiable.''

A few comments noted that ''internal interfaces'' and ''all ranges of values the software will accept'' are a part of design—not requirements. We agree regarding internal interfaces and have changed the text accordingly. However, since software requirements are derived from system requirements, there may be some internal system interfaces prescribed from the high level system design that would impact software requirements. Regarding ''ranges of values,'' we note that there is rarely a bright line of demarcation between requirements and design. Software developers have flexibility as to where in their life cycle they wish to cover particular issues. We rejected most comments requesting even greater levels of detail and specificity regarding static verification techniques. For example, several comments asked for more detail regarding ''requirements evaluation'' and ''interface analysis.'' Details on these techniques are available in many of the references listed at the end of the guidance. FDA investigators will expect to see a verification procedure that includes a means for identifying and resolving incomplete, ambiguous, and conflicting requirements, as required by the regulation. They will also expect to see objective documented evidence that the verification procedure was implemented.

L. Design

We have retained wording about the need for design specifications to be complete enough for programmers not to have to make ad hoc decisions. The intent is to ensure that the code created is consistent with the design specification. When programmers or engineers decide to add new functionality not identified previously in the requirements or design, those specifications need to be updated to reflect the actual code created. The project manager, design team, and any future maintainers of the software need

to have accurate documentation in order to do their work.

We have dropped the listing of specific approaches to software design, and we have included a more general description of what should be included in a software design specification. Some comments considered the previous list to be too prescriptive as well as incomplete.

We recognize that portions of the software are completed and released incrementally, and life cycle processes are repeated iteratively. The intent is that those portions of the software have design documentation that is consistent with the software application that is implemented. One comment noted that in a rapid application development (RAD) environment, there is typically no formal design document in place during coding. We recognize that RAD is valuable as a prototyping tool, but its use does not preclude the need to document the specific design, once it is agreed upon.

M. Coding

We have changed the title of this subsection to reflect that the creation of a software application can be either through coding, or through combining existing software components, such as OTS software products or functional components from existing code libraries.

Comments objected to the idea of having to keep results of all compilations of the code. In response, we have revised the discussion of compiler error checking to state that the results of the ''final'' compilation of the code should be retained to document any errors that remain uncorrected in the final software product.

N. Testing by the Software Developer

We renamed and revised this subsection to provide a better explanation of the purpose of testing, and to avoid prescriptive language concerning use of specific testing techniques. We have added language regarding use of incremental development and testing methodologies. We expanded the discussion of testing coverage to explain how different degrees of coverage should be considered for varying levels of risk, and that the manufacturer has flexibility to choose the right level of coverage.

One comment noted that the intent of testing is to find errors, and suggested a better explanation of this and other tenets of a software testing strategy. We have added such an explanation.

Other comments argued that statistical testing based on usage profiles is more effective than extensive structural testing in finding software defects. We agree that statistical testing is one of many valuable testing methodologies, and we have added information about its use. However, it is important to note that statistical testing is an adjunctive approach, rather than an outright replacement for other types of testing.

O. User Site Testing

Based on several comments, we have renamed the subsection formerly entitled ''Installation Testing'' and moved it into the section on life cycle activities. User site testing can be any one of several types of testing performed by the user or by others at the user site. System level testing performed by the software developer under conditions that simulate the user's environment is an important part of validation for some products, and it may substitute for some aspects of user site testing. However, for certain products such as blood establishment software, there are specific FDA requirements for additional testing to be performed at the user site. For manufacturing and quality system software, user site testing is frequently performed by the device manufacturer.

P. Maintenance and Software Changes

Several comments objected to the statement that ''all modifications are design changes,'' noting that some changes, such as a correction of coding errors, do not change the intended design. We have made appropriate changes to the text. However, we continue to emphasize that the validation of all software changes needs to include a regression analysis and, as appropriate, regression testing to show that the change has not negatively impacted the software.

In response to other comments, we have added information regarding anomaly evaluation, problem identification and resolution tracking, and the need to update documentation.

Q. Process and Quality System Software

We have added a new section to the document dealing with validation of automated process equipment and quality system software. This change was in response to the many comments that raised issues and asked for more detailed information about validating such software, especially OTS automated equipment and OTS software.

Many comments discussed the difficulties encountered in trying to validate OTS software, and suggested a different approach for validation of manufacturing and quality system software. Source code and life cycle documentation are frequently unavailable for review, so structural testing is usually not possible. Auditing the vendor's software development activities is one possibility, but some software vendors will not agree to being audited. One comment suggested that risk analysis, design, coding, and unit testing should not apply to quality system software, especially if it is purchased, and further suggested that functional testing is the most that can be expected. Several comments suggested that for widely used applications, there can be a reasonable assumption that the vendor validated the software at the time it was developed, and that installation qualification by the user should be sufficient. Many of these issues are addressed in the response to comment 136 in the preamble of the quality system regulation (61 FR 52602 at 52630).

It is not the agency's intent to discourage use of OTS computer products. The activities described in the guidance can be shared between the vendor and device manufacturer (the user). However, we believe that the principles and activities described in the guidance are important for an overall conclusion that software is validated for its intended use. Device manufacturers are required to have purchasing controls for the products and services they receive. Such controls are an important part of decision making regarding OTS software. Our experience is that ''assumptions'' regarding validation by the vendor are not always well founded. Each OTS software product needs to be individually evaluated based on the intended use of the software, available life cycle documentation, available verification and validation evidence, and most importantly the device safety risk posed by the automated process. Device manufacturers can use multiple sources of information, but are ultimately responsible for documenting the basis for their conclusion that the software is validated for its intended use.

Several comments suggested alternative approaches for certain types of software, such as operating systems and certain tools used in software development, such as compilers and robust ''middleware'' such as Oracle, Documentum, or Lotus Notes. We have added suggestions for alternative approaches, while still retaining the basic requirement that the software must be validated for its intended use.

A few comments questioned who is responsible for validation of OTS software. One questioned FDA's

authority to regulate software vendors, but argued that device manufacturers cannot be responsible because they lack access to source code and life cycle documentation. Another noted that vendors frequently change their hardware and software, resulting in unreasonable FDA expectations for revalidation of each change. One comment asked for more details regarding the impact of the supplier's quality system on purchasing decisions. In response to these comments, we reaffirm that FDA holds the device manufacturer responsible for the software validation requirement. This responsibility can be further delegated in part through contracting and purchasing controls, and monitored through supplier audits or other means, but the device manufacturer is ultimately responsible for its decision to choose a particular software product. The fact that a vendor refuses to provide access to its development process or documentation does not relieve the device manufacturer of this responsibility. Likewise, we note that the device manufacturer is not obligated to install every software upgrade offered by a vendor. Validation of those upgrades and support from the vendor, including access to the necessary vendor documentation, need to play an important role in the upgrade decision.

Some comments argued that software validation should be treated more like process validation, which is only required if the output of the process cannot be fully verified by subsequent inspection and testing. Other comments asked for clarification of the term ''verification by output'' and asked whether it negated the requirement for software validation. One comment argued that output of software driven systems can never be fully verified. Another comment suggested the consideration of intended use and dependence upon software for proper operation of the process to determine whether verification could be substituted for software validation.

In response to these comments, we believe there are very few examples where ''verification'' in lieu of software validation could be justified, and even in those cases, most manufacturers would choose to validate the software rather than go through repeated verifications of output. For example, while every aspect of a drawing from a computer-aided design (CAD) system can be independently verified, no user of a CAD system is likely to go to that trouble or expense for every aspect of every drawing. Likewise, because software itself cannot be fully verified, automated software development tools used to create medical device software must be validated for their intended use.

Requirements are needed to establish intended use, the degree of dependence on the software, and therefore the degree of validation needed. The device manufacturer decides whether or not to use OTS software. The ability to validate for intended use and vendor support for the effort should be a part of that decision. Static analysis and structural testing are techniques to be used in evaluating source code and life cycle documentation, when these items are available. Otherwise, the device manufacturer is dependent upon functional testing alone. This issue is discussed in response to comment 136 in the preamble to the quality system regulation (61 FR 52602 at 52630). The impact on the safety and quality of the medical device is an important determining factor in the approach and level of effort to be applied for validating automated manufacturing and quality system software, just as it is for software in a medical device.

R. References

There were numerous recommendations for additional references. Those and many other reference books, international standards, and FDA guidance documents have been added to the appendix at the end of the validation guidance.

For ease of cross reference, the text of comment 136 from the preamble of the quality system regulation is included below:

136. One comment on § 820.70(h), ''Automated processes,''' (now § 820.70(i)), stated that the section should be revised to reflect that software used in such systems must be validated for ''its intended use,'' not simply validated. Another comment stated that most companies buy software currently available on the market and do not make changes to the software. It was recommended that § 820.70(h) allow for use of outside personnel for validation runs and not necessarily require the development of a software validation procedure. One comment suggested that the section should allow verification rather than validation of off-the-shelf software. Several comments on ''automated processes''' stated that the term ''data processing systems'' was unclear and its inclusion rendered the requirement too broad. Others asked for clarification of ''automated data processing systems.''

FDA has modified the requirement to mandate validation for the intended use of the software. In addition, the requirement that the software be validated by individuals designated by the manufacturer has also been deleted to make clear that validation may be performed by those other than the manufacturer. However, whether the manufacturer designates its own personnel or relies on outside assistance to validate software, there must be an established procedure to ensure validation is carried out properly.

FDA has maintained the requirement for validation because the agency believes that it is necessary that software be validated to the extent possible to adequately ensure performance. Where source code and design specifications cannot be obtained, ''black box testing'' must be performed to confirm that the software meets the user's needs and its intended uses.

FDA emphasizes that manufacturers are responsible for the adequacy of the software used in their devices, and activities used to produce devices. When manufacturers purchase ''off-the-shelf'' software, they must ensure that it will perform as intended in its chosen application.

FDA has amended the requirement to state ''When computers or automated data processing systems are used as part of production or the quality system,'' for clarification. Software used in production or the quality system, whether it be in the designing, manufacturing, distributing, or tracing, must be validated.

II. Significance of Guidance

This guidance document represents the agency's current thinking on software validation. 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 applicable statutes and regulations.

The agency has adopted GGPs, and published the final rule, which set forth the agency's regulations for the development, issuance, and use of guidance documents (21 CFR 10.115). This guidance document is issued as a level 1 guidance in accordance with the GGP regulations.

III. Electronic Access

In order to receive ''General Principles of Software Validation'' 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 (938) 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 the civil money penalty guidance documents package, 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. Guidance documents are also available on the Dockets Management Branch Internet site at http:/www.fda.gov/ohrms/dockets/default.htm.

IV. Comments

Interested persons may submit to the Dockets Management Branch (address above) written or electronic comments regarding this guidance at any time. Submit two copies of any comments,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. 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: December 11, 2001.

Linda S. Kahan,

Deputy Director, Center for Devices and Radiological Health.

[FR Doc. 02–690 Filed 1–10–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Expression, Purification and Efficacy Testing of Synthetic Plasmodium Falciparum Apical Membrane Antigen 1 Expressed in Pichia Pastoris

Stowers et al. (NIAID)

DHHS Reference No. E–025–02/0 filed 09 Nov 2001

Licensing Contact: Carol Salata; 301/496–7735 ext. 232; e-mail: *salatac@od.nih.gov.*

A challenge facing the biotechnology industry involves finding robust systems for the expression of large amounts of recombinant protein. Extra technological hurdles are faced when these proteins are required for therapeutic usages.

Malaria remains one of the leading causes of both morbidity and mortality in the tropical and sub-tropical world. Currently, there is no malaria vaccine. This invention relates to both of these issues.

Two recombinant forms of the malaria asexual blood stage antigen Apical Membrane Antigen 1 (AMA1) were produced in Pichia pastoris using totally defined, synthetic medias and a fermentation methodology that has been reproducibly scaled over a 10-fold range to 60L. High levels of secreted recombinant protein were obtained (300mg/L secreted protein in the supernatant, and >50mg/L final purified bulk protein), and a purification strategy developed to remove Host cell-derived lipids. Highly purified forms of both types of AMA1 produced appear to produce antibodies in vivo in rabbits that block homologous parasites from invading red blood cells in vitro. The combination of the two allelic forms made appears potent at inducing antibodies capable of blocking the invasion of many heterologous parasite strains in vitro, suggesting that the combination of these two alleles of AMA1 will provide sufficient coverage from the diverse field populations of parasites. One of the two AMA1's, based on the FVO allelic variant of AMA1, was emulsified with complete and incomplete Freund's adjuvant.

Vaccination of highly susceptible Aotus vociferans monkeys with this formulation conferred significant protection from a subsequent lethal challenge with the virulent FVO Plasmodium falciparum parasite. Five of eight animals whose primary immune response was directed against AMA1 were completely protected. These two recombinant form of AMA1 may be an effective malaria vaccine. The production and purification methodologies may be suitable to other therapeutic proteins where large-scale, inexpensive production methodologies are required.

Two cDNA Clones of Hepatitis E Virus (HEV) That Are Infectious for Primates and Encode a Virulent and an Attenuated Virus Respectively

Suzanne U. Emerson, Robert H. Purcell, Mingdong Zhang, and Xiang-Jin Meng (NIAID)

DHHS Reference No. E–278–01/0 filed 09 Nov 2001

Licensing Contact: Carol Salata; 301/496–7735 ext. 232; e-mail: *salatac@od.nih.gov*

Hepatitis E virus (HEV) is a human pathogen that is the most important cause of acute hepatitis in areas where the virus in endemic (Southeast and Central Asia, and parts of Africa). This invention relates to transcripts from the two cDNA clones that produced virus following intrahepatic transfection of chimpanzees. The virus encoded by cDNA with the consensus sequence of the wild-type Sar 55 Pakistani strain of HEV caused liver enzyme elevations (i.e. acute hepatitis) in the chimpanzee and resulted in seroconversion to anti-HEV at five weeks following inoculation. The second cDNA differed from the first by a two nucleotides, one of which was located in the coding region. The nucleotide at this position and the 18–20 nucleotides surrounding it are highly conserved in all strains sequenced thus far. Two chimpanzees inoculated with transcripts from this clone seroconverted to anti-HEV but seroconversion was delayed until week 14 and liver enzyme levels did not rise, indicating the virus was attenuated. Viral sequences could be recovered from the serum of only one chimp and at only one time point by reverse-transcription polymerase chain reaction, indicating viral replication was inefficient. An attenuated vaccine would be more cost effective than a recombinant protein vaccine.

Suppression of CCR5 but Not CXCR4-Tropic HIV–1 Replication in Lymphoid Tissue by Human Herpes Virus 6

Margolis et al. (NICHD)

DHHS Reference No. E–089–01/0 filed 28 Mar 2001

Licensing Contact: Carol Salata; 301/496–7735 ext. 232; e-mail: *salatac@od.nih.gov.*

HIV–1 infects cells via a receptor complex formed by CD4 and a coreceptor, such as CCR5 or CXCR4. The early stages of HIV–1 infection are dominated by CCR5-tropic viral variants. CXCR4-tropic variants frequently emerge at later stages

followed by a rapid decline in CD4+ T cells and progression to AIDS.

This invention describes the mechanism of the coreceptor switch from CCR5 to CXCR4 as HIV infection progresses. The study of the interaction between human herpes virus 6 (HHV–6) and HIV has shed light on this coreceptor switch. The inventors observed that HHV–6 affects HIV replication by suppressing CCR5-tropic but not CXCR4-tropic HIV–1. The inventors demonstrate that HHV–6 upregulates the production of RANTES, a CC chemokine that is known to inhibit infection by CCR5-tropic HIV–1. RANTES interferes with the interaction of the CCR5-tropic HIV–1 thereby allowing the CXCR4-tropic HIV–1 variants to emerge.

This observation may lead to new HIV–1 therapies and vaccines. For example, an attenuated HHV–6 or the use of other compounds to stimulate RANTES production could be used as an HIV vaccine while a drug effective against HHV–6 could be used as an HIV therapeutic. Once HHV–6 is eradicated from the body or rendered nonfunctional the conversion from CCR5-tropic HIV–1 to CXCR4-tropic HIV–1 cannot take place.

Human Papilloma Virus Immunoreactive Peptides

Samir N. Khleif , David Contois, and Jay Berzofsky (NCI)
DHHS Reference No. E–126–01/0 filed 23 Mar 2001
Licensing Contact: Sally Hu; 301/496–7056 ext. 265; *e-mail: hus@od.nih.gov.*

This invention provides immunogenic peptides from the HPV–18E6 protein that comprise class I restricted T cell epitopes and discloses methods of administering these peptides to individuals, and a method for monitoring or evaluating an immune response to HPV with these peptides. The HPV–18E6 peptide cross-reacts immunologically with both HPV type 16 and HPV type 18. HPV 16 and HPV 18 are the most common HPV types involved in cervical cancer, which is the second most common cause of cancer deaths in women worldwide. This invention demonstrates that the HPV–18E6 peptide has a higher affinity for the most common human lymphocyte antigen (HLA), HLA–A2 than the homologous peptide from HPV 16. Thus, this invention provides a potential prophylactic or therapeutic vaccine against cervical cancer caused by HPV16 and 18, and a targeted therapy for cervical cancer and other diseases that are caused by HPV including other genital cancers, head and neck cancers, and upper digestive tract cancers. It could also be potentially used in the treatment of patients presenting with pre-malignant cervical disease, especially in underdeveloped countries with no access to surgical treatment or to completely avoid surgical treatment.

Parallel Measurements of Multiple Macromolecules Using a Cryoarray

Robert Star (NIDDK), Takehiko Miyaji (NIDDK), Stephen Hewitt (NCI), and Lance Liotta (NCI)
DHHS Reference No. E–064–01/0 filed 31 Aug 2001
Licensing Contact: Cristina Thalhammer-Reyero; 301/496–7056 ext. 263; e-mail: *ThalhamC@od.nih.gov.*

Available for license is a new improved technique for the creation of biological arrays of 25–100 biological samples per slide, for use in parallel molecular screening in medical research and clinical diagnostics. Recent advances in genomics, including serial analysis of gene expression, and DNA microarrays have allowed researchers to perform high throughput analysis of gene expression. These experiments generate large amounts of information that must be validated independently, one gene at a time. In particular, there is an increasing demand for protein arrays in order to measure changes in protein expression or post-translational modification of proteins. Current techniques to create protein arrays are deficient because the proteins stick to the arraying pins, and array fabrication at room temperature may destroy the protein structure and function. The CryoArray technology, based on the creation of the arrays at subzero temperature, preserves the stability and functionality of the biological samples, including proteins, and is flexible with respect to the molecular probes it can accommodate. Wells made in a frozen block of embedding material are filled with biological samples, which freeze and bond to the surrounding block. The loaded block is cut in a cryostat to produce up to 800 replicate 4–10 microns thin sections. The samples can include DNA, RNA, and proteins such as antibodies or receptors. Recombinant or native tissue proteins are detected using antibodies; however, the system can be extended for other types of biological assays.

The ability to make multiple (i.e., up to 800) cryosections from one cryoblock enables parallel analysis of many identical arrays. Unlike other proteomic techniques, cryoarrays are easy to use, economical, efficiently use samples with little waste, require only a small volume of sample, and are protein friendly because samples are kept frozen during production. The cryoarray method allows small laboratories without access to expensive arraying equipment to produce many identical arrays with moderate numbers of precious samples. Proteins can be detected in their native configuration, without SDS or formalin. Cryoarrays may be useful for screening small samples of precious biological fluids or tissues for new biomarkers or for rapid screening of monoclonal antibodies. It may be possible to use cryoarrays to also measure protein function and protein-protein interactions.

Method for Non-Invasive Identification of Individuals at Risk for Diabetes

Anthony J. Durkin, Marwood N. Ediger, Michelle V. Chenault (FDA)
DHHS Reference No. E–091–98/2 filed 17 May 2001
Licensing Contact: Dale Berkley; 301/496–7735 ext. 223; e-mail: *berkleyd@od.nih.gov*

The invention is a non-invasive technique for the detection of ocular pathologies, including molecular changes associated with diabetes. Raman spectra emitted from an eye that is subject to a laser probe provides information regarding early markers of diabetes or diabetes-induced ocular pathologies. The invention compares spectra taken from the subject under study to spectra from a normal subject. Multivariate statistical methods are used to obtain predictive information based on the detected spectra, and to diagnose or predict the onset or stage of progression of diabetes-induced ocular pathology.

Dated: January 4, 2002.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 02–744 Filed 1–10–02; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C.,

as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Signal Transduction in Oscogenesis.

Date: January 11, 2002.

Time: 10:00 AM to 2:00 PM.

Agenda: To review and evaluate grant applications.

Place: 6116 Executive Blvd., Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Virginia P. Wray, PhD, Scientific Review Administrator, National Cancer Institute, DEA GRB, 6116 Executive Boulevard, Room 8125, Rockville, MD 20895–7405, 301–496–9236, *vw8z@nih.gov*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: January 4, 2002.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–746 Filed 1–10–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Eye Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Eye Council.

Date: February 14, 2002.

Closed: 8:30 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: 6130 Executive Boulevard, Room G, Rockville, MD 20852.

Open: 1:15 p.m. to 5 p.m.

Agenda: Following opening remarks by the Director, NEI, there will be presentations by the staff of the Institute and discussions concerning Institute programs and policies.

Place: 6130 Executive Boulevard, Room G, Rockville, MD 20852.

Contact Person: Lore Anne McNicol, Director, Division of Extramural Research, National Eye Institute, National Institutes of Health, Bethesda, MD 20892, 301–496–9110.

Information is also available on the Institute's/Center's homepage: *www.nei.nih.gov*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: January 4, 2002.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–753 Filed 1–10–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Council for Human Genome Research.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Human Genome Research.

Date: February 11–12, 2002.

Open: February 11, 2002, 8:30 AM to 1 PM.

Agenda: To discuss matters of program relevance.

Place: National Institutes of Health, Natcher Building, Conference Rooms E1 & E2, 45 Center Drive, Bethesda, MD 20892.

Closed: February 11, 2002, 1 PM to Adjournment on 02/12/2002.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Natcher Building, Conference Rooms E1 & E2, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Elke Jordan, PhD, Deputy Director, National Human Genome Research Institute, National Institutes of Health, PHS, DHHS, 31 Center Drive, Building 31, Room 4B09, Bethesda, MD 20892, 301 496–0844.

In the interest of security, NIH has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show a photo I.D. and sign-in at the security desk upon entering the building.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: January 7, 2002.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–754 Filed 1–10–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Microbiology and Infectious Diseases Research Committee.

Date: February 6–8, 2002.

Open: February 6, 2002, 9 AM to 10 AM.

Agenda: Report on Division activities.

Place: Latham Hotel, 3000 M Street, NW., Washington, DC 20007.

Closed: February 6, 2002, 10 AM to adjournment.

Agenda: To review and evaluate grant applications.

Place: Latham Hotel, 3000 M Street, NW., Washington, DC 20007.

Contact Person: Gary S. Madonna, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2217, 6700–B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610, 301–496–2550.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 4, 2002.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–745 Filed 1–10–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Initial Review Group Biomedical Research Review Subcommittee.

Date: February 14, 2002.

Time: 8:30 am to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: L Tony Beck, PhD, Scientific Review Administrator, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Blvd., MSC 7003, Bethesda, MD 20892–7003, 301–443–0913, lbeck@mail.nih.gov

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Initial Review Group Health Services Research Review Subcommittee.

Date: February 14, 2002.

Time: 12 pm to 3 pm.

Agenda: To review and evaluate grant applications.

Place: Willco Building, Suite 409, 6000 Executive Boulevard, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Elsie Taylor, Scientific Review Administrator, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Blvd., Bethesda, MD 20892–7003, 301–443–9787, *etaylor@niaaa.nih.gov.*

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Initial Review Group Clinical and Treatment Subcommittee–

Date: February 28-March 1, 2002.

Time: 8:30 am to 5 pm.

Agenda: To review and evaluate grant applications

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Elsie Taylor, MS, Scientific Review Administrator, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Blvd., Bethesda, MD 20892–7003, 301–443–9787, *etaylor@niaaa.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.272, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: January 4, 2002.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–747 Filed 1–10–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel.

Date: January 24, 2002.

Time: 10 a.m. to 3 p.m.

Agenda: To review and evaluate contract proposals.

Place: 6700B Rockledge Drive, Room 2223, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Yen Li, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2217, 6700–B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610, 301–496–2550,*yli@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 4, 2002.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–748 Filed 1–10–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be open to the public as indicated below, with attendance limited to space available.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Allergy, Immunology, and Transplantation Research Committee.

Date: January 29–31, 2002.

Open: January 29, 2002, 2:00 PM to 2:30 PM.

Agenda: Report on Division activities.

Place: Best Western, Monterey Beach Hotel, 2600 Sand Dunes Drive, Monterey, CA 93940.

Closed: January 29, 2002, 2:30 PM to adjournment.

Agenda: To review and evaluate grant applications.

Place: Best Western, Monterey Beach Hotel, 2600 Sand Dunes Drive, Monterey, CA 93940.

Contact Person: Nancy B. Saunders, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2223, 6700–B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610, 301–496–2550, *ns120v@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 4, 2002.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–749 Filed 1–10–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Arthritis and Musculoskeletal and Skin Diseases Advisory Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Arthritis and Musculoskeletal and Skin Diseases Advisory Council.

Date: January 31–February 1, 2002.

Open: January 31, 2002, 8:30 AM to 5 PM.

Agenda: The meeting will be open to the public to discuss administrative details relating to Council business and special reports.

Place: 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, MD 20892.

Closed: February 1, 2002, 8:30 AM to 5 PM.

Agenda: To review and evaluate grant applications.

Place: 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, MD 20892.

Contact Person: Steven J. Hausman, PhD, Deputy Director, NIAMS/NIH, Bldg. 31, Room 4C–32, 31 Center Dr, MSC 2350, Bethesda, MD 20892–2350, (301) 594–2463.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: January 4, 2002.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–750 Filed 1–10–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental and Craniofacial Research; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Dental and Craniofacial Research Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Dental and Craniofacial Research Council.

Date: January 28, 2002.

Open: 8:30 a.m. to 11 a.m.

Agenda: Director's Report, Budget Report.

Place: Natcher Building, 45 Center Drive, Conference Rooms E1/E2, Bethesda, MD 20892.

Closed: 11 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: Natcher Building, 45 Center Drive, Conference Rooms E1/E2, Bethesda, MD 20892.

Contact Person: J. Ricardo Martinez, MD, MPH, Associate Director for Program Development, Office of the Director, National Institute of Dental and Craniofacial Research, 31 Center Drive, Bldg. 31, Rm. 5B55, Bethesda, MD 20892.

Information is also available on the Institute's/Center's home page: *www.nidcr.nih.gov/discover/nadrc/index.htm*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: January 4, 2002.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–751 Filed 1–10–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Meetings

Pursuant to section 10(a) of the Federal Advisory Committee Act, as

amended (5 U.S.C. Appendix 2), notice is hereby given of meetings of the National Advisory Neurological Disorders and Stroke Council.

The meetings will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Advisory Neurological Disorders and Stroke Council, Training Subcommittee.

Date: February 13, 2002.

Time: 8 p.m. to 10 p.m.

Agenda: To discuss the training programs of the Institute.

Place: Hyatt Regency, One Metro Center, Bethesda, MD 20814.

Contact Person: Constance W. Atwell, PhD, Associate Director for Extramural Research, National Institute of Neurological Disorders and Stroke, National Institutes of Health, Neuroscience Center, 6001 Executive Blvd., Suite 3309, MSC 9531, Bethesda, MD 20892–9531, (301) 496–9248.

Name of Committee: National Advisory Neurological Disorders and Stroke Council, Infrastructure, Neuroinformatics, and Computational Neuroscience Subcommittee.

Date: February 14, 2002.

Time: 8 a.m. to 10 a.m.

Agenda: To discuss research mechanisms and infrastructure needs.

Place: 31 Center Drive, Building 31, Room 8A52, Bethesda, MD 20892.

Contact Person: Robert Baughman, MD, Associate Director for Technology Development, National Institute of Neurological Disorders and Stroke, National Institutes of Health, 6001 Executive Blvd., Suite 2137, MSC 9527, Bethesda, MD 20892–9527, (301) 496–1779.

Information is also available on the Institute's/Center's home page: *www.ninds.nih.gov*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: January 4, 2002.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–752 Filed 1–10–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Neurological Disorders and Stroke Council.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Neurological Disorders and Stroke Council, Clinical Trials Subcommittee.

Date: February 14, 2002.

Open: 8 AM to 8:30 AM.

Agenda: To discuss clinical trials policy.

Place: 31 Center Drive, Building 31, Room 8A28, Bethesda, MD 20892.

Closed: 8:30 AM to 10 AM.

Agenda: To review and evaluate grant applications.

Place: 31 Center Drive, Building 31, Room 8A28, Bethesda, MD 20892.

Contact Person: Constance W. Atwell, PHD, Associate Director for Extramural Research, National Institute of Neurological Disorders and Stroke, National Institutes of Health, Neuroscience Center, 6001 Executive Blvd., Suite 3309, MSC 9531, Bethesda, MD 20892–9531, (301) 496–9248.

Name of Committee: National Advisory Neurological Disorders and Stroke Council.

Date: February 14–15, 2002.

Open: February 14, 2001, 10:30 AM to 4:30 PM.

Agenda: Report by the Acting Director, NINDS; Report by the Director, Division of Extramural Research; and other administrative and program developments.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, MD 20892.

Closed: February 14, 2002, 4:30 PM to 5:30 PM.

Agenda: To review and evaluate the Division of Intramural Research Board of Scientific Counselors' reports.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, MD 20892.

Closed: February 15, 2002, 8:30 AM to 12 PM.

Agenda: To review and evalute grant applications.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, MD 20892.

Contact Person: Constance W. Atwell, PHD, Associate Director for Extramural Research, National Institute of Neurological Disorders and Stroke, National Institutes of Health, Neuroscience Center, 6001 Executive Blvd., Suite 3309, MSC 9531, Bethesda, MD 20892–9531, (301) 496–9248.

Information is also available on the Institute's/Center's home page: *www.ninds.nih.gov,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: January 4, 2002.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–755 Filed 1–10–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4730–N–02]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitably for possible use to assist the homeless.

EFFECTIVE DATE: January 11, 2002.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, Department of Housing and Urban Development, Room 7262, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the*

Homeless v. *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD publishes a notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: January 4, 2002.

Mark R. Johnston,

Deputy Director, Office of Special Needs Assistance Programs.

[FR Doc. 02–565 Filed 1–10–02; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Application

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Request permit amendment.

SUMMARY: The following applicant requests a permit amendment to conduct gray wolf (*Canis lupis*) take activities throughout Minnesota. This notice is provided pursuant to section 10(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531, *et seq.*).

Permit Number TE–697830

Applicant: Assistant Regional Director, Ecological Services, Region 3, U.S. Fish and Wildlife Service, Fort Snelling, Minnesota.

DATES: Written comments must be received by February 11, 2002.

ADDRESSES: Written data or comments should be submitted to the Regional Director, U.S. Fish and Wildlife Service, Ecological Services, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056.

Documents and other information submitted with this application are available for review by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: Mr. Peter Fasbender, U.S. Fish and Wildlife Service, Ecological Services, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056. Telephone: (612) 713–5343; Fax: (612) 713–5292; e-mail: *peter_fasbender@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Peter Fasbender, (612) 713–5343.

SUPPLEMENTARY INFORMATION: The gray wolf is listed as an endangered species throughout the conterminous United States and Mexico, except in Minnesota where it is classified as a threatened species, and in three areas of the western United States where experimental populations have been designated under separate regulations. In areas where the gray wolf is listed as endangered, 50 CFR 17.21(c)(2) allows them to be taken by a person ''in defense of his own life or the lives of others.'' Furthermore, § 17.21(c)(3)(iv) allows any employee or agent of the Service, any other Federal land management agency, the National Marine Fisheries Service, or a State conservation agency, who is designated by his agency for such purposes to ''remove specimens which constitute a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner; the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live-capturing and releasing the specimen unharmed, in a remote area.'' 50 CFR 17.31 applies the provisions of § 17.21(c)(2) and (c)(3) to threatened wildlife, except in cases where a special rule developed under section 4(d) of the Act applies to a threatened species.

50 CFR 17.40 (d) contains the special rules for wolves in Minnesota and allows designated persons to take gray wolves in Wolf Management Zones 2–5 in response to depredations upon domestic animals. Although all the other provisions of § 17.21(c)(2) and (c)(3), including the provision that allows gray wolves to be taken in defense of human life, are carried over into § 17.40(d), the provision allowing the Service, or its designees, to ''remove specimens which constitute a demonstrable but nonimmediate threat to human safety'' is absent from this section.

Due to increasing populations of the gray wolf in Minnesota, there are concerns over human and wolf interactions and the potential threat gray wolves pose to human safety. This concern is especially great where wolves increasingly have become habituated to humans, are frequently encountered around residential buildings, have become difficult to scare away, and may have learned to associate humans with the availability of food.

Under the current regulations discussed above there is no clear provision allowing take of a threatened Minnesota wolf that is a demonstrable but nonimmediate threat to human safety. However, the regulations noted above for endangered wildlife specifically allow the taking, by either lethal or non-lethal means, of endangered wolves in all states adjacent to Minnesota if an identical threat to human safety occurs. The Service believes it is reasonable and logical to be able to provide relief in similar situations in Minnesota where wolves are much more numerous than in adjacent states. The gray wolf was reclassified from endangered to threatened in 1978 in Minnesota.

Because current regulations do not provide clear authority to carry out such activities without a permit, the Applicant is pursuing authorization to conduct such take activities via an amendment to the Endangered and Threatened Species Permit issued to the Assistant Regional Director, Ecological Services, Ft. Snelling, Minnesota. The applicant requests an amendment to allow the take (trapping, removing, humanely euthanizing, and/or relocating) of gray wolves throughout Minnesota in accordance with 50 CFR 17.32, if the wolf or wolves are determined to constitute a demonstrable but nonimmediate threat to human safety.

Written data or comments should be submitted to the Regional Director, U.S. Fish and Wildlife Service, Ecological Services, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056, and must be received within 30 days of the date of this publication.

Documents and other information submitted with this application are available for review by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: Mr. Peter Fasbender, U.S. Fish and Wildlife Service, Ecological Services, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056. Telephone: (612) 713–5343; Fax: (612) 713–5292; e-mail: *peter_fasbender@fws.gov.*

Dated: December 28, 2001.

Marvin E. Moriarty,

Acting Regional Director, Region 3, Fort Snelling, Minnesota.

[FR Doc. 02–684 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

Endangered Species

The public is invited to comment on the following application(s) for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as*

amended (16 U.S.C. 1531, *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address below) and must be received within 30 days of the date of this notice.

PRT–049772

Applicant: Henry Doorly Zoo, Omaha, Nebraska

The applicant requests a permit to import three female and three male Parma wallabies (*Macropus parma*) from a non-native population on an island in New Zealand, where it is considered to be a pest species, for the purpose of enhancement of the survival of the species.

PRT–051207

Applicant: Gail A. Sanders, Prescott, WI

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–051210

Applicant: Donald G. Sebesta, Othello, WA

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–051213

Applicant: Thomas L. Martinetto, Shorewood, MN

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–045459

Applicant: Center for Environmental Research and Conservation, Columbia Univ., New York, NY

The applicant requests a permit to import biological tissue samples from Javan rhinoceros (*Rhinoceros sondaicus*), great Indian one-horned rhinoceros (*Rhinoceros unicornis*) and Sumatran rhinoceros (*Dicerorhinus sumatrensis*) from several countries in Asia for the purpose of scientific research on genetic markers for use in population analysis to enhance the survival of the species. This notification covers activities conducted by the applicant over a five-year period.

Marine Mammals and Endangered Species

The public is invited to comment on the following application for a permit to conduct certain activities with endangered marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*), the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*), and the regulations governing marine mammals (50 CFR part 18) and endangered species (50 CFR part 17).

PRT–049136

Applicant: Xavier University, Cincinnati, OH

Permit Type: Take for Scientific Research.

Name and Number of Animals: West Indian Manatee, *Trichechus manatus,* 2.

Summary of Activity To Be Authorized: The applicant requests a permit to conduct research associated with sound recognition on one captive-held animal and one captive-born animal, currently housed at the Cincinnati Zoo, Cincinnati, for the purpose of scientific research.

Source of Marine Mammals: Captive held and captive born.

Period of Activity: Up to 5 years if issued.

Concurrent with the publication of this notice in the **Federal Register**, the Division of Management Authority is forwarding copies of the above application to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

The public is invited to comment on the following application(s) for a permit to conduct certain activities with marine mammals. The application(s) was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) and the regulations governing marine mammals (50 CFR part 18).

PRT–051276

Applicant: Trevor Davis, Rye, NY

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Norwegian Bay polar bear population in Canada for personal use.

Written data, comments, or requests for copies of these complete applications or requests for a public hearing on these applications should be submitted to the Director (address below) and must be received within 30 days of the date of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

The U.S. Fish and Wildlife Service has information collection approval from OMB through March 31, 2004, OMB Control Number 1018–0093. Federal Agencies may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a current valid OMB control number.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358–2104 or fax 703/358–2281.

Dated: December 21, 2001.

Monica Farris,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 02–706 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

Endangered Species

The public is invited to comment on the following application(s) for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address below) and must be received within 30 days of the date of this notice.

PRT–051416

Applicant: James L. Baker, Wichita, KS

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–051421

Applicant: Ronald L. Nunnery, Fairfax Station, VA

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–051423

Applicant: Jo Dean Peters, Graham, WA

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–037810

Applicant: Hawthorn Corporation, Grayslake, IL

The applicant requests a permit to re-export and re-import Asian elephants (*Elephas maximus*) and progeny of the animals currently held by the applicant and any animals acquired in the United States by the applicant to/from worldwide locations to enhance the survival of the species through conservation education. This notification covers activities conducted by the applicant over a three year period.

The U.S. Fish and Wildlife Service has information collection approval from OMB through March 31, 2004, OMB Control Number 1018–0093. Federal Agencies may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a current valid OMB control number.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358–2104 or fax 703/358–2281.

Dated: December 28, 2001.

Michael S. Moore,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 02–707 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Mission View Estates Habitat Conservation Plan and Environmental Assessment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Kennedy Development of California, LLC has applied to Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The proposed 10-year permit would authorize incidental take of the federally threatened coastal California gnatcatcher (*Polioptila californica californica*) in connection with the construction of the 65-unit Mission View Estates residential development on 28.9 acres in the City of Oceanside, San Diego County, California. The permit application includes a Habitat Conservation Plan (HCP) and an Implementation Agreement that serves as a legal contract. The Service has prepared an Environmental Assessment for our proposed action of issuing a permit to Kennedy Development. These documents are available for public review and comment.

DATES: We must receive your written comments on or before March 12, 2002.

ADDRESSES: Send comments to Mr. Jim Bartel, Field Supervisor, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008. You also may submit comments by facsimile to (760) 431–9618.

FOR FURTHER INFORMATION CONTACT: Ms. Janet Stuckrath, Fish and Wildlife Biologist, at the above address; telephone (760) 431–9440.

SUPPLEMENTARY INFORMATION:

Availability of Documents

You may request copies of the documents by contacting the office above. You may view the documents, by appointment, during normal business hours (8 a.m. to 5 p.m.), Monday through Friday at the Carlsbad Fish and Wildlife Office (see **ADDRESSES**). Copies are also available for viewing at two public libraries: Civic Center Library, 330 North Coast Highway, Oceanside, California; or Mission Branch Library, 3861–B Mission Avenue, Oceanside, California.

Background

Section 9 of the Act and Federal regulation prohibit the ''take'' of animal species listed as endangered or threatened. That is, no one may harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect listed animal species, or attempt to engage in such conduct (16 U.S.C. 1538). ''Harm'' is defined by regulation to include significant habitat modification or degradation that actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). Under certain circumstances, the Service may issue permits to authorize ''incidental'' take of listed animal species (defined by the Act as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity). Regulations governing permits for threatened and endangered species, respectively, are at 50 CFR 17.32 and 17.22.

Kennedy Development has submitted an application for a 10-year incidental take permit to the Service, proposing the take of coastal California gnatcatchers during the construction of a residential development on the 28.9-acre site. One threatened plant, thread-leaved brodiaea (*Brodiaea filifolia*), would be named on the permit. The taking prohibitions of the Act do not apply to listed plants on private land unless their destruction on private land is in violation of State law. Nevertheless, Kennedy Development has considered the plant in its HCP and requests a permit for this species to the extent that State law applies.

The proposed project is located in the City of Oceanside south of Mission Avenue, at the terminus of Mission Gate Drive. The proposed project consists of: (1) The construction of 65 single-family homes; (2) extension of Mission Gate Drive, and (3) implementation of the HCP over a 10-year period. The HCP would establish and provide for management of a 7.88-acre conservation area on the project site, containing 4.24 acres of coastal sage scrub habitat occupied by 2 pairs of gnatcatchers. In addition, the applicant will purchase 11.82 acres of an off-site habitat parcel within the City of Oceanside's ''Wildlife Corridor Planning Zone'' as described in the draft ''Oceanside Subarea Habitat Conservation Plan/Natural Communities Conservation Plan'' (Ogden Environmental and Conservation Biology Institute, 2000) and 3.94 acres of off-site habitat within an approved conservation bank, for a total of 15.76 acres of off-site preservation.

The HCP and Environmental Assessment consider two alternatives to the proposed project: a reduced project alternative; and a no action alternative. Under the proposed project alternative, a permit would be issued for incidental take of the coastal California

gnatcatcher. This alternative would result in the permanent loss of 5.91 acres of habitat that currently supports 2 pairs of gnatcatchers within the 28.9-acre project site. This alternative would permanently preserve 20.0 acres of habitat for the gnatcatcher.

Under the reduced project alternative, on-site open space (lot A) would increase from 7.8 acres to approximately 13.8 acres through the elimination of 25 residential lots. Although this alternative reduces the impacts to occupied coastal sage scrub, the applicant has determined it to be financially infeasible.

Under the no project alternative, the Service would not issue an incidental take permit to Kennedy Development. Kennedy Development would not construct the proposed residential development on the site and would not establish and manage preserves for the coastal California gnatcatcher. The extension of Mission Gate Drive would likely still occur due to proposed development on the adjacent property. Present disturbance of the project area would continue in the form of trespassing in gnatcatcher-occupied habitat, illegal dumping, erosion, and periodic fire. Considering that the area is zoned for residential use, it is likely that the area would eventually be developed for another residential development.

We provide this notice pursuant to section 10(a) of the Endangered Species Act and regulations for implementing the National Environmental Policy Act of 1969 (40 CFR 1506.6). All comments that we receive, including names and addresses, will become part of the administrative record and may be made available to the public. We will evaluate the permit application, Environmental Assessment, associated documents, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Endangered Species Act. If we determine that the requirements are met, we will issue a permit for the incidental take of the gnatcatcher and the thread-leaved brodiaea. We will make a decision on permit issuance no sooner than 60 days from the date of this notice.

Dated: January 7, 2002.

Miel R. Corbett,

Acting Manager, Region 1, California/Nevada Operations Office, Sacramento, California.

[FR Doc. 02–710 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Issuance of Permit for Marine Mammals

On October 13, 2000, a notice was published in the **Federal Register** (65 FR 60971), that an application had been filed with the Fish and Wildlife Service by Monterey Bay Aquarium for a permit (PRT–032027) to take Southern sea otters (*Enhydra lutris nereis*) for the purpose of rehabilitation and release, enhancement, and scientific research.

Notice is hereby given that on December 18, 2001, a Letter of Authorization (LOA–032027) and a permit (MA032027–0) were issued by the Fish and Wildlife Service, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*), and subject to certain conditions set forth therein.

Documents and other information submitted for these applications are available for review by any party who submits a written request to the U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone (703) 358–2104 or fax (703) 358–2281.

Dated: December 21, 2001.

Monica Farris,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 02–708 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–070–1310–EJ]

Notice of Availability of Draft Environmental Impact Statement (DEIS) and Draft Planning Amendments on the Powder River Basin Oil and Gas Project

AGENCY: Bureau of Land Management, Cooperating Agencies—United States Forest Service, Agriculture; State of Wyoming, Interior.

ACTION: Notice of Availability of Draft Environmental Impact Statement (DEIS) and Draft Plan Amendments on the Powder River Basin Oil and Gas Project in Johnson, Sheridan, Campbell and Converse Counties, Wyoming.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of the Powder River Basin Oil and Gas Project DEIS which evaluates, analyzes, and discloses to the public direct, indirect, and cumulative environmental impacts from continued development of oil and gas resources in the Project Area in Sheridan, Campbell, Johnson, and Converse Counties, Wyoming. The DEIS also considers amendments to the BLM's Buffalo Resource Management Plan (RMP) and Platte River RMP and the Forest Services' Thunder Basin National Grassland (TBNG) Land and Resource Management Plan (LRMP) as a result of the impacts of this development. The Forest Service and the State of Wyoming are Cooperating Agencies.

The DEIS analyzes a proposal by companies to drill and develop wells on their leased acreage within the Powder River Basin Project Area (approximately 8 million acres) in northeastern Wyoming. The lands analyzed include all of the BLM Buffalo Field Office, the northern portion of Converse County of the Casper Field Office, and the TBNG within the four counties.

DATES: Comments on the DEIS will be accepted for 90 days following the date that the Environmental Protection Agency (EPA) publishes its Notice of Availability in the **Federal Register**. The BLM will notify all parties on the project mailing list of the dates when comments will be accepted. The BLM asks that those submitting comments on the DEIS make them as specific as possible and should refer to page numbers and chapters in the document. Comments are more helpful if they include suggested changes, sources, or methodologies. Comments that contain only opinions or preferences will not receive a formal response, however, they will be considered and included as part of the BLM decisionmaking process.

Future notification of public meetings (anticipated during March 2002) or other public involvement activities concerning the proposed project and resource management plan amendment, will be provided through public notices, news media releases, the Wyoming BLM homepage at www.wy.blm.gov and/or mailings. These notifications will provide at least 15 days notice of public meetings or gatherings and 30 days notice of written comment requests.

ADDRESSES: Comments on the DEIS should be sent to the Bureau of Land Management, Paul Beels (Project Manager), 1425 Fort Street, Buffalo, Wyoming 82834. A copy of the DEIS has been sent to affected Federal, State, and local government agencies and to those persons who responded to the BLM that they wished to receive a copy of the DEIS. Copies of the DEIS are available

for public inspection at the following BLM office locations:

Bureau of Land Management, Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming 82009

Bureau of Land Management, Buffalo Field Office, 1425 Fort Street, Buffalo, Wyoming 82834

Bureau of Land Management, Casper Field Office, 2987 Prospector Drive, Casper, Wyoming 82604–2968

SUPPLEMENTARY INFORMATION: The DEIS analyzes a proposal by companies to drill and develop coalbed methane (CBM) wells in their leased acreage within the Powder River Basin Project Area (approximately 7,911,000 acres) in northeastern Wyoming. The area encompasses all of Johnson and Sheridan Counties except the Bighorn National Forest, all of Campbell County, and the northern portion of Converse County from township 37 north to the Campbell County line. The area is accessed by Interstates 25 and 90.

The DEIS describes the physical, biological, cultural, historic, and socioeconomic resources in and surrounding the project area. The focus for impact analysis was based upon resource issues and concerns identified during an extensive public scoping process. Potential impacts of concern from development (not in priority order), are Buffalo, Sheridan, Gillette, and surrounding communities economic, social, health and safety effects, crucial elk winter range, sage grouse and raptor breeding and nesting, soil erosion, groundwater draw down and contamination, Historic Bozeman Trail condition and viewshed, and cumulative effects. The primary issues driving alternative development are water and air quality.

Three alternatives were analyzed in detail: (1) Proposed Action, (2) Proposed Action with Reduced Emission Levels and Expanded Produced Water Handling Scenarios, and (3) No Action.

Alternative 1—The companies' proposed action has been combined with the BLM's Reasonable Foreseeable Development (RFD) scenario. A RFD scenario is a model or projection of anticipated oil and gas exploration and/or development activity (leasing, exploration, development, production, and abandonment) in a defined area for a specified period of time. The RFD scenario is based primarily on geology (potential for oil and gas resource occurrence) past and present oil and gas activity, with consideration of other significant factors, such as economics, technology, and physical limitations on access, existing or anticipated infrastructure and transportation. Along with industry's Proposed Action, which relates only to CBM activity, the BLM's RFD scenario forecasts the continued drilling of an estimated 3,200 oil wells. The RFD scenario also forecasts there could be an estimated 51,000 CBM wells in the EIS area over the next 10 years.

The companies' projections of CBM well drilling and production include various ancillary facilities within the Project Area. The ancillary facilities include access roads, pipelines for gathering gas and produced water, electrical utilities, facilities for treating and compressing gas and disposing of produced water, and pipelines for delivering gas under high pressure to transmission pipelines. Although the Companies would develop new wells throughout the 10-year period beginning in 2002, most of the drilling would occur during the first 8 years. All 51,000 wells would not be drilled into a single coal seam. Wells drilled into different coal seams can be collocated on common well pads. The projected number of well pads is 35,589. The total numbers of wells and well pads is based on an 80 acre well spacing pattern (eight pads per square mile). The 51,000 proposed CBM wells include an estimated 12,000 existing wells.

Under the Proposed Action, the Companies would construct, operate, and maintain wells and ancillary facilities in 10 of the 18 sub-watersheds that comprise the Project Area. However, most of the new wells (63 percent) and facilities would be constructed in two sub-watersheds: The Upper Powder River and Upper Belle Fourche River sub-watersheds. Sub-watersheds with relatively high numbers of wells and facilities include Clear Creek, Crazy Woman Creek, Tongue River, and Little Powder River.

Overall, implementation of the Proposed Action could disturb as many as 212,000 acres. This short-term disturbance would encompass about 3 percent of the Project Area. Most of this would be associated with the construction of pipelines and roads. Long-term disturbance is projected to be approximately 109,000 acres. Compressor stations would account for the smallest amount of the overall disturbance.

Construction of the Powder River Basin wells would begin during 2002. Generally, construction of most wells would be completed over the first 8 years (by the end of 2010). The production lifetime of the wells is expected to be about 7 years and final reclamation is expected to be completed during the 2 to 3 years following the end of production.

Emphasis for water handling for Alternative 1 is untreated surface discharge. All compression would be CBM powered.

Alternative 2 proposes the same number of CBM and conventional wells as the proposed action. There are two additional water-handling methods analyzed: A—Emphasis on infiltration and B—emphasis on treatment for beneficial use.

There are also two air quality options: A—Fifty percent of the booster compression would be electrically powered and B—One hundred percent of the booster compression would be electrically powered.

Alternative 3—No Action. This alternative would consist of no new Federal wells. Wells would only be developed on State and private mineral ownership.

Agency-Preferred Alternative: The BLM's preferred alternative is Alternative 1-Proposed Action. This alternative provides for the best balance of effects to costs and development of the CBM. Most of the Federal minerals in the project area have already been leased. The pattern of Federal and non-Federal mineral ownership coupled with the BLM's responsibilities under 43 CFR 3162.2 to prevent drainage of Federal CBM preclude the BLM from choosing Alternative 3 as the preferred alternative.

Alternatives 2A and 2B offer some advantages over Alternative 1, however, the advantages are insufficient to justify the additional costs and disturbance. Both alternatives 2A and 2B would increase short- and long-term disturbance over Alternative 1 by at least 10 percent. However, as documented in the analysis they would not substantially decrease effects to air quality, visibility, water quality, the primary issues for which the alternatives were developed. The amount of CBM water produced by alternatives 1, 2A, and 2B would be the same. The costs of implementing the water handling procedures of alternatives 2A and 2B would be substantially higher than those associated with Alternative 1, but the difference between the effects of these two alternatives and Alternative 1 does not reflect or justify these additional costs. The analysis documents that the benefits to air quality and visibility from electrifying half or all of the booster compressors would be insufficient to justify the additional costs of requiring the Companies to use electric booster compressors. It is estimated that few booster compressors would be built on surface that is Federally owned. The BLM does not have the ability to require

electrification of compressors constructed off Federal surface. The permitting of the compressors is the responsibility of the State of Wyoming.

Draft RMP/ LRMP Amendments: The Forest Service is using the analysis documented in this DEIS to make a decision on authorization of leases on those portions of the TBNG that have potential for CBM development. The Forest Service has released a Final EIS and Proposed LRMP for the TBNG. In that analysis, they deferred the lease authorization decision for this analysis. The lease availability decision will be made in the Record of Decision (ROD) for the LRMP EIS.

The outcome of the impact analysis has shown no need for changes to areas open and closed to oil and gas leasing or stipulations proposed in the Final LRMP EIS. Several new mitigation measures would be required for lease authorization.

The BLM has also reviewed the existing RMP's decisions relative to this EIS impact analysis. The Agency Preferred Alternative would result in amendments to the Buffalo and Platte River RMPs. The RMP decisions with this alternative would be to continue oil and gas exploration and development including coalbed methane at the higher level of intensity evaluated in this alternative and including new mitigation measures.

Draft Amendments for the Buffalo RMP:

(1) No changes to current designations of areas open or closed to leasing.

(2) No changes to current, or addition of any new, lease stipulations.

(3) No changes to current resource objectives or decisions.

(4) Several new mitigation measures would be implemented.

(5) Impact analysis of the new RFD scenario for oil and gas.

Draft Amendments for the Platte River RMP:

(1) No changes to current designations of areas open or closed to leasing.

(2) No changes to current, or addition of any new, lease stipulations.

(3) No changes to current resource objectives or decisions.

(4) New mitigation measures.

The Final EIS and ROD would serve as an amendment to the Buffalo and Platte River RMPs. The Forest Service would need a ROD for their authorization decision.

This DEIS, in compliance with section 7(c) of the Endangered Species Act (as amended), includes the Biological Assessment for the purpose of identifying any endangered or threatened species likely to be affected by the proposed action.

Two Technical Report Documents have also been prepared in conjunction with the DEIS. They contain detailed technical information regarding air quality modeling, and groundwater modeling. A limited number of the technical report documents are available upon request or they may be reviewed at the BLM offices listed above.

The DEIS was prepared pursuant to the National Environmental Policy Act, and other regulations and statutes, to address possible environmental and socioeconomic impacts which could result from the project and to solicit public comments and concerns. This DEIS is not a decision document. Its purpose is to inform the public of the impacts associated with implementing the companies' drilling proposal and to evaluate alternatives to the proposal. This DEIS is also intended to provide information to other regulatory agencies for use in their decisionmaking process for other permits required for implementation of the project.

Comments, including the names and street addresses of respondents, will be made available for review by the public at the addresses listed below during regular business hours (8:00 a.m. to 4:30 p.m.), Monday through Friday, except holidays, and will be published as part of the Final EIS. However, individual respondents may request confidentiality. If you wish to withhold your name and/or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Dated: December 18, 2001.

Alan R. Pierson,

State Director.

[FR Doc. 02–2 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

National Park Service

Reopen Public Comment Period for Environmental Assessment for Proposed Improvements Within Jones Point Park Under the Woodrow Wilson Bridge Project

AGENCY: National Park Service, Interior.

ACTION: Reopen the availability of the Environmental Assessment (EA) for the proposed mitigation to Jones Point Park (JPP), associated with the Woodrow Wilson Bridge project which was originally published in the **Federal Register** (cite 66 FR 58517) on Wednesday, November 21, 2001.

SUMMARY: Pursuant to Council on Environmental Quality regulations and National Park Service (NPS) policy, the NPS announces the reopening of the availability of an EA for the proposed mitigation to JPP, associated with the Woodrow Wilson Bridge project within the George Washington Memorial Parkway (Parkway). The NPS is soliciting comments on this EA. These comments will be considered in evaluating it and making decisions pursuant to the National Environmental Policy Act (NEPA).

DATES: The EA will remain available for public comment on or before February 11, 2002. Written comments should be received no later than this date.

ADDRESSES: Comments on this EA should be submitted in writing to: Ms. Audrey F. Calhoun, Superintendent, George Washington Memorial Parkway, Turkey Run Park, McLean, Virginia 22101. The EA will be available for public inspection Monday through Friday, 8:00 a.m. through 4:00 p.m. at Parkway Headquarters, Turkey Run Park, McLean, VA, at several libraries in Alexandria, Fairfax and Arlington, Virginia and on the Woodrow Wilson Bridge Project Website at www.wilsonbridge.com.

SUPPLEMENTARY INFORMATION: All interested individuals, agencies, and organizations are urged to provide comments on the EA during this comment extension period. The NPS in making a final decision regarding this matter will consider all comments received by the closing date.

FOR FURTHER INFORMATION CONTACT: Mr. Dan Sealy (703) 289–2531.

Audrey F. Calhoun,

Superintendent, George Washington Memorial Parkway.

[FR Doc. 02–737 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Proposed Land Exchange Between the National Park Service (NPS) and the Eastern Band of Cherokee Indians (Eastern Band) at the Great Smoky Mountains National Park, Tennessee

SUMMARY: Under the provisions of the National Environmental Policy Act of 1969, the NPS intends to prepare a DEIS for a proposed Land Exchange. NPS intends to gather information necessary for the preparation of a proposed Land Exchange DEIS and to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed. Alternatives currently under consideration include (1) no action, (2) a land exchange as proposed by the Eastern Band, and (3) a land exchange subject to development restrictions to protect natural and cultural resources. The NPS requests other suggested alternatives from the public through the scoping process.

DATES: Three public scoping meetings are being planned. The first will be held in Cherokee, North Carolina in February 2002. Exact locations, dates, and times of this and future public scoping meetings will be announced in local and NPS media. The proposal would involve the exchange of lands within Great Smoky Mountains National Park for an equivalent amount of land offered by the Eastern Band adjacent to the Blue Ridge Parkway.

ADDRESSES: Requests for information concerning dates, times of public meetings, written comments, information concerning the scope of the proposed Land Exchange DEIS and other matters should be sent to the following address: Attention Anita Jackson, National Park Service, Southeast Regional Office, Planning and Compliance Division, 100 Alabama St. SW, Atlanta, Georgia 30303. Requests to be added to the project mailing list should be directed to the same address.

FOR FURTHER INFORMATION CONTACT: Anita Jackson, Environmental Compliance Specialist, National Park Service, Southeast Regional Office, 404–562–3124 ext. 705. Information on the dates and times of public scoping meetings may also be found on the Great Smoky Mountains National Park Web site, *www.nps.gov/grsm.*

SUPPLEMENTARY INFORMATION: Great Smoky Mountains National Park, a unit of the National Park System, is bordered on the south by the Reservation of the Eastern Band known as the Qualla Boundary. The Eastern Band operates the primary and secondary schools within the Qualla Boundary under a contract with the U.S. Department of the Interior. The Interior Department several decades ago constructed the existing school buildings. The buildings are aging, overcrowded, and inadequate to meet the current and future educational needs of the Eastern Band. In the mountainous lands of western North Carolina, suitable lands for the location and construction of new schools are limited. The Eastern Band has requested that up to 200 acres of land within Great Smoky Mountains National Park be made available to them for the purpose of new school construction. The Eastern Band also seeks the same parcel of land to reestablish a land corridor between two parts of the Qualla Boundary that are separated by NPS land. The Eastern Band has offered in exchange 218 acres of land, identified as a priority for acquisition by the Blue Ridge Parkway, adjacent to the Waterrock Knob Visitor Center. The NPS has agreed to explore the possibility of a land exchange.

Our practice is to make comments, including names and addresses of respondents, available for public review during regular business hours. If you wish for us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials or organizations or businesses, available for public inspection in their entirety.

Dated: December 21, 2001.

W. Thomas Brown,

Acting Regional Director, Southeast Region.

[FR Doc. 02–674 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Cape Cod National Seashore, South Wellfleet, MA; Cape Cod National Seashore Advisory Commission Two Hundred Thirty-Sixth Meeting; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770, 5 U.S.C. App 1, section 10), that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, February 1, 2002.

The Commission was reestablished pursuant to Public Law 87–126 as amended by Public Law 105–280. The purpose of the Commission is to consult with the Secretary of the Interior, or his designee, with respect to matters relating to the development of Cape Cod National Seashore, and with respect to carrying out the provisions of sections 4 and 5 of the Act establishing the Seashore.

The Commission members will meet at 1:00 p.m. at Headquarters, Marconi Station, Wellfleet, Massachusetts for the regular business meeting to discuss the following:

1. Adoption of Agenda.
2. Approval of minutes of previous meeting (December 7, 2001).
3. Reports of Officers.
4. Reports of Subcommittees, Dune Shacks, Nickerson Fellowship.
5. Superintendent's Report,News from Washington,Horseshoe crab study,Penniman House status,East Harbor,ORV report status,Marconi bust and exhibit, commemorative plans,Pilgrim Lake.
6. Old Business.
7. New Business, Pheasant hunting.
8. Date and agenda for next meeting.
9. Public comment and.
10. Adjournment.

The meeting is open to the public. It is expected that 15 persons will be able to attend the meeting in addition to Commission members.

Interested persons may make oral/written presentations to the Commission during the business meeting or file written statements. Such requests should be made to the park superintendent at least seven days prior to the meeting. Further information concerning the meeting may be obtained from the Superintendent, Cape Cod National Seashore, 99 Marconi Site Road, Wellfleet, MA 02667.

Dated: December 13, 2001.

Maria Burks,

Superintendent.

[FR Doc. 02–675 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 22, 2001. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service,1849 C St. NW., NC400, Washington, DC 20240. Written

comments should be submitted by January 28, 2002.

Erika Martin Seibert,

Acting, Keeper of the National Register.

Arkansas

Clark County

Arkadelphia Boy Scout Hut, 8th St.,Arkadelphia, 01001526

Hot Spring County

Rockport Cemetery,US 270,Rockport, 01001527

Perry County

Hawks Schoolhouse, Co. Rd. 7,Ava, 01001528

Connecticut

New London County

Slater Library and Fanning Annex,26 Main St.,Griswold, 01001529

Tolland County

Captain Nathan Hale Monument,120 Lake St.,Coventry, 01001531

Florida

Hillsborough County

SS AMERICAN VICTORY (Victory ship), 705 Channelside Dr, Berth 271,Tampa, 01001533

Miami-Dade County

Bricknell Point Site,401 Brickell Ave,Miami, 01001534

Nassau County

American Beach Historic District,Roughly bounded by Gregg, Lewis, Leonard, Main and James Sts., and OceanBlvd.,American Beach, 01001532

GEORGIA

Decatur County

First African Missionary Baptist Church,515 Webster St.,Bainbridge, 01001535

Meriwether County

Lone Oak Academy,4945 Lone Oak Rd.,Lone Oak, 01001536

Manchester Community Building,105 E 2nd Ave.,Manchester, 01001537

ILLINOIS

Cook County

Crane Company Building,836 S Michigan Ave.,Chicago, 01001538

IOWA

Clayton County

Lakeside Ballroom,1202 N. 4th St.,Guttenberg, 01001539

Des Moines County

Chicago, Burlington and Quincy Station,300 S Main St.,Burlington, 01001540

Dubuque County

Dubuque YMCA Building,125 W 9th St.,Dubuque, 01001541

Fremont County

Rector, Jason and Elizabeth Baylor, House,2174 Bluff Rd.,Thurman, 01001542

KANSAS

Atchison County

Earhart, Amelia, Historic District,115–125,200–227,302–315,318,324 2nd St, 203–305 North Ter, 124,200,300 3rdSt, and 205,112 and 224 Santa Fe St.,Atchison, 01001543

Cowley County

St. John's Lutheran College Girls Dormitory,6th Ave and Gary St.,Winfield, 01001544

NEVADA

Churchill County

Churchill County Jail,10 W Williams Ave.,Fallon, 01001546

Hazen Store,00 Reno Highway,Hazen, 01001547

SOUTH CAROLINA

Aiken County

Zubly Cemetery,Forrest Dr.,Beech Island, 01001548

Dillon County

Dillon Downtown Historic District,Roughly bounded by E and W Main St, N and S Railroad Ave, N MacArthur Ave, and E Harrison St.,Dillon, 01001549

Florence County

Gregg—Wallace Farm Tenant House,310 Price Rd.,Mars Bluff, 01001550

Lake City Downtown Historic District,

Main St and Acline Ave.,Lake City, 01001551

TENNESSEE

Davidson County

East Nashville High and Junior High Schools,110, 112 Gallatin Rd.,Nashville, 01001552

WISCONSIN

Dane County

Wisconsin Heights Battlefield,.4 mi SE of Jcto of Co. Rd. Y and WI 78.,Sauk City, 01001553

[FR Doc. 02–730 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 29,2001. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW, NC400, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 800 N. Capitol St.NW, Suite 400, Washington DC 20002; or by fax, 202–343–1836. Written or faxed comments should be submitted by January 28, 2002.

Carol D. Shull,

Keeper of the National Registerof Historic Places.

CONNECTICUT

Hartford County

Clark Farm Tenant House Site,Address Restricted,East Granby, 01001554.

GEORGIA

Fulton County

Spotswood Hall,(West Paces Ferry Road MRA)555 Argonne Dr., NW,Atlanta, 01001556.

Meriwether County

Greenville Presbyterian Church and Cemetery, Greenville Rocky Mount Rd, off GA41/US27 Alt.,Greenville, 01001555.

MASSACHUSETTS

Middlesex County

Old Burying Ground, King St., near jct. with White St.,Littleton, 01001560.

Suffolk County

Boston Consumptives Hospital, 249 River St., Boston, 01001557.

Immaculate Conception Rectory, 108 Beach St., Revere, 01001559.

Worcester County

Blackstone Viaduct, Canal, Farnum and Mill Sts., Blackstone, 01001558.

MISSISSIPPI

Chickasaw County

Okolona Historic District, Roughly bounded by Fleming, Monroe, Buchanan, and Washington Sts.,Okolona, 01001561.

NEW YORK

Monroe County

Immanuel Baptist Church, 815 Park Ave., Rochester, 01001566.

Pulaski Library, 1151 Hudson Ave., Rochester, 01001562.

Ontario County

Cronkite, Jeremiah, House, 1095 Lynaugh Rd., Victor, 01001563.

Howe, Dr. John Quincy, House, 66 Main St., Phelps, 01001564.

Orleans County

Tousley—Church House, 249 N. Main St., Albion, 01001565.

TENNESSEE

Putnam County

Broad Street Church of Christ, 157 W. Broad St.,Cookeville, 01001567.

VIRGINIA

Botetourt County

Greyledge, 1066 Greyledge Rd., Buchanan, 01001571.Galax (Independent City)
Felts, Gordon C., House, 404 N. Main St., Galax (Independent City), 01001572.

Prince George County

Aberdeen, 15301 James River Dr., Disputanta, 01001569.

Richmond Independent City

Laburnum Park Historic District, Westwood, Palmyra, Confederate, Wilmington, W. Laburnum Aves., Chatham,Gloucester and Lamont Sts.,Richmond (Independent City), 01001573.

Rockbridge County

Cedar Hill Church and Cemeteries, Cedar Hill Church Rd. and Kygers Hill Rd.,Lexington, 01001570.

Shenandoah County

Beydler, Abraham, House, 2748 Zion Church Rd., Maurertown, 01001568.

[FR Doc. 02–731 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 15, 2001. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St., NW., NC400, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 800 N. Capitol St., NW., Suite 400, Washington, DC 20002; or by fax, 202–343–1836. Written or faxed comments should be submitted by January 28, 2002.

Carol D. Shull,

Keeper of the National Register of Historic Places.

CALIFORNIA

Santa Clara County

Donner—Houghton House, 156 E. St. John, San Jose, 01001483

IDAHO

Power County

American Falls Reservoir Flooded Townsite, American Falls Reservoir,American Falls, 01001480

IOWA

Cerro Gordo County

St. John Baptist Church, 715 6th St. SW, Mason City, 01001484

Dubuque County

Four Mounds Estate Historic District, 4900 Peru Rd., Dubuque, 01001487
Town Clock Building, 823–25 Main St., Dubuque, 01001488

Hardin County

Union Cemetery Gardener's Cottage, (Iowa Falls MPS) Union Cemetery,Iowa Falls, 01001486

Lucas County

First United Methodist Church, 923 Roland, Chariton, 01001485

LOUISIANA

Avoyelles Parish

Ponthieu, Adam, Store—Big Bend Post Office,8554 LA 451, Big Bend, 01001490

Vernon Parish

Booker—Lewis House, 102 East North St., Leesville, 01001489
First United Methodist Church, 202 N. Fifth St., Leesville, 01001491

NEW JERSEY

Morris County

New York Susquehanna & Western Railroad Station, Main St.,Butler Borough, 01001492

NEW YORK

Cayuga County

East Genoa Methodist Episcopal Church, 558 E. Genoa Rd., Genoa, 01001500
St. Peter's Episcopal Church Complex, (Historic Churches of the Episcopal Diocese of Central New York MPS) 169 Genesee St., Auburn, 01001508
Sterling Grist Mill Complex, 1332 NY 104A, Sterling, 01001498

Columbia County

Emmanuel Lutheran Church of Harlemville and Cemetery, Cty. 21 and Pheasant Ln., Harlemville Rd. at Ten Broeck Rd., Harlemville, 01001505

Cortland County

First Presbyterian Church, Courtland Cty Rd. 108B, Preble, 01001502

Erie County

East Main—Mechanic Streets Historic District, Approx. jct. of East Main and Mechanic Sts., Springville, 01001506

Jefferson County

Swathout Site—A04507.000038, Address Restricted, Clayton, 01001504

Madison County

Fenner Baptist Church, 3122 Bingley Rd., Fenner, 01001501

Montgomery County

Ames Academy Building, 611 Latimer Hill Rd., Ames, 01001496

Niagara County

Former Niagara Falls High School, 1201 Pine Ave., Niagara Falls, 01001507

Onondaga County

Elbridge Village Historic District, Roughly along NY 5 bet. Skaneatetes Creek and Carpenter's Brook, Elbridge, 01001494
Mills, Harriet May, House, 1074 W. Genesee St., Syracuse, 01001495
Oran Community Church, NY 92, Pompey, 01001503
Simmons, Alton, House, (Architecture of Ward Wellington Ward in Syracuse MPS) 309 Van Rensselaer St., Syracuse, 01001493

Oswego County

Lacona Railroad Station and Depot, 11 Park Ave., Lacona, 01001499

Sullivan County

Levitz Family Farm, 395 Beaver Dam Rd., Grahamsville, 01001497

OHIO

Cuyahoga County

Black, H., and Company Building, 1900–2000 or 2010 Superior Ave.,Cleveland, 01001523

Geauga County

Fowler's Mills Historic District, 10743–10779, 10750 Mayfield Rd.; 12426–12533 Fowlers Mill Rd., Chardon, 01001522

Highland County

Highland Egg and Poultry Company Building, 135 North West St., Hillsboro, 01001524

Virginia

Albemarle County
West Cote, Off VA 602 and VA 626, Howardsville, 01001510

Charlotte County

Woodfork, 3704 Woodfork Rd., Charlotte Court House, 01001509

Covington Independent City

First Baptist Church of Covington, Virginia, 337 S. Lexington Ave.,Covington (Independent City), 01001518

Hanover County

Sharp's Oakland, 12308 Verdon Rd., Doswell, 01001514

Lexington Independent City

Blandome, 101 Tucker St., Lexington (Independent City), 01001520

Lynchburg Independent City

Fort Early and Jubal Early Monument, 3511 Memorial Ave.,Lynchburg (Independent City), 01001517
Johnson, Dr. Robert Walker, House and Tennis Court, 1422 Pierce St., Lynchburg (Independent City), 01001519

Page County

Ruffner House, 440 Ruffner House Ln., Luray, 01001515

Patrick County

Stuart Uptown Historic District, Main St. and Blue Ridge St.,Stuart, 01001512

Powhatan County

Red Lane Tavern, 3009 Lower Hill Rd., Powhatan, 01001516

Roanoke County

Black Horse Tavern—Bellvue Hotel and Office, 7223–7229 Old Mountain Rd., Roanoke, 01001521

Starkey School, 6426 Merriman Rd., SW, Roanoke County, 01001513

Waynesboro Independent City

Waynesboro Downtown Historic District, Federal St., Main St., Wayne Ave., Waynesboro (Independent City), 01001511

WYOMING

Sublette County

Church of St. Hubert the Hunter and Library, US 191/189, Bondurant, 01001525

The fifteen day comment period has been reduced to three (3) days to aid in the preservation fo the following resources:

OHIO

Licking County

Newark Downtown Historic District, Roughly bounded by Church St., Second St., Fifth St., and Canal St., Newark, 01001482

Wayne County

Ault—Weygandt Farm, 15090 Back Massillon Rd., Orrville, 01001481

[FR Doc. 02–732 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the U.S. Department of the Interior, National Park Service, Death Valley National Park, Death Valley, CA and NV

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the U.S. Department of the Interior, National Park Service, Death Valley National Park, Death Valley, CA and NV.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the National Park Service unit that has control or possession of these Native American human remains. The Manager of the National NAGPRA Program is not responsible for the determinations within this notice.

A detailed assessment of the human remains and associated funerary objects was made by National Park Service professional staff in consultation with the Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California; Chemehuevi Indian Tribe of the Chemehuevi Reservation, California; Death Valley Timbi-Sha Shoshone Band of California; Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada; Ely Shoshone Tribe of Nevada; Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California; Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada; Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada; Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California; Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada; Paiute-Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation, California; Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada; Reno-Sparks Indian Colony, Nevada; Walker River Paiute Tribe of the Walker River Reservation, Nevada; and Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada. A representative of the Kawaiisu, a nonfederally recognized Indian group, was also consulted.

The National Park Service contracted with LSA Associates, Inc., of Irvine, CA, to assist in compliance with NAGPRA. The LSA study, Death Valley National Park Cultural Affiliation Study (1998), evaluated all collections from the area previously administered as U.S. Department of the Interior, Death Valley National Monument. In 1995, additional lands formerly under the control of the U.S. Department of the Interior, Bureau of Land Management were transferred to Death Valley National Park. Collections from these new lands have not been fully evaluated by the National Park Service at this time.

In 1953, human remains representing one individual were recovered during legally authorized excavations by William Wallace at site CA-INY-1034 near Mesquite Flat, Inyo County, CA. This individual had been cremated. No known individual was identified. The one associated funerary object is a chert projectile point. The associated funerary object indicates that these human remains probably were cremated during the Death Valley III or IV period (A.D. 1-1870).

In 1953, human remains representing one individual were recovered during legally authorized excavations by William Wallace at site CA-INY-1137 near Mesquite Flat, Inyo County, CA. This individual had been cremated. No known individual was identified. The five associated funerary objects are three manos, one chert drill, and one bag of glass beads. The associated funerary objects indicate that these human remains probably were cremated during the Death Valley IV period (A.D. 1000-1870).

In 1954, human remains representing one individual were recovered during legally authorized excavations by William Wallace at a site (no trinomial) near Wingate Wash, in either Inyo or San Bernardino County, CA. This individual was found in a previously disturbed site. No known individual was identified. The two associated funerary objects are two lithic quarry blanks. Mr. Wallace noted that an archaic type projectile was found in association with the burial and thus assigned this burial to the Death Valley II period (3000 B.C.-A.D. 1). This projectile point has not been found in the park's collections.

In 1954, human remains representing one individual were recovered during legally authorized excavations by William Wallace at site CA-INY-1239, Inyo County, CA. This individual had been cremated and was found at the base of a sand dune. No known individual was identified. The three associated funerary objects are two ceramic potsherds and one bag of glass beads. The associated objects indicate that these human remains probably were cremated during the Death Valley IV period (A.D. 1000-1870).

In 1954, human remains representing one individual were recovered during legally authorized excavations by William Wallace at site CA-INY-1215 near Mesquite Flat, Inyo County, CA. This individual had been cremated. No known individual was identified. The one associated funerary object is a lithic uniface fragment. The associated funerary object indicates that these human remains probably were cremated during the Death Valley III or IV Period (A.D. 1-1870).

In 1954, human remains representing one individual were recovered during legally authorized excavations by William Wallace at site CA-INY-1234 near Mesquite Flat, Inyo County, CA. This individual had been cremated. No known individual was identified. The 144 associated funerary objects are 10 shell beads, 3 stone pestle fragments, 6

manos, 1 pecking stone, 1 stone hammer, 1 stone pendant, 1 arrow shaft smoother, 1 smoothing stone, 2 corner notched chert projectile points (1 rosespring type and 1 possible elko type), 1 obsidian drill, 48 ceramic potsherds, 1 iron angle brace, 2 metal overall buttons, 2 pieces of window glass, 2 glass bottle fragments, 60 whole and fragmented glass beads, and 2 clay coils. The associated funerary objects indicate that these human remains probably were cremated during the Death Valley III or IV period (A.D. 1-1870).

In 1955, human remains representing one individual were recovered during legally authorized excavations by William Wallace and Edith Taylor at Hole-in-the-Rock rockshelter (no trinomial), Inyo County, CA. This individual was found wrapped in a rabbit-skin blanket and buried in the rockshelter. No known individual was identified. The nine associated funerary objects are five shell beads, one ceramic sherd scraper, one chopper, one hammerstone, and one fragmented rabbit-skin blanket or cloak. Mr. Wallace suggests that the site dates to the Death Valley III period. The associated funerary objects indicate that these human remains probably were buried sometime during the Death Valley III or IV period (A.D. 1-1870).

In 1955, human remains representing one individual were recovered during legally authorized excavations by William Wallace at site CA-INY-3328 near Mesquite Flat, Inyo County, CA. This individual had been cremated. No known individual was identified. The 23 associated funerary objects are 1 jar of glass beads, 7 rivets, 9 buttons, 3 overall clips, 1 projectile point, 1 mano, and 1 bag of glass beads. The associated funerary objects indicate that these human remains probably were cremated during the Death Valley IV period (A.D. 1000-1870).

In 1956, human remains representing four individuals were recovered during legally authorized excavations by William Wallace, Alice Hunt, and Edith Taylor at site CA-INY-522 near Tule Spring, Inyo County, CA. These individuals were found buried in a stone mound. No known individuals were identified. The 12 associated funerary objects are 3 projectile points (2 rosespring type and 1 unknown leaf-shaped point), 2 fragments of bone pendants, 1 bone awl, 4 fragments of a bone awl, 1 shell bead, and 1 lithic uniface. The associated funerary objects indicate that these human remains probably were buried during the Death Valley III period (A.D. 1-1000).

In 1956, human remains representing four individuals were recovered during legally authorized excavations by William Wallace, Alice Hunt, and Edith Taylor at site CA-INY-525 near Bennetts Well, Inyo County, CA. All four individuals were found buried in a rock mound. No known individuals were identified. The 45 associated funerary objects are 43 shell beads and 2 shells. The associated funerary objects indicate that these human remains probably were buried sometime during the Death Valley III period (A.D. 1-1000).

In 1956, human remains representing one individual were recovered during legally authorized excavations by William Wallace and Roger Desautels at site CA-SBR-90 near Saratoga Springs, San Bernardino County, CA. This individual was found buried in a bell-shaped pit. No known individual was identified. The seven associated funerary objects are three projectile point fragments (one rosespring or desert side-notched type and two of unknown type), three chert blade fragments, and one chert graver. The associated funerary objects indicate that these human remains probably were buried during the Death Valley III period (A.D. 1-1000).

In 1956, human remains representing one individual were recovered during legally authorized excavations by William Wallace at Old Crump rockshelter (site CA-INY-3044), Inyo County, CA. This individual was found buried in the rockshelter. No known individual was identified. The 42 associated funerary objects are 6 fragmented or complete stone blades, 8 fragmented or complete projectile points (including 2 cottonwood type, 1 rosespring type, and 5 of unknown type), 5 ceramic sherds, 3 bead fragments, 3 pendants, 2 awls, 3 mammal bone artifacts, 2 scrapers, 1 pipe fragment, 4 pine nut shells, 1 wood stick, 3 glass fragments, and 1 tin can fragment. The associated funerary objects indicate that these human remains probably were buried sometime during the Death Valley III or IV period (A.D. 1-1870).

In 1956, human remains representing one individual were recovered during legally authorized excavations by Alice Hunt at site CA-INY-793 near Tule Spring, Inyo County, CA. This individual was found buried in a stone mound. No known individual was identified. The two associated funerary objects are lithic bifaces. Similar Death Valley III and Death Valley IV burial sites located in this area and recorded by Ms. Hunt indicate that these human remains probably were buried during the Death Valley III or IV period (A.D. 1-1870).

In 1956, human remains representing one individual were recovered during legally authorized excavations by Alice Hunt at site CA-INY-582 near Tule Spring, Inyo County, CA. This individual was found buried in a stone mound. No known individual was identified. The one associated funerary object is a metal overall button. The associated funerary object indicates that these human remains probably were buried during the Death Valley IV period (A.D. 1000-1870).

In 1957, human remains representing one individual were recovered during legally authorized excavations by Alice Hunt at site CA-INY-896 near Gravel Well, Inyo County, CA. This individual was found buried in a stone mound. No known individual was identified. No funerary objects are present. Similar Death Valley III and Death Valley IV burial sites located in this area and recorded by Ms. Hunt indicate that these human remains probably were buried during the Death Valley III or IV period (A.D. 1-1870).

In 1957, human remains representing one individual were recovered during legally authorized excavations by Alice Hunt at site CA-INY-884 near Eagle Borax, Inyo County, CA. The individual was found buried in a stone mound. No known individual was identified. No funerary objects are present. Similar Death Valley III and Death Valley IV burial sites located in this area recorded by Ms. Hunt indicate that these human remains probably were buried during the Death Valley III or IV period (A.D. 1-1870).

In 1958, human remains representing one individual were recovered during legally authorized excavations by Alice Hunt at site CA-INY-3136 near Tule Spring, Inyo County, CA. This individual was found buried in a stone mound. No known individual was identified. No funerary objects are present. Similar Death Valley III and Death Valley IV burial sites located in this area and recorded by Ms. Hunt indicate that these human remains probably were buried during the Death Valley III or IV period (A.D. 1-1870).

In 1958, human remains representing one individual were recovered during legally authorized excavations by Alice Hunt at site Mound E (no trinomial) near Tule Spring, Inyo County, CA. The individual was found buried in a stone mound. No known individual was identified. No funerary objects are present. Similar Death Valley III and Death Valley IV burial sites located in this area and recorded by Ms. Hunt indicate that these human remains

probably were buried during the Death Valley III or IV period (A.D. 1-1870).

In 1958, human remains representing one individual were recovered during legally authorized excavations by Alice Hunt at site CA-INY-3142 near Bennetts Well, Inyo County, CA. This individual was found buried in a stone mound. No known individual was identified. No funerary objects are present. Similar Death Valley III and Death Valley IV burial sites located in this area and recorded by Ms. Hunt indicate that these human remains probably were buried during the Death Valley III or IV period (A.D. 1-1870).

In 1958, human remains representing one individual were recovered during legally authorized excavations by Alice Hunt at site CA-INY-3137 near Tule Spring, Inyo County, CA. This individual had been cremated and was found buried in a stone mound. No known individual was identified. The four associated funerary objects are blue glass trade beads. The associated funerary objects indicate that these human remains probably were cremated during the Death Valley IV period (A.D. 1000-1870).

In 1959, human remains representing one individual were recovered during legally authorized excavations by Alice Hunt at site Mound C (no trinomial) near Tule Spring, Inyo County, CA. This individual was found buried in a stone mound. No known individual was identified. The two associated funerary objects are bird bones. Similar Death Valley III and Death Valley IV burial sites located in this area recorded by Ms. Hunt indicate that these human remains probably were buried during the Death Valley III or IV period (A.D. 1-1870).

Around 1960, human remains representing one individual were recovered during unauthorized excavations by Ken Robinson at an unspecified location within Death Valley National Monument. No known individual was identified. The 45 associated funerary objects are 6 worked sticks, 1 small animal trap, 1 rawhide strip, 2 basketry fragments, 1 ceramic potsherd, 1 nut shell, 2 metal buttons, 1 .36-caliber lead ball, 1 wooden fire drill platform, 13 pieces of cordage, 15 projectile points (11 cottonwood type, 1 desert side-notch type, 1 rosespring type, 1 that is either a rosespring type or a drill, and 1 unknown type), and 1 bifacial blade. Mr. Robinson transferred the human remains and associated funerary objects to the Maturango Museum in Ridgecrest, CA. The museum contacted the monument when they learned the origin of the human remains and associated funerary objects, and returned them to the monument in 1992. The associated funerary objects indicate that these human remains probably were buried sometime during the Death Valley III or IV Period (A.D. 1-1870).

The above-mentioned human remains were dated based on projectile point cross-dating, changes in burial practices, the presence of ceramics or trade beads, and other archeological evidence. The remains of one individual were dated to the Death Valley II period (3000 B.C.-A.D. 1) based on the presence of an archaic style projectile point. The remains of the other 27 individuals were dated to the Death Valley III or Death Valley IV periods (A.D. 1-1870). Alice Hunt suggests in Archeology of the Death Valley Salt Pan, California (1960) that during the early Death Valley II period, human remains were typically buried in pits in a flexed position, along with arrow points, bone tools, and shell beads, and covered with mounds of rock. This pattern continues into the Death Valley III period. William Wallace documented a shift to cremation during the Death Valley III and Death Valley IV periods in Death Valley National Monument's Prehistoric Past: An Archeological Overview (1977). Rock burial mounds also are a trait of the Death Valley IV occupation. Mr. Wallace interprets the shift in burial practices to reflect the arrival of a new population in the area that ultimately absorbed the original population and incorporated much of their culture. Mr. Wallace concludes that the resulting new population is the ancestors of the Panamint (Shoshone) Indians of historic times.

Relevant ethnographic research and oral traditions pertaining to language, social and political organization, subsistence strategies, resources and settlement patterns, trade and exchange, religion, ritualism, and ceremonialism further supports the archeological record. The LSA study concludes that ≥all of the archaeological sites located within Death Valley [National Park] and including human remains appear to be part of an unbroken archaeological tradition beginning circa 3000 B.C. and continuing through historic contact. Hence, without specific evidence to the contrary, all the archaeological material have probable affiliation with the Timbi-Sha Shoshone people who currently live in Death Valley.≥

Based on the above-mentioned information, the superintendent of Death Valley National Park has determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of 28 individuals of Native American ancestry. The superintendent of Death Valley National Park also has determined that, pursuant to 43 CFR 10.2 (d)(2), the 348 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, the superintendent of Death Valley National Park has determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and associated funerary objects and the Death Valley Timbi-Sha Shoshone Band of California.

This notice has been sent to officials of the Death Valley Timbi-Sha Shoshone Band of California. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact James T. Reynolds, Superintendent, Death Valley National Park, P.O. Box 579, Death Valley, CA 92328, telephone (760) 786-2331, before February 11, 2002. Repatriation of the human remains and associated funerary objects to the Death Valley Timbi-Sha Shoshone Band of California may begin after that date if no additional claimants come forward.

Dated: November 20, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 02–733 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–70–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items in the Possession of the Milwaukee Public Museum, Milwaukee, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3005(1) (2), of the intent to repatriate cultural items in the possession of the Milwaukee Public Museum that meet the definition of ''cultural patrimony'' under Section 2 of the Act.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these cultural items. The National Park Service is not

responsible for the determinations within this notice.

The cultural items are a set of five Dilzini Gaan masks and a medicine staff. The cultural items were collected by Otto Schoenberg in April 1903 and were purchased by the Milwaukee Public Museum in January 1904. Correspondence accompanying the purchase specifically describes the use of these cultural items in ceremonies performed at Fort Apache, AZ, in 1903.

Authorized representatives of the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, have identified these cultural items as having ongoing historical, traditional, and cultural importance central to the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, and as communal property of the people of the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, which could not have been legally alienated, appropriated, or conveyed by any individual.

This notice has been sent to officials of the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona. Representatives of any other Indian Tribe that believes itself to be culturally affiliated with this object should contact Alex W. Barker, Ph.D., Curator of North American Archaeology and Section Head, Anthropology, Milwaukee Public Museum, 800 West Wells Street, Milwaukee WI 53233, telephone (414) 278-2786, facsimile (414) 278-6100, before February 11, 2002. Repatriation of these items of cultural patrimony to the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, can begin after that date if no additional claimants come forward.

Dated: December 13, 2001.

Robert Stearns,

Program Manager, National NAGPRA Program.

[FR Doc. 02–736 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–70–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Phoebe A. Hearst Museum of Anthropology, University of California, Berkeley, Berkeley, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Phoebe A. Hearst Museum of Anthropology, University of California, Berkeley, Berkeley, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

An assessment of the human remains and catalogue records and associated documents relevant to the human remains was made by Phoebe A. Hearst Museum professional staff in consultation with representatives of Big Lagoon Rancheria, California; Resighini Rancheria, California; Cher-Ae Heights Indian Community of the Trinidad Rancheria, California; and the Yurok Tribe of the Yurok Reservation, California.

In 1924, human remains representing at least one individual were recovered from site CA-Hum-NL-2, Humboldt County, CA, and donated to the Phoebe A. Hearst Museum of Anthropology the same year by A. L. Kroeber. No known individual was identified. The one associated funerary object is a grooved stone sinker.

Based on consultation and geographic, linguistic, and archaeological evidence, including the presence of site-specific artifacts site CA-Hum-NL-2 has been identified as a Yurok site.

During the 1920s, human remains representing at least two individuals were removed from site CA-Hum-NL-4, Trinidad, Humboldt County, CA, and donated to the Phoebe A. Hearst Museum of Anthropology in 1931 by Dr. Herbert H. Stuart. No known individuals were identified. No associated funerary objects are present in the Phoebe A. Hearst Museum of Anthropology collections.

Based on consultation and geographic, linguistic, archaeological, and ethnographic evidence site CA-Hum-NL-4 has been identified as a Yurok site.

During the 1920s, human remains representing at least three individuals were recovered from site CA-Hum-NL-9, Big Lagoon, Humboldt County, CA, and donated to the Phoebe A. Hearst Museum of Anthropology in 1931 by Dr. Herbert H. Stuart. No known individuals were identified. No associated funerary objects are present in the Phoebe A. Hearst Museum of Anthropology collections.

Based on consultation and geographic, linguistic, archaeological, historic, and ethnographic evidence site CA-Hum-NL-9 has been identified as a Yurok site.

Based on the above-mentioned information, officials of the Phoebe A. Hearst Museum of Anthropology have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of at least six individuals of Native American ancestry. Officials of the Phoebe A. Hearst Museum of Anthropology also have determined that, pursuant to 43 CFR 10.2 (d)(2), the one object listed above is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Phoebe A. Hearst Museum of Anthropology also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and associated funerary objects and the Big Lagoon Rancheria, California; Resighini Rancheria, California; Cher-Ae Heights Indian Community of the Trinidad Rancheria, California; and the Yurok Tribe of the Yurok Reservation, California.

This notice has been sent to officials of the Big Lagoon Rancheria, California; Resighini Rancheria, California; Cher-Ae Heights Indian Community of the Trinidad Rancheria, California; and the Yurok Tribe of the Yurok Reservation, California. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and the associated funerary object should contact C. Richard Hitchcock, NAGPRA Coordinator, Phoebe A. Hearst Museum of Anthropology, University of California, Berkeley, CA 94720, telephone (510) 643-7884, before February 11, 2002. Repatriation of the human remains and associated funerary objects to the Big Lagoon Rancheria, California; Resighini Rancheria, California; Cher-Ae Heights Indian Community of the Trinidad Rancheria, California; and the Yurok Tribe of the Yurok Reservation, California may begin after that date if no additional claimants come forward.

Dated: December 13, 2001.

Robert Stearns,

Program Manager, National NAGPRA Program.

[FR Doc. 02–735 Filed 01–10–02; 8:45 am]

BILLING CODE 4310–70–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the State University of West Georgia, Carrollton, GA, and in the Control of the Georgia Department of Transportation, Atlanta, GA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the State University of West Georgia, Carrollton, GA, and in the control of the Georgia Department of Transportation, Atlanta, GA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by Georgia Department of Transportation in consultation with representatives of the Alabama-Quassarte Tribal Town, Oklahoma; Catawba Indian Nation (also known as Catawba Tribe of South Carolina); Cherokee Nation, Oklahoma; Chickasaw Nation, Oklahoma; Eastern Band of Cherokee Indians of North Carolina; Absentee-Shawnee Tribe of Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; Thlopthlocco Tribal Town, Oklahoma; and United Keetoowah Band of Cherokee Indians of Oklahoma.

In 1988, human remains representing one individual were excavated from the Rae's Creek site (9Ri327), Richmond County, GA, by Dr. Morgan R. Crook, Jr., of Georgia State University, Atlanta, GA. The work was conducted as part of a highway construction project under Georgia Department of Transportation/ Federal Highway Administration contract M-750 (4). The remains are curated at the Antonio J. Waring,, Jr., Archaeology Laboratory, State University of West Georgia, Carrollton, GA. No known individual was identified. The six associated funerary objects are two columella shell ear pins, two faceted glass beads, one partial shell-tempered plain globular jar with flaring rim, and one chert biface.

The Rae's Creek site is located near the confluence of Rae's Creek and the Savannah River. The human remains and associated funerary objects date to the 1600s through the early 1700s based on artifacts recovered from the site. The ceramic vessel (a globular, flaring rim, shell-tempered vessel) form is consistent with late Mouse Creek and/ or Dallas phase occupations (A.D. 1450-1625) in eastern Tennessee, while the faceted glass beads indicate an early 1700s date. These artifacts suggest a Creek Indian affiliation. Consultation evidence presented by representatives of the Creek tribal governments indicates this area was within the traditional occupation territory of the Creeks during this time period.

Based on the above-mentioned information, officials of the Georgia Department of Transportation have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the Georgia Department of Transportation also have determined that, pursuant to 43 CFR 10.2 (d)(2), the six objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Georgia Department of Transportation also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and associated funerary objects and the Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma.

This notice has been sent to officials of the Alabama-Coushatta Tribes of Texas; Alabama-Quassarte Tribal Town, Oklahoma; Catawba Indian Nation (also known as Catawba Tribe of South Carolina); Cherokee Nation, Oklahoma; Chickasaw Nation, Oklahoma; Eastern Band of Cherokee Indians of North Carolina; Coushatta Tribe of Louisiana; Absentee-Shawnee Tribe of Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Miccosukee Tribe of Indians of Florida; Poarch Band of Creek Indians of Alabama; Seminole Nation of Florida; Seminole Nation of Oklahoma; Thlopthlocco Tribal Town, Oklahoma; and United Keetoowah Band of Cherokee Indians of Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Eric Anthony Duff, NAGPRA Coordinator, Georgia Department of Transportation, Office of Environment/ Location, 3993 Aviation Circle, Atlanta, GA 30336-1593, e-mail eric.duff@dot.state.ga.us, telephone (404) 699-4437, facsimile (404) 699-4440, before February 11, 2002. Repatriation of the human remains and associated funerary objects to the Alabama-Quassarte Tribal Town, Oklahoma; Kialegee Tribal Town, Oklahoma; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; and Thlopthlocco Tribal Town, Oklahoma may begin after that date if no additional claimants come forward.

Dated: December 13, 2001.

Robert Stearns,

Program Manager, National NAGPRA Program.

[FR Doc. 02–734 Filed 1–10–02; 8:45 am]

BILLING CODE 4310–70–S

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[DEA–224N]

RIN 1117–AA60

Notice of Intent To Conduct Performance Verification Testing of Public Key Infrastructure Enabled Controlled Substance Orders

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Notice.

SUMMARY: As part of its Electronic Commerce Initiatives, DEA, in partnership with the Health Care Distribution Management Association (HDMA) and the National Association of Chain Drug Stores (NACDS), announces its intent to conduct a pilot project to test PKI-enabled controlled substances orders.

DATES: Persons interested in participating in this pilot project must notify DEA of participation no later than January 25, 2002.

ADDRESSES: Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Washington, D.C., 20537, Attention: Vickie Seeger, R.Ph., ODLP; fax: (202) 307–8570; *http://www.deadiversion.usdoj.gov*

FOR FURTHER INFORMATION CONTACT: Patricia M. Good, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307–7297. The Business Contact is Mike Patnode, PEC Solutions Inc., (703) 679–4900, the Administrative Contact is: Steve Bruck, PEC Solutions Inc., (703) 679–4900, the Technical contact is: Trung Tran, PEC Solutions Inc., (703) 679–4900, the Testing contact is: Margaret Leary, PEC Solutions Inc., (703) 679–4900.

SUPPLEMENTARY INFORMATION:

Background

Under the authority of the Controlled Substances Act of 1970 (CSA), DEA, regulates the manufacture and distribution of controlled substances in the United States. This regulatory control is designed to ensure there is a sufficient supply of controlled substances for legitimate medical, scientific, research, and industrial purposes while preventing the diversion of legitimate controlled substances into illegal channels. To do this, the CSA creates a closed system of distribution. For Schedules I and II controlled substances, the CSA requires that distributions be made only in response to a DEA FORM 222, ''U.S. Official Order Forms for Schedules I and II Controlled Substances (Accountable Forms)''. Currently, this is a paper-based system using a triplicate form issued by DEA. DEA is working to modify its regulations to allow for a secure electronic system for the transmission of controlled substances orders without the supporting paper DEA Form 222. The Controlled Substances Ordering System (CSOS) is expected to bring numerous benefits to the manufacturing, distribution, and pharmacy community by allowing more efficient and cost effective means of ordering and distributing Schedule I and II controlled substances.

The Pilot Project

As a first step, DEA is establishing a pilot project, which will allow industry participants to test their internal order systems using proposed DEA PKI standards, and identify and resolve technical and operational issues. DEA is working with PEC Solutions, Inc. (PEC) which will operate the pilot project and act as a technical point of contact for Industry participants.

DEA believes that the development of these new standards and regulations must be based on a clear understanding of industry practices, health care delivery issues, and legal/regulatory requirements at both the state and Federal levels. As a result, the pilot project is designed to allow interested parties to evaluate the use of DEA's planned controlled substances Public Key Infrastructure for digitally signed controlled substances orders. Participants will be expected to operate their system in accordance with DEA's proposed standards, which can be found on the Diversion Control Program web site (*http://www.deadiversion.usdoj.gov*). The pilot project is expected to be conducted in multiple phases over a 6-month period during 2002: Phase I, online registration; Phase II, application; Phase III, order processing; Phase IV, reporting; Phase V, DEA auditing.

How To Participate

During the course of the pilot project, DEA will be coordinating with Industry representatives to identify and resolve technological and policy issues. This input will be used to refine the system standards. Any organization that supports registrants in the supply chain business category wishing to participate in the pilot project should notify DEA in writing. The letter should contain the following information, and should be provided to DEA at the address listed in the Addresses section of this notice: (1) company/organization name; (2) company/organization address; (3) DEA registration number, if applicable; (4) the name, address, phone number, and e-mail address of the primary and secondary points of contact coordinating the company's/organization's pilot project participation.

Note: Due to current delays in receiving mail, DEA recommends that interested participants submit notice of participation via facsimile at (202) 307–8570 and submit the original participation notification to follow via mail. The deadline for notification of participation in the pilot project is January 25, 2002. Periodic announcements will be made to coordinate follow-on phases of the pilot project. Such announcements will be made on the Diversion Control Program web site at *http://www.deadiversion.usdoj.gov*,and will also be made directly to identified participants. Pilot project participants will be expected to secure the resources to support their participation in the project. A conference call will be held in January, 2002 to explain the pilot process to potential participants.

Dated: January 4, 2002.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. 02–796 Filed 1–10–02; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of December, 2001.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–38,813; Blount, Inc., Prentice, WI
TA–W–39,398; Boss Industries, Inc., Erie, PA
TA–W–39,578; McLaughlin Co., A Div. Of Michigan Rivet Corp., Petoskey, MI
TA–W–39,983; Edgewater Steel Ltd, Oakmont, PA
TA–W–39,831 and A; Chipman Union, Inc., Union Point, GA and Bryan Scott Plant, Greensboro, GA

TA–W–40,073; Micro Tool and Manufacturing, Inc., Meadville, PA
TA–W–40,124; Krones, Inc., Franklin, WI
TA–W–40,321; Fibermark, Inc., Rochester, MI
TA–W–39,541; Signature Software, Inc., Hood River, OR
TA–W–39,091; Heraeus Electro-Nite, Philadelphia, PA
TA–W–39,760; Kingfield Wood Products, Kingfield, ME
TA–W–39,802; Superior Dye, Passaic, NJ
TA–W–39,835B; Dyersburg Fabrics, Trenton Mills, Trenton, TN
TA–W–39,872; De-Sta-Co Manufacturing, Arden, NC
TA–W–40,153; Burkart Foam, Inc., Cairo, IL
TA–W–39,835B; Trenton Mills, Trenton, TN

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–39,987; GSI Lumonics, Inc., Maple Grove, MN
TA–W–40,087; Spicer Axle, Inc., Columbia, MO
TA–W–40,136; Emerson Process Management, Regulator Div., McKinney, TX
TA–W–40,246; Incoe Corp., North Plant, Frankfort, MI
TA–W–40,167A; Axiohm Transation Solutions, Inc., IPB Div., Ithaca, NY
TA–W–39,686; J and K Sales Co., Inc., Pawtucket, RI
TA–W–40,117; Drake Extrusion, Spartanburg, SC
TA–W–40,151; Sara Lee Hosiery, Hanes Hosiery Div., Yadkinville, NC
TA–W–40,342; Stinson Seafood 2001, Inc., Formerly Stinson Seafood 2000, Inc., Belfast, ME

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–39,861; Swimwear Anywhere, Inc., Farmingdale, NY
TA–W–39,518G; Spartan International, Inc., Spartan International Retail Business, Charlotte, NC

The investigation revealed that criteria (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA–W–40,280 and A; Munro and Company, Inc., Dewitt Footwear, Dewitt, AR and Munro and Company, Inc., Clarendon Footwear, Clarendon, AR

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA–W–40,167; Axiohm Transaction Solutions, Inc., American Magnetics Div., Cypress, CA: September 20, 2000.
TA–W–40,484; Bristol Compressor Sparta, Inc., Sparta, NC: October 22, 2000.
TA–W–39,208; RMG Foundry, LLC, Mishawaka, IN: April 23, 2000.
TA–W–39,202; ECK Industries, Inc., Manitowoc, WI: April 26, 2001.
TA–W–39,307; Creative Embroidery Corp., Bloomfield, NJ: May 7, 2000.
TA–W–39,497; Superior Electric, Bristol, CT: June 7, 2000.
All workers engaged in employment related to the production of VR motors and stators and;
All workers engaged in employment related to the production of motors (except VR motors and stators), stepper drives, adjustment speed drives and voltage control flash regulator equipment are denied.
TA–W–39,737; Rebel Screeners, Inc., Sharon, TN: July 17, 2000.
TA–W–39,828; GSC Management Co., Enterprise, AL: July 27, 2000.
TA–W–39,835 & A; Dyersburg Fabrics, Main Plant, Dyersburg, TN and Knitting Plant, Dyersburg, TN: July 19, 2000.
TA–W–39,860; Sheftex, Sheftex USA, Inc., St. Johnsbury, VT: August 3, 2000.
TA–W–39,918; Beloit Corp., Rockton, IL: August 18, 2000.
TA–W–39,984; Hollander Home Fashions, Tignall, GA: August 23, 2000.
TA–W–40,031; Laclede Steel Co., Vandalia, IL: August 28, 2000.
TA–W–40,209; Laclede Steel Co., Fairless Hills, PA: September 26, 2000.
TA–W–40,224; Munsey Products, Inc., Little Rock, AR: October 1, 2000.
TA–W–40,233; Garan Manufacturing, Adamsville, TN: October 14, 2001.
TA–W–40,322; The Santee Co., LLC, Eden, NC: October 9, 2000.
TA–W–40,336; Plaid Clothing Co, Inc., Erlanger, KY: June 4, 2001.
TA–W–40,344; Bradford Electronics, Inc., Bradford, PA: November 2, 2000.
TA–W–40,346; Freeman Products, A Div. Of Trophy Holdings, Inc., Knox, IN: November 1, 2000.
TA–W–39,518; Spartan International, Inc., Cherokee Finishing Plant, Gaffney, SC and A; Sparton Plant, Spartanburg, SC, B; Rosemont Plant, Jonesville, SC, C; King Finishing Plant, Dover, GA, D; King Mill, August, GA, E; Cleveland Mills, Lawndale, NC, F; Cleveland-Caroknit, Jefferson, SC, H; Spartan International Sales Office, New York, NY and I: Corporate Office, Spartansburg, SC: June 2, 2000.
TA–W–40,067; Stanly Knitting Mills, Inc., Headwear Div., Oakboro, NC: September 11, 2000.
TA–W–40,095; Galina Bouquet, Inc., New York, NY: August 31, 2000.
TA–W–40,137; American Trouser, Inc., Cutting Department, Columbus, MS: September 12, 2000.
TA–W–40,167; Fujikura Composite America, Inc., Vista, CA: September 26, 2000.
TA–W–40,193; Wilson Sporting Goods, Racquet Sports, Fountain Inn, SC: September 24, 2000.
TA–W–40,215; Armstrong-Hunt, Inc., Milton, FL: September 26, 2000.
TA–W–40,351; Libro Shirt Corp., Lykens, PA: November 1, 2000.
TA–W–40,061; Parker Hannifin Corp., Brass Department, Otsego, MI: September 4, 2000.
TA–W–39,901; Providence Metallizing Co., Inc., Pawtucket, RI: January 30, 2001.
TA–W–39,570; Tyrolit North America, Westboro, MA: February 2, 2001.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of December, 2001.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased,

and that the increased imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA–TAA–05440; Munro and Company, Inc., Clarendon Footwear, Clarendon, AR
NAFTA–TAA–05119; Rebel Screener, Inc., Sharon, TN
NAFTA–TAA–05441; Munro and Company, Inc., Dewitt Footwear, Dewitt, AR
NAFTA–TAA–05065; Taylor Wharton, Harsco Gas and Fluid Control, Harrisburg, PA
NAFTA–TAA–05310; Laclede Steel, Vandalia, IL
NAFTA–TAA–05330; Micro Tool and Manufacturing, Inc., Meadville, PA
NAFTA–TAA–05344; Drake Extrusion, Spartanburg, SC
NAFTA–TAA–05368; Burkart Foam, Inc., Cairo, IL
NAFTA–TAA–05384; Sara Lee Hosiery, Hanes Hosiery Div., Yadkinville, NC
NAFTA–TAA–05400; Incoe Corp., North Plant, Frankfort, MI
NAFTA–TAA–05403; Garan Manufacturing, Adamsville, TN
NAFTA–TAA–05467; Commercial Warehouse and Cartage, Inc., El Paso, TX
NAFTA–TAA–05526; Haskell Senator International, Haskell Div., Verona, PA
NAFTA–TAA–05536; Libro Shirt Corp., Lykens, PA
NAFTA–TAA–04832; ECK Industries, Inc., Manitowoc, WI

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–05490; Johnson Controls, Inc., Reynoldsburg, OH: October 17, 2000.
NAFTA–TAA–05341; Miller Bag, Freeman Plant, Freeman, SD: September 24, 2000.
NAFTA–TAA–05509 & A; HMG Intermark Worldwide Manufacturing, Inc., Site R–1, Reading, PA and Site R–5, Reading, PA: October 26, 2000.
NAFTA–TAA–05517; Armstrong-Hunt, Inc., Milton, FL: October 14, 2000.
NAFTA–TAA–05533 & A; Port Townsend Paper Corp., Port Townsend, WA and Portland, OR
NAFTA–TAA–05539; Indiana Knitwear Corp., Willacy Apparel, Lyford, TX: November 9, 2000.
NAFTA–TAA–05540; Plaid Clothing Co., Inc., Erlanger, KY: June 4, 2001.
NAFTA–TAA–05469 & A, B, C; Aalfs Manufacturing, Inc., Mena, AR, Arkadelphia, AR, Malvern, AR, Glenwood, AR: October 22, 2000. TX: August 17, 2000.
NAFTA–TAA–05469D; Aalfs Manufacturing, Sioux City, IA: November 11, 2001.
NAFTA–TAA–05140 & A; Dyersburg Fabrics, Main Plant, Dyersburg, TN and Knitting Plant, Dyersburg, TN: July 20, 2000.
NAFTA–TAA–05198; Sheftex, Sheftex USA, Inc., St. Johnsbury, VT: August 13, 2000.
NAFTA–TAA–05415; The Santee Co., LLC, Eden, NC: October 9, 2000.
NAFTA–TAA–05456; Apparel Finishers, Inc., Athens, GA: October 19, 2000.

I hereby certify that the aforementioned determinations were issued during the month of December, 2001. Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: December 27, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–714 Filed 1–10–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of December, 2001 and January, 2002.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or sub-division have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–39,324; Maverick Tube Corp., Beaver Falls, PA
TA–W–40,004; Baldor Drives and Motors, Plymouth, MN
TA–W–40,035; Eagle Veneer, Inc., Harrisburg, OR
TA–W–40,147 & A; Guilford Mills, Inc., Cobleskill, NY and Sales Division, New York, NY
TA–W–40,223 & A; Supreme Machine Products, Spring Lake, MI and Anderson, SC
TA–W–40,251; Pratt and Austin Co., Inc., Holyoke, MA
TA–W–40,295; TNS Mills, Spartanburg, SC
TA–W–40,326; Jones and Vining of Maine, Lewiston, ME
TA–W–40,331; Georgia-Pacific West, Camas, WA
TA–W–40,355 & A; R.L. Stowe Mills, Inc., Mebane, NC and Belmont, NC
TA–W–40,195; Warwood Tool Co., Wheeling, WV
TA–W–40,152; Butech, Inc., Salem, OH
TA–W–39,863; Lynn Ann Fashions, Brooklyn, NY

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–40,188; GFC Foam LLC, West Hazleton, PA
TA–W–40,230; Garlock Sealing Technologies, A Div. of B.F. Goodrich, Sodus, NY
TA–W–40,266; Modern Engineering, Troy, MI

TA–W–40,368; SEH-America, Vancouver, WA

TA–W–40,129; Tyco International, A Div. of Tyco Electronic Power Systems, Formerly Lucent Technologies, Mesquite, TX

The investigation revealed that criteria (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA–W–40,388; X-Fab Texas, Inc, Lubbock, TX

TA–W–40,131; Levcort International, Paradoy Fabrics Div and Andrew Knits Div., New York, NY

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–40,412; Alcatel USA Marketing, Inc., Andover, MA

TA–W–39,614; Trinity Industries, Inc., Railcar Repair Group, Paris, TN

TA–W–40,488; Sunbrand, A Div. Of Willcox and Gibbs, Inc., Norcross, GA

Affirmative Determination for Workers Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA–W–40,466; & A; Value Line Textiles, Inc., Pilot Mountain, NC and Lenoir City, TN: November 17, 2000.

TA–W–40,380; HLS Fashions Corp., New York, NY: October 31, 2000.

TA–W–39,931; Minister Machine Co., Minister, OH: August 16, 2000.

TA–W–40,375; EGS Electrical Group/ Sola Hevi-Duty, Lake Geneva, WI: November 20, 2000.

TA–W–40,281; Rezyal Ltd, New York, NY: September 15, 2000.

TA–W–40,228; Omaha Fixture Manufacturing, Inc., Omaha, NE: August 1, 2000.

TA–W–40,126; Miller Bag, Freeman Plant, Freeman, SD: September 17, 2000.

TA–W–40,006 & A; Planar Systems, Inc., Highway V, Lake Mills, WI and Jefferson Street, Lake Mills, WI: August 23, 2000.

TA–W–40,892; A and M Apparel, Hamilton, AL: August 7, 2000.

TA–W–39,891; CMS North America, A Div. Of The CMS Group, Caledonia, MI: August 6, 2000.

TA–W–40,010; Seville Dyeing Co., Inc., Woodsocket, RI: September 17, 2000.

TA–W–40,142; Mercury Marine, Brunswick Corp., Fond Du Lac, WI: September 10, 2000.

TA–W–39,700; Priority Finishing Corp., Fall River, MS: June 26, 2000.

TA–W–39,733; Raltron Electronics, Miami, FL: July 18, 2000.

TA–W–40,204; Fisher-Rosemount, Austin, TX: September 28, 2000.

TA–W–40,208; Joseph L. Ertl. Inc., d/b/a Scale Models, Dyersville, IA: September 24, 2000.

TA–W–39,931; Minister Machine Co., Minister, OH: August 16, 2000.

TA–W–40, 229; Eastwood Industrial, Inc., Albermarle, NC: October 4, 2000.

TA–W–40,394 & A; N and H Corp., Mohnton, PA and Reading, PA: November 6, 2000.

TA–W–40,359; Nocona Leather Goods Co Ltd, Nocona Athletic Goods, Nocona, TX: October 16, 2000.

TA–W–40,323; Summitville Tiles, Inc., Summitville Carolina Div., Morganton, NC: October 16, 2000.

TA–W–40,299; Gilbert Paper, Div. Of Mead Corp., Menasha, WI: October 11, 2000.

TA–W–40,297 & A; Controls, Inc., Logansport, IN and Charlotte, NC: October 11, 2000.

TA–W–40,253; Mauney Hosiery Mills, Inc., Kings Mountain, NC: October 10, 2000.

TA–W–39,804 & A,B,C; Kemet Electronics Corp., Greenville, SC, Mauldin Plant, Simpsonville, SC, Simpsonville Plant, Simpsonville, SC, Fountain Inn Plant, Fountain Inn, SC: July 23, 2000.

TA–W–40.227; Delphi Harrison Thermal Systems, Moraine, OH: September 21, 2000.

TA–W–39,743; DuPont Corp., Polyester Enterprise, Dacron Polyester Fiber, Cape Fear Plant, Wilmington, NC, A; Kinston Plant, Kinston, NC, B; Cooper River Plant, Charleston, SC, C; Sales and Marketing Offices, Charlotte, NC, D; Administrative Offices, Wilmington, DE: August 24, 2001.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub.L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of December, 2001.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof (including workers in any agricultural firm or appropriate subdivision thereof), have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increased imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA–TAA–05237; Versatile Mold and Design, Inc., Rutledge, GA

NAFTA–TAA–05466; Nocona Leather Goods Co. Ltd., Nocona Athletic Goods, Nocona, TX

NAFTA–TAA–05613; Hibbing Taconite Co., Cliffs Mining Co., Hibbing, MN

NAFTA–TAA–05624; AXV Corp., Vancouver, WA

NAFTA–TAA–05386; GFC Foam, LLC, West Hazleton, PA

NAFTA–TAA–05416; Gilbert Paper, Div. of Mead Corp., Menasha, WI

NAFTA–TAA–05525 & A; R.L. Stowe Mills, Inc., Mebane, NC and Belmont, NC

NAFTA–TAA–05537; Chemwest Systems, Inc., Portland, OR

NAFTA–TAA–05576; Von Hoffman Press, Inc., Owensville, MO

NAFTA–TAA–04879; Maverick Tube Corp., Beaver Falls, PA

NAFTA–TAA–05273; Raltron Electronics, Miami, FL

NAFTA–TAA–05304; Eagle Veneer, Inc., Harrisburg, OR

The workers firm does not produce an article as required for certification under Section 250(a), Subchapter D, Chapter 2, Title II, the Trade Act of 1974, as amended.

NAFTA–TAA–05625; Alcatel USA Marketing, Inc., Andover, MA

NAFTA–TAA–05462; Modern Engineering, Troy, MI

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–5351; Davis Wire Corp., Hayward, CA: August 28, 2000.

NAFTA–TAA–04823; Brillcast, Inc., Grand Rapids, MI: April 30, 2000.

NAFTA–TAA–05470; Tyco International, Ltd., A Div. of Tyco Electronic Power Systems, Formerly Lucent Technologies, Mesquite, TX: October 22, 2000.

NAFTA–TAA–05388 & A; Mexican Industries, Detroit, MI and Dearborn, MI: October 3, 2000.

NAFTA–TAA–5423; Eastwood Industrial, Inc., Albemarle, NC: October 1, 2000.

NAFTA–TAA–05428; Controls, Inc., Logansport, IN and Charlotte, NC: October 10, 2000.

NAFTA–TAA–05451; Mauney Hosiery Mills, Inc., Kings Mountain, NC: October 10, 2000.

NAFTA–TAA–05521; Value Line Textiles, Inc., Pilot Mountain, NC: November 1, 2000.

NAFTA–TAA–05522; Value Line Textiles, Inc., Lenoir City, TN: November 1, 2000.

NAFTA–TAA–05529; Safeway, Inc., Juice and Dressings Div., Grandview, WA: October 29, 2000.

NAFTA–TAA–05535; Rich Products Manufacturing Corp., Appleton Div., Appleton, WI: November 1, 2000.

NAFTA–TAA–05571; Wesley Industries, Inc., Bloomfield Hills, MI: November 20, 2000.

NAFTA–TAA–5351; Davis Wire Corp., Hayward, CA: August 28, 2000.

NAFTA–TAA–5599; Artex International, Boiling Springs, NC: December 4, 2000.

I hereby certify that the aforementioned determinations were issued during the month of December, 2001 and January, 2002. Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: January 7, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–712 Filed 1–10–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determination Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of December, 2001.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–40,239; W.G. Benjey, Inc., Alpena, MI

TA–W–39,739; MEMC Southwest, Sherman, TX

TA–W–40,245; 3M Co., Guin, AL

TA–W–39,640; ABC–NACO, Inc., Superior, WI

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–40,033; Kraft Foods North America, Inc., Lehigh Valley, PA

The investigation revealed that criteria (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA–W–40,345; Bombardier Transportation, 1200 Lebanon Road, Pittsburgh, PA, A; Bombardier Transportation, 1501 Lebanon Church Road, Pittsburgh, B; 2001 Lebanon Road, Pittsburgh, PA

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA–W–39,194; Miami Richard Grading, Inc., Medley, FL: April 25, 2000.

TA–W–39,217; Brillcast, Inc., Grand Rapids, MI: April 25, 2000.

TA–W–39,484; Cooper Wood Products, Rocky Mount, VA: May 1, 2000.

TA–W–39,643; Precision Mold, Inc., Kent, WA: June 26, 2000.

TA–W–40,057; Virginia Glove, Glade Spring, VA: August 31, 2000.

TA–W–39,721; Parker Hannifin Corp., Engineered Seals Div., Goshen, IN: July 13, 2000.

TA–W–39,812; Acro Industries, Inc., Elmgrove Road, Rochester, NY: July 29, 2000.

TA–W–40,083; Hooker Furniture Corp., Martinsville, VA: September 7, 2000.

TA–W–40,226; Columbian Rope Co., Guntown, MS: September 25, 2000.

TA–W–40,225; Thermatex Corp., Newton Falls, OH: October 3, 2000.

TA–W–40,298; Aventis Crop Science, USA, Mt. Pleasant, TN: October 22, 2000.

TA–W–40,430; Vesuvius USA, Employed at LTV Steel Co., Cleveland, OH: November 5, 2000.

TA–W–40,440; Cardinal Brands, Inc., Hazel Promotional Products, Washington, MO: October 22, 2000.

TA–W–40,199; Washington Group International, Mining Unit, Boise, ID, Employed at Equatorial Tonopah, Inc., Tonapah, NV: September 26, 2000.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub.L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of December, 2001.

In order for an affirmative determination to be made and certification of eligibility to apply for NAFTA–TAA the following group

eligibility requirements of Section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increased imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA–TAA–05332; Mercury Marine, Brunswick Corp., Fond du Lac, WI
NAFTA–TAA–05501; Huhtamaki, Food Services Div., Formerly Known as Packaging Resources, Mt. Carmel, PA
NAFTA–TAA–05481; Texfi Industries, Jefferson, GA
NAFTA–TAA–05405; W.G. Benjey, Inc., Alpena, MI
NAFTA–TAA–05471; Syst-A-Matic Tool and Design, Inc., Meadville, PA
NAFTA–TAA–05514; Pennsylvania Tool and Gages, Inc., Meadville, PA
NAFTA–TAA–05605; Hershey Foods Corp., Pennsburg, PA
NAFTA–TAA–05291; Kraft Foods North America, Inc., Lehigh Valley, PA
NAFTA–TAA–05060; ABC–NACO, Inc., Superior, WI
NAFTA–TAA–05037; Precision Mold, Inc., Kent, WA
NAFTA–TAA–05218; Chipman Union, Inc., Union Point, GA
NAFTA–TAA–05327; Parker Hannifin Corp., Brass Department, Otsego, MI
NAFTA–TAA–04569; Blount, Inc., Prentice, WI
NAFTA–TAA–05298; Craftsman Fabrics, Phoenix Mills, Concord, NC
NAFTA–TAA–04914; Boss Industries, Inc., Erie, PA
NAFTA–TAA–05453; Fibermark, Inc., Rochester, MI

The workers firm does not produce an article as required for certification under Section 250(a), Subchapter D, Chapter 2, Title II, the Trade Act of 1974, as amended.

NAFTA–TAA–05512; Sunbrand, A Div. Of Wilcox and Gibbs, Inc., Norcross, GA

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–05136; Federal Mogul Corp., Powertrain Systems, St. Johns, MI: July 26, 2000.
NAFTA–TAA–05473; Madill Corp., Kalama, WA: October 25, 2000.
NAFTA–TAA–05419; Thermatex Corp., Newton Falls, OH: August 28, 2000.
NAFTA–TAA–05028; Parker Hannifin Corp., Engineered Seals Div., Goshen, IN: June 29, 2000.
NAFTA–TAA–05497; Cardinal Brands, Inc., Hazel Promotional Products, Washington, MO: October 23, 2000.
NAFTA–TAA–05538; Leased Workers of Employment Group at St. Clair Technologies, Charlotte, MI: November 2, 2000.
NAFTA–TAA–05569; NACCO Materials Handling Group, Inc., Americas Div., Greenville, NC: November 15, 2000.
NAFTA–TAA–04932; Kentucky Electric Steel, Ashland, KY: April 25, 2000.
NAFTA–TAA–05425; Solectron Corp., Durham, NC: October 9, 2000.

I hereby certify that the aforementioned determinations were issued during the month of December, 2001. Copies of these determinations are available for inspection in room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: January 2, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–719 Filed 1–11–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[Docket No. TA–W–40,096]

Crenlo, Inc. Rochester, Minnesota; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 24, 2001, in response to a petition filed on behalf of workers at CRENLO, Inc., Rochester, Minnesota.

Further examination of the Trade Adjustment Assistance petition form shows that the filing does not meet the Trade Act requirements for a valid petition. The petition is invalid because it contains the signature of only one worker, not the required three. Consequently, further investigation would serve no purpose and the investigation has been terminated.

Signed in Washington, DC this 3rd day of January, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–718 Filed 1–10–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,452]

N & H Corporation, Mohnton, Pennsylvania; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 17, 2001, in response to a worker petition which was filed on behalf of workers at N & H Corporation, Mohnton, Pennsylvania.

A petition for this worker group is currently under investigation (TA–W–40,394). Consequently, further investigation would serve no purpose and the investigation has been terminated.

Signed in Washington, DC, this 27th day of December, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–715 Filed 1–10–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40, 202]

Renaissance Woodworking, Inc. Brooklyn, New York; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on October 15, 2001, in response to a petition that was filed on behalf of workers at Renaissance Woodworking, Inc., Brooklyn, New York.

The Department was unable to locate an official of the company to obtain the information necessary to conduct the investigation. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 2nd day of January, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–717 Filed 1–10–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,385]

Steag Hamatech, Inc., Saco, Maine; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on December 3, 2001, in response to a worker petition, which was filed on behalf of workers at Steag Hamatech, Inc., Saco, Maine.

An active certification covering the petitioning group of workers remains in effect (TA–W–38,953). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 31st day of December, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–713 Filed 1–10–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Investment Act (WIA) Standardized Record Data (WIASRD), Quarterly Summary Report, and Annual Report; Proposed Collection; Comment Request

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 Employment and Training Administration is soliciting comments concerning the proposed extension of the Workforce Investment Act Management Information and Reporting System.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee's section below on or before March 12, 2002.

ADDRESSES: U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue, N.W., Room S–4231, Washington, DC, 20210. Attention: William Rabung, Telephone: (202) 693–3031 (not a toll-free number), Facsimile number: (202) 693–3229, E-mail address: *wrabung@doleta.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In implementing the performance accountability and reporting provisions of the Workforce Investment Act of 1998 (WIA), all state jurisdictions and territories operating programs under WIA Title I–B are required to submit three types of participation and performance reports electronically to DOL on a periodic basis that allow the Department to manage its responsibilities under: (1) WIA section 136(d); (2) WIA section 185(a)(2), (c)(2), and (d); and (3) WIA section 189(d). These responsibilities include reporting the progress of States in achieving negotiated levels of performance on the required core and customer satisfaction measures, reports and recordkeeping, and responsibilities under the Government Performance and Results Act (GPRA). The Department seeks to extend these data collection and reporting requirements without change. The Department originally received approval of this reporting package on March 1 of this year with an expiration date of October 31 of this year. This very limited approval period made it impossible for the Department to receive required information from states or to perform any analyses of the data for purposes of program administration. The Department has requested and received a 90 day extension of this reporting package in order for the Department to at least receive the next quarterly report and the first annual report and WIASRD data from states. In order to meet the requirements of the Paperwork Reduction Act, the Department is submitting this package as approved on March 1, 2000 with only minor clarification and grammatical corrections for extension of data collection and reporting requirements.

There are two basic report systems—financial and program. The financial reports are required quarterly, as provided for in WIA sec. 185(e). To avoid unnecessary reporting, the quarterly financial report looks at expenditures and records related to WIA sec. 185(f) and (g). The quarterly financial report was addressed in a separate **Federal Register** notice (65 FR 5897–5898, Feb. 7, 2000). Turning to the program report system, there are three types of reports submitted by states: individual records, quarterly summary reports, and annual reports.

A. Individual Records

The Department established a standard set of core data elements that must be maintained for each individual who receives WIA Title I–B services beyond self-service and informational activities. The number of data elements collected for each individual is driven by the level of service. States submit individual record-level electronic records for program exiters annually. The Workforce Investment Act Standardized Record Data (WIASRD) contains:

—Relevant demographic characteristics including race, ethnicity, sex and age and other related information on the participants (WIA sec. 185(d)(1)(A));

—WIA Title I–B and partner program activities in which the participants are enrolled (WIA sec. 185(d)(1)(B)); and

—Outcomes for the participants, including occupations and placement in non-traditional employment (WIA sec. 185(d)(1)(C)).

The WIASRD and related documents can be viewed at the Department's Internet Web site, *http://www.usworkforce.org.*

B. Quarterly Summary Reports

The quarterly summary reports reflect statewide activity for negotiated performance and actual performance levels as well as the number of current participants and those participants who exited during the program period.These reports provide DOL with key information necessary for program oversight purposes. This information

facilitates the Department's efforts in assessing its own performance against established GPRA goals. States electronically submit the quarterly summary reports within 45 days following the end of each quarter.

The Quarterly Summary Report format and instructions for completing this report can be viewed at the Department's Internet Web site, *http://www.usworkforce.org.*

C. Annual Reports

On an annual basis, each state publishes and submits to the Secretary an Annual Report which explains the outcomes of WIA Title I-B programs to employers, taxpayers, participants and Congress and meets the provisions at WIA sec.136(d) and WIA sec. 185(d). This report emulates the private sector's ''report to stockholders'' and affords considerable flexibility to states to represent their qualities in the most advantageous manner to all stakeholders, including Congress, Governors, state legislators, workforce investment boards, and the public. This report is submitted electronically to DOL.

The state's Annual Report includes state performance as well as local performance. Copies of each state's Annual Report are sent to Congress. The performance outcomes detailed in the report will serve as the basis for awarding incentives or administering sanctions to states for performance which exceeds or falls below the negotiated levels of performance.

The instructions for completing an annual report can be accessed and viewed at the Department's Internet Web site, *http://www. usworkforce.org.* In order to report on the two required customer satisfaction measures (one for employers and one for participants) in the annual and quarterly summary reports, states must conduct surveys of both groups following the directions contained in Attachment V posted on the Department's Internet Web site, *http://www.usworkforce.org.*

II. Current Actions

The proposed extension of the data collection and reporting system will assist the Department in meeting its mandated responsibilities by providing standardized information regarding demographics, activities and outcomes for all registrants receiving more than informational or self-service in all states and workforce investment areas. Information will also be used for general oversight, continuous improvement and research purposes.

Type of Review: Extension.

Agency: Employment and Training Administration.

Titles: Workforce Investment Act Standardized Record Data, (WIASRD), Annual Report, Quarterly Summary Reports.

OMB Number: 1205–0420.

Affected Public: State governments, local workforce investment areas, and local workforce investment boards.

Cite/Reference: Authority to collect this information is provided by the Workforce Investment Act of 1998 in secs. 136, 185, and 189.

Form/etc: See the documents posted on the Department's Internet Web site, *http://www.usworkforce.org.*

Total Respondents: 53 (50 States, District of Columbia, Puerto Rico, and Virgin Islands).

Frequency: Annual Report—Yearly by December 1; Quarterly Summary Report—submitted within 45 days following each quarter; Individual Record—Annually by December 1.

Total Responses: One Annual Report for each respondent. States must submit three hard copies and one electronic copy of the annual report to the Secretary of Labor. One electronic submission of the Quarterly Summary Report from each respondent. One electronic data set from each of the respondents containing individual records for each registrant served.

Average Time: 2,384 hours.

Per Response: The actual response time varies by number of local workforce investment boards and individual records of individuals served in the state.

Estimated Total Burden Hours:

Cite/reference	Total respondents	Frequency	Total responses	Average time per response	Burden (total nat. hrs.)
Individual Records.	53 entities are required to submit individual records 6 entities may submit individual records [1].	Annually	53 (One set of records per respondent. Set will vary in size depending on the number of individuals served in the jurisdiction.).	13,272 hours	703,416 hours
Annual Report	See above	Annually	53	45 hours	2,385 hours
Customer Satisfaction Survey.	53 States*	Quarterly/Annually.	(Results to be included in the Annual and Quarterly Reports).	5 min. (1/12 hr.)**	4,417 hours
	Agency Administration 53			688 hours	36,464 hours
	Overhead 53			154 hours	8,162 hours
Quarterly Summary Report.	53	Quarterly	212 (53×4)	16 hours	3,392 hours.
Totals	53	Quarterly/Annually.	318	2,384 hours	758,236 hours.

*Each State will submit one index score for the employer responses and one for the participant responses.

**Assumes only 3 ASCI questions are administered.

[1] All 50 States, the District of Columbia, Puerto Rico and The U.S. Virgin Islands are required to submit individual records, quarterly reports and annual reports using the instructions and formats provided.

The Secretary may reserve up to ¼ of 1 percent of the WIA Title I–B funds for Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States (The Marshall Islands, Palau and the Federated States of Micronesia). Notwithstanding any other provision of law, the Freely Associated States shall not receive any assistance for any program year that begins after September 30, 2001 (WIA section 127(b)(1)(B)(ii)(IV)). These areas have limited access to technology, wage records and unique economies that result in barriers to implementing some of the indicators of performance and to collecting and reporting data. Given these unique circumstances, regional staff will work with these entities to develop suitable reporting requirements. These areas are not eligible to receive incentive grants for exceeding negotiated levels of performance.

Explanation of Burden Hours:

A. Individual Record—703,416 hrs.

Baseline: 8,768 hrs./reporting unit in the Paperwork Reduction Package regarding the JTPA reporting system (SPIR = 56 State reporting units).

Factor: 51% higher due to (1) increase in size of record, and (2) increase in number of program participants. Increases were not cumulative; some allowance made for economies of scale and learning curve.

B. Annual Report—2,385 hrs.

Estimate based on 45 hrs./reporting unit to produce one report per year (includes program run, checking, report formatting for transmission).

C. Quarterly Report—3,392 hrs.

Estimate based on 64 hrs./reporting unit to produce four reports per year (includes program run, checking, report formatting for transmission)—16 hrs./report.

D. Customer Satisfaction Survey.

Respondents—4,417 hrs.

Estimate based on 1,000 responses per reporting unit (500 WIA participants and 500 employers) and 5 min. (1/12 hr.) per survey. This assumes the three ACSI questions are asked. States may incur increased costs in the event additional questions are asked on the surveys.

Survey Administration—36,464 hrs.

Estimate based on 41 minutes to obtain a completed survey (telephone contacts, call-backs, data entry). This estimate assumes 50% of the respondents for each State will take an average of 30 minutes each, 25% will require an average of 45 minutes, and 25% will require an average of 60 minutes to obtain each completed survey.

Survey Preparation and Overhead—8,162 hrs.

Estimate based on:

Survey development (preparation of questionnaire and telephone script for interviewer)—40 hrs./reporting unit;

Sample selection—24 hrs./reporting unit;

Survey set-up (setting up survey for telephone administration and creation of a database)—40 hrs./reporting unit;

Compilation of results (includes generation of descriptive statistics and calculation of index for participants and employers)—50 hrs./reporting unit.

Total Burden Cost (Capital/Start-up Costs): $0. All respondents are currently operating production-status reporting systems.

Total Burden Cost (Operation and Maintenance Costs): $18,986,229.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

III. Documents for Review and Comment

The following documents cited in this notice can be viewed at the Department's Internet Web site, *http://www.usworkforce.org;*

—The Workforce Investment Act Title I–B Standardized Record Data (WIASRD) layout;
—The Workforce Investment Act Quarterly Summary Report Format;
—The Instructions for Submission of WIA Quarterly Summary Report;
—The instructions for submission of the WIA Annual Report; and
—The instructions for capturing, computing and recording outcomes on the Customer Satisfaction Measures.

Dated: December 13, 2001.

Emily Stover DeRocco,

Assistant Secretary of Labor.

[FR Doc. 02–667 Filed 1–10–02; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for NAFTA Transitional Adjustment Assistance

Petitions for transitional adjustment assistance under the North American Free Trade Agreement-Transitional Adjustment Assistance Implementation Act (Pub. L. 103–182), hereinafter called (NAFTA–TAA), have been filed with State Governors under Section 250(b)(1) of Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended, are identified in the Appendix to this Notice. Upon notice from a Governor that a NAFTA–TAA petition has been received, the Director of the Division of Trade Adjustment Assistance (DTAA), Employment and Training Administration (ETA), Department of Labor (DOL), announces the filing of the petition and takes action pursuant to paragraphs (c) and (e) of Section 250 of the Trade Act.

The purpose of the Governor's actions and the Labor Department's investigations are to determine whether the workers separated from employment on or after December 8, 1993 (date of enactment of P.L. 103–182) are eligible to apply for NAFTA–TAA under Subchapter D of the Trade Act because of increased imports from or the shift in production to Mexico or Canada.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing with the Director of DTAA at the U.S. Department of Labor (DOL) in Washington, DC provided such request if filed in writing with the Director of DTAA not later than January 21, 2002.

Also, interested persons are invited to submit written comments regarding the subject matter of the petitions to the Director of DTAA at the address shown below not later than January 21, 2002.

Petitions filed with the Governors are available for inspection at the Office of the Director, DTAA, ETA, DOL, Room C–5311, 200 Constitution Avenue, N.W. Washington, DC 20210.

Signed at Washington, DC, this 2nd day of January, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

APPENDIX

Subject firm	Location	Date received at Governor's office	Petition No.	Articles produced
A.O. Smith Electrical Products (Co.)	Scottsville, KY	12/11/2001	NAFTA–5, 634	Stator & coil electric motor.
Sumitomo Electric Wiring (Co.)	Morgantown, KY	12/11/2001	NAFTA–5, 635	Electric wiring harnesses.
Bayer Clothing Group (UNITE)	Clearfield, PA	12/10/2001	NAFTA–5, 636	Men's tailored suits and sportscoats.
Daisbowa America (Wkrs)	Port Angeles, WA	12/10/2001	NAFTA–5, 637	Woods clips.
Scientific Molding (Wkrs)	Brownsville, TX	12/12/2001	NAFTA–5, 638	Assembled tools and molding.
Acme Steel (Wkrs)	Riverdale, IL	12/07/2001	NAFTA–5, 639	Hot rolled steel.
VF Jeanswear (Co.)	Russellville, AL	12/12/2001	NAFTA–5, 640	Jeans.
VDO North America LLC (Co.)	Winchester, VA	12/18/2001	NAFTA–5, 641	Fuel systems for cars.
Imperial Home Decor Group (UAW)	Adams, MA	12/11/2001	NAFTA–5, 642	Wallpaper.
A.O. Smith Electrical Products (Co.)	Lexington, TN	12/10/2001	NAFTA–5, 643	Electric motors.
Bose Corporation (Wkrs)	Hillsdale, MI	12/14/2001	NAFTA–5, 644	Automotive loudspeaker.

APPENDIX—Continued

Subject firm	Location	Date received at Governor's office	Petition No.	Articles produced
Eurotherm Action (Co.)	San Diego, CA	10/17/2001	NAFTA–5, 645	Signal conditioners.
Smiley Hats (Co.)	Sparks, NV	11/09/2001	NAFTA–5, 646	Hats, mittens, scarfs, blankets.
Active Transportation (IBT)	Portland, OR	12/13/2001	NAFTA–5, 647	Heavy duty trucks.
Harper Wyman (Wkrs)	Princeton, IL	12/14/2001	NAFTA–5, 648	Engineering services.
IEC Electronics (Wkrs)	Newark, NY	10/25/2001	NAFTA–5, 649	Communications equipment.
Holland Binkley (Co.)	Dayton, OH	12/17/2001	NAFTA–5, 650	Semi trailer axles.
Bourns (Co.)	Logan, UT	12/17/2001	NAFTA–5, 651	Electronic components.
Magnequench International (UAW)	Anderson, ID	12/13/2001	NAFTA–5, 652	Permanent magnets & magnetic powders.
Empire Iron Mining Partnership—Tilden (Co.).	Cleveland, OH	12/12/2001	NAFTA–5, 653	Steel.
Hayes Lemmerz International (Wkrs)	Petersburg, MI	11/17/2001	NAFTA–5, 654	Plastic intake manfolds.
Kennametal (Co.)	Pine Bluff, AR	12/12/2001	NAFTA–5, 655	Drill.
Eaton Corporation—Actuator Esensor (Wkrs).	Sanford, NC	12/17/2001	NAFTA–5, 656	Right angle thermal expansion valve.
USNR (Wkrs)	Woodland, WA	12/17/2001	NAFTA–5, 657	Saw mill equipment and spare parts.
Perceptron (Co.)	Lake Oswego, OR	12/11/2001	NAFTA–5, 658	Sensor and robotic equipment.
Liz Claiborne (UNITE)	Mt. Pocono, PA	12/19/2001	NAFTA–5, 659	Men's and women's apparel.
Vanity Fair Intimates (Co.)	Monroeville, AL	12/20/2001	NAFTA–5, 660	Women's intimate apparel.
Tree Machine Tools (IAMAW)	Franklin, WI	12/19/2001	NAFTA–5, 661	Computer controlled machining centers.
Robert Mitchell—Douglas Brothers (Co.).	Portland, ME	12/19/2001	NAFTA–5, 662	Stainless steel pipe and fitting.
Exide Technologies (UAW)	Shreveport, LA	12/19/2001	NAFTA–5, 663	12 volt automotive batteries.
Neville Chemical (USWA)	Pittsburgh, PA	12/19/2001	NAFTA–5, 664	Hydro carbon resins for printing ink.
JBI, LP (Co.)	Osseo, WI	12/19/2001	NAFTA–5, 665	Parts washers and ovens.
Dana Corporation—Spicer Mfg. (Wkrs)	Pottstown, PA	12/19/2001	NAFTA–5, 666	Slip yokes, flange yokes etc.
Accuride International (Co.)	South Bend, IN	12/18/2001	NAFTA–5, 667	Ball bearing linear slides.
Parker Hannifin (Wkrs)	Eaton, OH	12/17/2001	NAFTA–5, 668	Tube fittings.
Midcom, Inc. (Co.)	Watertown, SD	12/18/2001	NAFTA–5, 669	Transformer for telecommunications.
Greenwood Mills (Co.)	Greenwood, SC	12/20/2001	NAFTA–5, 670	Textiles.
Beta Steel (Co.)	Portage, IN	12/26/2001	NAFTA–5, 671	Steel, hot rolled coils.
Pacific Scientific Instruments (Wkrs)	Crants Pass, OR	12/19/2001	NAFTA–5, 672	Particle counters and software.
Phoenix Gold International (Wkrs)	Portland, OR	12/19/2001	NAFTA–5, 673	Circuit board.
Loren Casting (Wkrs)	Hollywood, FL	12/20/2001	NAFTA–5, 674	Wax carving and wax stone setting.
STS Apparel (Wkrs)	Hialeah, FL	12/18/2001	NAFTA–5, 675	Embroidery for garments.
Nortel Networks (Wkrs)	Boca Raton, FL	12/19/2001	NAFTA–5, 676	Optical networking systems.
Swift Spinning Mills (Co.)	Columbus, GA	12/19/2001	NAFTA–5, 677	Denim.
Swift Spinning Mills (Co.)	Columbus, GA	12/19/2001	NAFTA–5, 678	Spun cotton yarn.
Biokyowa (Co.)	Cape Girardeau, MO	12/21/2001	NAFTA–5, 679	Lysine amino acid feed supplement.
F.C. Mayer Packaging (Wkrs)	St. Louis, MO	12/21/2001	NAFTA–5, 680	Shoe cartons.
VF Jeanswear (Wkrs)	Springfield, MO	12/21/2001	NAFTA–5, 681	Jeans and casual wear.
Parallax Power Components (Co.)	Goodland, IN	12/20/2001	NAFTA–5, 682	Transformers.
Multi Products (Wkrs)	Erie, PA	12/27/2001	NAFTA–5, 683	Custom plastic injection molds.
Kraft Foods North America (Wkrs)	Allentown, PA	12/27/2001	NAFTA–5, 684	Barbecue sauce and salad dressing.

[FR Doc. 02–716 Filed 1–10–02; 8:45 am]
BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment Standards Administration; Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination; Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue

current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under the Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department.

Further information and self-explanatory forms from the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3014, Washington, DC 20210.

Modification to General Wage Determination Decisions

The number of the decisions listed to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

None

Volume II

None

Volume III

None

Volume IV

None

Volume V

None

Volume VI

None

Volume VII

None

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and Related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage determinations Issued Under the Davis-Bacon And Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

General wage determination issued under the Davis-Bacon and related Acts are available electronically at no cost on the Government Printing Office site at *www.access.gpo.gov/davisbacon.* They are also available electronically by subscription to the Davis-Bacon Online Service (*http://davisbacon.fedworld.gov*) of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068. This subscription offers value-added features such as electronic delivery of modified wage decisions directly to the user's desktop, the ability to access prior wage decisions issued during the year, extensive Help desk Support, etc.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800.

When Ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate Volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 3rd day of January 2002.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 02–482 Filed 1–10–02; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collection, Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance 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. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed revision of the ''Consumer Price Index Commodities and Services Survey.'' A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section of this notice on or before March 12, 2002.

ADDRESSES: Send comments to Amy A. Hobby, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 3255, 2 Massachusetts Avenue, NE., Washington, DC 20212, telephone number 202–691–7628 (this is not a toll free number).

FOR FURTHER INFORMATION CONTACT: Amy A. Hobby, BLS Clearance Officer, telephone number 202–691–7628. (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

Under the direction of the Secretary of Labor, the Bureau of Labor Statistics (BLS) is directed by law to collect, collate, and report full and complete statistics on the conditions of labor and the products and distribution of the products of the same; the Consumer Price Index (CPI) is one of these statistics. The collection of data from a wide spectrum of retail establishments and government agencies is essential for the timely and accurate calculation of the Commodities and Services (C&S) component of the CPI.

The CPI is the only index compiled by the U.S. Government that is designed to measure changes in the purchasing power of the urban consumer's dollar. The CPI is a measure of the average change in prices over time paid by urban consumers for a market basket of goods and services.

The CPI is used most widely as a measure of inflation, and serves as an indicator of the effectiveness of government economic policy. It also is used as a deflator of other economic series, that is, to adjust other series for price changes and to translate these series into inflation-free dollars. A third major use of the CPI is to adjust income payments. Over two million workers are covered by collective bargaining contracts which provide for increases in wage rates based on increases in the CPI.

The continuation of the collection of prices for the CPI is essential since the CPI is the nation's chief source of information on retail price changes. If the information on C&S prices were not collected, Federal fiscal and monetary policies would be hampered due to the lack of information on price changes in a major sector of the U.S. economy, and estimates of the real value of the Gross National Product could not be made. The consequences to both the Federal and private sectors would be far-reaching and would have serious repercussions on Federal government policy and institutions.

II. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Action

A new outlet rotation model introduced during the 1998 revision is now fully deployed. This model results in rotating the full C&S sample every four years.

A new initiative to reinitiate a subset of the currently priced item sample in existing outlets to account for new goods is under development. This initiative is referred to as Item Rotation. Item rotation is a process that allows for the inclusion of new goods when reinitiating existing quotes within currently priced outlets and enables the item sample to be refreshed without the expense and delay of a full Telephone Point of Purchase Survey (TPOPS) rotation. Under this initiative at currently priced outlets for selected item categories the items priced will be reinitiated two years after the original initiation, thus offering the chance that new goods will be selected for pricing. An example is prescription drugs, where under this initiative based on current sales data priced drugs will be reinitiated. Since this reinitiation will include all currently dispensed drugs those that have been introduced since the previous initiation will have a chance to be selected. Over a four year period up to half our priced outlets will be subject to item rotation.

Currently, data for the CPI are recorded on collection schedules by CPI field staff in assigned retail outlets and are mailed to the National Office for processing. A key element nearing completion is to convert all ongoing data collection and transmission to electronic systems. The gradual introduction of a Computer-Assisted Data Collection (CADC) system for the C&S portion of the CPI will begin in the fall of 2002. The use of CADC will result in significant advantages by increasing productivity and improving the overall quality of the CPI. Electronic data collection and transmission will provide long-term savings through a major reduction of mail, paper, and printing costs. Electronic systems will provide an opportunity to reduce data capture and review time, and to improve survey logistics management.

Type of Review: Revision of a currently approved collection.

Agency: Bureau of Labor Statistics.

Title: Consumer Price Index Commodities and Services Survey.

OMB Number: 1220–0039.

Affected Public: Business or other for-profit; not-for-profit institutions; and state, local or tribal government.

Form number	Total number of respondents	Frequency	Total annual responses	Minutes per response (average)	Estimated total burden hours
BLS 3400	14,178	Annual	14,178	4	993
BLS 3400A.2	19,105	Annual	19,105	29.76	9,486
BLS 3400B	19,105	Annual	19,105	25.50	8,124
BLS 3400C	1,375	Annual	1,375	6	138
BLS 3401	39,415	Monthly/Bimonthly	343,699	13.8	79,051
Totals	[1]58,520		[2]362,804	[3]15	97,792

[1] The total number of respondents, 58,520, does not reflect the sum of the number of respondents for the five listed forms because the first form only applies to all of our activities that involve initiation, while the second and third forms involves all initiations plus item rotation. The fourth form is only used in a sub set of outlets being initiated. The fifth form is used only for the regular pricing of sampled outlets. Thus the total individual respondents impacted by the five forms is 39,415 + 19,105 = 58,520 respondents.

[2] The total annual responses does not reflect the sum of all of the listed responses because, as noted in footnote 1, some forms are used at the same respondent when they are initiated or are part of item rotation. Thus the total annual responses associated with the five forms is 343,699 + 19,105 = 362,804.

[3] The sum of minutes represents a weighted average of the minutes per respondent, using annual responses as a weight.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 19th day of December, 2001.

Jesús Salinas,

Acting Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 02–668 Filed 1–10–02; 8:45 am]

BILLING CODE 4510–24–P

NATIONAL SCIENCE FOUNDATION

Alan T. Waterman Award Committee; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Alan T. Waterman Award Committee (1172).

Date/Time: Wednesday, March 6, 2000, 9 a.m.–3 p.m., room 340.

Place: National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed.

Contact Person: Mrs. Susan E. Fannoney, Executive Secretary, Room 1220, National Science Foundation, 4201 Wilson Blvd, Arlington, VA 22230. Telephone: 703/292–8096.

Purpose of Meeting: To provide advice and recommendations in the selection of the Alan T. Waterman Award recipient.

Agenda: To review and evaluate nominations as part of the selection process for awards.

Reasons for Closing: The nominations being reviewed include information of a personal nature where disclosure would constitute unwarranted invasions of personal privacy. These matters are exempt under (4) and (6) of 5 U.S.C. 552b(c) of the Government in the Sunshine Act.

Dated: January 8, 2002.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 02–758 Filed 1–10–02; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Research, Evaluation and Communication; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463), as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel on Research, Evaluation and Communication (1210).

Dates/Time: January 29, 2002 (8:00 a.m.-5:00 p.m.), January 30, 2002 (8:00 a.m. to-5:00 p.m.).

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Open.

Contact Person: Kenneth Whang, Program Director, Division of Research, Evaluation and Communication (REC), Room 855, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: 703/292–8650.

Purpose of Meeting: To discuss trends and implications of brain research and education.

Agenda (Tentative):

January 29, 2002

2:15 pm
Overview and welcome
Introductions
2:30 pm
The ROLE portfolio: brain and cognitive components
3:00 pm
Discussion
3:30 pm
The ROLE program: guidelines, review, and management
4:00 pm
Discussion
4:30 pm
The ROLE community: outreach and development
5:00 pm
Discussion
5:30 pm
Break
6:00 pm
Dinner

January 30, 2002

8:30 pm
Synthesis and outstanding issues
Discussion a
10:00 am
Complete panel write-ups of recommendations
12:00 pm
Adjourn

Dated: January 8, 2002.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 02–774 Filed 1–10–02; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–254 and 50–265]

Exelon Generation Company, LLC and MidAmerican Energy Company; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant HazardsConsideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DAR–29 and DAR–30 issued to Exelon Generation Company, LLC, and MidAmerican Energy Company (the licensee) for operation of the Quad Cities Nuclear Power Station, Units 1 and 2, located in Rock Island County, Illinois.

The proposed amendment would revise technical specification section 3.3.1.1, ''Reactor Protection System Instrumentation,'' to modify the description for Reactor Protection System (RPS) Function 7.a, ''Scram Discharge Volume Water Level—High.'' This change supports a planned upgrade to the scram discharge volume level instrumentation from Fluid Components International thermal switches to Magnetrol float switches. These float switches are more reliable than the existing thermal switches, which are highly sensitive to a steam environment, since they respond to actual water level increases within the scram discharge volume. These types of Magnetrol float switches are used successfully in various applications at Quad Cities.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in Title 10 of the Code of Federal Regulations (10 CFR), Section 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. 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:

Does the Proposed Change Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated?

During the upcoming refueling outages at Quad Cities Nuclear Power Station (QCNPS), a design change will be implemented that upgrades the existing Scram Discharge Water Level—High instrumentation from thermal switches to float switches. Float switches are a proven technology that provide a more reliable measurement than existing equipment. Float switches are used in various applications at QCNPS, including the Emergency Core Cooling Systems instrumentation for Suppression Pool Water Level High function.

TS requirements that govern operability or routine testing of plant instruments are not

initiators of any analyzed event because these instruments are intended to prevent, detect, or mitigate accidents. Therefore, this proposed change will not involve an increase in the probability of occurrence of an accident previously evaluated. Additionally, the proposed change will not increase the consequences of an accident previously evaluated because the proposed change does not adversely impact structures, systems, or components (SSCs). The planned instrument upgrade results in a more reliable design than existing equipment. The proposed change maintains existing 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. For these reasons, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

Does the Proposed Change Create the Possibility of a New or Different Kind of Accident From Any Accident Previously Evaluated?

The proposed change supports a planned instrumentation upgrade and does not alter surveillance requirements required to ensure operability. The proposed change does not adversely impact the manner in which the SDV will operate under normal, abnormal, and accident conditions. There is no change being made to the parameters within which QCNPS is operated. There are no setpoints at which protective or mitigative actions are initiated that are affected by the proposed change. This proposed change will not alter the manner in which equipment operation is initiated nor will the function demands on credited equipment be changed. No alteration in the procedures, which ensure QCNPS remains within analyzed limits, is proposed, and no change is being made to procedures relied upon to respond to an off-normal event. Therefore, this proposed change provides an equivalent level of safety. The proposed change in methods governing normal plant operation are consistent with the current safety analysis assumptions. Therefore, this proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

Does the Proposed Change 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 or actions. The proposed change supports a planned instrumentation upgrade. The proposed change does not affect the probability of failure or availability of the affected instrumentation. The change to float switches for the Scram Discharge Volume Water Level—High RPS Sub-Function 7.a provides for increased reliability that aligns with that of similar instrumentation. Therefore, it is concluded that the proposed changes will not result in a significant reduction in the margin of safety.

Therefore, based upon the above evaluation, EGC has concluded that these changes involve no 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.

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. 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 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By February 10, 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, which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or electronically on the Internet at the NRC Web site *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If there are problems in accessing the document, contact the Public Document Room Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov.* 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 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 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 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: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Edward J. Cullen Jr., Vice President and General Counsel, Exelon Generation Company, LLC, 300 Exelon Way, Kennett Square, PA 19348, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated [date], which is available for public inspection at the Commission's Public Document Room (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 (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html*. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC Public Document Room Reference staff by telephone at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 8th day of January 2002.

For the Nuclear Regulatory Commission.

George F. Dick, Jr.,

Project Manager, Section 2, Project Directorate 3, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 02–694 Filed 1–10–02; 8:45 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Act; January 24, 2002 Public Hearing; Meeting

TIME AND DATE: 2 PM, Thursday, January 24, 2002.

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue, NW., Washington, DC.

STATUS: Hearing OPEN to the Public at 2 PM.

PURPOSE: Annual Public Hearing and Hearing in conjunction with the quarterly meeting of OPIC's Board of Directors, to afford an opportunity for any person to present views regarding the activities of the Corporation.

Procedures

Individuals wishing to address the hearing orally must provide advance notice to OPIC's Corporate Secretary no later than 5 PM, Friday, January 18, 2002. The notice must include the individual's name, organization, address, and telephone number, and a concise summary of the subject matter to be presented.

Oral presentations may not exceed ten (10) minutes. The time for individual presentations may be reduced proportionately, if necessary, to afford all participants who have submitted a timely request to participate an opportunity to be heard.

Participants wishing to submit a written statement for the record must submit a copy of such statement to OPIC's Corporate Secretary no later than 5 PM, Friday, January 18, 2002. Such statements must be typewritten, double-spaced and may not exceed twenty-five (25) pages.

Upon receipt of the required notice, OPIC will prepare an agenda for the hearing identifying speakers, setting forth the subject on which each participant will speak, and the time allotted for each presentation. The agenda will be available at the hearing.

A written summary of the hearing will be compiled, and such summary will be made available, upon written request to OPIC's Corporate Secretary, at the cost of reproduction.

CONTACT PERSON FOR INFORMATION: Information on the hearing may be obtained from Connie M. Downs at (202) 336–8438, via facsimile at (202) 218–0136, or via email at *cdown@opic,gov.*

SUPPLEMENTARY INFORMATION: OPIC is a U.S. Government agency which provides, on a commercial basis, political risk insurance and financing in friendly developing countries and emerging democracies for environmentally sound projects which confer positive developmental benefits upon the project country while creating employment in the U.S. OPIC is required by section 231A(c)(1) of the Foreign Assistance Act of 1961, as amended (''the Act'') to hold at least one public hearing each year; and by section 231A(c)(2) to hold a public hearing in conjunction with the quarterly meeting of the Board of Directors.

Among other issues, OPIC's annual public hearing has, in previous years, provided a forum for testimony concerning section 231A(a) of the Act. This section provides that OPIC may operate its programs only in those

countries that are determined to be ''taking steps to adopt and implement laws that extend internationally recognized worker rights * * * to workers in that country (including any designated zone in that country).''

Based on consultations with Congress, OPIC complies with annual determinations made by the Executive Branch with respect to worker rights for countries that are eligible for the Generalized System of Preferences (''GSP''). Any country for which GSP eligibility is revoked on account of its failure to take steps to adopt and implement internationally recognized worker rights is subject concurrently to the suspension of OPIC programs until such time as a favorable worker rights determination can be made.

For non-GSP countries in which OPIC operates its programs, OPIC reviews any country which is the subject of a formal challenge at its annual public hearing. To qualify as a formal challenge, testimony must pertain directly to the worker rights requirements of the law as defined in OPIC's 1985 reauthorizing legislation (Public Law 99–204) with reference to the Trade Act of 1974, as amended, and be supported by factual information.

Dated: January 8, 2002.

Connie M. Downs,

OPIC Corporate Secretary.

[FR Doc. 02–843 Filed 1–9–02; 11:00 am]

BILLING CODE 3210–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–25357; 812–12746]

Capital One Financial Corporation, et al.; Notice of Application

January 7, 2002.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for exemption under section 6(c) of the Investment Company Act of 1940 (the ''Act'') from all provisions of the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain finance subsidiaries of Capital One Financial Corporation (''COFC'') to sell securities and use the proceeds to finance the business activities of COFC, and certain companies controlled by COFC (''Controlled Companies'').

APPLICANTS: COFC; Capital One Capital II, Capital One Capital III and Capital One Capital IV (collectively, the ''COC Trusts''); and Capital One Capital II, LLC, Capital One Capital III, LLC and Capital One Capital IV, LLC (collectively, the ''COC LLCs'') (the COC Trusts and COC LLCs, collectively, the ''Finance Subsidiaries'').

FILING DATES: The application was filed on January 7, 2002.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on February 1, 2002 and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Applicants, John G. Finneran, Jr., Capital One Financial Corporation, Suite 1300, 2980 Fairview Park Drive, Falls Church, Virginia 22042–4525.

FOR FURTHER INFORMATION CONTACT: Jaea F. Hahn, Senior Counsel (202) 942–0614, or Janet M. Grossnickle, Branch Chief (202) 942–0564 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street NW, Washington, DC 20549–0102 (tel. 202–942–8090).

Applicants' Representations

1. COFC, a Delaware corporation, is a company whose subsidiaries provide a variety of financial products and services to consumers. COFC's principal subsidiary, Capital One Bank (''Bank''), is a limited-purpose Virginia state-chartered credit card bank offering credit card products. COFC also owns Capital One, F.S.B. (''Savings Bank''), a federally chartered savings bank, which is a member of the Federal Home Loan Bank System. The Bank has filed applications with the Board of Governors of the Federal Reserve System and the Bureau of Financial Institutions of the Virginia State Corporation Commission seeking to merge the Savings Bank with and into the Bank and to effect the conversion of the Bank into a Virginia state-chartered savings bank (the ''Merger and Conversion'').

2. COFC will establish the COC Trusts as Delaware business trusts and will own all of the outstanding voting beneficial interests to be issued by the COC Trusts. The Bank will establish the COC LLCs as Delaware limited liability companies and will own all of the outstanding voting beneficial interests to be issued by the COC LLCs. Because the Bank is a wholly owned direct subsidiary of COFC, the COC LLCs will be indirect subsidiaries of COFC.

3. The Finance Subsidiaries will be organized to engage in financing activities that will provide funds for use in the operations of COFC, the Bank, and other Controlled Companies. The Finance Subsidiaries' primary function will be to obtain funds through the offer and sale of their preferred beneficial interests (the ''Preferred Interests'') in U.S., European, and other overseas markets, and to apply the proceeds exclusively to finance the operations of COFC, the Bank and other Controlled Companies. Each COC Trust will hold the Preferred Interests of the related COC LLC which will be contributed to the COC Trust by COFC. Any issuance of a Finance Subsidiary's Preferred Interests will be guaranteed unconditionally (on a subordinated basis) by COFC with a guarantee that meets the requirements of rule 3a-5(a)(2) under the Act (the ''Guarantees''). The Guarantees provide each holder of Preferred Interests a direct right of action against COFC to enforce COFC's obligations under the applicable Guarantee without first proceeding against the applicable Finance Subsidiary. In accordance with rule 3a-5(a)(5) under the Act, at least 85% of any cash or cash equivalents raised by each Finance Subsidiary will be invested in or loaned to COFC or Controlled Companies as soon as practicable, but in no event later than six months after such Finance Subsidiary's receipt of such cash or cash equivalents. Additionally, after giving effect to the requested exemption, each Finance Subsidiary will meet the requirements of rule 3a-5(a)(6) under the Act.

Applicants' Legal Analysis

1. Applicants request an order under section 6(c) of the Act exempting each Finance Subsidiary from all provisions of the Act. Rule 3a–5 under the Act provides an exemption from the Act for certain companies organized primarily to finance the business operations of their parent companies or companies controlled by their parent companies.

2. Rule 3a–5(b)(3)(i) under the Act, in relevant part, defines a ''company controlled by the parent company'' to mean any corporation, partnership, or joint venture that is not considered an investment company under section 3(a) of the Act, or that is excepted or exempted by order from the definition of investment company by section 3(b) or by the rules and regulations under section 3(a) of the Act. The Bank does not fit, and after the proposed Merger and Conversion still will not fit, within the definition of ''company controlled by the parent company'' because it derives its non-investment company status from section 3(c)(3) of the Act. Consequently, the outstanding securities of a COC LLC would be owned by a company that does not meet the requirements of rule 3a–5(b)(1)(i) under the Act. In addition, to the extent a Finance Subsidiary makes loans to or makes or holds investments in the Bank, that Finance Subsidiary would not meet the definition of a ''finance subsidiary'' under rule 3a–5 because it would be financing an entity that does not meet the definition of a company controlled by the parent company as required by rule 3a–5(b)(1)(ii) under the Act. The COC LLCs also do not fit within the definition of ''company controlled by the parent company'' because they would, after giving effect to requested relief, be exempted by order under section 6(c) of Act rather than by the rules or regulations under section 3(a) of the Act. Consequently, a COC Trust that holds or makes investments in securities of a COC LLC would not meet the requirement in rule 3a–5(a)(6) under the Act.

3. Applicants request exemptive relief to permit the Finance Subsidiaries to finance the operations of the Bank, which is excluded from the definition of investment company by virtue of section 3(c)(3), and to permit the Bank to own all outstanding voting ownership interests of each COC LLC. In addition, Applicants request exemptive relief to permit each Finance Subsidiary to make loans to or make or hold investments in a COC LLC that relies on an order issued under section 6(c) of the Act. Applicants state that neither the Bank nor the Finance Subsidiaries will engage primarily in investment company activities, and that each Finance Subsidiary's primary business purpose will be to engage in financing activities that will provide funds for COFC and the Bank.

4. Section 6(c) of the Act, in pertinent part, provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants submit that its exemptive request meets the standards set out in section 6(c) of the Act.

Applicants' Condition

Applicants agree that the order granting the requested relief will be subject to the following condition:

Each Finance Subsidiary will comply with all of the provisions of rule 3a-5 under the Act, except: (1) the Bank will not meet the portion of the definition of ''company controlled by the parent company'' in rule 3a–5(b)(3)(i) under the Act solely because it is excluded from the definition of investment company under section 3(c)(3) of the Act; and (2) each Finance Subsidiary will be permitted to make loans to or make or hold investments in corporations, partnerships, and joint ventures that do not meet the portion of the definition of ''company controlled by the parent company'' in rule 3a(b)(3)(i) under the Act solely because (i) they are excluded from the definition of investment company under section 3(c)(3) of the Act or (ii) they are a COC LLC that does not meet the definition of ''company controlled by the parent company'' in rule 3a-5(b)(3)(i) under the Act solely because it is relying on an order issued under section 6(c) of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–806 Filed 1–10–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of January 14, 2002:

A closed meeting will be held on Tuesday, January 15, 2002, at 10:00 a.m.

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)(5), (7), (9)(B), and (10) and 17 CFR 200.402(a)(5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the closed meeting.

The subject matters of the closed meeting scheduled for Tuesday, January 15, 2002, will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings of an enforcement nature; and

Formal orders of investigation.

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: January 8, 2002.

Jonathan G. Katz,

Secretary.

[FR Doc. 02–805 Filed 1–8–02; 4:37 pm]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45241; File No. SR–Amex–2002–01]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval to Proposed Rule Change by the American Stock Exchange LLC To Extend for an Additional 90 Days its Pilot Program Relating to Facilitation Cross Transactions

January 7, 2002.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 3, 2002, the American Stock Exchange LLC (''Amex'' of ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. For the reasons discussed below, the Commission is

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

granting accelerated approval of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to extend for an additional 90 days its pilot program relating to facilitation cross transactions, described in detail in item II.A. below. The text of the proposed rule change is available at the Office of the Secretary, Amex, and at the Commission.

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 III 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

The Exchange proposes to extend for an additional 90 days its pilot program relating to member firm facilitation cross transactions, which was originally approved by the Commission in June 2000, was most recently extended in October 2001, and is due to expire on January 7, 2002.[3]

Revised Commentary .02(d) to Amex Rule 950(d) establishes a pilot program to allow facilitation cross transactions in equity options.[4] The pilot program entitles a floor broker, under certain conditions, to cross a specified percentage of a customer order with a member firm's proprietary account before market makers in the crowd can participate in the transaction. The provision generally applies to orders of 400 contracts or more. However, the Exchange is permitted to establish smaller eligible order sizes, on a class by class basis, provided that the eligible order size is not for fewer than 50 contracts.

Under the current program, when a trade takes place at the market provided by the crowd, all public customer orders on the specialist's book or represented in the trading crowd at the time the market was established must be satisfied first. Following satisfaction of any customer orders on the specialist's book, the floor broker is entitled to facilitate up to 20% of the contracts remaining in the customer order. When a floor broker proposes to execute a facilitation cross at a price between the best bid and offer provided by the crowd in response to his initial request for a market—and the crowd then wants to take part or all of the order at the improved price—the floor broker is entitled to priority over the crowd to facilitate up to 40% of the contracts. If the floor broker has proposed the cross at a price between the best bid and offer provided by the crowd in response to his initial request for a market, and the trading crowd subsequently improves the floor broker's price, and the facilitation cross is executed at that improved price, the floor broker would only be entitled to priority to facilitate up to 20% of the contracts.

The program also provides that if the facilitation transaction takes place at the specialist's quoted bid or offer, any participation allocated to the specialist pursuant to Amex trading floor practices would apply only to the number of contracts remaining after all public customer orders have been filled and the member firm's crossing rights have been exercised.[5] However, in no case could the total number of contracts guaranteed to the member firm and the specialist exceed 40% of the facilitation transaction.

In the year and a half since the pilot program was first implemented, the Exchange has found it to be generally successful. The Exchange seeks to extend the pilot program for an additional 90 days, pending consideration of a related proposed rule change it has filed with the Commission[6] concerning revisions to the program that the Amex believes will provide further incentive for price improvement by using different procedures to determine specialist and registered option trader participation. The related proposal would also make the program permanent.

In order to allow the pilot program to be extended without significant interruption, the Amex has requested that the Commission expedite review of, and grant accelerated approval to, the proposal to extend it, pursuant to Section 19(b)(2) of the Act.[7]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act[8] in general, and furthers the objectives of Section 6(b)(5) of the Act[9] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. 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

[3] The pilot program, originally approved on June 2, 2000, was subsequently extended on two occasions, reinstated after a brief lapse in July 2001, and extended again in October 2001. *See* Securities Exchange Act Release Nos. 42894 (June 2, 2000), 65 FR 36850 (June 12, 2000), 43229 (August 30, 2000), 65 FR 54572 (September 8, 2000); 44019 (February 28, 2001), 66 FR 13819 (March 7, 2001); 44538 (July 11, 2001) 66 FR 37507 (July 18, 2001); and 44924 (October 11, 2001), 66FR 53456 (October 22, 2001).

[4] Facilitation cross transactions occur when a floor broker representing the order of a public customer of a member firm crosses that order with a contra side order from the firm's proprietary account.

[5] Amex trading floor practices provide specialists with a greater than equal participation in trades that take place at a price at which the specialist is on parity with registered options traders in the crowd. These practices are subject to a separate filing that seeks to codify specialist allocation practices. *See* Securities Exchange Act Release No. 42964 (June 20, 2000), 65 FR 39972 (June 28, 2000).

[6] *See* File No. SR–Amex–00–49, available for inspection at the Commission's Public Reference Room.

[7] 15 U.S.C. 78s(b)(2).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

Room. Copies of the filing will also be available for inspection and copying at the principal offices of the Exchange. All submissions should refer to File No. SR–Amex–2002–01 and should be submitted by February 1, 2002.

IV. Commission Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[10] In its original approval of the pilot program,[11] the Commission detailed its reasons for finding its substantive features consistent with the Act, and, in particular, the requirements of Sections 6(b)(5) and 6(b)(8) of the Act.[12] The Commission has previously approved rules on other exchanges that establish substantially similar programs on a permanent basis,[13] and the extension of the pilot program on the Amex—pending review of its related proposal to revise the program and make it permanent—raises no new regulatory issues for consideration by the Commission.

The Commission finds good cause, consistent with sections 6(b) and 19(b)(2) of the Act, for approving the proposed rule change prior to the thirtieth day after the date of publication of the notice of filing thereof in the **Federal Register.** The proposal will extend the pilot program without significant interruption while revisions are considered, and does not raise any new regulatory issues.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be, and hereby is, approved on an accelerated basis as a pilot program through April 7, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–759 Filed 1–10–02; 8:45 am]

BILLING CODE 8010–01–M

[10] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[11] *See supra,* note 3.

[12] 15 U.S.C. 78f(b)(5) and (b)(8).

[13] *See, e.g.,* Securities Exchange Act Release Nos. 42835 (May 26, 2000), 65 FR 35683 (June 5, 2000), and 42848 (May 26, 2000), 65 FR 36206 (June 7, 2000).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45244; File No. SR–CBOE–00–56]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the Chicago Board Options Exchange, Inc. and Notice of Filing and Order Granting Accelerated Approval of Amendment No. 1 to Proposed Rule Change, To Allow Certain Orders Entered Through the Exchange's Order Routing System To Automatically Trade Against Orders in the Exchange's Customer Limit Order Book

January 7, 2002.

I. Introduction

On November 13, 2000, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange''), filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to allow certain orders entered through the Exchange's Order Routing System (''ORS'') to automatically trade against orders in the Exchange's customer limit order book. The proposed rule change was published in the **Federal Register** on June 4, 2001.[3] The Commission received one letter and one e-mail, submitted by the same commenter, regarding the proposed rule change.[4] On October 1, 2001, the Exchange filed Amendment No. 1 to the proposed rule change.[5]

This order approves the proposed rule change, accelerates approval of Amendment No. 1, and solicits comments from interested persons on the amendment.

II. Description of the Proposed Rule Change

The CBOE's Automated Book Priority System (''ABP'') allows an order entered into the Exchange's Retail Automatic Execution System (''RAES'') to trade directly with an order on the Exchange's customer limit order book when the best bid (offer) on the Exchange's book is equal to the prevailing market bid (offer).[6] However, orders entered into the RAES system are subject to size limitations. The Exchange now proposes to expand the application of the ABP system to allow booked orders to trade directly with incoming marketable public customer orders routed through ORS which, because of their larger size, are ineligible for RAES.[7]

Currently, when a non-RAES eligible order is entered into the Exchange's ORS and the best bid (offer on the Exchange's book is equal to the prevailing market bid (offer), the order is routed to a Floor Broker's terminal, a work station in the crowd, or the order-sending firm's booth. CBOE submits that this helps ensure that such orders are handled and executed in a manner consistent with CBOE Rule 6.45, which provides that bids or offers displayed on the customer limit order book are entitled to priority over other bids or offers at the same price. However, CBOE states that once an order is so routed, it becomes subject to market risk, as there may be some delay between the time the order is rerouted and the time it is actually filled in open outcry. CBOE believes that in times of extreme market volatility this delay could have a significant effect on the price at which the order is executed.

Under the proposal, an incoming marketable public customer ORS order would be automatically executed against a customer limit order in the book that represents or equals the prevailing best bid (offer) up to the size of that booked order. Any remaining balance of the ORS order would then be instantly rerouted through the ORS as if it were a new order, which could, among other things, include handling under CBOE's RAES Rule (Rule 6.8). The proposed rule change also provides that no automatic execution would take place at a price inferior to the current best bid (offer) in any other market.

The proposed change would be contained in proposed new Rule 6.8.B. The new rule would further provide that the appropriate Floor Procedure Committee (''FPC'') could determine

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 44356 (May 25, 2001), 66 FR 30033 (June 4, 2001) (''Notice'').

[4] *See* Letter to the Secretary, Commission, dated June 3, 2001, and e-mail submitted to the Division of Market Regulation, Commission, dated June 4, 2001, from Mike Ianni (''Ianni Comments'')

[5] *See* Letter from Angelo Evangelou, Attorney, CBOE, to Andrew Shipe, Attorney, Division of Market Regulation, Commission, dated September 28, 2001 (''Amendment No. 1''). In Amendment No. 1, the CBOE clarified that the authority to exempt an option class from the provisions of the proposed rule change during unusual market conditions could be delegated by the Chairman of the appropriate Floor Procedure Committee only to another member of that Committee.

[6] *See* Securities Exchange Act Release No. 41995 (October 8, 1999), 64 FR 56547 (October 20, 1999).

[7] CBOE represents that the term ''marketable public customer order'' means a market or marketable limit order that is not for an account in which a member, non-member participant in a joint-venture with a member, or any non-member broker-dealer (including foreign broker-dealer) has an interest. E-mail from Angelo Evangelou, Attorney, CBOE, to Andrew Shipe, Attorney, Division, Commission, dated December 26, 2001.

which option classes would be subject to the rule. Furthermore, the proposed rule would allow two Floor Officials, the FPC Chairman, or the Chairman's designee to exempt an option class or classes from the proposed rule's requirements if warranted by unusual market conditions.[8]

III. Summary of Comments

The one commenter who expressed views on the proposed rule change generally supported the proposal. However, the commenter expressed concern that the proposal would not be implemented in all classes of CBOE-listed options, but only as determined by the appropriate FPC. The commenter submitted that ABP should be engaged for all classes of options, rather than implemented on a selective basis.[9]

IV. Discussion

The proposal would extend CBOE's ABP system to marketable public customer orders entered into the Exchange's ORS, on a class-by-class basis. The Commission believes that this expansion of the ABP system should benefit customers using the ORS system, as well as customer whose orders are residing in the Exchange's book, because these orders would be subject to quicker executions. The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[10] In particular, the Commission believes that the proposal is consistent with Section 6(b)(5) of the Act,[11] which requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market, and to protect investors and the public interest.

V. Amendment No. 1

The Commission further 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 thereof in the **Federal Register.** In Amendment No. 1, the Exchange clarified that the Chairman of the appropriate FPC may designate his authority to exempt an option class from the provisions of paragraph (a) of the proposed rule during unusual market condition only to another member of the FPC. The Commission notes that Amendment No. 1 merely clarified who is eligible to be the ''Chairman's designee'' for purposes of the proposed rule. Accordingly, the Commission believes that there is good cause, consistent with Sections 6(b)(5) and 19(b) of the Act.[12] to approve Amendment No. 1 on an accelerated basis.

VI. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 1, 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 at 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–CBOE–00–56 and should be submitted by February 1, 2002.

VII. Conclusion

For the foregoing reasons, the Commission finds that CBOE's proposal to amend its rules to allow for certain orders entered through the Exchange's Order Routing System to automatically trade against orders in the Exchange's customer limit order book, as amended, is consistent with the requirements of the Act and rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[13] that the proposed rule change (SR–CBOE–00–56), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–761 Filed 1–10–02; 8:45 am]

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[8] According to the Exchange, unusual market conditions may include drastic movement in the security underlying an option or new pending about the issuer of the underlying security. Telephone conversation between Angelo Evangelou, Counsel, CBOE, and Andrew Shipe, Attorney, Division, Commission, on September 5, 2001. *See also* Securities Exchange Act Release No. 43829 (January 10, 2001), 66 FR 4877, 4878, n.8 (January 18, 2001).

[9] *See* Ianni Comments.

[10] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78(c)(f).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78f(b)(5) and 78s(b).

[13] 15 U.S.C. 78s(b)(2).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45246; File No. SR–NYSE–2001–52]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the New York Stock Exchange, Inc. To Amend Rule 123

January 7, 2002.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934,[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 21, 2001, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the NYSE. 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 proposed rule change consists of amendments to NYSE Rule 123. The proposed rule text follows: Additions are *italicized,* deletions are [bracketed].

Rule 123—Records of Orders

Paragraphs headed ''Given Out'', ''Receipt of Orders'', ''Cancelled or Executed'', and ''By Accounts'', to be numbered (a), (b), (c) and (d), respectively.

(e) System Entry Required

Except as provided in paragraphs .21 and .22 below, no Floor member may represent or execute an order on the Floor of the Exchange unless the details of the order have been first recorded in an electronic system on the Floor. Any member organization proprietary system used to record the details of the order must be capable of transmitting these details to a designated Exchange data base within such time frame as the Exchange may prescribe. The details of each order required to be recorded shall include the following data elements,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

any changes in the terms of the order and cancellations, in such form as the Exchange may from time to time prescribe:

1. Symbol;
2. Clearing member organization;
3. Order identifier that uniquely identifies the order;
4. Identification of member or member organization recording order details;
5. Number of shares or quantity of security;
6. Side of market;
7. Designation as market, limit, stop, stop limit;
8. Any limit price and/or stop price;
9. Time in force;
10. Designation as held or not held;
11. Any special conditions;
12. System-generated time of recording order details, modification of terms of order or cancellation of order;
13. Such other information as the Exchange may from time to time require.

* * * * *

.20 Orders—For purposes of paragraph (e), an order shall be any written, oral or electronic instruction to effect a transaction.

.21 Orders not subject to paragraph (e) recording requirements—Any order executed by a specialist, Competitive Trader or Registered Competitive Market Maker for his or her own account and any orders which by their terms are incompatible for entry in an Exchange system relied on by a Floor member to record the details of the order in compliance with this Rule shall be exempt from the order entry requirements of paragraph (e) above.

.22 With respect to a bona fide arbitrage order, a member may execute such order before entering the order into an electronic system as required by paragraph (e) above, but such member must enter such order into such electronic system no later than 60 seconds after the execution of such order. With respect to an order to offset a transaction made in error, a member may, upon discovering such error within the same trading session, effect an offsetting transaction without first entering such order into an electronic system, but such member must enter such order into such electronic system no later than 60 seconds after the execution of such order.

.23 With respect to any order in an Investment Company Unit (including a bona fide arbitrage order or an order to offset a transaction made in error), a member may execute such order before entering the order into an electronic system as required by paragraph (e) above, but such member must enter such order into such electronic system no later than 90 seconds after the execution of such order.

.24[3] Time standards—Any member organization proprietary system used to record the details of an order for purposes of this rule must be synchronized to a commonly used time standard and format acceptable to the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statuary Basis for, the Proposed Rule Change

In its filing with the Commission, the NYSE 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 NYSE 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

The proposed rule change is being filed as a one-year pilot.

The Exchange has adopted requirements for the electronic capture of orders at the point of sale (front end systemic capture, or ''FESC'')[3] and at the point of receipt (order tracking system, or ''OTS''). The purpose of the requirements is to create a complete systemic record of orders handled by members and member organizations. These requirements will provide benefits both to the Exchange and members in terms of recordkeeping, surveillance and order processing.

The Exchange's FESC rule (Rule 123) requires that all orders in any security traded on the Exchange be entered into an electronic database before they can be represented in the Exchange's auction market. These are certain exceptions, such as orders to offset an error, or for bona fide arbitrage, that may be entered within the 60 seconds after a trade is executed.[4]

In December 2000, the Exchange began trading an Exchange-Traded Fund (''ETF'') on the S&P Global 100 (symbol IOO). In addition, in July 2001, the Exchange began trading on an unlisted trading privileges basis (''UTP''), certain ETFs currently listed and trading on other markets. These ETF's include the NASDAQ 100 Trust (symbol QQQ), Standard and Poor's Depository Receipts (symbol SPY) and the Dow Industrials DIAMONDS (symbol DIA).

ETF products have unique trading characteristics. They are derivatively priced, and trade very rapidly in response to changes in the underlying value of fund components, and changes in prices of options and futures contracts on the funds. The Exchange is not the primary market for the most active ETF's which its trades, and must compete for order flow with other markets that do not have a FESC requirement.

Some market participants believe that the FESC requirement may be a disincentive to sending order flow to the Exchange as it may unduly slow down the trading process and interfere with trading strategies dependent upon speed of execution. Accordingly, the Exchange is proposing to amend its FESC rule to provide that orders in ETFs may be entered within 90 seconds of execution. The Exchange believes that this proposal will facilitate trading in ETFs on the Exchange, while still ensuring that the Exchange maintains its electronic order database with orders being entered in reasonable proximity to order executions. The Exchange notes that requirements that members record the time of receipt of an order on the Floor remain in full effect and not affected by this proposal.

2. Statutory Basis

The Exchange believes that the basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) that an Exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The proposed rule change is designed to accomplish these ends by strengthening the Exchange's ability to surveil the Floor activities of members.

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 that is not necessary or appropriate in furtherance of the purposes of the Act.

[3] *See* Securities Exchange Act Release No. 43689 (December 7, 2000), 65 FR 79145 (December 18, 2000).

[4] *See* SR–NYSE–2001–36 (a one-month pilot), Securities Exchange Act Release No. 44783 (September 10, 2001), 66 FR 48304 (September 19, 2001), permanently approved (SR–NYSE–2001–39) by Securities Exchange Act Release No. 44943 (October 16, 2001), 66 FR 53820 (October 24, 2001).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3(A) of the Act[5] and subparagraph (f)(6) of thereunder.[6] At any time within 60 days of the filing of the proposed rule change the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[7]

The Commission notes that under Rule 19–4(f)(6)(iii),[8] the proposal does not become operative for 30 days after the date of its filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the five-day pre-filing requirement and designate that the proposed rule change become operative immediately to permit the implementation of this exception to NYSE Rule 123(e) without inconvenience or delay to the public, which the NYSE believe is consistent with investor protection and the public interest. In particular, the Exchange believes the proposed rule change will enable members to execute ETF-related orders quickly without having to immediately enter the order into an electronic system (FESC). The proposed rule change will still require that such orders be entered into an electronic system (FESC) within 90 seconds after the execution of the respective order.

The Commission believes that it is consistent with the protection of investors and the public interest to waive the five-day pre-filing required and designate the proposal immediately operative.[9] Accelerating the operative date and waiving the pre-filing requirement will permit the Exchange to implement the exception to NYSE Rule 123(e) without undue delay. For this reason, the Commission finds good cause to designate that the proposal become operative immediately.

IV. Solicitation of Comments

Interest persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should filed six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW, Washington, DC 20549–0609. Copies of 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 NYSE. All submissions should refer to File No. SR–NYSE–2001–52 and should be submitted by February 1, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–807 Filed 1–10–02; 8:45 am]

BILLING CODE 8010–01–M

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(f)(6)(iii).

[7] The Commission notes, however, this proposed rule change has been filed as a one-year pilot. During the pilot, the NYSE will surveil the application of the exception to NYSE Rule 123(e) and submit date to the Commission for the purpose of evaluating the Rule's efficacy.

[8] 17 CFR 240.19b–4(f)(6)(iii).

[9] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45249; File No. SR–NYSE–2001–55]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the New York Stock Exchange, Inc. To Amend NYSE Rule 51 Relating to Suspension of Trading

January 7, 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 December 31, 2001, the New York Stock Exchange, Inc. (''NYSE or Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend NYSE Rule 51, Hours for Business, to make emergency procedures more flexible and more responsive to the Exchange's current organizational structure and to the kinds of challenges that the Exchange may face. The text of the proposed rule change is below. Proposed new language is in italics; deletions are in brackets.

Rule 51. Hours for Business

Except as may be otherwise determined by the Board of Directors as to particular days, the Exchange shall be open for the transaction of business on every business day, excluding Saturdays,

(a) for a 9:30 a.m. to 4:00 p.m. trading session, and

(b) for the purposes of ''Off-Hours Trading'' (as Rule 900 (Off-Hours Trading: Applicability and Definitions) defines that term), during such hours as the Exchange may from time to time specify.

[The Chairman, Vice-Chairman and the Senior Floor Director or in the absence from the Floor of any of them, the next senior Floor Director present on the Floor acting by a majority shall have the power to suspend trading in all securities whenever in their opinion such suspension would be in the public interest. A special meeting of the Board

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

of Directors to consider the continuation or termination of such suspension or closing the market shall be held as soon thereafter as a quorum of Directors can be assembled.]

Except as may be otherwise determined by the Board of Directors, the Chairman of the Board shall have the power to halt or suspend trading in some or all securities traded on the Exchange, to close some or all Exchange facilities, and to determine the duration of any such halt, suspension or closing, when he deems such action to be necessary or appropriate for the maintenance of a fair and orderly market or the protection of investors, or otherwise in the public interest, due to extraordinary circumstances, such as (1) actual or threatened physical danger, severe climatic conditions, civil unrest, terrorism, acts of war, or loss or interruption of facilities utilized by the Exchange, or (2) a request by a governmental agency or official, or (3) a period of mourning or recognition for a person or event. In considering such action, the Chairman of the Board shall consult with the Vice Chairmen, if available, and such available Floor Directors as he deems appropriate under the circumstances. The Chairman of the Board shall notify the Board of actions taken pursuant to this Rule, except for a period of mourning or recognition for a person or event, as soon thereafter as is feasible.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined that 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

The NYSE proposed to amend NYSE Rule 51 to make emergency procedures more flexible and more responsive to the Exchange's current organizational structure and to the kinds of challenges that the Exchange may face.

NYSE Rule 51 sets forth the Exchange's trading hours, provides for ''off-hours'' trading hours and provides procedures for the suspension of trading. (NYSE Rule 80B provides for trading halts due to extraordinary market volatility.)

While NYSE Rule 51 has been modified from time to time, *e.g.,* to adjust trading hours and to change holidays, the procedures for suspension of trading have not been substantially revised since the Exchange's incorporation in 1971 or since the development and implementation of its numerous computerized systems. These procedures are provided in the second paragraph of the Rule

NYSE Rule 51's current procedure to suspend trading requires (1) action by a majority of the Chairman, Vice Chairman and most senior Floor Director available and (2) a meeting of the Board to consider continuation or termination or the suspension or closing the market. The current procedures provide only for suspension of trading of all securities traded on the Exchange.

The existing procedures under NYSE Rule 51 contemplate a Board that is in a position to meet quickly and, perhaps, more often in emergency situations. The Rule does not explicitly permit a suspension of some, but not all, securities, which partial suspension might be the most appropriate response in a future emergency. The current suspension procedures also do not adequately deal with situations involving the kind of unexpected, quick and devastating actions that the nation, and particularly the securities industry, faced on September 11, 2001, and days following. Nor are the current procedures effective in the face of the kind of system outages the Exchange experienced on June 8, 2001.

The NYSE proposes that the Chairman, in consultation with the Vice Chairmen of available and with such available Floor Directors as he deems appropriate under the circumstances, be authorized under amended NYSE Rule 51 to respond to future extraordinary circumstances by halting or suspending trading in some or all securities traded on the Exchange or by closing some or all Exchange facilities, and to determine the duration of any such halt or suspension or closing. The Chairman would be required to notify the Board of actions taken, other than for a period of mourning or recognition for a person or event, as soon as feasible after the actions.

Under the proposed rule change, action would be taken only as a result or extraordinary circumstances and only as the Chairman deems it necessary or appropriate for the maintenance of a fair and orderly market or the protection of investors or otherwise in the public interest. Examples of possible extraordinary circumstances include action or threatened physical danger, severe climatic conditions, civil unrest, terrorism, and act of war, or loss or interruption of facilities utilized by the Exchange. The Chairman would also be able to take action in the event of a request by a governmental agency or official, and for a period of mourning or recognition of a person or event.

The Board continues to have the power to take action it deems necessary or appropriate in particular situations and special Board meetings can be convened.

2. Statutory Basis

The NYSE believes the proposed rule change is consistent with the requirement under Section 6(b)(5) of the Act [3] that an Exchange have rules that are designed to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest. The proposed rule change is designed to accomplish these ends by strengthening the Exchange's ability to respond appropriately and in a timely fashion to future extraordinary circumstances.

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 that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change or,

[3] 15 U.S.C. 78f(b)(5).

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to file number SR–NYSE–2001–55 and should be submitted by February 1, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–809 Filed 1–10–02; 8:45 am]

BILLING CODE 8010–01–M

[4] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45240; File No. SR–PCX–2001–53)

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Pacific Exchange, Inc. Relating to Ceiling on Marketing Charges

January 7, 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 December 26, 2001, the Pacific Exchange, Inc. (''PCX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which the PCX has prepared. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PCX is proposing to establish a ceiling on marketing charges of $200 per trade. The text of the proposed rule change is available at the PCX and at the Commission.

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 PCX included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it had received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The PCX 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

The PCX recently adopted a payment-for-order-flow program under which it charges a marketing fee ranging from $0 to $1.00 per contract on a per-issue basis.[3] The PCX charges the marketing fees as set forth in the Schedule of Rates that it periodically files with the Commission.[4]

The PCX is proposing to establish a ceiling of $200 per trade for the marketing fee. The PCX believes that the proposed rule change is reasonable and equitable because, in its view, capping each trade at $200 would provide sufficient money for LLMs to maintain the marketing program while lessening the economic burden on Market Makers. By its terms, the proposed ceiling would become effective beginning with the January 2002 trade month.

2. Basis

The PCX believes that the proposal is consistent with Section 6(b) of the Act,[5] in general, and Section 6(b)(4) of the Act,[6] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among its members.

[3] *See* Securities Exchange Act Release 44830 (September 21, 2001), 66 FR 49728 (September 29, 2001) (SR–PCX–2001–37).

[4] *See* Securities Exchange Act Release No. 45167 (December 18, 2001), 66 FR 67346 (December 28, 2001) (SR–PCX–2001–49).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4).

B. Self-Regulatory Organization's Statement on Burden on Competition

The PCX does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The PCX neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the PCX has designated the foregoing as a fee change pursuant to Section 19(b)(3)(A) of the Act[7] and Rule 19b–4(f) thereunder,[8] it has become effective immediately upon filing with the Commission. At any time within 60 days after the filing of this proposed rule change, the Commission may summarily abrogate the 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.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to File No.

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f).

SR–PCX–2001–53 and should be submitted by February 1, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–760 Filed 1–10–02; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45250; File No. SR–Phlx–2001–119]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Trading Hours of Options on Exchange-Traded Fund Shares

January 7, 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 December 26, 2001, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed this proposal pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(6)[4] thereunder, which renders the proposal effective upon filing with the Commission.[5] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Supplementary Material .01 to Phlx Rule 101, Hours of Business, to eliminate the requirement that options on Nasdaq-100 Index Tracking Stock[6] will end at 4:04 PM. on the last trading day of each calendar month, and to add language regarding the trading hours of options on Exchange-Traded Fund Shares (''ETF Options'').[7] As amended, Phlx Rule 101, Supplementary material .01 would provide that the hours of trading of ETF Options designated by the Exchange may continue until 4:15 P.M. However, the revised rule would also provide that the Exchange may close trading in such options at an early time to coincide with the close of trading in a related futures contract when trading in a related futures contract closes earlier than 4:15 P.M. The text of the proposed rule change is below. Additions are in italics; deletions are in brackets.

Hours of Business

Rule 101.

* * * * *

Supplementary Material:

.01 Options Trading after 4:02 P.M. A trading rotation in any class of option contracts may be effected even though employment of the rotation will result in the transaction on the Exchange after 4:02 P.M. provided such rotation is conducted pursuant to Rule 1047 or Rule 1047A. [The hours of trading for Options on Nasdaq–100 Index Tracking Stock shall commence at 9:30 AM and end at 4:15 PM, each business day, except the last trading day of each calendar month, when trading in Options on Nasdaq–100 Index Tracking Stock will end at 4:04 PM.] *Options on any series of Exchange-Traded Fund Shares so designated by the Exchange may be traded on the Exchange until 4:15 P.M. each business day. The Exchange may close trading at an early time to coincide with the close of trading in a related futures contract on the last business day of the month, or any other day when a related futures contract closes earlier than 4:15 P.M.*

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Phlx proposes to eliminate the requirement that trading in options on Nasdaq–100 Index Tracking Stock shall close at 4:05 P.M. on the last trading day of the calendar month, and to add new language to the rule regarding trading hours for ETF Options generally. Currently, Phlx Rule 101, Hours of Business, Supplementary Material .01 provides that options on Nasdaq-100 Index Tracking Stock shall commence at 9:30 A.M. and end at 4:15 P.M., each business day, except the last trading day of each calendar month, when trading in options on Nasdaq-100 Index Tracking Stock will end at 4:05 P.M.[8]

The Exchange proposes to extend trading in all ETF Options so designated by the Exchange at 4:15 P.M.[9] The proposed new language would also permit the Exchange to close trading before 4:15 P.M. to coincide with the close of trading in a related futures contract on the last business day of the month, or any other day when trading in a related futures contract closes earlier than 4:15 P.M. ETF Options not designated by the Exchange as eligible for trading until 4:15 P.M. would continue to trade until 4:02 P.M. The Exchange expects that it would

[9] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] The Phlx asked the Commission to waive the five-day pre-filing notice requirement and the 30–day operative delay. *See* Rule 19b–4(f)(6). 17 CFR 240.19b–4(f)(6).

[6] Nasdaq–100 Nasdaq–100 Index, and Nasdaq are trade or service marks of The Nasdaq Stock Market, Inc. (with its affiliates, the ''Corporations'') and are licensed for use by the Exchange. Options on Nasdaq–100 Index Tracking Stock (the ''Products'') have not been passed on by the Corporations as to their legality or suitability. The Products are not issued, endorsed, sold, or promoted by the Corporations. The Corporations make no warranties and bear no liability with respect to the Products. The Corporations do not guarantee the accuracy and/or uninterrupted calculation of the Nasdaq–100 Index or any data included therein. The Corporations make no warranty, express or implied, as to results to be obtained by Licensee, owners of the Products, or any other person or entity from the use of the Nasdaq–100 Index or any data included therein. The Corporations make no express or implied warranties, and expressly disclaim all warranties of merchantability or fitness for a particular purpose or use with respect to the Nasdaq–100 Index or any data included therein. Without limiting any of the foregoing, in no event shall the Corporations have any liability for any lost profits or special, incidental, punitive, indirect, or consequential damages, even if notified of the possibility of such damages.

[7] Phlx Rule 1000(b)(42) defines ''Exchange-Traded Fund Shares'' as including Exchange-listed securities representing interests in open end unit investment trusts or pen-end management investment companies that hold securities based on an index or a portfolio of securities. The Exchange received approval by the Commission to trade options on Exchange-Traded Fund Shares on February 2, 2001. *See* Securities Exchange Act Release No. 43921 (February 2, 2001), 66 FR 9739 (February 9, 2001) (order approving SR-Phlx–00–107).

[8] *See* Securities Exchange Act Release No. 44055 (March 8, 2001), 66 FR 15310 (March 16, 2001) (SR–Phlx–2001–32).

[9] An ETF Option would be so designated by the Vice President of the Regulatory Services Department or his or her designee. The Exchange would notify members by issuance of a memorandum.

designate ETF Options for trading until 4:15 P.M. only where the underlying ETF is based on an index on which futures contracts trade.

The Phlx believes that the proposed rule change will bring its practices in line with current practice on the Chicago Board Options Exchange.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act [10] in general, and in particular, with Section 6(b)(5),[11] in that it is designed to promote just and equitable principles of trade; to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities; to remove impediments to and perfect the mechanism of a free and open market and a national market system; and, in general, to protect investors and the public interest; and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers. By adopting the proposed rule change, the Exchange should facilitate competition in the trading of ETF Options across markets.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

(i) significantly affect the protection of investors or the public interest;

(ii) impose any significant burden on competition; and

(iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [12] and Rule 19b–4(f)(6) thereunder.[13] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

The Exchange has requested that the Commission accelerate the operative date. The Commission finds good cause to designate the proposal to be effective on filing with the Commission because such designation is consistent with the protection of investors and the public interest. The Commission believes that the proposal should be effective and operative immediately upon filing to help facilitate competition in the trading of ETF Options across markets. For these reasons, the Commission finds good cause to designate that the proposal is both effective and operative upon filing with the Commission.[14]

IV. Solicitation of Comments

Interested persons are invit4ed to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to file number SR–Phlx–2001–119, and should be submitted by February 1, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–808 Filed 1–10–02; 8:45 am]

BILLING CODE 8010–01–M

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6).

[14] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[15] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Federal Highway Administration

Environmental Impact Statement: City of Fairfax and Fairfax and Prince William Counties, Virginia

AGENCY: Federal Transit Administration and Federal Highway Administration, DOT.

ACTION: Notice of intent.

SUMMARY: The Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) are jointly issuing this notice to advise the public of its intent to prepare an Environmental Impact Statement (EIS) in cooperation with the Virginia Department of Rail and Public Transportation (VDRPT) and Virginia Department of Transportation (VDOT) for potential transportation improvements in the Interstate 66 corridor in Fairfax and Prince William Counties to address projected increases in travel demand over the next twenty years. Three public scoping meetings have been scheduled and will be held from January 22–24, 2002, at 7 p.m. at the following locations as part of the preparation of the EIS:

January 22, 2002—Centreville High School, 6001 Union Mill Road, Clifton, Virginia 20124 (snow date: January 29);

January 23, 2002—Old Town Hall, 3999 University Drive, Fairfax, Virginia 22030 (snow date: January 30);

January 24, 2002—Stonewall Jackson Middle School, 10100 Lomond Drive, Manassas, Virginia 20109 (snow date: January 31);

One agency scoping meeting will be held on January 24, 2001, at 10:30 a.m. at the VDOT Northern Virginia District Office in Chantilly.

FOR FURTHER INFORMATION CONTACT: Edward Sundra, Senior Environmental Specialist, Federal Highway Administration, Post Office Box 10249, Richmond, Virginia 23240–0249, Telephone 804–775–3338; Patricia Mampf, Transportation Program Specialist, Federal Transit Administration, 1760 Market Street, Suite 500, Philadelphia, Pennsylvania 19103–4124, Telephone 215–656–7071; or Steve Suder, Senior Transportation Engineer, Virginia Department of Transportation—Northern Virginia District, 14685 Avion Parkway, Suite 345, Chantilly, Virginia 20151, Telephone 703–383–2217.

SUPPLEMENTARY INFORMATION: In late-1995 in accordance with 23 CFR

450.318, a Major Investment Study (MIS) was initiated for the Interstate 66 Corridor from Interstate 495 to Route 15 in Prince William County. The purpose of the MIS was to study this 24 mile-long section of the corridor to assess the need for the benefits and impacts of potential transportation improvements to accommodate projected travel demand growth over the next twenty years. The MIS, completed in 1999, identified a locally preferred investment strategy for the corridor which included adding general purpose lanes, and HOV lanes, extending Metrorail, adding transit centers/park and ride facilities, and increasing bus service in the study area. The recommendations included in the MIS were the result of a multi-level screening process in which numerous multi-modal transportation strategies were considered.

With this notice of intent, FTA and FHWA in cooperation with the VDRPT and VDOT are initiating the National Environmental Policy Act (NEPA) process to prepare an EIS for proposed improvements in the Interstate 66 corridor to address the need to improve transportation and to respond to projected growth and travel congestion. FTA and FHWA will serve as co-lead agencies in the development of the EIS. Section 4(f) of the Department of Transportation Act of 1966 may also be invoked as a result of the proposed transportation improvements. If this is the case, a Section 4(f) Evaluation will be prepared and included as part of the EIS.

The EIS will build upon the MIS by revisiting the purpose and need for the project and revising it, as necessary, to account for changes in regional needs or goals. Likewise, the development of strategies and the screening process from the MIS will be used as a starting point for the NEPA process. Recognizing the NEPA requires the consideration of a reasonable range of alternatives that will address the purpose and need, the EIS will include a range of alternatives for detailed study consisting of a no-build alternative as well as alternatives consisting of transportation system management strategies (including but not limited to increased bus service, development of transit centers and park and ride lots, and increased peak period Metrorail service), mass transit, and improvements to existing roadways (including the use of HOV lanes). These alternatives will be developed, screened, and carried forward for detailed analysis in the draft EIS based on their ability to address the purpose and need while avoiding, minimizing, and mitigating impacts to known and sensitive resources to the extent practical.

Letters describing the NEPA study and soliciting input will be sent to the appropriate Federal, State and local agencies and to organizations and citizens who have expressed or are known to have an interest or legal role in this proposal. A series of scoping meeting will be held as part of the NEPA process to facilitate, local, state, and federal agency involvement and input into the project in an effort to identify all of the issues that need to be addressed in the EIS.

Private organizations, citizens, and interest groups will also have multiple opportunities to provide input into the development of the EIS and identify issues that should be addressed. A comprehensive public participation program will be developed to involve them in the project development process. This program will use the following outreach efforts to provide information and solicit input: the Internet, kiosks, a telephone hotline, e-mail, informal meetings, public information meetings, public hearings and other efforts, as necessary and appropriate. Notices of public meetings or public hearings will be given through various forums providing the time and place of the meeting along with other relevant information. The draft EIS will be available for public and agency review and comment prior to the public hearings.

To ensure that the full range of issues related to this proposed action are identified and considered, comments and suggestions in response to this Notice of Intent are invited from all interested parties. Comments and questions concerning the proposed action and draft EIS should be directed to FHWA, FTA or VDOT at the addresses provided above. There will be several opportunities to provide comments throughout the scoping process, but all comments in response to this notice should be submitted within 30 days of its publication.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction; 20.500, Federal Transit Administration Capital Grants. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this proposed action.)

Authority: 23 U.S.C. 315; 49 CFR 1.48

Issued on: January 4, 2002.

Susan E. Schruth,

Regional Administrator, Federal Transit Administration.

Edward S. Sundra,

Senior Environmental Specialist, Federal Highway Administration.

[FR Doc. 02–709 Filed 1–10–02; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the information collection abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The nature of the information collection is described as well as its expected burden. The **Federal Register** notice with a 60-day comment period soliciting comments on the following information collection was published on November 2, 2001. No comments were received.

DATES: Comments must be submitted on or before February 11, 2002.

FOR FURTHER INFORMATION CONTACT: Christopher Krusa, Maritime Administration, 400 Seventh Street, S.W., Washington, DC 20590. Telephone: 202 366–2648 or Fax: 202 493–2288. Copies of this collection can also be obtained from that office.

SUPPLEMENTARY INFORMATION:

Title: Supplementary Training Course Application.

OMB Control Number: 2133–0030.

Type of Request: Extension of currently approved collection.

Affected Public: U.S. merchant seamen, both officers and unlicensed personnel, and other U.S. citizens employed in other areas of waterborne commerce.

Form(s): MA–823.

Abstract: Section 1305(a) of the Maritime Education and Training Act of 1980 indicates that the Secretary of Transportation may provide maritime-related training to merchant mariners of the United States and to individuals preparing for a career in the merchant marine of the United States. Also, the U.S. Coast Guard requires a fire-fighting certificate for U.S. merchant marine

officers. This information collection provides the information necessary for the maritime schools to plan their course offerings and for applicants to complete their certificate requirements.

Annual Burden Hours: 100 hours.

Addressee: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, N.W., Washington, DC 20503, Attention MARAD Desk Officer.

Comments are Invited on: (a) 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; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

Issued in Washington, D.C. on January 8, 2002.

Joel C. Richard,

Secretary.

[FR Doc. 02–810 Filed 1–10–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34139]

Butler County, Kansas—Acquisition Exemption—The Burlington Northern and Santa Fe Railway Company

Butler County, Kansas (County), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire (by donation) approximately 10.6 miles of rail line from The Burlington Northern and Santa Fe Railway Company (BNSF).[1] The line is located between milepost 483.62, at Augusta, KS, and milepost 494.22 near Andover, KS. The County certifies that its projected annual revenues as a result of this transaction will not result in its becoming a Class II or Class I rail carrier. The County further certifies that its annual freight revenues as a result of this transaction will not exceed $5 million.

The transaction was expected to be consummated on or shortly after December 19, 2001, the effective date of the exemption.

If this notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34139, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Karl Morell, Ball Janik LLP, Suite 225, 1455 F Street, NW., Washington, DC 20005.

Board decisions and notices are available on our website at ''*WWW.STB.DOT.GOV.*''

Decided: January 3, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–534 Filed 1–10–02; 8:45 am]

BILLING CODE 4915–00–P

[1] The County states that the line is currently out of service and will be rehabilitated after the acquisition is consummated. The County further states that it is its intent to have the above line operated by a yet-to-be determined third party rail operator. Anticipated rail operations by a third party over BNSF's trackage are subject to the Board's approval or exemption.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34160]

Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company

The Burlington Northern and Santa Fe Railway Company (BNSF) has agreed to grant temporary overhead trackage rights to Union Pacific Railroad Company (UP) over approximately 129 miles of BNSF's Ft. Worth Subdivision between BNSF milepost 6.1, near Ft. Worth, TX, and BNSF milepost 218.1, near Temple, TX.[1]

The transaction was scheduled to be consummated on or after January 3, 2002. The temporary trackage rights will facilitate maintenance work on UP's lines.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34160, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Robert T. Opal, Esq., Union Pacific Railroad Company, 1416 Dodge Street, Room 830, Omaha, NE 68179.

Board decisions and notices are available on our website at *www.stb.dot.gov.*

Decided: January 3, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–765 Filed 1–10–02; 8:45 am]

BILLING CODE 4915–00–P

[1] On December 27, 2001, UP concurrently filed a petition for exemption in STB Finance Docket No. 34160 (Sub-No. 1), *Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company,* wherein UP requests that the Board permit the proposed temporary overhead trackage rights arrangement described in the present proceeding to expire on or about February 23, 2002. That petition will be addressed by the Board in a separate decision.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34143]

Keokuk Junction Railway Co.—Acquisition and Operation Exemption—West End of the Toledo, Peoria and Western Railway Corporation

Keokuk Junction Railway Co. (KJRY), a Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.41 to acquire and operate approximately 12.1 miles of rail line owned by Toledo, Peoria and Western Railway Corporation (TP&W), plus 15.5 miles of incidental trackage rights over The Burlington Northern and Santa Fe Railway Company (BNSF) between Lomax, IL, and Fort Madison, IA.[1] The

[1] The County of McDonough, City of Macomb, and Joseph C. Szabo filed a petition on December 18, 2001, to stay the effectiveness of this exemption and to stay the operation of the exemptions in *SF&L*

Continued

line to be acquired extends from milepost 194.5 near La Harpe, IL, to milepost 206.6 near Lomax, IL. The incidental trackage rights extend over BNSF's line between milepost 218.5 near Lomax and milepost 234.0 near Fort Madison, and tracks numbered 66, 37, 65, 125, 84, 81, 70, 38, 233, 185, 251, 181, 182, 259, 90, 91, 151, 366, 260, 261, and 344 or portions thereof in BNSF's Fort Madison Yard (formerly Atchison Topeka and Santa Fe Railway Yard), plus North and South main line tracks between milepost 234.0 and milepost 236.5. KJRY states that it has entered into an agreement to buy certain assets, rights and obligations of TP&W referenced in this proceeding. KJRY certifies that its projected annual revenues as a result of this transaction will not result in the creation of a Class I or Class II rail carrier.

The transaction was scheduled to be consummated on or after December 19, 2001, the effective date of the exemption.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34143, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on William A. Mullins, 401 Ninth Street, N.W., Suite 1000, Washington, DC 20004.

Board decisions and notices are available on our website at *WWW.STB.DOT.GOV.*

Decided: January 2, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–414 Filed 1–10–02; 8:45 am]

BILLING CODE 4915–00–P

Railway, Inc.—Acquisition and Operation Exemption—Toledo, Peoria and Western Railway Corporation Between La Harpe and Peoria, IL, STB Finance Docket No. 33995, and *Kern W. Schumacher and Morris H. Kulmer—Continuance in Control Exemption—SF&L Railway, Inc.,* STB Finance Docket No. 33996. The petition to stay was denied in *Keokuk Junction Railway Company—Acquisition and Operation Exemption—West End of Toledo, Peoria and Western Railway Corporation,* STB Finance Docket No. 34143, *SF&L Railway, Inc.—Acquisition and Operation Exemption—Toledo, Peoria and Western Railway Corporation Between La Harpe And Peoria, IL,* STB Finance Docket No. 33995, and *Kern W. Schumacher and Morris H. Kulmer—Continuance in Control Exemption—SF&L Railway, Inc.,* STB Finance Docket No. 33996 (STB served Dec. 26, 2001).

Corrections

Federal Register

Vol. 67, No. 8

Friday, January 11, 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 TRANSPORTATION

Resarch and Special Programs Administration

49 CFR Part 192

[Docket No. RSPA–00–7666; Notice 3]

RIN 2137–AD64

Pipeline Safety; High Consequence Areas for Gas Transmission Pipelines

Correction

Proposed Rule document 02-543 was inadvertently published in the Rules and Regulations section in the issue of Wednesday, January 9, 2002, appearing on page 1108. It should have appeared in the Proposed Rules section.

[FR Doc. C2–543 Filed 1–10–02; 8:45 am]

BILLING CODE 1505–01–D

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[FR Doc. C2–543 Filed 1–10–02; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Friday,
January 11, 2002

Part II

Department of Commerce

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 660

Magnuson-Stevens Act Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Ground fish Fishery Management Measures; Emergency Rule and Proposed Rule

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 660

[Docket No. 011231309–1309–01; I.D. 121301B]

RIN 0648–A069

Magnuson-Stevens Act Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Groundfish Fishery Management Measures

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

ACTION: Emergency rule; groundfish fishery management measures for January through February 2002; request for comments.

SUMMARY: NMFS announces the January through February 2002 management measures for groundfish taken in the U.S. exclusive economic zone (EEZ) and state waters off the coasts of Washington, Oregon, and California. Management measures for January through February 2002 are intended to prevent overfishing; rebuild overfished species; minimize incidental catch and discard of overfished and depleted stocks; provide equitable harvest opportunity for both recreational and commercial sectors; and, within the commercial fisheries, allow achievement of harvest guidelines and limited entry and open access allocations to the extent practicable.

DATES: Effective January 1, 2002, through February 28, 2002. Comments must be received no later than 5 p.m., local time (l.t.) on February 11, 2002.

ADDRESSES: Send comments to D. Robert Lohn, Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115–0070, or fax to 206–526–6736; or Rodney McInnis, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213, or fax to 562–980–4047. Comments will not be accepted if submitted via E-mail or Internet. Information relevant to this emergency rule and the proposed rule for the annual specifications and management measures published elsewhere in this issue of the **Federal Register**, which includes an environmental assessment/regulatory impact review/initial regulatory flexibility analysis (EA/RIR/IRFA), is available for public review during business hours at the offices of the NMFS Northwest Regional Administrator and the NMFS Southwest Regional Administrator, or may be obtained from the Pacific Fishery Management Council (Council), at 7700 NE Ambassador Place, Portland, OR 97220, phone: 503–326–6352. Additional reports referred to in this document may also be obtained from the Council. This emergency rule also is accessible via the Internet at the Office of the Federal Register's Web site at*http://www.access.gpo.gov/su__docs/aces/aces140.html.* Background information and documents are available at the NMFS Northwest Region Web site at *http://www.nwr.noaa.gov/1sustfsh/gdfsh01.htm* and at the Council's Web site at *http://www.pcouncil.org.*

FOR FURTHER INFORMATION CONTACT: Yvonne deReynier or Becky Renko (Northwest Region, NMFS), phone: 206–526–6140; fax: 206–526–6736 and; E-mail: *yvonne.dereynier@noaa.gov*, *becky.renko@noaa.gov*, or Svein Fougner (Southwest Region, NMFS) phone: 562–980–4000; fax: 562–980–4047 and; E-mail: *svein.fougner@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Pacific Coast groundfish fishery management plan (FMP) requires that fishery specifications for groundfish be annually evaluated and revised as necessary, that OYs be specified for species or species groups in need of particular protection, and that management measures designed to achieve the OYs be published in the **Federal Register** and made effective by January 1, the beginning of the fishing year. The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the FMP require that NMFS implement actions to prevent overfishing and to rebuild overfished stocks.

Since 1990, the Council has developed annual specifications and management measures in a two-meeting process (usually its September and November meetings) followed by a NMFS final action published in the **Federal Register** and made available for public comment and correction. Each year specifications and management measures are effective until the specifications and management measures for the following year are published and effective. In 2001, the agency was challenged on this process in *Natural Resources Defense Council, Inc.* v. *Evans*, 2001 WL 1246622 (N.D.Cal. 2001) and the court ordered NMFS to provide prior public notice and allow public comment on the annual specifications. NMFS is publishing the 2002 specifications and management measures initially as a proposed rule available for a 30-day public comment elsewhere in this issue of the **Federal Register**, to be followed by a final rule.

Given the timing of the court order, it was not possible to adjust the Council process so that the Council could recommend management measures earlier in the year. The Council finalized its 2002 specifications and management measures recommendations at its October 28 through November 2, 2001, meeting in Millbrae, CA. Given the complexity of the annual specifications and management measures package, NMFS did not have enough time to publish a proposed rule on the Council's recommendations, receive public comments, and implement a final rule by January 1, 2002. Thus, NMFS is publishing this emergency rule under the Magnuson-Stevens Act emergency authority at section 305(c), which finalizes and makes effective the groundfish management measures for January 1 through February 28, 2002.

Absent a final rule by January 1, 2002, management measures for January and February 2002 would revert to those that were in place for January–February 2001. There are several species for which reverting to higher 2001 limits at the beginning of the year could result in either exceeding the annual commercial OYs or very early attainment of OYs during the year. This would also run counter to the Council's goal of having a year round fishery. While these circumstances could jeopardize the ability to stay within rebuilding targets for some species, they could also lead to significant foregone revenue from other target species whose fisheries might also have to be closed prematurely.

Proposed trawl management for widow rockfish in 2002 allows no midwater fishing above the small-footrope trawl limit. The 2001 midwater trawl limit of 20,000 lb (9,072 kg) per 2 months produced landings of over 800 mt during the first 4 months of 2001. The landed catch OY for limited entry in 2002 is only 575 mt. Assuming the same catch rates as in 2001, not only would the rebuilding target be exceeded through use of the 2001 limits, but other fisheries which take widow rockfish incidentally, such as the $16 million whiting fishery, would likely have to be foregone. Similarly, the 65,000 lb (29,484 kg) limit for Dover sole north of Cape Mendocino in 2001 produced 3,800 mt of landings during the first four months. Were this to be repeated in

2002, less than half of the Dover sole OY would remain for the remaining 8 months of the year. Early attainment of Dover sole would likely result in closures or severe cutbacks in opportunities for other DTS complex (Dover sole, shortspine thornyhead, longspine thornyhead, sablefish) species and flatfish species during much of 2002. To address bycatch concerns for rebuilding species, proposed 2002 flatfish limits were also lowered during the first four months of the year relative to 2001. Failure to implement these reductions could jeopardize the ability to stay within rebuilding targets for some species.

Within the fixed gear fisheries, several drastic reductions in shelf rockfish limits are being proposed to reduce mortality of yelloweye rockfish, which will be declared overfished in the Proposed Rules section of this issue of the **Federal Register**. Line gears will land at least 8 mt of yelloweye rockfish in 2001, and landed over 7 mt in 2000. Less than 5 mt of yelloweye rockfish mortality will be allocated to the commercial fishery for 2002, with an expectation that 1–2 mt will be caught as bycatch in trawl fisheries on the continental shelf. A new yelloweye rockfish bag limit and other yelloweye rockfish restrictions are imposed in the recreational fisheries to protect this species. Failure to implement the more restrictive fixed-gear landing limits proposed for shelf rockfish species in 2002 could lead to early attainment of yelloweye rockfish. This could jeopardize not only other longline fisheries, such as the $4 million primary sablefish season, but also trawl fisheries on the continental shelf. In a few cases, trip limits in January and February 2002 are higher than in 2001 because the proposed OYs have increased or because they provide an opportunity to harvest healthy stocks when they are segregated from the overfished stocks in the winter.

Specifications and management measures proposed for March–December 2002 in the Proposed Rules section of this issue of the **Federal Register**, combined with this emergency rule, are a balance intended to protect overfished groundfish species while allowing harvesters some access to healthy groundfish stocks. The proposed specifications and management measures are designed to rebuild overfished stocks through constraining direct and incidental mortality to prevent overfishing, and to achieve as much of the OYs as practicable for healthier groundfish stocks managed under the FMP. The proposed specifications and management measures describe the rationale for the 2002 groundfish management measures and include trip, bag and size limits, time/area closures, and gear-and area-specific regulations, including the management measures implemented in this emergency rule.

During 2002, NMFS and the Council will consider how to incorporate a NMFS proposed and final rulemaking process into the Council's annual specifications and management measures process without using an emergency rule to implement management measures for 2003.

NMFS Actions

For the reasons stated above, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator or AA), concurs with the Council's recommendations and announces the following management actions for January 1 through February 28, 2002.

A. General Definitions and Provisions

The following definitions and provisions apply to the 2002 management measures, unless otherwise specified in a subsequent **Federal Register** document:

(1) *Trip limits.* Trips limits are used in the commercial fishery to specify the amount of fish that may legally be taken and retained, possessed, or landed, per vessel, per fishing trip, or cumulatively per unit of time, or the number of landings that may be made from a vessel in a given period of time, as follows:

(a) A per trip limit is the total allowable amount of a groundfish species or species group, by weight, or by percentage of weight of legal fish on board, that may be taken and retained, possessed, or landed per vessel from a single fishing trip.

(b) A daily trip limit is the maximum amount that may be taken and retained, possessed, or landed per vessel in 24 consecutive hours, starting at 0001 hours 1.t. Only one landing of groundfish maybe made in that 24-hour period. Daily trip limits may not be accumulated during multiple day trips.

(c) A weekly trip limit is the maximum amount that may be taken and retained, possessed, or landed per vessel in 7 consecutive days, starting at 0001 hours 1.t. on Sunday and ending at 2400 hours 1.5 on Saturday. Weekly trip limits may not be accumulated during multiple week trips. If a calendar week includes days within two different months a vessel is not entitled to two separate weekly limits during that week.

(d) A cumulative trip limit is the maximum amount that may be taken and retained, possessed, or landed per vessel in a specified period of time without a limit on the number of landings or trips, unless otherwise specified. The cumulative trip limit periods for limited entry and open access fisheries, which start at 001 hours 1.t. and end at 2400 hours 1.t., are as follows, unless otherwise specified:

(i) The first 2-month period of 2002 is January 1–February 28, March 1–April 30, May 1–June 30, July 1–August 31, September 1–October 31, and, November 1–December 31.

(ii) One month means the first day through the last day of the calendar month.

(iii) One week means 7 consecutive days, Sunday through Saturday.

(2) *Fishing ahead.* Unless the fishery is closed, a vessel that has landed its cumulative or daily limit may continue to fish on the limit for the next period, so long as no fish (including, but not limited to, groundfish with no trip limits, shrimp, prawns, or other nongroundfish species or shellfish) are landed (offloaded) until the next period. As stated at 50 CFR 660.302 (in the definition of ''landing''), once the offloading of any species begins, all fish aboard the vessel are counted as part of the landing. Fishing ahead is not allowed during or before a closed period (see paragraph A.(7)). See paragraph A.(9) for information on inseason changes to limits.

(3) *Weights.* All weights are round weights or round-weight equivalents unless otherwise specified.

(4) *Percentages.* Percentages are based on round weights, and, unless otherwise specified, apply only to legal fish on board.

(5) *Legal fish.* ''Legal fish'' means fish legally taken and retained, possessed, or landed in accordance with the provisions of 50 CFR part 660, the Magnuson-Stevens Act, any document issued under part 660, and any other regulation promulgated or permit issued under the Magnuson-Stevens Act.

(6) *Size limits and length measurement.* Unless otherwise specified, size limits in the commercial and recreational groundfish fisheries apply to the ''total length,'' which is the longest measurement of the fish without mutilation of the fish or the use of force to extend the length of the fish. No fish with a size limit may be retained if it is in such condition that its length has been extended or cannot be determined by these methods. For conversions not listed here, contact the state where the fish will be landed.

(a) *Whole fish.* For a whole fish, total length is measured from the tip of the snout (mouth closed) to the tip of the tail in a natural, relaxed position.

(b) *''Headed'' fish.* For a fish with the head removed (''headed''), the length is measured from the origin of the first dorsal fin (where the front dorsal fin meets the dorsel surface of the body closest to the head) to the tip of the upper lobe of the tail; the dorsal fin and tail must be left intact.

(c) *Filets.* A filet is the flesh from one side of a fish extending from the head to the tail, which has been removed from the body (head, tail, and backbone) in a single continuous piece. Filet lengths may be subject to size limits for some groundfish taken in the recreational fishery off California (see paragraph D.(1)). A filet is measured along the length of the longest part of the filet in a relaxed position; stretching or otherwise manipulating the filet to increase its length is not permitted.

(d) *Sablefish weight limit conversions.* The following conversions apply to both the limited entry and open access fisheries when trip limits are effective for those fisheries. For headed and gutted (eviscerated) sablefish, the conversion factor established by the state where the fish is or will be landed will be used to convert the processed weight to round weight for purposes of applying the trip limit. (The conversion factor currently is 1.6 in Washington, Oregon, and California. However, the state conversion factors may differ; fishers should contact fishery enforcement officials in the state where the fish will be landed to determine that state's official conversion factor.)

(e) *Lingcod size and weight conversions.* The following conversions apply in both limited entry and open access fisheries.

(i) *Size conversion.* For lingcod with the head removed, the minimum size limit is 19.5 inches (49.5 cm), which corresponds to 24 inches (61 cm) total length for whole fish.

(ii) *Weight Conversion.* The conversion factor established by the state where the fish is or will be landed will be used to convert the processed weight to round weight for purposes of applying the trip limit. (The states' conversion factors may differ, and fishers should contact fishery enforcement officials in the state where the fish will be landed to determine that state's official conversion factor.) If a state does not have a conversion factor for headed and gutted lingcod, or lingcod that is only gutted; the following conversion factors will be used. To determine the round weight, multiply the processed weight times the conversion factor.

(A) *Headed and gutted.* The conversion factor for headed and gutted lingcod is 1.5.

(B) *Gutted, with the head on.* The conversion factor for lingcod that has only been gutted is 1.1

(7) *Closure.* ''Closure,'' when referring to closure of fishery, means that taking and retaining, possessing, or landing the particular species or species group is prohibited. (See 50 CFR 660.302.) Unless otherwise announced in the **Federal Register,** offloading must begin before the time the fishery closes. The provisions at paragraph A.(2) for fishing ahead do not apply during a closed period. It is unlawful to transit through a closed area with the prohibited species on board, no matter where that species was caught, except as provided for in the Cowcod Conservation Areas at A.(20).

(8) *Fishery management area.* The fishery management area for these species is the EEZ off the coasts of Washington, Oregon, and California between 3 and 200 nm offshore, bounded on the north by the Provisional International Boundary between the United States and Canada, and bounded on the south by the International Boundary between the United States and Mexico. All groundfish possessed between 0–200 nm offshore or landed in Washington, Oregon, or California are presumed to have been taken and retained from the EEZ, unless otherwise demonstrated by the person in possession of those fish.

(9) *Routine management measures.* Most trip, bag, and size limits in the groundfish fishery have been designated ''routine,'' which means they may be changed rapidly after a single Council meeting. (See 50 CFR 660.323(b).) Council meetings in 2002 will be held in the months of March, April, June, September, and November. Inseason changes to routine management measures are announced in the **Federal Register.** Information concerning changes to routine management measures is available from the NMFS Northwest and Southwest Regional Offices (see **ADDRESSES**). Changes to trip limits are effective at the times stated in the **Federal Register.** Once a change is effective, it is illegal to take and retain, possess, or land more fish than allowed under the new trip limit. This means that, unless otherwise announced in the **Federal Register,** offloading must begin before the time a fishery closes or a more restrictive trip limit takes effect.

(10) *Limited entry limits.* It is unlawful for any person to take and retain, possess, or land groundfish in excess of the landing limit for the open access fishery without having a valid limited entry permit for the vessel affixed with a gear endorsement for the gear used to catch the fish (50 CFR 660.306(p)).

(11) *Operating in both limited entry and open access fisheries.* The open access trip limit applies to any fishing conducted with open access gear, even if the vessel has a valid limited entry permit with an endorsement for another type of gear. A vessel that operates in both the open access and limited entry fisheries is not entitled to two separate trip limits for the same species. If a vessel has a limited entry permit and uses open gear, but the open access limit is smaller than the limited entry limit, the open access limit cannot be exceeded and counts toward the limited entry limit. If a vessel has a limited entry permit and use open access gear, but the open access limit is larger than the limited entry limit, the smaller limited entry limit applies, even if taken entirely with open access gear.

(12) *Operating in areas with different trip limits.* Trip limits for a species or a species group may differ in different geographic areas along the coast. The following ''crossover'' provisions apply to vessels operating in different geographical areas that have different cumulative or ''per trip'' trip limits for the same species or species group. Such crossover provisions do not apply to species that are subject only to daily trip limits, or to the trip limits for black rockfish off Washington (see 50 CFR 660.323(a)(1)). In 2002, the cumulative trip limit periods for the limited entry and open access fisheries are specified in paragraph A(1)(d), but may be changed during the year if announced in the **Federal Register**.

(a) *Going from a more restrictive to a more liberal area.* If a vessel takes and retains any groundfish species or species group of groundfish in an area where a more restrictive trip limit applies before fishing in an area where a more liberal trip limit (or no trip limit) applies, then that vessel is subject to the more restrictive trip limit for the entire period to which that trip limit applies, no matter where the fish are taken and retained, possessed, or landed.

(b) *Going from a more liberal to a more restrictive area.* If a vessel takes and retains a groundfish species or species group in an area where a higher trip limit or no trip limit applies, and takes and retains, possesses or lands the same species or species group in an area where a more restrictive trip limit applies, that vessel is subject to the more restrictive trip limit for the entire period to which that trip limit applies, no matter where the fish are taken and retained, possessed, or landed.

(c) *Minor rockfish.* Several rockfish species are designated with species-

specific limits on one side of the 40°10′ N. lat. management line, and are included as part of a minor rockfish complex on the other side of the line.

(i) If a vessel takes and retains minor slope rockfish north of 40°10′ N. lat., that vessel is also permitted to take and retain, possess or land splitnose rockfish up to its cumulative limit south of 40°10′ N. lat., even if splitnose rockfish were a part of the landings from minor slope rockfish taken and retained north of 40°10′ N. lat. [Note: A vessel that takes and retains minor slope rockfish on both sides of the management line in a single cumulative limit period is subject to the more restrictive cumulative limit for minor slope rockfish during that period.]

(ii) If a vessel takes and retains minor slope rockfish south of 40°10′ N. lat., that vessel is also permitted to take and retain, possess, or land POP up to its cumulative limit north of 40°10′ N. lat., even if POP were a part of the landings from minor slope rockfish taken and retained south of 40°10′ N. lat.

Note: A vessel that takes and retains minor slope rockfish on both sides of the management line in a single cumulative limit period is subject to the more restrictive cumulative limit for minor slope rockfish during that period.

(iii) If a vessel takes and retains minor shelf rockfish north of 40°10′ N. lat., that vessel is also permitted to take and retain, possess, or land chilipepper rockfish and bocaccio up to their respective cumulative limits south of 40°10′ N. lat., even if either species is part of the landings from minor shelf rockfish taken and retained north of 40°10′ N. lat.

Note: A vessel that takes and retains minor shelf rockfish on both sides of the management line in a single cumulative limit period is subject to the more restrictive cumulative limit for minor shelf rockfish during that period.

(iv) If a vessel takes and retains minor shelf rockfish south of 40°10′ N. lat., that vessel is also permitted to take and retain, possess, or land yellowtail rockfish up to its respective cumulative limits north of 40°10′ N. lat., even if yellowtail rockfish is part of the landings from minor shelf rockfish taken and retained south of 40°10′ N. lat.

Note: A vessel that takes and retains minor shelf rockfish on both sides of the management line in a single cumulative limit period is subject to the more restrictive cumulative limit for minor shelf rockfish during that period.

(d) *''DTS complex.''* For 2002, there are differential trip limits for the ''DTS complex'' (Dover sole, shortspine thornyhead, longspine thornyhead, sablefish) north and south of the management line at 40°10′ N. lat. Vessels operating in the limited entry trawl fishery are subject to the crossover provisions in this paragraph A.(12) when making landings that include any one of the four species in the ''DTS complex.''

(13) *Sorting.* It is unlawful for any person to ''fail to sort, prior to the first weighing after offloading, those groundfish species or species groups for which there is a trip limit, size limit, quota, or commercial OY, if the vessel fished or landed in an area during a time when such trip limit, size limit, commercial optimum yield, or quota applied.'' This provision applies to both the limited entry and open access fisheries. (See 50 CFR 660.306(h)). The following species must be sorted in 2002:

(a) For vessels with a limited entry permit:

(i) Coastwide—widow rockfish, canary rockfish, darkblotched rockfish, yelloweye rockfish, shortbelly rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, shortspine and longspine thornyhead, Dover sole, arrowtooth flounder, rex sole, petrale sole, other flatfish, lingcod, sabelfish, and Pacific whiting;

Note: Although both yelloweye and darkblotched rockfish are considered minor rockfish managed under the minor shelf and minor slope rockfish complexes, respectively, they have separate OYs and therefore must be sorted by species.

(ii) North of 40°10′ N. lat.—Pacific ocean perch, yellowtail rockfish, and, for fixed gear, black rockfish and blue rockfish;

(iii) South of 40°10′ N. lat.—chilipepper rockfish, bocaccio rockfish, splitnose rockfish, and Pacific sanddabs.

(b) For open access vessels (vessels without a limited entry permit):

(i) Coastwide—widow rockfish, canary rockfish, darkblotched rockfish, yelloweye rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, arrowtooth flounder, other flatfish, lingcod, sablefish, Pacific whiting, and Pacific sanddabs;

(ii) North of 40°10′ N. lat.—black rockfish, blue rockfish, Pacific ocean perch, yellowtail rockfish;

(iii) South of 40°10′ N. lat.—chilipepper rockfish, bocaccio rockfish, splitnose rockfish;

(iv) South of Point Conception—thornyheads.

(14) *Limited Entry Trawl Gear Restrictions.* Limited entry trip limits may vary depending on the type of trawl gear that is on board a vessel during a fishing trip: large-footrope, small-footrope, or midwater trawl gear.

(a) *Types of trawl gear.* (i) Large-footrope trawl gear is bottom trawl gear, as specified at 50 CFR 660.302 and 660.322(b), with a footrope diameter larger than 8 inches (20 cm) (including rollers, bobbins or other material encircling or tied along the length of the footrope).

(ii) Small-footrope trawl gear is bottom trawl gear, as specified at 50 CFR 660.302 and 660.322(b), with a footrope diameter 8 inches (20 cm) or smaller (including rollers, bobbins or other material encircling or tied along the length of the footrope), except chafing gear may be used only on the last 50 meshes of a small-footrope trawl, measured from the terminal (closed) end of the codend. Other lines or ropes that run parallel to the footrope may not be augmented or modified to violate footrope size restrictions.

(iii) Midwater trawl gear is pelagic trawl gear, as specified at 50 CFR 660.302 and 660.322(b)(2). The footrope of midwater trawl gear may not be enlarged by encircling it with chains or by any other means. Ropes or lines running parallel to the footrope of midwater trawl gear must be bare and may not be suspended with chains or other materials.

(b) *Cumulative trip limits and prohibitions by trawl gear type*—(i) *Large-footrope trawl.* It is unlawful to take and retain, possess or land any species of shelf or nearshore rockfish (defined at A.(21) and Table 1) except chilipepper rockfish south of 40°10′ N. lat. (as specified in Table 2) from a fishing trip if large-footrope gear is on board; this restriction applies coastwide from January 1 to December 31. It is unlawful to take and retain, possess or land petrale sole, rex sole, or arrowtooth flounder from a fishing trip if large-footrope gear is onboard and the trip is conducted at least in part between May 1 and October 31; cumulative limits for ''all other flatfish'' (all flatfish except those with cumulative trip limits in Table 2) are lower for vessels with large-footrope gear on board throughout the year. (See Table 2.) It is unlawful for any vessel using large-footrope gear to exceed large-footrope gear limits for any species or to use large-footrope gear to exceed small-footrope gear or midwater trawl gear limits for any species. The presence of rollers or bobbins larger than 8 inches (20 cm) in diameter on board the vessel, even if not attached to a trawl, will be considered to mean a large-footrope trawl is on board. Dates are adjusted for the ''B'' platoon (See A.(16)).

(ii) *Small-footrope or midwater trawl gear.* Cumulative trip limits for canary rockfish, widow rockfish, yellowtail rockfish, bocaccio, minor shelf rockfish, minor nearshore rockfish, and lingcod, and higher cumulative trip limits for chilipepper rockfish and flatfish, as indicated in Table 2, are allowed only if small-footrope gear or midwater trawl gear is used, and if that gear meets the specifications in paragraphs A.(14).

(iii) *Midwater trawl gear.* Higher cumulative trip limits are available for limited entry vessels using midwater trawl gear to harvest widow or chilipepper rockfish. Each landing that contains widow or chilipepper rockfish is attributed to the gear on board with the most restrictive trip limit for those species. Landings attributed to small-footrope trawl must not exceed the small-footrope limit, and landings attributed to midwater trawl must not exceed the midwater trawl limit. If a vessel has landings attributed to both types of trawl during a cumulative trip limit period, all landings are counted toward the most restrictive gear-specific cumulative limit.

(v) *More than one type of trawl gear on board.* The cumulative trip limits in Table 2 must not be exceeded. A fishing vessel may have more than one type of limited entry trawl gear on board, but the most restrictive trip limit associated with the gear on board applies for that trip and will count toward the cumulative trip limit for that gear.

Example: If a vessel has large-footrope gear on board, it cannot land yellowtail rockfish, even if the yellowtail rockfish is caught with a small-footrope trawl. If a vessel has both small-footrope trawl and midwater trawl gear on board, the landing is attributed to the most restrictive gear-specific limit, regardless of which gear type was used.

(c) *Measurement.* The footrope will be measured in a straight line from the outside edge to the opposite outside edge at the widest part on any individual part, including any individual disk, roller, bobbin, or any other device.

(d) *State landing receipts.* Washington, Oregon, and California will require the type of trawl gear on board with the most restrictive limit to be recorded on the State landing receipt(s) for each trip or an attachment to the State landing receipt.

(e) *Gear inspection.* All trawl gear and trawl gear components, including unattached rollers or bobbins, must be readily accessible and made available for inspection at the request of an authorized officer. No trawl gear may be removed from the vessel prior to offloading. All footropes shall be uncovered and clearly visible except when in use for fishing.

(15) *Permit transfers.* Limited entry permit transfers are to take effect no earlier than the first day of a major cumulative limit period following the day NMFS receives the transfer form and original permit (50 CFR 660.335(e)(3)). Those days in 2002 are January 1, March 1, May 1, July 1, September 1, and November 1, and are delayed by 15 days (starting on the 16th of a month) for the ''B'' platoon.

(16) *Platooning—limited entry trawl vessels.* Limited entry trawl vessels are automatically in the ''A'' platoon, unless the ''B''platoon is indicated on the limited entry permit. If a vessel is in the ''A'' platoon, its cumulative trip limit periods begin and end on the beginning and end of a calendar month as in the past. If a limited entry trawl permit is authorized for the ''B'' platoon, then cumulative trip limit periods will begin on the 16th of the month (generally 2 weeks later than for the ''A'' platoon), unless otherwise specified.

(a) For a vessel in the ''B'' platoon, cumulative trip limit periods begin on the 16th of the month at 001 hours, l.t., and end at 2400 hours, l.t., on the 15th of the month. Therefore, the management measures announced herein that are effective on January 1, 2002, for the ''A'' platoon will be effective on January 16, 2002, for the ''B'' platoon. The effective date of any inseason changes to the cumulative trip limits also will be delayed for 2 weeks for the ''B'' platoon, unless otherwise specified.

(b) A vessel authorized to operate in the ''B'' platoon may take and retain, but may not land, groundfish from January 1, 2002, through January 15, 2002.

(c) A vessel authorized to operate in the ''B'' platoon will have the same cumulative trip limits for the November 16, 2002, through December 31, 2002, period as a vessel operating in the ''A'' platoon has for the November 1, 2002, through December 31, 2002 period.

(17) *Exempted fisheries.* U.S. vessels operating under an exempted fishing permit issued under 50 CFR part 600 are also subject to these restrictions, unless otherwise provided in the permit.

(18) *Application of requirements.* Paragraphs B. and C. pertain to the commercial groundfish fishery, but not to Washington coastal tribal fisheries, which are described in the section on Washington Coastal Tribal Fisheries in this document. The provisions in paragraphs B. and C. that are not covered under the headings ''limited entry'' or ''open access'' apply to all vessels in the commercial fishery that take and retain groundfish, unless otherwise stated. Paragraph D. pertains to the recreational fishery.

(19) *Commonly used geographic coordinates.*

(a) Cape Falcon, OR—45°46′ N. lat.

(b) Cape Lookout, OR—45°20′15″ N. lat.

(c) Cape Blanco, OR—42°50′ N. lat.

(d) Cape Mendocino, CA—40°30′ N. lat.

(e) North/South management line—40°10′ N. lat.

(f) Point Arena, CA—38°57′30″ N. lat.

(g) Point Conception, CA—34°27′ N. lat.

(h) International North Pacific Fisheries Commission (INPFC) subareas (for more precise coordinates for the Canadian and Mexican boundaries, see 50 CFR 660.304):

(i) Vancouver—U.S. Canada border to 47°30′ N. lat.

(ii) Columbia—47°30′ N. lat.

(iii) Eureka—43°00′ to 40°30′ N. lat.

(iv) Monterey—40°30′ to 36°00′ N. lat.

(v) Conception—36°00′ N. lat. to the U.S.-Mexico border.

(20) *Cowcod Conservation Areas (CCAs).* Recreational and commercial fishing for groundfish is prohibited within the CCAs, except that recreational and commercial fishing for rockfish and lingcod is permitted in waters inside 20 fathoms (36.9 m). It is unlawful to take and retain, possess, or land groundfish inside the CCAs, except for rockfish and lingcod taken in waters inside the 20-fathom (36.9 m) depth contour, when those waters are open to fishing. Commercial fishing vessels may transit through the Western CCA with their gear stowed and groundfish on board only in a corridor through the Western CCA bounded on the north by the latitude line at 33°00′30″ N. lat., and bounded on the south by the latitude line at 32°59′30″ N. lat.

(i) The Western CCA is an area south of Point Conception that is bound by straight lines connecting all of the following points in the order listed:

33°50′ N. lat., 119°30′ W. long.;
33°50′ N. lat., 118°50′ W. long.;
32°20′ N. lat., 118°50′ W. long.;
32°20′ N. lat., 119°30′ W. long.;
33°00′ N. lat., 119°30′ W. long.;
33°00′ N. lat., 119°50′ W. long.;
33°30′ N. lat., 119°50′ W. long.;
33°30′ N. lat., 119°30′ W. long.;

and connecting back to 33°50′ N. lat., 119°30′ W. long.

(ii) The Eastern CCA is a smaller area west of San Diego that is bound by straight lines connecting all of the following points in the order listed:

32°40′ N. lat., 118°00′ W. long.;
32°40′ N. lat., 117°50′ W. long.;
32°36′42″ N. lat., 117°50′ W. long.;
32°30′ N. lat., 117°53′30″ W. long.;

32°30′ N. lat., 118°00′ W. long.;

and connecting back to 32°40′ N. lat., 118°00′ W. long.;

(21) *Rockfish categories.* Rockfish (except thornyheads) are divided into categories north and south of 40°10′ N. lat., depending on the depth where they most often are caught: Nearshore, shelf, or slope. (Scientific names appear in Table 1.) Trip limits are established for ''minor rockfish'' species according to these categories (see Tables 1–4).

(a) Nearshore rockfish consists entirely of the minor nearshore rockfish species listed in Table 1.

(b) Shelf rockfish consists of canary rockfish, shortbelly rockfish, widow rockfish, yelloweye rockfish, yellowtail rockfish, bocaccio, chilipepper, cowcod, and the minor shelf rockfish species listed in Table 1.

(c) Slope rockfish consists of Pacific ocean perch, splitnose rockfish, darkblotched rockfish, and the minor slope rockfish species listed in Table 1.

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Table 1 – Minor Rockfish Species (excludes thornyheads)

North of 40°10' N. lat.	South of 40°10' N. lat.
NEARSHORE	
black, Sebastes melanops	black, Sebastes melanops
black and yellow, S. chrysolmelas	black and yellow, S. chrysolmelas
blue, S. mystinus	blue, S. mystinus
brown, S. auriculatus	brown, S. auriculatus
calico, S. dalli	calico, S. dalli
China, S. nebulosus	California scorpionfish, Scorpaena guttata
copper, S. caurinus	China, Sebastes nebulosus
gopher, S. carnatus	copper, S. caurinus
grass, S. rastrelliger	gopher, S. carnatus
kelp, S. atrovirens	grass, S. rastrelliger
olive, S. serranoides	kelp, S. atrovirens
quillback, S. maliger	olive, S. serranoides
treefish, S. serriceps	quillback, S. maliger
	treefish, S. serriceps
SHELF	
bronzespotted, S. gilli	bronzespotted, S. gilli
bocaccio, S. paucispinis	chameleon, S. phillipsi
chameleon, S. phillipsi	dwarf-red, S. rufianus
chilipepper, S. goodei	flag, S. rubrivinctus
cowcod, S. levis	freckled, S. lentiginosus
dwarf-red, S. rufianus	greenblotched, S. rosenblatti
flag, S. rubrivinctus	greenspotted, S. chlorostictus
freckled, S. lentiginosus	greenstriped, S. elongatus
greenblotched, S. rosenblatti	halfbanded, S. semicinctus
greenspotted, S. chlorostictus	honeycomb, S. umbrosus
greenstriped, S. elongatus	Mexican, S. macdonaldi
halfbanded, S. semicinctus	pink, S. eos
honeycomb, S. umbrosus	pinkrose, S. simulator
Mexican, S. macdonaldi	pygmy, S. wilsoni
pink, S. eos	redstriped, S. proriger
pinkrose, S. simulator	rosethorn, S. helvomaculatus
pygmy, S. wilsoni	rosy, S. rosaceus
redstriped, S. proriger	silvergrey, S. brevispinus
rosethorn, S. helvomaculatus	speckled, S. ovalis
rosy, S. rosaceus	squarespot, S. hopkinsi
silvergrey, S. brevispinis	starry, S. constellatus
speckled, S. ovalis	stripetail, S. saxicola
squarespot, S. hopkinsi	swordspine, S. ensifer
starry, S. constellatus	tiger, S. nigorcinctus
stripetail, S. saxicola	vermilion, S. miniatus
swordspine, S. ensifer	yelloweye, S. ruberrimus
tiger, S. nigorcinctus	yellowtail, S. flavidus
vermilion, S. miniatus	
yelloweye, S. ruberrimus	
SLOPE	
aurora, S. aurora	aurora, S. aurora
bank, S. rufus	bank, S. rufus
blackgill, S. melanostomus	blackgill, S. melanostomus
darkblotched, S. crameri	darkblotched, S. crameri
redbanded, S. babcocki	Pacific ocean perch (POP), S. alutus
rougheye, S. aleutianus	redbanded, S. babcocki
sharpchin, S. zacentrus	rougheye, S. aleutianus
shortraker, S. borealis	sharpchin, S. zacentrus
splitnose, S. diploproa	shortraker, S. borealis
yellowmouth, S. reedi	yellowmouth, S. reedi

B. Limited Entry Fishery

(1) *General.* Most species taken in limited entry fisheries will be managed with cumulative trip limits (see paragraph A.(1)(d)), size limits (see paragraph A.(6)), and seasons (see paragraph A.(7)). The trawl fishery has gear requirements and trip limits that differ by the type of trawl gear on board (see paragraph A.(14)). Cowcod retention is prohibition in all fisheries and groundfish vessels operating south of Point Conception must adhere to CCA restrictions (see paragraph A.(20)). Yelloweye rockfish retention is prohibited in the limited entry fixed gear fisheries. Most of the management measures for the limited entry fishery are listed above and in Tables 2 and 3, and may be changed during the year by announcement in the **Federal Register**. However, the management regimes for several fisheries (nontrawl sablefish, Pacific whiting, and black rockfish) do not neatly fit into these tables and are addressed immediately following Tables 2 and 3.

Table 2. Trip Limits [1/] and Gear Requirements [2/] for Limited Entry Trawl Gear
Other Limits and Requirements Apply -- Read Sections A. and B. before using this table

line	Species/groups	JAN-FEB	MARCH - DECEMBER
1	**Minor slope rockfish**		Management measures for March through December 2002 are proposed in the Proposed Rules section of this edition of the Federal Register.
2	North	1,800 lb/ 2 months	
3	South	50,000 lb/ 2 months	
4	**Splitnose - South**	25,000 lb/ 2 months	
5	**Pacific ocean perch - North[6/]**	2,000 lb/ month	
6	**Chilipepper - South[6/]**		
7	mid-water trawl	25,000 lb/ 2 months	
8	small footrope trawl	7,500 lb/ 2 months	
9	large footrope trawl	500 lb/ trip, not to exceed small footrope cumulative 2-month limits at any time during the year.	
10	**DTS complex - North**		
11	Sablefish	6,000 lb/ 2 months	
12	Longspine thornyhead	10,000 lb/ 2 months	
13	Shortspine thornyhead	2,600 lb/ 2 months	
14	Dover sole	30,000 lb/ 2 months	
15	**DTS complex - South**		
16	Sablefish	4,500 lb/ 2 months	
17	Longspine thornyhead	10,000 lb/ 2 months	
18	Shortspine thornyhead	2,600 lb/ 2 months	
19	Dover sole	22,000 lb/ 2 months	
20	**Flatfish - North**		
21	All other flatfish [3/]	Small footrope required:15,000 lb/ month	
22	Petrale sole	Not limited	
23	Rex sole	Not limited	
24	Arrowtooth flounder	30,000 lb/ trip	
25	**Flatfish - South**		
26	All other flatfish [3/]	Small footrope: 70,000 lb/ month, no more than 40,000 lb of which may be species other than Pacific sanddabs	
27	Petrale sole	Not limited	
28	Rex sole	Not limited	
29	Arrowtooth flounder	30,000 lb/ trip	
30	**All other flatfish [3/], including petrale sole - North and South**	Large footrope: 1,000 lb/trip, not to exceed small footrope cumulative monthly limits at any time during the year.	
31	Whiting shoreside [4/]	20,000 lb/ trip	
32	**USE OF SMALL FOOTROPE BOTTOM TRAWL[5/] OR MIDWATER TRAWL REQUIRED FOR LANDING ALL OF THE FOLLOWING SPECIES:**		
33	**Minor shelf rockfish**		
34	North	300 lb/ month	
35	South	500 lb/ month	
36	**Canary rockfish**	200 lb/ 2 months	
37	**Widow rockfish**		
38	mid-water trawl	CLOSED[7/]	
39	small footrope trawl	1,000 lb/ month	
40	**Yellowtail - North[6/]**		
41	mid-water trawl	CLOSED[7/]	
42	small footrope trawl	Without flatfish, 1,000 lb/ month. As flatfish bycatch, per trip limit is the sum of 33% (by weight) of all flatfish except arrowtooth flounder, plus 10% (by weight) of arrowtooth flounder, not to exceed 30,000 lb/ 2 months.	
43	**Bocaccio - South[6/]**	600 lb/ 2 months	
44	**Cowcod**	CLOSED7/	
45	**Minor nearshore rockfish**		
46	North	300 lb/ month	
47	South	300 lb/ month	
48	**Lingcod[8/]**	800 lb/ 2 months	

1/ Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N. lat. to the U.S.-Canada border. "South" means 40°10' N. lat. to the U.S.-Mexico border. 40°10' N. lat. is about 20 nm south of Cape Mendocino, CA.
2/ Gear requirements and prohibitions are explained above.
3/ "Other" flatfish means all flatfish at 50 CFR 660.302 except those in this Table 3 with a trip limit.
4/ The whiting "per trip" limit in the Eureka area inside 100 fm is 10,000 lb/ trip throughout the year. Outside Eureka area, the 20,000 lb/ trip limit applies before and after the primary season.
5/ Small footrope trawl means a bottom trawl net with a footrope no larger than 8 inches (20 cm) in diameter. Midwater gear also may be used; the footrope must be bare. See above.
6/ Yellowtail rockfish and POP in the south, and bocaccio and chilipepper rockfishes in the north are included in the trip limits for minor shelf rockfish in the appropriate area.
7/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See A.(7).
8/ The minimum size limit for lingcod is 24 inches (61 cm) total length.
To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 3. Trip Limits[1/] for Limited Entry Fixed Gear
Other Limits and Requirements Apply -- Read Sections A. and B. before using this table

line	Species/groups	JAN-FEB	MARCH - DECEMBER
1	**Minor slope rockfish**		Management measures for March through December 2002 are proposed in the Proposed Rules section of this edition of the Federal Register
2	North	1,000 lb/ month	
3	South	25,000 lb/ 2 months	
4	**Splitnose - South**	25,000 lb/ 2 months	
5	**Pacific ocean perch - North 5/**	2,000 lb/ month	
6	**Sablefish**		
7	North of 36° N. lat.	300 lb/ day, or 1 landing per week of up to 800 lb, not to exceed 2,400 lb/ 2 months	
8	South of 36° N. lat.	350 lb/ day, or 1 landing per week of up to 1,050 lb	
9	**Longspine thornyhead**	9,000 lb/ 2 months	
10	**Shortspine thornyhead**	2,000 lb/ 2 months	
11	**Dover sole**	5,000 lb/ month (all flatfish)	
12	**Arrowtooth flounder**		
13	**Petrale sole**		
14	**Rex sole**		
15	**All other flatfish 2/**		
16	**Whiting 3/**	20,000 lb/ trip	
17	**Shelf rockfish, including minor shelf rockfish, widow and yellowtail rockfish[5/]**		
18	North	200 lb/ month	
19	South		
20	40°10' - 34°27' N. lat.	200 lb/ month	
21	South of 34°27' N. lat.	CLOSED 4/	
22	**Canary rockfish**	CLOSED 4/	
23	**Yelloweye rockfish**	CLOSED 4/	
24	**Cowcod**	CLOSED 4/	
25	**Bocaccio - South 5/**		
26	40°10' - 34°27' N. lat.	200 lb/ month	
27	South of 34°27' N. lat.	CLOSED 4/	
28	**Chilipepper - South 5/**		
29	40°10' - 34°27' N. lat.	500 lb/ month	
30	South of 34°27' N. lat.	CLOSED 4/	
31	**Minor nearshore rockfish**		
32	North	5,000 lb/ month, no more than 2,000 lb of which may be species other than black or blue rockfish 6/	
33	South		
34	40°10' - 34°27' N. lat.	1,600 lb/ 2 months	
35	South of 34°27' N. lat.	CLOSED 4/	
36	**Lingcod 7/**		
37	North	CLOSED 4/	
38	South		
39	40°10' - 34°27' N. lat.	CLOSED 4/	
40	South of 34°27' N. lat.	CLOSED 4/	

1/ Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N. lat. to the U.S.-Canada border. "South" means 40°10' N. lat. to the U.S.-Mexico border. 40°10' N. lat is about 20 nm south of Cape Mendocino, CA.
2/ "Other flatfish" means all flatfish at 50 CFR 660.302 except those in this Table 4 with a trip limit.
3/ The whiting "per trip" limit in the Eureka area inside 100 fm is 10,000 lb/ trip throughout the year.
4/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV.A.(7).
5/ Yellowtail rockfish and widow rockfish coastwide, POP in the south, and bocaccio and chilipepper rockfishes in the north are included in the trip limits for shelf rockfish in the appropriate area.
6/ For black rockfish north of Cape Alava (48°09'30" N.lat.), and between Destruction Island (47°40'00" N.lat.) and Leadbetter Point (46°38'10" N.lat.), there is an additional limit of 100 lbs or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.
7/ The minimum size limit for lingcod is 24 inches (61 cm) total length.
To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

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(2) *Sablefish.* The limited entry sablefish allocation is further allocated 58 percent to trawl gear and 42 percent to nontrawl gear.

(a) *Trawl trip and size limits.* Management measures for the limited entry trawl fishery for sablefish are listed in Table 2.

(b) *Nontrawl (fixed gear) trip and size limits.* To take, retain, possess, or land sablefish during the primary season for the limited entry fixed gear sablefish fishery, the owner of a vessel must hold a limited entry permit for that vessel, affixed with both a gear endorsement for longline or trap (or pot) gear, and a sablefish endorsement. (See 50 CFR 663.323(a)(2)(i).) A sablefish endorsement is not required to participate in the limited entry daily trip limit fishery.

(i) *Primary season.* The primary season begins at 12 noon l.t. on April 1, 2002, and ends at 12 noon l.t. on October 31, 2002. There are no pre-season or post-season closures. During the primary season, each vessel with at least one limited entry permit with a sablefish endorsement that is registered for use with that vessel may land up to the cumulative trip limit for each of the sablefish-endorsed limited entry permits registered for use with that vessel, for the tier(s) to which the permit(s) are assigned. For 2002, the following limits would be in effect: Tier 1, 36,000 lb (16,329 kg); Tier 2, 16,500 lb (7,484 kg); Tier 3, 9,500 lb (4,309 kg). All limits are in round weight. If a vessel is registered for use with a sablefish-endorsed limited entry permit, all sablefish taken after April 1, 2002, count against the cumulative limits associated with the permit(s) registered for use with that vessel. A vessel that is eligible to participate in the primary sablefish season may participate in the daily trip limit fishery for sablefish once that vessel's primary season sablefish limit(s) have been taken or after October 31, 2002, whichever occurs first. No vessel may land sablefish against both its primary season cumulative sablefish limits and against the daily trip limit fishery limits within the same 24 hour period of 0001 hour l.t. to 2400 hours l.t.

(ii) *Daily trip limit.* Daily and/or weekly sablefish trip limits listed in Table 3 apply to any limited entry fixed gear vessels not participating in the primary sablefish season described in paragraph (i) of this section. North of 36° N. lat., the daily and/or weekly trip limits apply to fixed gear vessels that are not registered for use with a sablefish-endorsed limited entry permit, and to fixed gear vessels that are registered for use with a sablefish-endorsed limited entry permit when those vessels are not fishing against their primary sablefish season cumulative limits. South of 36° N. lat., the daily and/or weekly trip limits for taking and retaining sablefish that are listed in Table 3 apply throughout the year to all vessels registered for use with a limited entry fixed gear permit.

(3) *Whiting.* Additional regulations that apply to the whiting fishery are found at 50 CFR 660.306 and at 50 CFR 660.323(a)(3) and (a)(4). All allocations described in this section and the section on Washington Coastal Tribal Fisheries in this document will not be finalized until the Council finalizes the 2002 whiting ABC and OY at its March 2002 meeting.

(a) *Allocations.* Whiting allocations will be based on the percentages detailed in 50 CFR 660.323(a)(4)(i), and will be announced inseason when the final OY is announced.

(b) *Seasons.* The 2002 primary seasons for the whiting fishery start on the same dates as in 2001, as follows (see 50 CFR 660.323(a)(3)):

(i) *Catcher/processor sector*—May 15;

(ii) *Mothership sector*—May 15;

(iii) *Shore-based sector*—June 15 north of 42° N. lat.; April 1 between 42° – 40°30′ N. lat.; April 15 south of 40°30′ N. lat.

(c) *Trip limits.* (i) *Before and after the regular season.* The ''per trip'' limit for whiting before and after the regular season for the shore-based sector is announced in Table 2, as authorized at 50 CFR 660.323(a)(3) and (a)(4). This trip limit includes any whiting caught shoreward of 100 fathoms (183 m) in the Eureka area.

(ii) *Inside the Eureka 100 fm (183 m) contour.* No more than 10,000 lb (4,536 kg) of whiting may be taken and retained, possessed, or landed by a vessel that, at any time during a fishing trip, fished in the fishery management area shoreward of the 100 fathom (183 m) contour (as shown on NOAA Charts 18580, 18600, and 18620) in the Eureka area.

(4) *Black rockfish.* The regulations at 50 CFR 660.323(a)(1) state: ''The trip limit for black rockfish (*Sebastes melanops*) for commercial fishing vessels using hook-and-line gear between the U.S.-Canada border and Cape Alava (48°09′30″ N. lat.) and between Destruction Island (47°40′00″ N. lat.) and Leadbetter Point (46°38′10″ N. lat.), is 100 lb (45 kg) or 30 percent, by weight of all fish on board, whichever is greater, per vessel per fishing trip.'' These ''per trip'' limits apply to limited entry and open access fisheries, in conjunction with the cumulative trip limits and other management measures listed in Tables 3 and 4. The crossover provisions at paragraphs A.(12) do no apply to the black rockfish per-trip limits.

C. Trip Limits in the Open Access Fishery

(1) *General.* Open access gear is gear used to take and retain groundfish from a vessel that does not have a valid permit for the Pacific Coast groundfish fishery with an endorsement for the gear used to harvest the groundfish. This includes longline, trap, pot, hook-and-line (fixed or mobile), set net and trammel net (south of 38° N. lat. only), and exempted trawl gear (trawls used to target non-groundfish species: Pink shrimp or prawns, and, south of Pt. Arena, CA (38°57′30″ N. lat.), California halibut or sea cucumbers). Unless otherwise specified, a vessel operating in the open access fishery is subject to, and must not exceed any trip limit, frequency limit, and/or size limit for the open access fishery. Groundfish species taken in open access fisheries will be managed with cumulative trip limits (see paragraph A.(1)(d)), size limits (see paragraph A.(6)), and seasons (see paragraph A.(7)). Cowcod retention is prohibited in all fisheries and groundfish vessels operating south of Point Conception must adhere to CCA restrictions (see paragraph A.(20)). Yelloweye rockfish retention is prohibited in all open access fisheries. The trip limits, size limits, seasons, and other management measures for open access groundfish gear, except exempted trawl gear, are listed in Table 4. The trip limit at 50 CFR 660.323(a)(i) for black rockfish caught with hook-and-line gear also applies. (The black rockfish limit is repeated at paragraph B.(4).)

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Table 4. Trip Limits[1/] for Open Access Gears
Other Limits and Requirements Apply -- Read Sections A. and C. before using this table
Exceptions for exempted gears at Section C.

line	Species/groups	JAN-FEB	MARCH - DECEMBER
1	**Minor slope rockfish**		Management measures for March through December 2002 are proposed in the Proposed Rules section of this edition of the Federal Register
2	North	Per trip, no more than 25% of weight of the sablefish landed	
3	South	10,000 lb/ 2 months	
4	**Splitnose - South**	200 lb/ month	
5	**Pacific ocean perch - North 5/**	100 lb/ month	
6	**Sablefish**		
7	North of 36° N. lat.	300 lb/ day, or 1 landing per week of up to 800 lb, not to exceed 2,400 lb/ 2 months	
8	South of 36° N. lat.	350 lb/ day, or 1 landing per week of up to 1,050 lb	
9	**Thornyheads**		
10	North of 34° 27' N. lat.	CLOSED 3/	
11	South of 34° 27' N. lat.	50 lb/ day, no more than 2,000 lb/ 2 months	
12	**Dover sole**	3,000 lb/ month, no more than 300 lb of which may be species other than Pacific sanddabs	
13	**Arrowtooth flounder**		
14	**Petrale sole**		
15	**Rex sole**		
16	**All other flatfish 2/**		
17	**Whiting**	300 lb/ month	
18	**Shelf rockfish, including minor shelf rockfish, widow and yellowtail rockfish[5/]**		
19	North	200 lb/ month	
20	South		
21	40°10' - 34°27' N. lat.	200 lb/ month	
22	South of 34°27' N. lat.	CLOSED 3/	
23	**Canary rockfish**	CLOSED 3/	
24	**Yelloweye rockfish**	CLOSED 3/	
25	**Cowcod**	CLOSED 3/	
26	**Bocaccio - South 5/**		
27	40°10' - 34°27' N. lat.	200 lb/ month	
	South of 34°27' N. lat.	CLOSED 3/	
28	**Chilipepper - South 5/**		
29	40°10' - 34°27' N. lat.	500 lb/ month	
30	South of 34°27' N. lat.	CLOSED 3/	
31	**Minor nearshore rockfish**		
32	North	3,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black or blue rockfish 5/	
33	South		
34	40°10' - 34°27' N. lat.	1,200 lb/ 2 months	
35	South of 34°27' N. lat.	CLOSED 3/	
36	**Lingcod 7/**		
37	North	CLOSED 3/	
38	South		
39	40°10' - 34°27' N. lat.	CLOSED 3/	
40	South of 34°27' N. lat.	CLOSED 3/	

1/ Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N. lat. To the U.S.-Canada border. "South" means 40°10' N. lat. To the U.S.-Mexico border. 40°10' N. lat is about 20 nm south of Cape Mendocino, CA.
2/ "Other flatfish" means all flatfish at 50 CFR 660.302 except those in this Table 5 with a trip limit.
3/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV.A.(7). in the time or area indicated.
4/ Yellowtail rockfish and POP in the south, and bocaccio, and chilipepper rockfishes in the north are included in the trip limits for minor shelf rockfish in the appropriate area.
5/ For black rockfish north of Cape Alava (48°09'30" N.lat.), and between Destruction Island (47°40'00" N.lat.) and Leadbetter Point (46°38'10" N.lat.), there is an additional limit of 100 lbs or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.
6/ The size limit for lingcod is 24 inches (61 cm) total length.
To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

BILLING CODE 3510–22–C

(2) *Groundfish taken with exempted trawl gear by vessels engaged in fishing for spot and ridgeback prawns, California halibut, or sea cucumbers.*

(a) *Trip limits.* The trip limit is 300 lb (136 kg) of groundfish per fishing trip. Limits in Table 4 also apply and are counted toward the 300 lb (136 kg) groundfish limit. In any landing by a vessel engaged in fishing for spot and ridgeback prawns, California halibut, or sea cucumbers with exempted trawl gear, the amount of groundfish landed may not exceed the amount of the target species landed, except that the amount of spiny dogfish (Squalas acanthias) landed may exceed the amount of target species landed. Spiny dogfish are limited by the 300 lb (136 kg) per trip overall groundfish limit. The daily trip limits for sablefish coastwide and thornyheads south of Pt. Conception and the overall groundfish ''per trip'' limit may not be multiplied by the number of days of the fishing trip. The closures listed in Table 4 also apply, except for the species listed below in subparagraphs (i) through (v). The following sublimits also apply and are counted toward the overall 300 lb (136 kg) per trip groundfish limit:

(i) Shelf rockfish (including minor shelf rockfish, widow and yellowtail)—

(A) Between 40°10′ N. lat. and 34°27′ N. lat: 200 lb (91 kg) per month.

(B) South of 34°27′ N. lat.: 500 lb (227 kg) per month.

(ii) Bocaccio south of 40 deg. 10′ N. lat.—200 lb (91 kg) per month.

(iii) Chilipepper rockfish—

(A) Between 40°10′ N. lat. and 34°27′ N. lat.: 500 lb (227 kg) per month.

(B) South of 34°27′ N. lat.: 2,500 lb (1,134 kg) per month.

(iv) Minor nearshore rockfish south of 40 deg. 10′ N. Lat.—1,200 lb (544 kg) per 2 months.

(v) Lingcod south of 40 deg. 10′ N. lat.—May 1 through October 31, 2002: 300 lb (136 kg) per month, otherwise closed.

(b) *State law.* These trip limits are not intended to supersede any more restrictive state law relating to the retention of groundfish taken in shrimp or prawn pots or traps.

(c) *Participation in the California halibut fishery.* A trawl vessel will be considered participating in the California halibut fishery if:

(i) It is not fishing under a valid limited entry permit issued under 50 CFR 660.333 for trawl gear;

(ii) All fishing on the trip takes place south of Pt. Arena; and

(iii) The landing includes California halibut of a size required by California Fish and Game Code section 8392(a), which states: ''No California halibut may be taken, possessed or sold which measures less than 22 inches (56 cm) in total length, unless it weighs 4 lbs (1.8144 kg) or more in the round, 3 and one-half lbs (1.587 kg) or more dressed with the head on, or 3 lbs (1.3608 kg) or more dressed with the head off. Total length means ''the shortest distance between the tip of the jaw or snout, whichever extends farthest while the mouth is closed, and the tip of the longest lobe of the tail, measured while the halibut is lying flat in natural repose, without resort to any force other than the swinging or fanning of the tail.''

(d) *Participation in the sea cucumber fishery.* A trawl vessel will be considered to be participating in the sea cucumber fishery if:

(i) It is not fishing under a valid limited entry permit issued under 50 CFR 660.333 for trawl gear;

(ii) All fishing on the trip takes place south of Pt. Arena; and

(iii) The landing includes sea cucumbers taken in accordance with California Fish and Game Code, section 8396, which requires a permit issued by the State of California.

(3) *Groundfish taken with exempted trawl gear by vessels engaged in fishing for pink shrimp.*

(a) The trip limit is 500 lb (227 kg) of groundfish per day, multiplied by the number of days of the fishing trip, but not to exceed 1,500 lb (680 kg) of groundfish per trip. The following sublimits also apply and are counted toward the overall 500 lb (227 kg) per day and 1,500 lb (680 kg) per trip groundfish limits:

(i) Canary rockfish—

(A) April 1 through 30, 2002; 50 lb (23 kg) per month

(B) Starting May 1, 2002 through October 31, 2002: 200 lb (91 kg) per month

(ii) Lingcod—April 1 through October 31, 2002: 400 lb (181 kg) per month, with a minimum size limit (total length) of 24 inches (61 cm)

(iii) Sablefish—April 1, 2002 through October 31, 2002: 2,000 lb (907 kg) per month.

(iv) Thornyheads—Closed north of Pt. Conception (34°27′ N. lat.)

(b) All other groundfish species taken with exempted trawl gear by vessels engaged in fishing for pink shrimp are managed under the overall 500 lb (227 kg) per day and 1,500 lb (680 kg) per trip groundfish limits. Landings of these species count toward the per day and per trip groundfish limits and do not have species-specific limits.

(c) In any trip in which pink shrimp trawl gear is used, the amount of groundfish landed may not exceed the amount of pink shrimp landed.

(d) Operating in pink shrimp and other fisheries during the same cumulative trip limit period. Notwithstanding section A.(11), a vessel that takes and retains pink shrimp and also takes and retains groundfish in either the limited entry or another open access fishery during the same applicable cumulative limit period that it takes and retains pink shrimp (which may be 1 month or 2 months, depending on the fishery and the time of year), may retain the larger of the two limits, but only if the limit(s) for each gear or fishery are not exceeded when operating in that fishery or with that gear. The limits are not additive; the vessel may not retain a separate trip limit for each fishery.

D. Recreational Fishery

(1) *California.* (Note: California law provides that, in times and area when the recreational fishery is open, there is a 20-fish bag limit for all species of finfish, within which no more than 10 fish of any one species may be taken or possessed by any one person.) For each person engaged in recreational fishing seaward of California, the following seasons and bag limits apply:

(a) *Rockfish*—(i) *Cowcod Conservation Areas.* Recreational fishing for groundfish is prohibited within the CCAs, as described above at A.(20), except that fishing for rockfish is permitted in waters inside the 20-fathom (37 m) depth contour within the CCAs from March 1 through October 31, 2002, subject to the bag limits in paragraph (iii) of this section.

(ii) *Seasons.* North of 40°10′ N. lat., recreational fishing for rockfish is open from January 1 through December 31. South of 40°10′ N. lat. and north of Point Conception (34°27′ N. lat.), recreational fishing for rockfish is closed from March 1 through April 30, and from November 1 through December 31. This area is also closed to recreational rockfish fishing from May 1 through June 30 and from September 1 through October 31, except that fishing for rockfish is permitted inside the 20 fathom (37 m) depth contour, subject to the bag limits in paragraph (iii) of this section, except that bocaccio, canary rockfish and yelloweye rockfish retention is prohibited. South of Point Conception (34°27′ N. lat.), recreational fishing for rockfish is closed from January 1 through February 28 and from November 1 through December 31. Recreational fishing for cowcod is prohibited all year in all areas.

(iii) *Bag limits, boat limits, hook limits.* In times and areas when the

recreational season for rockfish is open, there is a 2-hook limit per fishing line, and the bag limit is 10 rockfish per day, of which no more than 2 may be bocaccio, no more than 1 may be canary rockfish, and no more than 1 may be yelloweye rockfish. No more than 2 yelloweye rockfish may be retained per vessel. Cowcod may not be retained. Bocaccio, canary rockfish, and yelloweye rockfish may not be retained, and no more than 2 shelf rockfish may be retained, in the area between 40°10′ N. lat. and Point Conception (34°27′ N. lat.) from May 1 through June 30, or September 1 through October 31. (Note: California scorpionfish are subject to California's 10 fish bag limit per species, but are not counted toward the 10 rockfish bag limit.) Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(iv) *Size limits.* The following rockfish size limits apply: bocaccio may be no smaller than 10 inches (25 cm); and California scorpionfish may be no smaller than 10 inches (25 cm).

(v) *Dressing/Fileting.* Rockfish skin may not be removed when fileting or otherwise dressing rockfish taken in the recreational fishery. The following rockfish filet size limits apply: bocaccio filets may be no smaller than 5 inches (12.8 cm); California scorpionfish filets may be no smaller than 5 inches (12.8 cm); and brown-skinned rockfish filets may be no smaller than 6.5 inches (16.6 cm). ''Brown-skinned'' rockfish include the following species: brown, calico, copper, gopher, kelp, olive, speckled, squarespot, and yellowtail.

(b) *Roundfish* (Lingcod, cabezon, kelp greenling)—(i) *Cowcod Conservation Areas.* Recreational fishing for groundfish is prohibited within the CCAs, as described above at A.(20), except that fishing for lingcod is permitted in waters inside the 20 fathom (37 m) depth contour within the CCAs from March 1 through October 31, 2002, subject to the bag limits in paragraph (iii) of this section. Fishing for cabezon and kelp greenling is allowed in waters inside the 20 fathom (37 m) depth contour within the CCAs year round.

(ii) *Seasons.* South of 40°10′ N. lat. and north of Point Conception (34°27′ N. lat.), recreational fishing for lingcod is closed from March 1 through April 30, and from November 1 through December 31. This area is also closed to recreational lingcod fishing from May 1 through June 30 and from September 1 through October 31, except that fishing for lingcod is permitted inside the 20 fathom (37 m) depth contour, subject to the bag limits in paragraph (iii) of this section. South of Point Conception (34°27′ N. lat.), recreational fishing for lingcod is closed from January 1 through February 28 and from November 1 through December 31.

(iii) *Bag limits, boat limits, hook limits.* In times and areas when the recreational season for lingcod is open, there is a 2-hook limit per fishing line, and the bag limit is 2 lingcod per day. Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(iv) *Size limits.* The following roundfish size limits apply: lingcod may be no smaller than 24 inches (61 cm) total length, cabezon may be no smaller than 15 inches (38 cm); and kelp greenling may be no smaller than 12 inches (30 cm).

(v) *Dressing/Fileting.* Cabezon and kelp greenling taken in the recreational fishery may not be filleted at sea. Lingcod filets may be no smaller than 15 inches (38.1 cm).

(2) *Oregon.* The bag limits for each person engaged in recreational fishing seaward of Oregon are 1 lingcod per day, which may be no smaller than 24 inches (61 cm) total length; and 10 rockfish per day, of which no more than 1 may be canary rockfish and no more than 1 may be yelloweye rockfish. During the all-depth recreational fisheries for Pacific halibut (*Hippoglossus stenolopis*), vessels with halibut on board may not take, retain, possess or land yelloweye rockfish.

(3) *Washington.* For each person engaged in recreational fishing seaward of Washington, the following seasons and bag limits apply:

(a) *Rockfish.* There is a rockfish bag limit of no more than 10 rockfish per day, of which no more than 2 may be canary rockfish, or no more than 1 may be canary rockfish and 1 may be yelloweye rockfish. Taking and retaining yelloweye rockfish is prohibited from a vessel with Pacific halibut retained on board.

(b) *Lingcod.* Recreational fishing for lingcod is closed between January 1 and April 15, and between October 16 and December 21. When the recreational season for lingcod is open, there is a bag limit of 2 lingcod per day, which may be no smaller than 24 inches (61 cm) total length.

Washington Coastal Tribal Fisheries

The basis for and background information on groundfish allocations harvest by the four Washington Coastal Tribes (Makah, Quileute, Hoh, and Quinault) with treaty rights to groundfish is described in the proposed rule to implement the 2002 groundfish specifications and management measures in the Proposed Rules section of the January 11, 2002 issue of the **Federal Register**.

The Assistant Administrator (AA) announces the following tribal allocations for 2002, including those that are the same as in 2001. Trip limits for certain species were recommended by the tribes and the Council and are specified here with the tribal allocations.

A. Sablefish

The tribal allocation is 424 mt, 10 percent of the total catch OY, less 3 percent estimated discard mortality.

B. Rockfish

(1) For the commercial harvest of black rockfish off Washington State, a harvest guideline of: 20,000 lb (9,072 kg) north of Cape Alava (48°09′30″ N. lat.) and 10,000 lb (4,536 kg) between Destruction Island (47°40′00″ N. lat.) and Leadbetter Point (46°38′10″ N. lat.).

(2) Thornyheads are subject to a 300 lb (136 kg) trip limit.

(3) Canary rockfish are subject to a 300 lb (136 kg) trip limit.

(4) Yelloweye rockfish are subject to a 100 lb (45 kg) trip limit.

(5) Yellowtail rockfish taken in the tribal mid-water trawl fisheries are subject to a cumulative limit of 30,000 lb (13,608 kg) per two-month period. Landings of widow rockfish must not exceed 10 percent of the weight of yellowtail rockfish landed in any two-month period. These limits may be adjusted by an individual tribe inseason to minimize the incidental catch of canary rockfish and widow rockfish.

(6) Other rockfish, including minor nearshore, minor shelf, and minor slope rockfish groups are subject to a 300 lb (136 kg) trip limit per species or species group, or to the non-tribal limited entry trip limit for those species if those limits are less restrictive than 300 lb (136 kg) per trip.

(7) Rockfish taken during open competition tribal commercial fisheries for Pacific halibut will not be subject to trip limits.

C. Lingcod

Lingcod are subject to a 300 lb (136 kg) daily trip limit and a 900 lb (408 kg) weekly limit.

D. Pacific whiting

Whiting allocations will be announced when the final OY is announced.

Classification

These final management measures for January 1 through February 28, 2002 are issued under the authority of, and are in accordance with, the Magnuson-Stevens Act and 50 CFR parts 600 and 660 subpart G (the regulations implementing the FMP).

The January-February management measures are intended to protect overfished and other depressed stocks and meet the Council's overfished stock rebuilding goals while also allowing as much harvest of healthy stocks as possible. As previously explained, delay in implementation of these regulatory measures could cause harm to some stocks, as fishing will continue using 2001 management measures until the implementation of these regulations, possibly allowing the overfishing of some stocks. Delay in publishing these measures could require unnecessarily restrictive measures later in the year to make up for the late implementation, leading to higher fish prices and fewer fish available for sale to the public as well as further reduced employment of the groundfish fleet. Much of the data necessary for these specifications and management measures came from the 2001 fisheries year. Because of the timing of the receipt, development, review, and analysis of the fishery information necessary for setting the initial specifications and management measures, and the need to have these management measures in effect January 1, 2002 (the beginning of the 2002 fishing year), the AA finds, under 5 U.S.C. 553(b)(B), that prior notice and the opportunity for public comment are impracticable and contrary to the public interest for the January 1 through February 28, 2002, management measures.

Amendment 4 to the FMP, implemented on January 1, 1991, recognized that there is a very short time between when fisheries data become available and when annual management measures must be in place. The amendment set up a system by which the interested public is notified, through **Federal Register** publication and Council mailings, of meetings and of the development of these measures and is provided the opportunity to comment during the Council process. The public participated in Groundfish Management Team, Groundfish Advisory Subpanel, Scientific and Statistical Committee, and Council meetings in September and November 2001 where these recommendations were formulated. Additional public comments on this emergency rule and on the proposed 2002 specifications and management measures will be accepted for 30 days after publication of these documents in this **Federal Register**.

As previously described, the interested public has participated in the Council process to formulate these regulations. The Council has provided information to the industry on the above management measures and specifications through the newsletters that it sends to fishery participants, and NMFS has provided notice through the U.S. Coast Guard's Notice to Mariners, and the States of Washington, Oregon, and California also disseminate information. As previously explained, there is a need to implement these management measures on January 1, 2002. Therefore, the AA finds, under 5 U.S.C. 553(d)(3), good cause not to delay the effective date of these management measures.

This action has been determined to be not significant for purposes of Executive Order 12866.

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable. However, as previously described, the January-February 2002 management measures are based on the overall analysis underlying the 2002 specifications and March-December 2002 management measures, which are proposed in the Proposed Rules section of this issue of the **Federal Register**. The Council's initial regulatory flexibility analysis prepared for the 2002 specifications and management measures considers the effects of the January and February management measures on the fisheries.

Dated: December 31, 2001.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 01–32261 Filed 12–31–01; 4:46 pm]

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Federal Register

Friday,
January 11, 2002

Part II

Department of Commerce

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 660

Magnuson-Stevens Act Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Ground fish Fishery Management Measures; Emergency Rule and Proposed Rule

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 660

[Docket No. 011231309–1309–01; I.D. 121301B]

RIN 0648–A069

Magnuson-Stevens Act Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Groundfish Fishery Management Measures

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

ACTION: Emergency rule; groundfish fishery management measures for January through February 2002; request for comments.

SUMMARY: NMFS announces the January through February 2002 management measures for groundfish taken in the U.S. exclusive economic zone (EEZ) and state waters off the coasts of Washington, Oregon, and California. Management measures for January through February 2002 are intended to prevent overfishing; rebuild overfished species; minimize incidental catch and discard of overfished and depleted stocks; provide equitable harvest opportunity for both recreational and commercial sectors; and, within the commercial fisheries, allow achievement of harvest guidelines and limited entry and open access allocations to the extent practicable.

DATES: Effective January 1, 2002, through February 28, 2002. Comments must be received no later than 5 p.m., local time (l.t.) on February 11, 2002.

ADDRESSES: Send comments to D. Robert Lohn, Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115–0070, or fax to 206–526–6736; or Rodney McInnis, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213, or fax to 562–980–4047. Comments will not be accepted if submitted via E-mail or Internet. Information relevant to this emergency rule and the proposed rule for the annual specifications and management measures published elsewhere in this issue of the **Federal Register**, which includes an environmental assessment/regulatory impact review/initial regulatory flexibility analysis (EA/RIR/IRFA), is available for public review during business hours at the offices of the NMFS Northwest Regional Administrator and the NMFS Southwest Regional Administrator, or may be obtained from the Pacific Fishery Management Council (Council), at 7700 NE Ambassador Place, Portland, OR 97220, phone: 503–326–6352. Additional reports referred to in this document may also be obtained from the Council. This emergency rule also is accessible via the Internet at the Office of the Federal Register's Web site at*http://www.access.gpo.gov/su__docs/aces/aces140.html.* Background information and documents are available at the NMFS Northwest Region Web site at *http://www.nwr.noaa.gov/1sustfsh/gdfsh01.htm* and at the Council's Web site at *http://www.pcouncil.org.*

FOR FURTHER INFORMATION CONTACT: Yvonne deReynier or Becky Renko (Northwest Region, NMFS), phone: 206–526–6140; fax: 206–526–6736 and; E-mail: *yvonne.dereynier@noaa.gov*, *becky.renko@noaa.gov*, or Svein Fougner (Southwest Region, NMFS) phone: 562–980–4000; fax: 562–980–4047 and; E-mail: *svein.fougner@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Pacific Coast groundfish fishery management plan (FMP) requires that fishery specifications for groundfish be annually evaluated and revised as necessary, that OYs be specified for species or species groups in need of particular protection, and that management measures designed to achieve the OYs be published in the **Federal Register** and made effective by January 1, the beginning of the fishing year. The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the FMP require that NMFS implement actions to prevent overfishing and to rebuild overfished stocks.

Since 1990, the Council has developed annual specifications and management measures in a two-meeting process (usually its September and November meetings) followed by a NMFS final action published in the **Federal Register** and made available for public comment and correction. Each year specifications and management measures are effective until the specifications and management measures for the following year are published and effective. In 2001, the agency was challenged on this process in *Natural Resources Defense Council, Inc.* v. *Evans*, 2001 WL 1246622 (N.D.Cal. 2001) and the court ordered NMFS to provide prior public notice and allow public comment on the annual specifications. NMFS is publishing the 2002 specifications and management measures initially as a proposed rule available for a 30-day public comment elsewhere in this issue of the **Federal Register**, to be followed by a final rule.

Given the timing of the court order, it was not possible to adjust the Council process so that the Council could recommend management measures earlier in the year. The Council finalized its 2002 specifications and management measures recommendations at its October 28 through November 2, 2001, meeting in Millbrae, CA. Given the complexity of the annual specifications and management measures package, NMFS did not have enough time to publish a proposed rule on the Council's recommendations, receive public comments, and implement a final rule by January 1, 2002. Thus, NMFS is publishing this emergency rule under the Magnuson-Stevens Act emergency authority at section 305(c), which finalizes and makes effective the groundfish management measures for January 1 through February 28, 2002.

Absent a final rule by January 1, 2002, management measures for January and February 2002 would revert to those that were in place for January–February 2001. There are several species for which reverting to higher 2001 limits at the beginning of the year could result in either exceeding the annual commercial OYs or very early attainment of OYs during the year. This would also run counter to the Council's goal of having a year round fishery. While these circumstances could jeopardize the ability to stay within rebuilding targets for some species, they could also lead to significant foregone revenue from other target species whose fisheries might also have to be closed prematurely.

Proposed trawl management for widow rockfish in 2002 allows no midwater fishing above the small-footrope trawl limit. The 2001 midwater trawl limit of 20,000 lb (9,072 kg) per 2 months produced landings of over 800 mt during the first 4 months of 2001. The landed catch OY for limited entry in 2002 is only 575 mt. Assuming the same catch rates as in 2001, not only would the rebuilding target be exceeded through use of the 2001 limits, but other fisheries which take widow rockfish incidentally, such as the $16 million whiting fishery, would likely have to be foregone. Similarly, the 65,000 lb (29,484 kg) limit for Dover sole north of Cape Mendocino in 2001 produced 3,800 mt of landings during the first four months. Were this to be repeated in

2002, less than half of the Dover sole OY would remain for the remaining 8 months of the year. Early attainment of Dover sole would likely result in closures or severe cutbacks in opportunities for other DTS complex (Dover sole, shortspine thornyhead, longspine thornyhead, sablefish) species and flatfish species during much of 2002. To address bycatch concerns for rebuilding species, proposed 2002 flatfish limits were also lowered during the first four months of the year relative to 2001. Failure to implement these reductions could jeopardize the ability to stay within rebuilding targets for some species.

Within the fixed gear fisheries, several drastic reductions in shelf rockfish limits are being proposed to reduce mortality of yelloweye rockfish, which will be declared overfished in the Proposed Rules section of this issue of the **Federal Register**. Line gears will land at least 8 mt of yelloweye rockfish in 2001, and landed over 7 mt in 2000. Less than 5 mt of yelloweye rockfish mortality will be allocated to the commercial fishery for 2002, with an expectation that 1–2 mt will be caught as bycatch in trawl fisheries on the continental shelf. A new yelloweye rockfish bag limit and other yelloweye rockfish restrictions are imposed in the recreational fisheries to protect this species. Failure to implement the more restrictive fixed-gear landing limits proposed for shelf rockfish species in 2002 could lead to early attainment of yelloweye rockfish. This could jeopardize not only other longline fisheries, such as the $4 million primary sablefish season, but also trawl fisheries on the continental shelf. In a few cases, trip limits in January and February 2002 are higher than in 2001 because the proposed OYs have increased or because they provide an opportunity to harvest healthy stocks when they are segregated from the overfished stocks in the winter.

Specifications and management measures proposed for March–December 2002 in the Proposed Rules section of this issue of the **Federal Register**, combined with this emergency rule, are a balance intended to protect overfished groundfish species while allowing harvesters some access to healthy groundfish stocks. The proposed specifications and management measures are designed to rebuild overfished stocks through constraining direct and incidental mortality to prevent overfishing, and to achieve as much of the OYs as practicable for healthier groundfish stocks managed under the FMP. The proposed specifications and management measures describe the rationale for the 2002 groundfish management measures and include trip, bag and size limits, time/area closures, and gear-and area-specific regulations, including the management measures implemented in this emergency rule.

During 2002, NMFS and the Council will consider how to incorporate a NMFS proposed and final rulemaking process into the Council's annual specifications and management measures process without using an emergency rule to implement management measures for 2003.

NMFS Actions

For the reasons stated above, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator or AA), concurs with the Council's recommendations and announces the following management actions for January 1 through February 28, 2002.

A. General Definitions and Provisions

The following definitions and provisions apply to the 2002 management measures, unless otherwise specified in a subsequent **Federal Register** document:

(1) *Trip limits.* Trips limits are used in the commercial fishery to specify the amount of fish that may legally be taken and retained, possessed, or landed, per vessel, per fishing trip, or cumulatively per unit of time, or the number of landings that may be made from a vessel in a given period of time, as follows:

(a) A per trip limit is the total allowable amount of a groundfish species or species group, by weight, or by percentage of weight of legal fish on board, that may be taken and retained, possessed, or landed per vessel from a single fishing trip.

(b) A daily trip limit is the maximum amount that may be taken and retained, possessed, or landed per vessel in 24 consecutive hours, starting at 0001 hours 1.t. Only one landing of groundfish maybe made in that 24-hour period. Daily trip limits may not be accumulated during multiple day trips.

(c) A weekly trip limit is the maximum amount that may be taken and retained, possessed, or landed per vessel in 7 consecutive days, starting at 0001 hours 1.t. on Sunday and ending at 2400 hours 1.5 on Saturday. Weekly trip limits may not be accumulated during multiple week trips. If a calendar week includes days within two different months a vessel is not entitled to two separate weekly limits during that week.

(d) A cumulative trip limit is the maximum amount that may be taken and retained, possessed, or landed per vessel in a specified period of time without a limit on the number of landings or trips, unless otherwise specified. The cumulative trip limit periods for limited entry and open access fisheries, which start at 001 hours 1.t. and end at 2400 hours 1.t., are as follows, unless otherwise specified:

(i) The first 2-month period of 2002 is January 1–February 28, March 1–April 30, May 1–June 30, July 1–August 31, September 1–October 31, and, November 1–December 31.

(ii) One month means the first day through the last day of the calendar month.

(iii) One week means 7 consecutive days, Sunday through Saturday.

(2) *Fishing ahead.* Unless the fishery is closed, a vessel that has landed its cumulative or daily limit may continue to fish on the limit for the next period, so long as no fish (including, but not limited to, groundfish with no trip limits, shrimp, prawns, or other nongroundfish species or shellfish) are landed (offloaded) until the next period. As stated at 50 CFR 660.302 (in the definition of ''landing''), once the offloading of any species begins, all fish aboard the vessel are counted as part of the landing. Fishing ahead is not allowed during or before a closed period (see paragraph A.(7)). See paragraph A.(9) for information on inseason changes to limits.

(3) *Weights.* All weights are round weights or round-weight equivalents unless otherwise specified.

(4) *Percentages.* Percentages are based on round weights, and, unless otherwise specified, apply only to legal fish on board.

(5) *Legal fish.* ''Legal fish'' means fish legally taken and retained, possessed, or landed in accordance with the provisions of 50 CFR part 660, the Magnuson-Stevens Act, any document issued under part 660, and any other regulation promulgated or permit issued under the Magnuson-Stevens Act.

(6) *Size limits and length measurement.* Unless otherwise specified, size limits in the commercial and recreational groundfish fisheries apply to the ''total length,'' which is the longest measurement of the fish without mutilation of the fish or the use of force to extend the length of the fish. No fish with a size limit may be retained if it is in such condition that its length has been extended or cannot be determined by these methods. For conversions not listed here, contact the state where the fish will be landed.

(a) *Whole fish.* For a whole fish, total length is measured from the tip of the snout (mouth closed) to the tip of the tail in a natural, relaxed position.

(b) *''Headed'' fish.* For a fish with the head removed (''headed''), the length is measured from the origin of the first dorsal fin (where the front dorsal fin meets the dorsel surface of the body closest to the head) to the tip of the upper lobe of the tail; the dorsal fin and tail must be left intact.

(c) *Filets.* A filet is the flesh from one side of a fish extending from the head to the tail, which has been removed from the body (head, tail, and backbone) in a single continuous piece. Filet lengths may be subject to size limits for some groundfish taken in the recreational fishery off California (see paragraph D.(1)). A filet is measured along the length of the longest part of the filet in a relaxed position; stretching or otherwise manipulating the filet to increase its length is not permitted.

(d) *Sablefish weight limit conversions.* The following conversions apply to both the limited entry and open access fisheries when trip limits are effective for those fisheries. For headed and gutted (eviscerated) sablefish, the conversion factor established by the state where the fish is or will be landed will be used to convert the processed weight to round weight for purposes of applying the trip limit. (The conversion factor currently is 1.6 in Washington, Oregon, and California. However, the state conversion factors may differ; fishers should contact fishery enforcement officials in the state where the fish will be landed to determine that state's official conversion factor.)

(e) *Lingcod size and weight conversions.* The following conversions apply in both limited entry and open access fisheries.

(i) *Size conversion.* For lingcod with the head removed, the minimum size limit is 19.5 inches (49.5 cm), which corresponds to 24 inches (61 cm) total length for whole fish.

(ii) *Weight Conversion.* The conversion factor established by the state where the fish is or will be landed will be used to convert the processed weight to round weight for purposes of applying the trip limit. (The states' conversion factors may differ, and fishers should contact fishery enforcement officials in the state where the fish will be landed to determine that state's official conversion factor.) If a state does not have a conversion factor for headed and gutted lingcod, or lingcod that is only gutted; the following conversion factors will be used. To determine the round weight, multiply the processed weight times the conversion factor.

(A) *Headed and gutted.* The conversion factor for headed and gutted lingcod is 1.5.

(B) *Gutted, with the head on.* The conversion factor for lingcod that has only been gutted is 1.1

(7) *Closure.* ''Closure,'' when referring to closure of fishery, means that taking and retaining, possessing, or landing the particular species or species group is prohibited. (See 50 CFR 660.302.) Unless otherwise announced in the **Federal Register,** offloading must begin before the time the fishery closes. The provisions at paragraph A.(2) for fishing ahead do not apply during a closed period. It is unlawful to transit through a closed area with the prohibited species on board, no matter where that species was caught, except as provided for in the Cowcod Conservation Areas at A.(20).

(8) *Fishery management area.* The fishery management area for these species is the EEZ off the coasts of Washington, Oregon, and California between 3 and 200 nm offshore, bounded on the north by the Provisional International Boundary between the United States and Canada, and bounded on the south by the International Boundary between the United States and Mexico. All groundfish possessed between 0–200 nm offshore or landed in Washington, Oregon, or California are presumed to have been taken and retained from the EEZ, unless otherwise demonstrated by the person in possession of those fish.

(9) *Routine management measures.* Most trip, bag, and size limits in the groundfish fishery have been designated ''routine,'' which means they may be changed rapidly after a single Council meeting. (See 50 CFR 660.323(b).) Council meetings in 2002 will be held in the months of March, April, June, September, and November. Inseason changes to routine management measures are announced in the **Federal Register.** Information concerning changes to routine management measures is available from the NMFS Northwest and Southwest Regional Offices (see **ADDRESSES**). Changes to trip limits are effective at the times stated in the **Federal Register.** Once a change is effective, it is illegal to take and retain, possess, or land more fish than allowed under the new trip limit. This means that, unless otherwise announced in the **Federal Register,** offloading must begin before the time a fishery closes or a more restrictive trip limit takes effect.

(10) *Limited entry limits.* It is unlawful for any person to take and retain, possess, or land groundfish in excess of the landing limit for the open access fishery without having a valid limited entry permit for the vessel affixed with a gear endorsement for the gear used to catch the fish (50 CFR 660.306(p)).

(11) *Operating in both limited entry and open access fisheries.* The open access trip limit applies to any fishing conducted with open access gear, even if the vessel has a valid limited entry permit with an endorsement for another type of gear. A vessel that operates in both the open access and limited entry fisheries is not entitled to two separate trip limits for the same species. If a vessel has a limited entry permit and uses open gear, but the open access limit is smaller than the limited entry limit, the open access limit cannot be exceeded and counts toward the limited entry limit. If a vessel has a limited entry permit and use open access gear, but the open access limit is larger than the limited entry limit, the smaller limited entry limit applies, even if taken entirely with open access gear.

(12) *Operating in areas with different trip limits.* Trip limits for a species or a species group may differ in different geographic areas along the coast. The following ''crossover'' provisions apply to vessels operating in different geographical areas that have different cumulative or ''per trip'' trip limits for the same species or species group. Such crossover provisions do not apply to species that are subject only to daily trip limits, or to the trip limits for black rockfish off Washington (see 50 CFR 660.323(a)(1)). In 2002, the cumulative trip limit periods for the limited entry and open access fisheries are specified in paragraph A(1)(d), but may be changed during the year if announced in the **Federal Register**.

(a) *Going from a more restrictive to a more liberal area.* If a vessel takes and retains any groundfish species or species group of groundfish in an area where a more restrictive trip limit applies before fishing in an area where a more liberal trip limit (or no trip limit) applies, then that vessel is subject to the more restrictive trip limit for the entire period to which that trip limit applies, no matter where the fish are taken and retained, possessed, or landed.

(b) *Going from a more liberal to a more restrictive area.* If a vessel takes and retains a groundfish species or species group in an area where a higher trip limit or no trip limit applies, and takes and retains, possesses or lands the same species or species group in an area where a more restrictive trip limit applies, that vessel is subject to the more restrictive trip limit for the entire period to which that trip limit applies, no matter where the fish are taken and retained, possessed, or landed.

(c) *Minor rockfish.* Several rockfish species are designated with species-

specific limits on one side of the 40°10′ N. lat. management line, and are included as part of a minor rockfish complex on the other side of the line.

(i) If a vessel takes and retains minor slope rockfish north of 40°10′ N. lat., that vessel is also permitted to take and retain, possess or land splitnose rockfish up to its cumulative limit south of 40°10′ N. lat., even if splitnose rockfish were a part of the landings from minor slope rockfish taken and retained north of 40°10′ N. lat. [Note: A vessel that takes and retains minor slope rockfish on both sides of the management line in a single cumulative limit period is subject to the more restrictive cumulative limit for minor slope rockfish during that period.]

(ii) If a vessel takes and retains minor slope rockfish south of 40°10′ N. lat., that vessel is also permitted to take and retain, possess, or land POP up to its cumulative limit north of 40°10′ N. lat., even if POP were a part of the landings from minor slope rockfish taken and retained south of 40°10′ N. lat.

Note: A vessel that takes and retains minor slope rockfish on both sides of the management line in a single cumulative limit period is subject to the more restrictive cumulative limit for minor slope rockfish during that period.

(iii) If a vessel takes and retains minor shelf rockfish north of 40°10′ N. lat., that vessel is also permitted to take and retain, possess, or land chilipepper rockfish and bocaccio up to their respective cumulative limits south of 40°10′ N. lat., even if either species is part of the landings from minor shelf rockfish taken and retained north of 40°10′ N. lat.

Note: A vessel that takes and retains minor shelf rockfish on both sides of the management line in a single cumulative limit period is subject to the more restrictive cumulative limit for minor shelf rockfish during that period.

(iv) If a vessel takes and retains minor shelf rockfish south of 40°10′ N. lat., that vessel is also permitted to take and retain, possess, or land yellowtail rockfish up to its respective cumulative limits north of 40°10′ N. lat., even if yellowtail rockfish is part of the landings from minor shelf rockfish taken and retained south of 40°10′ N. lat.

Note: A vessel that takes and retains minor shelf rockfish on both sides of the management line in a single cumulative limit period is subject to the more restrictive cumulative limit for minor shelf rockfish during that period.

(d) *''DTS complex.''* For 2002, there are differential trip limits for the ''DTS complex'' (Dover sole, shortspine thornyhead, longspine thornyhead, sablefish) north and south of the management line at 40°10′ N. lat. Vessels operating in the limited entry trawl fishery are subject to the crossover provisions in this paragraph A.(12) when making landings that include any one of the four species in the ''DTS complex.''

(13) *Sorting.* It is unlawful for any person to ''fail to sort, prior to the first weighing after offloading, those groundfish species or species groups for which there is a trip limit, size limit, quota, or commercial OY, if the vessel fished or landed in an area during a time when such trip limit, size limit, commercial optimum yield, or quota applied.'' This provision applies to both the limited entry and open access fisheries. (See 50 CFR 660.306(h)). The following species must be sorted in 2002:

(a) For vessels with a limited entry permit:

(i) Coastwide—widow rockfish, canary rockfish, darkblotched rockfish, yelloweye rockfish, shortbelly rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, shortspine and longspine thornyhead, Dover sole, arrowtooth flounder, rex sole, petrale sole, other flatfish, lingcod, sabelfish, and Pacific whiting;

Note: Although both yelloweye and darkblotched rockfish are considered minor rockfish managed under the minor shelf and minor slope rockfish complexes, respectively, they have separate OYs and therefore must be sorted by species.

(ii) North of 40°10′ N. lat.—Pacific ocean perch, yellowtail rockfish, and, for fixed gear, black rockfish and blue rockfish;

(iii) South of 40°10′ N. lat.—chilipepper rockfish, bocaccio rockfish, splitnose rockfish, and Pacific sanddabs.

(b) For open access vessels (vessels without a limited entry permit):

(i) Coastwide—widow rockfish, canary rockfish, darkblotched rockfish, yelloweye rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, arrowtooth flounder, other flatfish, lingcod, sablefish, Pacific whiting, and Pacific sanddabs;

(ii) North of 40°10′ N. lat.—black rockfish, blue rockfish, Pacific ocean perch, yellowtail rockfish;

(iii) South of 40°10′ N. lat.—chilipepper rockfish, bocaccio rockfish, splitnose rockfish;

(iv) South of Point Conception—thornyheads.

(14) *Limited Entry Trawl Gear Restrictions.* Limited entry trip limits may vary depending on the type of trawl gear that is on board a vessel during a fishing trip: large-footrope, small-footrope, or midwater trawl gear.

(a) *Types of trawl gear.* (i) Large-footrope trawl gear is bottom trawl gear, as specified at 50 CFR 660.302 and 660.322(b), with a footrope diameter larger than 8 inches (20 cm) (including rollers, bobbins or other material encircling or tied along the length of the footrope).

(ii) Small-footrope trawl gear is bottom trawl gear, as specified at 50 CFR 660.302 and 660.322(b), with a footrope diameter 8 inches (20 cm) or smaller (including rollers, bobbins or other material encircling or tied along the length of the footrope), except chafing gear may be used only on the last 50 meshes of a small-footrope trawl, measured from the terminal (closed) end of the codend. Other lines or ropes that run parallel to the footrope may not be augmented or modified to violate footrope size restrictions.

(iii) Midwater trawl gear is pelagic trawl gear, as specified at 50 CFR 660.302 and 660.322(b)(2). The footrope of midwater trawl gear may not be enlarged by encircling it with chains or by any other means. Ropes or lines running parallel to the footrope of midwater trawl gear must be bare and may not be suspended with chains or other materials.

(b) *Cumulative trip limits and prohibitions by trawl gear type*—(i) *Large-footrope trawl.* It is unlawful to take and retain, possess or land any species of shelf or nearshore rockfish (defined at A.(21) and Table 1) except chilipepper rockfish south of 40°10′ N. lat. (as specified in Table 2) from a fishing trip if large-footrope gear is on board; this restriction applies coastwide from January 1 to December 31. It is unlawful to take and retain, possess or land petrale sole, rex sole, or arrowtooth flounder from a fishing trip if large-footrope gear is onboard and the trip is conducted at least in part between May 1 and October 31; cumulative limits for ''all other flatfish'' (all flatfish except those with cumulative trip limits in Table 2) are lower for vessels with large-footrope gear on board throughout the year. (See Table 2.) It is unlawful for any vessel using large-footrope gear to exceed large-footrope gear limits for any species or to use large-footrope gear to exceed small-footrope gear or midwater trawl gear limits for any species. The presence of rollers or bobbins larger than 8 inches (20 cm) in diameter on board the vessel, even if not attached to a trawl, will be considered to mean a large-footrope trawl is on board. Dates are adjusted for the ''B'' platoon (See A.(16)).

(ii) *Small-footrope or midwater trawl gear.* Cumulative trip limits for canary rockfish, widow rockfish, yellowtail rockfish, bocaccio, minor shelf rockfish, minor nearshore rockfish, and lingcod, and higher cumulative trip limits for chilipepper rockfish and flatfish, as indicated in Table 2, are allowed only if small-footrope gear or midwater trawl gear is used, and if that gear meets the specifications in paragraphs A.(14).

(iii) *Midwater trawl gear.* Higher cumulative trip limits are available for limited entry vessels using midwater trawl gear to harvest widow or chilipepper rockfish. Each landing that contains widow or chilipepper rockfish is attributed to the gear on board with the most restrictive trip limit for those species. Landings attributed to small-footrope trawl must not exceed the small-footrope limit, and landings attributed to midwater trawl must not exceed the midwater trawl limit. If a vessel has landings attributed to both types of trawl during a cumulative trip limit period, all landings are counted toward the most restrictive gear-specific cumulative limit.

(v) *More than one type of trawl gear on board.* The cumulative trip limits in Table 2 must not be exceeded. A fishing vessel may have more than one type of limited entry trawl gear on board, but the most restrictive trip limit associated with the gear on board applies for that trip and will count toward the cumulative trip limit for that gear.

Example: If a vessel has large-footrope gear on board, it cannot land yellowtail rockfish, even if the yellowtail rockfish is caught with a small-footrope trawl. If a vessel has both small-footrope trawl and midwater trawl gear on board, the landing is attributed to the most restrictive gear-specific limit, regardless of which gear type was used.

(c) *Measurement.* The footrope will be measured in a straight line from the outside edge to the opposite outside edge at the widest part on any individual part, including any individual disk, roller, bobbin, or any other device.

(d) *State landing receipts.* Washington, Oregon, and California will require the type of trawl gear on board with the most restrictive limit to be recorded on the State landing receipt(s) for each trip or an attachment to the State landing receipt.

(e) *Gear inspection.* All trawl gear and trawl gear components, including unattached rollers or bobbins, must be readily accessible and made available for inspection at the request of an authorized officer. No trawl gear may be removed from the vessel prior to offloading. All footropes shall be uncovered and clearly visible except when in use for fishing.

(15) *Permit transfers.* Limited entry permit transfers are to take effect no earlier than the first day of a major cumulative limit period following the day NMFS receives the transfer form and original permit (50 CFR 660.335(e)(3)). Those days in 2002 are January 1, March 1, May 1, July 1, September 1, and November 1, and are delayed by 15 days (starting on the 16th of a month) for the ''B'' platoon.

(16) *Platooning—limited entry trawl vessels.* Limited entry trawl vessels are automatically in the ''A'' platoon, unless the ''B''platoon is indicated on the limited entry permit. If a vessel is in the ''A'' platoon, its cumulative trip limit periods begin and end on the beginning and end of a calendar month as in the past. If a limited entry trawl permit is authorized for the ''B'' platoon, then cumulative trip limit periods will begin on the 16th of the month (generally 2 weeks later than for the ''A'' platoon), unless otherwise specified.

(a) For a vessel in the ''B'' platoon, cumulative trip limit periods begin on the 16th of the month at 001 hours, l.t., and end at 2400 hours, l.t., on the 15th of the month. Therefore, the management measures announced herein that are effective on January 1, 2002, for the ''A'' platoon will be effective on January 16, 2002, for the ''B'' platoon. The effective date of any inseason changes to the cumulative trip limits also will be delayed for 2 weeks for the ''B'' platoon, unless otherwise specified.

(b) A vessel authorized to operate in the ''B'' platoon may take and retain, but may not land, groundfish from January 1, 2002, through January 15, 2002.

(c) A vessel authorized to operate in the ''B'' platoon will have the same cumulative trip limits for the November 16, 2002, through December 31, 2002, period as a vessel operating in the ''A'' platoon has for the November 1, 2002, through December 31, 2002 period.

(17) *Exempted fisheries.* U.S. vessels operating under an exempted fishing permit issued under 50 CFR part 600 are also subject to these restrictions, unless otherwise provided in the permit.

(18) *Application of requirements.* Paragraphs B. and C. pertain to the commercial groundfish fishery, but not to Washington coastal tribal fisheries, which are described in the section on Washington Coastal Tribal Fisheries in this document. The provisions in paragraphs B. and C. that are not covered under the headings ''limited entry'' or ''open access'' apply to all vessels in the commercial fishery that take and retain groundfish, unless otherwise stated. Paragraph D. pertains to the recreational fishery.

(19) *Commonly used geographic coordinates.*

(a) Cape Falcon, OR—45°46′ N. lat.

(b) Cape Lookout, OR—45°20′15″ N. lat.

(c) Cape Blanco, OR—42°50′ N. lat.

(d) Cape Mendocino, CA—40°30′ N. lat.

(e) North/South management line—40°10′ N. lat.

(f) Point Arena, CA—38°57′30″ N. lat.

(g) Point Conception, CA—34°27′ N. lat.

(h) International North Pacific Fisheries Commission (INPFC) subareas (for more precise coordinates for the Canadian and Mexican boundaries, see 50 CFR 660.304):

(i) Vancouver—U.S. Canada border to 47°30′ N. lat.

(ii) Columbia—47°30′ N. lat.

(iii) Eureka—43°00′ to 40°30′ N. lat.

(iv) Monterey—40°30′ to 36°00′ N. lat.

(v) Conception—36°00′ N. lat. to the U.S.-Mexico border.

(20) *Cowcod Conservation Areas (CCAs).* Recreational and commercial fishing for groundfish is prohibited within the CCAs, except that recreational and commercial fishing for rockfish and lingcod is permitted in waters inside 20 fathoms (36.9 m). It is unlawful to take and retain, possess, or land groundfish inside the CCAs, except for rockfish and lingcod taken in waters inside the 20-fathom (36.9 m) depth contour, when those waters are open to fishing. Commercial fishing vessels may transit through the Western CCA with their gear stowed and groundfish on board only in a corridor through the Western CCA bounded on the north by the latitude line at 33°00′30″ N. lat., and bounded on the south by the latitude line at 32°59′30″ N. lat.

(i) The Western CCA is an area south of Point Conception that is bound by straight lines connecting all of the following points in the order listed:

33°50′ N. lat., 119°30′ W. long.;
33°50′ N. lat., 118°50′ W. long.;
32°20′ N. lat., 118°50′ W. long.;
32°20′ N. lat., 119°30′ W. long.;
33°00′ N. lat., 119°30′ W. long.;
33°00′ N. lat., 119°50′ W. long.;
33°30′ N. lat., 119°50′ W. long.;
33°30′ N. lat., 119°30′ W. long.;

and connecting back to 33°50′ N. lat., 119°30′ W. long.

(ii) The Eastern CCA is a smaller area west of San Diego that is bound by straight lines connecting all of the following points in the order listed:

32°40′ N. lat., 118°00′ W. long.;
32°40′ N. lat., 117°50′ W. long.;
32°36′42″ N. lat., 117°50′ W. long.;
32°30′ N. lat., 117°53′30″ W. long.;

32°30′ N. lat., 118°00′ W. long.;

and connecting back to 32°40′ N. lat., 118°00′ W. long.;

(21) *Rockfish categories.* Rockfish (except thornyheads) are divided into categories north and south of 40°10′ N. lat., depending on the depth where they most often are caught: Nearshore, shelf, or slope. (Scientific names appear in Table 1.) Trip limits are established for ''minor rockfish'' species according to these categories (see Tables 1–4).

(a) Nearshore rockfish consists entirely of the minor nearshore rockfish species listed in Table 1.

(b) Shelf rockfish consists of canary rockfish, shortbelly rockfish, widow rockfish, yelloweye rockfish, yellowtail rockfish, bocaccio, chilipepper, cowcod, and the minor shelf rockfish species listed in Table 1.

(c) Slope rockfish consists of Pacific ocean perch, splitnose rockfish, darkblotched rockfish, and the minor slope rockfish species listed in Table 1.

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Table 1 – Minor Rockfish Species (excludes thornyheads)

North of 40°10' N. lat.	South of 40°10' N. lat.
NEARSHORE	
black, Sebastes melanops	black, Sebastes melanops
black and yellow, S. chrysolmelas	black and yellow, S. chrysolmelas
blue, S. mystinus	blue, S. mystinus
brown, S. auriculatus	brown, S. auriculatus
calico, S. dalli	calico, S. dalli
China, S. nebulosus	California scorpionfish, Scorpaena guttata
copper, S. caurinus	China, Sebastes nebulosus
gopher, S. carnatus	copper, S. caurinus
grass, S. rastrelliger	gopher, S. carnatus
kelp, S. atrovirens	grass, S. rastrelliger
olive, S. serranoides	kelp, S. atrovirens
quillback, S. maliger	olive, S. serranoides
treefish, S. serriceps	quillback, S. maliger
	treefish, S. serriceps
SHELF	
bronzespotted, S. gilli	bronzespotted, S. gilli
bocaccio, S. paucispinis	chameleon, S. phillipsi
chameleon, S. phillipsi	dwarf-red, S. rufianus
chilipepper, S. goodei	flag, S. rubrivinctus
cowcod, S. levis	freckled, S. lentiginosus
dwarf-red, S. rufianus	greenblotched, S. rosenblatti
flag, S. rubrivinctus	greenspotted, S. chlorostictus
freckled, S. lentiginosus	greenstriped, S. elongatus
greenblotched, S. rosenblatti	halfbanded, S. semicinctus
greenspotted, S. chlorostictus	honeycomb, S. umbrosus
greenstriped, S. elongatus	Mexican, S. macdonaldi
halfbanded, S. semicinctus	pink, S. eos
honeycomb, S. umbrosus	pinkrose, S. simulator
Mexican, S. macdonaldi	pygmy, S. wilsoni
pink, S. eos	redstriped, S. proriger
pinkrose, S. simulator	rosethorn, S. helvomaculatus
pygmy, S. wilsoni	rosy, S. rosaceus
redstriped, S. proriger	silvergrey, S. brevispinus
rosethorn, S. helvomaculatus	speckled, S. ovalis
rosy, S. rosaceus	squarespot, S. hopkinsi
silvergrey, S. brevispinis	starry, S. constellatus
speckled, S. ovalis	stripetail, S. saxicola
squarespot, S. hopkinsi	swordspine, S. ensifer
starry, S. constellatus	tiger, S. nigorcinctus
stripetail, S. saxicola	vermilion, S. miniatus
swordspine, S. ensifer	yelloweye, S. ruberrimus
tiger, S. nigorcinctus	yellowtail, S. flavidus
vermilion, S. miniatus	
yelloweye, S. ruberrimus	
SLOPE	
aurora, S. aurora	aurora, S. aurora
bank, S. rufus	bank, S. rufus
blackgill, S. melanostomus	blackgill, S. melanostomus
darkblotched, S. crameri	darkblotched, S. crameri
redbanded, S. babcocki	Pacific ocean perch (POP), S. alutus
rougheye, S. aleutianus	redbanded, S. babcocki
sharpchin, S. zacentrus	rougheye, S. aleutianus
shortraker, S. borealis	sharpchin, S. zacentrus
splitnose, S. diploproa	shortraker, S. borealis
yellowmouth, S. reedi	yellowmouth, S. reedi

B. Limited Entry Fishery

(1) *General.* Most species taken in limited entry fisheries will be managed with cumulative trip limits (see paragraph A.(1)(d)), size limits (see paragraph A.(6)), and seasons (see paragraph A.(7)). The trawl fishery has gear requirements and trip limits that differ by the type of trawl gear on board (see paragraph A.(14)). Cowcod retention is prohibition in all fisheries and groundfish vessels operating south of Point Conception must adhere to CCA restrictions (see paragraph A.(20)). Yelloweye rockfish retention is prohibited in the limited entry fixed gear fisheries. Most of the management measures for the limited entry fishery are listed above and in Tables 2 and 3, and may be changed during the year by announcement in the **Federal Register**. However, the management regimes for several fisheries (nontrawl sablefish, Pacific whiting, and black rockfish) do not neatly fit into these tables and are addressed immediately following Tables 2 and 3.

Table 2. Trip Limits [1/] and Gear Requirements [2/] for Limited Entry Trawl Gear
Other Limits and Requirements Apply -- Read Sections A. and B. before using this table

line	Species/groups	JAN-FEB	MARCH - DECEMBER
1	**Minor slope rockfish**		Management measures for March through December 2002 are proposed in the Proposed Rules section of this edition of the Federal Register.
2	North	1,800 lb/ 2 months	
3	South	50,000 lb/ 2 months	
4	**Splitnose - South**	25,000 lb/ 2 months	
5	**Pacific ocean perch - North[6/]**	2,000 lb/ month	
6	**Chilipepper - South[6/]**		
7	mid-water trawl	25,000 lb/ 2 months	
8	small footrope trawl	7,500 lb/ 2 months	
9	large footrope trawl	500 lb/ trip, not to exceed small footrope cumulative 2-month limits at any time during the year.	
10	**DTS complex - North**		
11	Sablefish	6,000 lb/ 2 months	
12	Longspine thornyhead	10,000 lb/ 2 months	
13	Shortspine thornyhead	2,600 lb/ 2 months	
14	Dover sole	30,000 lb/ 2 months	
15	**DTS complex - South**		
16	Sablefish	4,500 lb/ 2 months	
17	Longspine thornyhead	10,000 lb/ 2 months	
18	Shortspine thornyhead	2,600 lb/ 2 months	
19	Dover sole	22,000 lb/ 2 months	
20	**Flatfish - North**		
21	All other flatfish [3/]	Small footrope required:15,000 lb/ month	
22	Petrale sole	Not limited	
23	Rex sole	Not limited	
24	Arrowtooth flounder	30,000 lb/ trip	
25	**Flatfish - South**		
26	All other flatfish [3/]	Small footrope: 70,000 lb/ month, no more than 40,000 lb of which may be species other than Pacific sanddabs	
27	Petrale sole	Not limited	
28	Rex sole	Not limited	
29	Arrowtooth flounder	30,000 lb/ trip	
30	**All other flatfish [3/], including petrale sole - North and South**	Large footrope: 1,000 lb/trip, not to exceed small footrope cumulative monthly limits at any time during the year.	
31	Whiting shoreside [4/]	20,000 lb/ trip	
32	**USE OF SMALL FOOTROPE BOTTOM TRAWL[5/] OR MIDWATER TRAWL REQUIRED FOR LANDING ALL OF THE FOLLOWING SPECIES:**		
33	**Minor shelf rockfish**		
34	North	300 lb/ month	
35	South	500 lb/ month	
36	**Canary rockfish**	200 lb/ 2 months	
37	**Widow rockfish**		
38	mid-water trawl	CLOSED[7/]	
39	small footrope trawl	1,000 lb/ month	
40	**Yellowtail - North[6/]**		
41	mid-water trawl	CLOSED[7/]	
42	small footrope trawl	Without flatfish, 1,000 lb/ month. As flatfish bycatch, per trip limit is the sum of 33% (by weight) of all flatfish except arrowtooth flounder, plus 10% (by weight) of arrowtooth flounder, not to exceed 30,000 lb/ 2 months.	
43	**Bocaccio - South[6/]**	600 lb/ 2 months	
44	**Cowcod**	CLOSED7/	
45	**Minor nearshore rockfish**		
46	North	300 lb/ month	
47	South	300 lb/ month	
48	**Lingcod[8/]**	800 lb/ 2 months	

1/ Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N. lat. to the U.S.-Canada border. "South" means 40°10' N. lat. to the U.S.-Mexico border. 40°10' N. lat. is about 20 nm south of Cape Mendocino, CA.
2/ Gear requirements and prohibitions are explained above.
3/ "Other" flatfish means all flatfish at 50 CFR 660.302 except those in this Table 3 with a trip limit.
4/ The whiting "per trip" limit in the Eureka area inside 100 fm is 10,000 lb/ trip throughout the year. Outside Eureka area, the 20,000 lb/ trip limit applies before and after the primary season.
5/ Small footrope trawl means a bottom trawl net with a footrope no larger than 8 inches (20 cm) in diameter. Midwater gear also may be used; the footrope must be bare. See above.
6/ Yellowtail rockfish and POP in the south, and bocaccio and chilipepper rockfishes in the north are included in the trip limits for minor shelf rockfish in the appropriate area.
7/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See A.(7).
8/ The minimum size limit for lingcod is 24 inches (61 cm) total length.
To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 3. Trip Limits[1/] for Limited Entry Fixed Gear
Other Limits and Requirements Apply -- Read Sections A. and B. before using this table

line	Species/groups	JAN-FEB	MARCH - DECEMBER
1	**Minor slope rockfish**		Management measures for March through December 2002 are proposed in the Proposed Rules section of this edition of the Federal Register
2	North	1,000 lb/ month	
3	South	25,000 lb/ 2 months	
4	**Splitnose - South**	25,000 lb/ 2 months	
5	**Pacific ocean perch - North 5/**	2,000 lb/ month	
6	**Sablefish**		
7	North of 36° N. lat.	300 lb/ day, or 1 landing per week of up to 800 lb, not to exceed 2,400 lb/ 2 months	
8	South of 36° N. lat.	350 lb/ day, or 1 landing per week of up to 1,050 lb	
9	**Longspine thornyhead**	9,000 lb/ 2 months	
10	**Shortspine thornyhead**	2,000 lb/ 2 months	
11	**Dover sole**	5,000 lb/ month (all flatfish)	
12	**Arrowtooth flounder**		
13	**Petrale sole**		
14	**Rex sole**		
15	**All other flatfish 2/**		
16	**Whiting 3/**	20,000 lb/ trip	
17	**Shelf rockfish, including minor shelf rockfish, widow and yellowtail rockfish[5/]**		
18	North	200 lb/ month	
19	South		
20	40°10' - 34°27' N. lat.	200 lb/ month	
21	South of 34°27' N. lat.	CLOSED 4/	
22	**Canary rockfish**	CLOSED 4/	
23	**Yelloweye rockfish**	CLOSED 4/	
24	**Cowcod**	CLOSED 4/	
25	**Bocaccio - South 5/**		
26	40°10' - 34°27' N. lat.	200 lb/ month	
27	South of 34°27' N. lat.	CLOSED 4/	
28	**Chilipepper - South 5/**		
29	40°10' - 34°27' N. lat.	500 lb/ month	
30	South of 34°27' N. lat.	CLOSED 4/	
31	**Minor nearshore rockfish**		
32	North	5,000 lb/ month, no more than 2,000 lb of which may be species other than black or blue rockfish 6/	
33	South		
34	40°10' - 34°27' N. lat.	1,600 lb/ 2 months	
35	South of 34°27' N. lat.	CLOSED 4/	
36	**Lingcod 7/**		
37	North	CLOSED 4/	
38	South		
39	40°10' - 34°27' N. lat.	CLOSED 4/	
40	South of 34°27' N. lat.	CLOSED 4/	

1/ Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N. lat. to the U.S.-Canada border. "South" means 40°10' N. lat. to the U.S.-Mexico border. 40°10' N. lat is about 20 nm south of Cape Mendocino, CA.
2/ "Other flatfish" means all flatfish at 50 CFR 660.302 except those in this Table 4 with a trip limit.
3/ The whiting "per trip" limit in the Eureka area inside 100 fm is 10,000 lb/ trip throughout the year.
4/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV.A.(7).
5/ Yellowtail rockfish and widow rockfish coastwide, POP in the south, and bocaccio and chilipepper rockfishes in the north are included in the trip limits for shelf rockfish in the appropriate area.
6/ For black rockfish north of Cape Alava (48°09'30" N.lat.), and between Destruction Island (47°40'00" N.lat.) and Leadbetter Point (46°38'10" N.lat.), there is an additional limit of 100 lbs or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.
7/ The minimum size limit for lingcod is 24 inches (61 cm) total length.
To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

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(2) *Sablefish.* The limited entry sablefish allocation is further allocated 58 percent to trawl gear and 42 percent to nontrawl gear.

(a) *Trawl trip and size limits.* Management measures for the limited entry trawl fishery for sablefish are listed in Table 2.

(b) *Nontrawl (fixed gear) trip and size limits.* To take, retain, possess, or land sablefish during the primary season for the limited entry fixed gear sablefish fishery, the owner of a vessel must hold a limited entry permit for that vessel, affixed with both a gear endorsement for longline or trap (or pot) gear, and a sablefish endorsement. (See 50 CFR 663.323(a)(2)(i).) A sablefish endorsement is not required to participate in the limited entry daily trip limit fishery.

(i) *Primary season.* The primary season begins at 12 noon l.t. on April 1, 2002, and ends at 12 noon l.t. on October 31, 2002. There are no pre-season or post-season closures. During the primary season, each vessel with at least one limited entry permit with a sablefish endorsement that is registered for use with that vessel may land up to the cumulative trip limit for each of the sablefish-endorsed limited entry permits registered for use with that vessel, for the tier(s) to which the permit(s) are assigned. For 2002, the following limits would be in effect: Tier 1, 36,000 lb (16,329 kg); Tier 2, 16,500 lb (7,484 kg); Tier 3, 9,500 lb (4,309 kg). All limits are in round weight. If a vessel is registered for use with a sablefish-endorsed limited entry permit, all sablefish taken after April 1, 2002, count against the cumulative limits associated with the permit(s) registered for use with that vessel. A vessel that is eligible to participate in the primary sablefish season may participate in the daily trip limit fishery for sablefish once that vessel's primary season sablefish limit(s) have been taken or after October 31, 2002, whichever occurs first. No vessel may land sablefish against both its primary season cumulative sablefish limits and against the daily trip limit fishery limits within the same 24 hour period of 0001 hour l.t. to 2400 hours l.t.

(ii) *Daily trip limit.* Daily and/or weekly sablefish trip limits listed in Table 3 apply to any limited entry fixed gear vessels not participating in the primary sablefish season described in paragraph (i) of this section. North of 36° N. lat., the daily and/or weekly trip limits apply to fixed gear vessels that are not registered for use with a sablefish-endorsed limited entry permit, and to fixed gear vessels that are registered for use with a sablefish-endorsed limited entry permit when those vessels are not fishing against their primary sablefish season cumulative limits. South of 36° N. lat., the daily and/or weekly trip limits for taking and retaining sablefish that are listed in Table 3 apply throughout the year to all vessels registered for use with a limited entry fixed gear permit.

(3) *Whiting.* Additional regulations that apply to the whiting fishery are found at 50 CFR 660.306 and at 50 CFR 660.323(a)(3) and (a)(4). All allocations described in this section and the section on Washington Coastal Tribal Fisheries in this document will not be finalized until the Council finalizes the 2002 whiting ABC and OY at its March 2002 meeting.

(a) *Allocations.* Whiting allocations will be based on the percentages detailed in 50 CFR 660.323(a)(4)(i), and will be announced inseason when the final OY is announced.

(b) *Seasons.* The 2002 primary seasons for the whiting fishery start on the same dates as in 2001, as follows (see 50 CFR 660.323(a)(3)):

(i) *Catcher/processor sector*—May 15;

(ii) *Mothership sector*—May 15;

(iii) *Shore-based sector*—June 15 north of 42° N. lat.; April 1 between 42° – 40°30′ N. lat.; April 15 south of 40°30′ N. lat.

(c) *Trip limits.* (i) *Before and after the regular season.* The ''per trip'' limit for whiting before and after the regular season for the shore-based sector is announced in Table 2, as authorized at 50 CFR 660.323(a)(3) and (a)(4). This trip limit includes any whiting caught shoreward of 100 fathoms (183 m) in the Eureka area.

(ii) *Inside the Eureka 100 fm (183 m) contour.* No more than 10,000 lb (4,536 kg) of whiting may be taken and retained, possessed, or landed by a vessel that, at any time during a fishing trip, fished in the fishery management area shoreward of the 100 fathom (183 m) contour (as shown on NOAA Charts 18580, 18600, and 18620) in the Eureka area.

(4) *Black rockfish.* The regulations at 50 CFR 660.323(a)(1) state: ''The trip limit for black rockfish (*Sebastes melanops*) for commercial fishing vessels using hook-and-line gear between the U.S.-Canada border and Cape Alava (48°09′30″ N. lat.) and between Destruction Island (47°40′00″ N. lat.) and Leadbetter Point (46°38′10″ N. lat.), is 100 lb (45 kg) or 30 percent, by weight of all fish on board, whichever is greater, per vessel per fishing trip.'' These ''per trip'' limits apply to limited entry and open access fisheries, in conjunction with the cumulative trip limits and other management measures listed in Tables 3 and 4. The crossover provisions at paragraphs A.(12) do no apply to the black rockfish per-trip limits.

C. Trip Limits in the Open Access Fishery

(1) *General.* Open access gear is gear used to take and retain groundfish from a vessel that does not have a valid permit for the Pacific Coast groundfish fishery with an endorsement for the gear used to harvest the groundfish. This includes longline, trap, pot, hook-and-line (fixed or mobile), set net and trammel net (south of 38° N. lat. only), and exempted trawl gear (trawls used to target non-groundfish species: Pink shrimp or prawns, and, south of Pt. Arena, CA (38°57′30″ N. lat.), California halibut or sea cucumbers). Unless otherwise specified, a vessel operating in the open access fishery is subject to, and must not exceed any trip limit, frequency limit, and/or size limit for the open access fishery. Groundfish species taken in open access fisheries will be managed with cumulative trip limits (see paragraph A.(1)(d)), size limits (see paragraph A.(6)), and seasons (see paragraph A.(7)). Cowcod retention is prohibited in all fisheries and groundfish vessels operating south of Point Conception must adhere to CCA restrictions (see paragraph A.(20)). Yelloweye rockfish retention is prohibited in all open access fisheries. The trip limits, size limits, seasons, and other management measures for open access groundfish gear, except exempted trawl gear, are listed in Table 4. The trip limit at 50 CFR 660.323(a)(i) for black rockfish caught with hook-and-line gear also applies. (The black rockfish limit is repeated at paragraph B.(4).)

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Table 4. Trip Limits[1/] for Open Access Gears
Other Limits and Requirements Apply -- Read Sections A. and C. before using this table
Exceptions for exempted gears at Section C.

line	Species/groups	JAN-FEB	MARCH - DECEMBER
1	**Minor slope rockfish**		Management measures for March through December 2002 are proposed in the Proposed Rules section of this edition of the Federal Register
2	North	Per trip, no more than 25% of weight of the sablefish landed	
3	South	10,000 lb/ 2 months	
4	**Splitnose - South**	200 lb/ month	
5	**Pacific ocean perch - North 5/**	100 lb/ month	
6	**Sablefish**		
7	North of 36° N. lat.	300 lb/ day, or 1 landing per week of up to 800 lb, not to exceed 2,400 lb/ 2 months	
8	South of 36° N. lat.	350 lb/ day, or 1 landing per week of up to 1,050 lb	
9	**Thornyheads**		
10	North of 34° 27' N. lat.	CLOSED 3/	
11	South of 34° 27' N. lat.	50 lb/ day, no more than 2,000 lb/ 2 months	
12	**Dover sole**	3,000 lb/ month, no more than 300 lb of which may be species other than Pacific sanddabs	
13	**Arrowtooth flounder**		
14	**Petrale sole**		
15	**Rex sole**		
16	**All other flatfish 2/**		
17	**Whiting**	300 lb/ month	
18	**Shelf rockfish, including minor shelf rockfish, widow and yellowtail rockfish[5/]**		
19	North	200 lb/ month	
20	South		
21	40°10' - 34°27' N. lat.	200 lb/ month	
22	South of 34°27' N. lat.	CLOSED 3/	
23	**Canary rockfish**	CLOSED 3/	
24	**Yelloweye rockfish**	CLOSED 3/	
25	**Cowcod**	CLOSED 3/	
26	**Bocaccio - South 5/**		
27	40°10' - 34°27' N. lat.	200 lb/ month	
	South of 34°27' N. lat.	CLOSED 3/	
28	**Chilipepper - South 5/**		
29	40°10' - 34°27' N. lat.	500 lb/ month	
30	South of 34°27' N. lat.	CLOSED 3/	
31	**Minor nearshore rockfish**		
32	North	3,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black or blue rockfish 5/	
33	South		
34	40°10' - 34°27' N. lat.	1,200 lb/ 2 months	
35	South of 34°27' N. lat.	CLOSED 3/	
36	**Lingcod 7/**		
37	North	CLOSED 3/	
38	South		
39	40°10' - 34°27' N. lat.	CLOSED 3/	
40	South of 34°27' N. lat.	CLOSED 3/	

1/ Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N. lat. To the U.S.-Canada border. "South" means 40°10' N. lat. To the U.S.-Mexico border. 40°10' N. lat is about 20 nm south of Cape Mendocino, CA.
2/ "Other flatfish" means all flatfish at 50 CFR 660.302 except those in this Table 5 with a trip limit.
3/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV.A.(7). in the time or area indicated.
4/ Yellowtail rockfish and POP in the south, and bocaccio, and chilipepper rockfishes in the north are included in the trip limits for minor shelf rockfish in the appropriate area.
5/ For black rockfish north of Cape Alava (48°09'30" N.lat.), and between Destruction Island (47°40'00" N.lat.) and Leadbetter Point (46°38'10" N.lat.), there is an additional limit of 100 lbs or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.
6/ The size limit for lingcod is 24 inches (61 cm) total length.
To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

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(2) *Groundfish taken with exempted trawl gear by vessels engaged in fishing for spot and ridgeback prawns, California halibut, or sea cucumbers.*

(a) *Trip limits.* The trip limit is 300 lb (136 kg) of groundfish per fishing trip. Limits in Table 4 also apply and are counted toward the 300 lb (136 kg) groundfish limit. In any landing by a vessel engaged in fishing for spot and ridgeback prawns, California halibut, or sea cucumbers with exempted trawl gear, the amount of groundfish landed may not exceed the amount of the target species landed, except that the amount of spiny dogfish (Squalas acanthias) landed may exceed the amount of target species landed. Spiny dogfish are limited by the 300 lb (136 kg) per trip overall groundfish limit. The daily trip limits for sablefish coastwide and thornyheads south of Pt. Conception and the overall groundfish ''per trip'' limit may not be multiplied by the number of days of the fishing trip. The closures listed in Table 4 also apply, except for the species listed below in subparagraphs (i) through (v). The following sublimits also apply and are counted toward the overall 300 lb (136 kg) per trip groundfish limit:

(i) Shelf rockfish (including minor shelf rockfish, widow and yellowtail)—

(A) Between 40°10′ N. lat. and 34°27′ N. lat: 200 lb (91 kg) per month.

(B) South of 34°27′ N. lat.: 500 lb (227 kg) per month.

(ii) Bocaccio south of 40 deg. 10′ N. lat.—200 lb (91 kg) per month.

(iii) Chilipepper rockfish—

(A) Between 40°10′ N. lat. and 34°27′ N. lat.: 500 lb (227 kg) per month.

(B) South of 34°27′ N. lat.: 2,500 lb (1,134 kg) per month.

(iv) Minor nearshore rockfish south of 40 deg. 10′ N. Lat.—1,200 lb (544 kg) per 2 months.

(v) Lingcod south of 40 deg. 10′ N. lat.—May 1 through October 31, 2002: 300 lb (136 kg) per month, otherwise closed.

(b) *State law.* These trip limits are not intended to supersede any more restrictive state law relating to the retention of groundfish taken in shrimp or prawn pots or traps.

(c) *Participation in the California halibut fishery.* A trawl vessel will be considered participating in the California halibut fishery if:

(i) It is not fishing under a valid limited entry permit issued under 50 CFR 660.333 for trawl gear;

(ii) All fishing on the trip takes place south of Pt. Arena; and

(iii) The landing includes California halibut of a size required by California Fish and Game Code section 8392(a), which states: ''No California halibut may be taken, possessed or sold which measures less than 22 inches (56 cm) in total length, unless it weighs 4 lbs (1.8144 kg) or more in the round, 3 and one-half lbs (1.587 kg) or more dressed with the head on, or 3 lbs (1.3608 kg) or more dressed with the head off. Total length means ''the shortest distance between the tip of the jaw or snout, whichever extends farthest while the mouth is closed, and the tip of the longest lobe of the tail, measured while the halibut is lying flat in natural repose, without resort to any force other than the swinging or fanning of the tail.''

(d) *Participation in the sea cucumber fishery.* A trawl vessel will be considered to be participating in the sea cucumber fishery if:

(i) It is not fishing under a valid limited entry permit issued under 50 CFR 660.333 for trawl gear;

(ii) All fishing on the trip takes place south of Pt. Arena; and

(iii) The landing includes sea cucumbers taken in accordance with California Fish and Game Code, section 8396, which requires a permit issued by the State of California.

(3) *Groundfish taken with exempted trawl gear by vessels engaged in fishing for pink shrimp.*

(a) The trip limit is 500 lb (227 kg) of groundfish per day, multiplied by the number of days of the fishing trip, but not to exceed 1,500 lb (680 kg) of groundfish per trip. The following sublimits also apply and are counted toward the overall 500 lb (227 kg) per day and 1,500 lb (680 kg) per trip groundfish limits:

(i) Canary rockfish—

(A) April 1 through 30, 2002; 50 lb (23 kg) per month

(B) Starting May 1, 2002 through October 31, 2002: 200 lb (91 kg) per month

(ii) Lingcod—April 1 through October 31, 2002: 400 lb (181 kg) per month, with a minimum size limit (total length) of 24 inches (61 cm)

(iii) Sablefish—April 1, 2002 through October 31, 2002: 2,000 lb (907 kg) per month.

(iv) Thornyheads—Closed north of Pt. Conception (34°27′ N. lat.)

(b) All other groundfish species taken with exempted trawl gear by vessels engaged in fishing for pink shrimp are managed under the overall 500 lb (227 kg) per day and 1,500 lb (680 kg) per trip groundfish limits. Landings of these species count toward the per day and per trip groundfish limits and do not have species-specific limits.

(c) In any trip in which pink shrimp trawl gear is used, the amount of groundfish landed may not exceed the amount of pink shrimp landed.

(d) Operating in pink shrimp and other fisheries during the same cumulative trip limit period. Notwithstanding section A.(11), a vessel that takes and retains pink shrimp and also takes and retains groundfish in either the limited entry or another open access fishery during the same applicable cumulative limit period that it takes and retains pink shrimp (which may be 1 month or 2 months, depending on the fishery and the time of year), may retain the larger of the two limits, but only if the limit(s) for each gear or fishery are not exceeded when operating in that fishery or with that gear. The limits are not additive; the vessel may not retain a separate trip limit for each fishery.

D. Recreational Fishery

(1) *California.* (Note: California law provides that, in times and area when the recreational fishery is open, there is a 20-fish bag limit for all species of finfish, within which no more than 10 fish of any one species may be taken or possessed by any one person.) For each person engaged in recreational fishing seaward of California, the following seasons and bag limits apply:

(a) *Rockfish*—(i) *Cowcod Conservation Areas.* Recreational fishing for groundfish is prohibited within the CCAs, as described above at A.(20), except that fishing for rockfish is permitted in waters inside the 20-fathom (37 m) depth contour within the CCAs from March 1 through October 31, 2002, subject to the bag limits in paragraph (iii) of this section.

(ii) *Seasons.* North of 40°10′ N. lat., recreational fishing for rockfish is open from January 1 through December 31. South of 40°10′ N. lat. and north of Point Conception (34°27′ N. lat.), recreational fishing for rockfish is closed from March 1 through April 30, and from November 1 through December 31. This area is also closed to recreational rockfish fishing from May 1 through June 30 and from September 1 through October 31, except that fishing for rockfish is permitted inside the 20 fathom (37 m) depth contour, subject to the bag limits in paragraph (iii) of this section, except that bocaccio, canary rockfish and yelloweye rockfish retention is prohibited. South of Point Conception (34°27′ N. lat.), recreational fishing for rockfish is closed from January 1 through February 28 and from November 1 through December 31. Recreational fishing for cowcod is prohibited all year in all areas.

(iii) *Bag limits, boat limits, hook limits.* In times and areas when the

recreational season for rockfish is open, there is a 2-hook limit per fishing line, and the bag limit is 10 rockfish per day, of which no more than 2 may be bocaccio, no more than 1 may be canary rockfish, and no more than 1 may be yelloweye rockfish. No more than 2 yelloweye rockfish may be retained per vessel. Cowcod may not be retained. Bocaccio, canary rockfish, and yelloweye rockfish may not be retained, and no more than 2 shelf rockfish may be retained, in the area between 40°10′ N. lat. and Point Conception (34°27′ N. lat.) from May 1 through June 30, or September 1 through October 31. (Note: California scorpionfish are subject to California's 10 fish bag limit per species, but are not counted toward the 10 rockfish bag limit.) Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(iv) *Size limits.* The following rockfish size limits apply: bocaccio may be no smaller than 10 inches (25 cm); and California scorpionfish may be no smaller than 10 inches (25 cm).

(v) *Dressing/Fileting.* Rockfish skin may not be removed when fileting or otherwise dressing rockfish taken in the recreational fishery. The following rockfish filet size limits apply: bocaccio filets may be no smaller than 5 inches (12.8 cm); California scorpionfish filets may be no smaller than 5 inches (12.8 cm); and brown-skinned rockfish filets may be no smaller than 6.5 inches (16.6 cm). ''Brown-skinned'' rockfish include the following species: brown, calico, copper, gopher, kelp, olive, speckled, squarespot, and yellowtail.

(b) *Roundfish* (Lingcod, cabezon, kelp greenling)—(i) *Cowcod Conservation Areas.* Recreational fishing for groundfish is prohibited within the CCAs, as described above at A.(20), except that fishing for lingcod is permitted in waters inside the 20 fathom (37 m) depth contour within the CCAs from March 1 through October 31, 2002, subject to the bag limits in paragraph (iii) of this section. Fishing for cabezon and kelp greenling is allowed in waters inside the 20 fathom (37 m) depth contour within the CCAs year round.

(ii) *Seasons.* South of 40°10′ N. lat. and north of Point Conception (34°27′ N. lat.), recreational fishing for lingcod is closed from March 1 through April 30, and from November 1 through December 31. This area is also closed to recreational lingcod fishing from May 1 through June 30 and from September 1 through October 31, except that fishing for lingcod is permitted inside the 20 fathom (37 m) depth contour, subject to the bag limits in paragraph (iii) of this section. South of Point Conception (34°27′ N. lat.), recreational fishing for lingcod is closed from January 1 through February 28 and from November 1 through December 31.

(iii) *Bag limits, boat limits, hook limits.* In times and areas when the recreational season for lingcod is open, there is a 2-hook limit per fishing line, and the bag limit is 2 lingcod per day. Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(iv) *Size limits.* The following roundfish size limits apply: lingcod may be no smaller than 24 inches (61 cm) total length, cabezon may be no smaller than 15 inches (38 cm); and kelp greenling may be no smaller than 12 inches (30 cm).

(v) *Dressing/Fileting.* Cabezon and kelp greenling taken in the recreational fishery may not be filleted at sea. Lingcod filets may be no smaller than 15 inches (38.1 cm).

(2) *Oregon.* The bag limits for each person engaged in recreational fishing seaward of Oregon are 1 lingcod per day, which may be no smaller than 24 inches (61 cm) total length; and 10 rockfish per day, of which no more than 1 may be canary rockfish and no more than 1 may be yelloweye rockfish. During the all-depth recreational fisheries for Pacific halibut (*Hippoglossus stenolopis*), vessels with halibut on board may not take, retain, possess or land yelloweye rockfish.

(3) *Washington.* For each person engaged in recreational fishing seaward of Washington, the following seasons and bag limits apply:

(a) *Rockfish.* There is a rockfish bag limit of no more than 10 rockfish per day, of which no more than 2 may be canary rockfish, or no more than 1 may be canary rockfish and 1 may be yelloweye rockfish. Taking and retaining yelloweye rockfish is prohibited from a vessel with Pacific halibut retained on board.

(b) *Lingcod.* Recreational fishing for lingcod is closed between January 1 and April 15, and between October 16 and December 21. When the recreational season for lingcod is open, there is a bag limit of 2 lingcod per day, which may be no smaller than 24 inches (61 cm) total length.

Washington Coastal Tribal Fisheries

The basis for and background information on groundfish allocations harvest by the four Washington Coastal Tribes (Makah, Quileute, Hoh, and Quinault) with treaty rights to groundfish is described in the proposed rule to implement the 2002 groundfish specifications and management measures in the Proposed Rules section of the January 11, 2002 issue of the **Federal Register**.

The Assistant Administrator (AA) announces the following tribal allocations for 2002, including those that are the same as in 2001. Trip limits for certain species were recommended by the tribes and the Council and are specified here with the tribal allocations.

A. Sablefish

The tribal allocation is 424 mt, 10 percent of the total catch OY, less 3 percent estimated discard mortality.

B. Rockfish

(1) For the commercial harvest of black rockfish off Washington State, a harvest guideline of: 20,000 lb (9,072 kg) north of Cape Alava (48°09′30″ N. lat.) and 10,000 lb (4,536 kg) between Destruction Island (47°40′00″ N. lat.) and Leadbetter Point (46°38′10″ N. lat.).

(2) Thornyheads are subject to a 300 lb (136 kg) trip limit.

(3) Canary rockfish are subject to a 300 lb (136 kg) trip limit.

(4) Yelloweye rockfish are subject to a 100 lb (45 kg) trip limit.

(5) Yellowtail rockfish taken in the tribal mid-water trawl fisheries are subject to a cumulative limit of 30,000 lb (13,608 kg) per two-month period. Landings of widow rockfish must not exceed 10 percent of the weight of yellowtail rockfish landed in any two-month period. These limits may be adjusted by an individual tribe inseason to minimize the incidental catch of canary rockfish and widow rockfish.

(6) Other rockfish, including minor nearshore, minor shelf, and minor slope rockfish groups are subject to a 300 lb (136 kg) trip limit per species or species group, or to the non-tribal limited entry trip limit for those species if those limits are less restrictive than 300 lb (136 kg) per trip.

(7) Rockfish taken during open competition tribal commercial fisheries for Pacific halibut will not be subject to trip limits.

C. Lingcod

Lingcod are subject to a 300 lb (136 kg) daily trip limit and a 900 lb (408 kg) weekly limit.

D. Pacific whiting

Whiting allocations will be announced when the final OY is announced.

Classification

These final management measures for January 1 through February 28, 2002 are issued under the authority of, and are in accordance with, the Magnuson-Stevens Act and 50 CFR parts 600 and 660 subpart G (the regulations implementing the FMP).

The January-February management measures are intended to protect overfished and other depressed stocks and meet the Council's overfished stock rebuilding goals while also allowing as much harvest of healthy stocks as possible. As previously explained, delay in implementation of these regulatory measures could cause harm to some stocks, as fishing will continue using 2001 management measures until the implementation of these regulations, possibly allowing the overfishing of some stocks. Delay in publishing these measures could require unnecessarily restrictive measures later in the year to make up for the late implementation, leading to higher fish prices and fewer fish available for sale to the public as well as further reduced employment of the groundfish fleet. Much of the data necessary for these specifications and management measures came from the 2001 fisheries year. Because of the timing of the receipt, development, review, and analysis of the fishery information necessary for setting the initial specifications and management measures, and the need to have these management measures in effect January 1, 2002 (the beginning of the 2002 fishing year), the AA finds, under 5 U.S.C. 553(b)(B), that prior notice and the opportunity for public comment are impracticable and contrary to the public interest for the January 1 through February 28, 2002, management measures.

Amendment 4 to the FMP, implemented on January 1, 1991, recognized that there is a very short time between when fisheries data become available and when annual management measures must be in place. The amendment set up a system by which the interested public is notified, through **Federal Register** publication and Council mailings, of meetings and of the development of these measures and is provided the opportunity to comment during the Council process. The public participated in Groundfish Management Team, Groundfish Advisory Subpanel, Scientific and Statistical Committee, and Council meetings in September and November 2001 where these recommendations were formulated. Additional public comments on this emergency rule and on the proposed 2002 specifications and management measures will be accepted for 30 days after publication of these documents in this **Federal Register**.

As previously described, the interested public has participated in the Council process to formulate these regulations. The Council has provided information to the industry on the above management measures and specifications through the newsletters that it sends to fishery participants, and NMFS has provided notice through the U.S. Coast Guard's Notice to Mariners, and the States of Washington, Oregon, and California also disseminate information. As previously explained, there is a need to implement these management measures on January 1, 2002. Therefore, the AA finds, under 5 U.S.C. 553(d)(3), good cause not to delay the effective date of these management measures.

This action has been determined to be not significant for purposes of Executive Order 12866.

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable. However, as previously described, the January-February 2002 management measures are based on the overall analysis underlying the 2002 specifications and March-December 2002 management measures, which are proposed in the Proposed Rules section of this issue of the **Federal Register**. The Council's initial regulatory flexibility analysis prepared for the 2002 specifications and management measures considers the effects of the January and February management measures on the fisheries.

Dated: December 31, 2001.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 660

[Docket No. 011231309–1309–01; I.D. 121301A]

RIN 0648–AO69

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures

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

ACTION: Proposed rule, announcement of the overfished status of yelloweye rockfish; announcement of the receipt of exempted fishing permit application; request for comments.

SUMMARY: NMFS proposes a rule to implement the 2002 fishery specifications and management measures for groundfish taken in the U.S. exclusive economic zone (EEZ) and state waters off the coasts of Washington, Oregon, and California. The proposed specifications include the levels of the acceptable biological catch (ABC) and optimum yields (OYs). The commercial OYs (the total catch OYs reduced by tribal allocations and by amounts expected to be taken in recreational and compensation fisheries) proposed herein would be allocated between the limited entry and open access fisheries. Proposed management measures for 2002 are intended to prevent overfishing; rebuild overfished species; minimize incidental catch and discard of overfished and depleted stocks; provide equitable harvest opportunity for both recreational and commercial sectors; and, within the commercial fisheries, achieve harvest guidelines and limited entry and open access allocations to the extent practicable. This **Federal Register** document also announces that the yelloweye rockfish resource is considered overfished, and announces the receipt of an application for an exempted fishing permit (EFP) for 2002.

DATES: Comments must be received no later than 5 p.m., local time (l.t.) on February 11, 2002.

ADDRESSES: Send comments to D. Robert Lohn, Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way N.E., Bldg. 1, Seattle, WA 98115–0070, or fax to 206–526–6736; or Rodney McInnis, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213, or fax to (562) 980–4047. Comments will not be accepted if submitted via E-mail or the internet. Information relevant to this proposed rule, which includes an environmental asssessment/regulatory impact review/initial regulatory flexibility analysis (EA/RIR/IRFA), is available for public review during business hours at the offices of the NMFS Northwest Regional Administrator and the NMFS Southwest Regional Administrator, or may be obtained from the Pacific Fishery Management Council (Council), at 7700 NE Ambassador Place, Portland, OR 97220, phone: 503–326–6352. Additional reports referred to in this document may also be obtained from the Council. Copies of EFP applications are available from NMFS Northwest Region.

Send comments regarding the reporting district estimate or any other aspect of the collection-of-information requirements in the announcement of EFPs, including suggestions for reducing the burden, to one of the NMFS addresses and to the Office of Management and Budget (OMB), Washington, DC 20503, (ATTN: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Yvonne deReynier or Becky Renko (Northwest Region, NMFS), phone: 206–526–6140; fax: 206–526–6736 and; E-mail: *yvonne.dereynier@noaa.gov, becky.renko@noaa.gov* or Svein Fougner (Southwest Region, NMFS) phone: 562–980–4000; fax: 562–980–4047 and; E-mail: *svein.fougner@noaa.gov.*

Electronic Access

This proposed rule also is accessible via the Internet at the Office of the Federal Register's Web site at *http://www.access.gpo.gov/su— docs/aces/aces140.html.* Background information and documents are available at the NMFS Northwest Region Web site at *http://www.nwr.noaa.gov.1sustfsh/gdfsh01.htm* and at the Council's Web site at *http://www.pcouncil.org.*

SUPPLEMENTARY INFORMATION:

Background

The FMP requires that fishery specifications for groundfish be annually evaluated, and revised as necessary, that OYs be specified for species or species groups in need of particular protection, and that management measures designed to achieve the OYs be published in the **Federal Register** and made effective by January 1, the beginning of the fishing year. The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the FMP require that NMFS implement actions to prevent overfishing and to rebuild overfished stocks.

Since 1990, the Council has developed annual specifications and management measures in a two-meeting process (usually its September and November meetings) followed by a NMFS final action published in the **Federal Register** and made available for public comment and correction after the effective date of the action. Each year, specifications and management measures are effective until the specifications and management measures for the following year are published and effective. In 2001, NMFS was challenged on this process in *Natural Resources Defense Council, Inc.* v. *Evans,* 2001 WL 1246622 (N.D.Cal. 2001) and the court ordered NMFS to provide prior public notice and allow public comment on the annual specifications. NMFS is publishing the 2002 specifications and management measures initially as a proposed rule available for a 30-day public comment, to be followed by a final rule.

The Council finalized its 2002 specifications and management measures recommendations at its October 28 through November 2, 2001 meeting in Millbrae, CA. Because NMFS did not have enough time to publish a proposed rule on the Council's recommendations, receive public comments, and publish all of a final rule by the scheduled start of the fishery on January 1, 2002, NMFS also publishes a final emergency rule today's **Federal Register** that finalizes and makes effective the groundfish management measures for January 1 through February 28, 2002. As a result, this proposed rule addresses the 2002 specifications (ABCs and OYs) and the management measures for March through December 2002. Specifications and management measures proposed for 2002 are designed to constrain direct and incidental mortality in order to rebuild overfished stocks and to prevent overfishing and to achieve as much of the OYs as practicable for healthier groundfish stocks managed under the FMP.

During 2002, NMFS and the Council will develop a means to incorporated the Council's development of annual specifications and management measures into the proposed and final rulemaking process required by the Court's order.

I. Proposed Specifications

Proposed fishery specifications include ABCs, the designation of OYs, which may be represented by harvest guidelines (HGs) or quotas for species that need individual management, and the allocation of commercial OYs between the open access and limited entry segments of the fishery. These specifications include fish caught in state ocean waters (0–3 nautical miles (nm) offshore) as well as fish caught in the EEZ (3–200 nm offshore).

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Table 1a. 2002 Specifications of Acceptable Biological Catch (ABC), Optimum Yields (OYs), and Limited Entry and Open Access Allocations, by International North Pacific Fisheries Commission (INPFC) Areas (weights in metric tons).

Species	ACCEPTABLE BIOLOGICAL CATCH (ABC)						OY (Total catch)	Commercial OY (Total catch)	Allocations (Total catch)			
	Vancouver a/	Columbia	Eureka	Monterey	Conception	Total Catch			Limited Entry		Open Access	
									Mt	%	Mt	%
ROUNDFISH												
Lingcod b/	745					745	577	251	203	81.0	48	19.0
Pacific Cod	3,200		c/			3,200	na	3,200	--	--	--	--
Pacific Whiting d/									--	--	--	--
Sablefish e/ (north of 36°)	4,644				--	4,644	4,367	3,906	3,539	90.6	367	9.4
Sablefish f/ (south of 36°)	--				333	333	229	229	--	--	--	--
FLATFISH												
Dover sole g/	8,510					8,510	7,440	7,368	--	--	--	--
English sole	2,000		1,100			3,100	na	-	-	-	-	-
Petrale sole h/	1,262		500	800	200	2,762	na	-	-	-	-	-
Arrowtooth flounder	5,800					5,800	na	-	-	-	-	-
Other flatfish i/	700	3,000	1,700	1,800	500	7,700	na	-	-	-	-	-

Species	ACCEPTABLE BIOLOGICAL CATCH (ABC)						OY (Total catch)	Commercial OY (Total catch	Allocations (Total catch)			
	Vancouver a/	Columbia	Eureka	Monterey	Conception	Total Catch			Limited Entry		Open Access	
									Mt	%	Mt	%
ROCKFISH:												
Pacific Ocean Perch j/	640			--		640	350	350	--	--	--	--
Shortbelly k/	13,900					13,900	13,900	13,900	--	--	--	--
Widow l/	3,727					3,727	856	853	827	97.0	26	3.0
Canary m/	228					228	93	44	39	87.7	5	12.3
Chilipepper n/	c/			2,700		2,700	2,000	1,985	1,106	55.7	879	44.3
Bocaccio o/	c/			122		122	100	44	25	55.7	19	44.3
Splitnose p/	c/			615		615	461	461	--	--	--	--
Yellowtail q/	3,146			c/		3,146	3,146	3,131	2,871	91.7	260	8.3
Shortspine thornyhead r/	1,004					1,004	955	948	945	99.73	3	0.27
Longspine thornyhead s/ (north of 36°)	2,461				--	2,461	2,461	2,455	--	--	--	--
Longspine thornyhead t/ (south of 36°)	--				390	390	195	195	--	--	--	--
Cowcod u/	c/			19	--	19	2.4	0	--	--	--	--
	c/			--	5	5	2.4	0	--	--	--	--
Darkblotched v/	187					187	168	168	163	--	5	-
Yelloweye w/	22			5	--	27	13.5	3.69	--	--	--	--

Species	ACCEPTABLE BIOLOGICAL CATCH (ABC)						OY (Total catch)	Commercial OY (Total Catch	Allocations (Total catch)			
	Vancouver a/	Columbia	Eureka	Monterey	Conception	Total Catch			Limited Entry		Open Access	
									Mt	%	Mt	%
Minor Rockfish North x/	4,795			--		4,795	3,115	2,442	2,239	91.7	203	8.3
Minor Rockfish South y/	--			3,506		3,506	2,015	1,283	714	55.7	569	44.3
Remaining Rockfish	2,727			854		--	--	--	--	--	--	--
bank z/	c/			350		350	--	--	--	--	--	--
black aa/	615		500			1,115	--	--	--	--	--	--
blackgill bb/	c/			75	268	343	--	--	--	--	--	--
bocaccio - (north)	318					318	--	--	--	--	--	--
chilipepper- (north)	32					32	--	--	--	--	--	--
redstripe	576			c/		576	--	--	--	--	--	--
sharpchin	307			45		352	--	--	--	--	--	--
silvergrey	38			c/		38	--	--	--	--	--	--
splitnose	242			c/		242	--	--	--	--	--	--
yellowmouth	99			c/		99						
yellowtail- (south)				116		116						
Other rockfish cc/	2,068			2,652		--	--	--	--	--	--	--
OTHER FISH dd/	2,500	7,000	1,200	2,000	2,000	14,700	na	-	-	-	-	-

Table 1b. 2002 OYs for minor rockfish by depth sub-groups (weights in metric tons).

Species	Total Catch ABC	OY (Total catch)			Harvest Guidelines (Total catch)			
		Total Catch OY	Recreational Estimate	Commercial OY	Limited Entry		Open Access	
					Mt	%	Mt	%
Minor Rockfish North x/	4,795	3,115	673	2,442	2,239	91.7	203	8.3
Nearshore		987	663	324	161	na	163	na
Shelf		968	10	958	928	na	30	na
Slope		1,160	0	1,160	1,150	na	10	na
Minor Rockfish South y/	3,506	2,015	732	1,283	714	55.7	569	44.3
Nearshore		662	532	130	23	na	107	na
Shelf		714	200	514	194	na	320	na
Slope		639		639	497	na	142	na

a/ ABC applies to the U.S. portion of the Vancouver area, except as noted under individual species.

b/ Lingcod was designated as overfished in 1999. Coastwide, lingcod is estimated to be at 15 percent of its unfished biomass. An assessment was conducted in 2000 and updated for 2001. The stock assessment included parts of Canadian waters, therefore the U.S. portion of the ABC for the Vancouver area was set at 44 percent of the total for that area. The ABC of 745 mt was calculated using an Fmsy proxy of F45%. The total catch OY of 577 mt is based on a 60 percent probability of rebuilding the stock to Bmsy by the year 2009. The total catch OY is reduced by 326 mt, the amount that is estimated to be taken by the recreational fishery, resulting in a commercial OY of 251 mt. The open access total catch allocation is 48 mt (19 percent of the commercial OY) and the open access landed catch value is 38 mt. The limited entry total catch allocation is 203 mt and the landed catch value is 163 mt. The landed catch value is based on a discard mortality rate of 20 percent. Tribal vessels are expected to land a small amount of lingcod (4-5 mt), but do not have a specific allocation at this time.

c/ "Other species" - These species are neither common nor important to the commercial and recreational fisheries in the areas footnoted. Accordingly for convenience, Pacific cod is included in the "other fish" category for the areas footnoted and rockfish species are included in either "other rockfish" or "remaining rockfish" for the areas footnoted only.

d/ A new Pacific whiting assessment is expected in early 2002. Therefore, final adoption of the ABC and OY is being deferred until early 2002, when the results of the new assessment become available.

e/ Sablefish north of 36° N lat. - A new sablefish assessment was done in 2001 for the area north of Point Conception (34°27'N lat.). Sablefish north of 34°27'N lat. is estimated to be between 27 percent and 38 percent of its unfished biomass. The ABC for the surveyed area (4,786 mt) is based on an environmentally driven model with an Fmsy proxy of F45%. The ABC for the management area north of 36° N lat. is 4,644 mt (97.04 percent of the ABC from the surveyed area). The total catch OY for the area north of 36° N lat is 4,367 mt, which is based on the application of the 40-10 harvest rate policy, and is 97.04 percent of the OY from the surveyed area. The total catch OY is reduced by 10 percent for the tribal set aside (437 mt) and by 24.7 mt for

compensation to vessels that conducted resource surveys. The remainder (3,906 mt) is the commercial total catch OY. The open access allocation of 9.4 percent of the commercial OY, results in an open access total catch OY of 367 mt. The limited entry total catch OY is 3,539 mt, 90.6 percent of the commercial OY. The limited entry total catch OY is further divided with 58 percent (2,052 mt) allocated to the trawl fishery and 42 percent (1,486 mt) allocated to the non-trawl fishery. Discard rates will be applied as follows: 22 percent for limited entry trawl, 8 percent for limited entry fixed gear and open access, and 3 percent for the tribal fisheries. The resulting landed catch values are: 1,601 mt for limited entry trawl, 1,367 mt for limited entry fixed gear, 338 mt for open access, and 424 mt for the tribal fisheries.

f/ Sablefish south of 36° N lat. - The ABC of 333 mt is the sum of 142 mt (2.96 percent of the ABC from the new 2001 survey based assessment) and 191 mt (based on historical landings). The total catch OY (229 mt) is the sum of 133 mt (2.96 percent of the OY from the new 2001 survey based assessment with the application of the 40-10 harvest rate policy) and 96 mt (that portion of the ABC based on historical landings south of Pt. Conception that was reduced by 50 percent to address uncertainty due to limited information). There are no limited entry or open access allocations in the Conception area at this time. The assumed discard value is 8 percent, resulting in a landed catch value of 211 mt.

g/ Dover sole north of 34°27'N lat. was assessed as a unit in 2001 and is estimated to be at 29% of its unfished biomass. The ABC (8,510 mt) is based on an Fmsy proxy of F40%. Because the biomass is estimated to be in the precautionary zone, the total catch OY of 7,440 mt is based on the application of the 40-10 harvest rate policy. The OY is reduced by 71.6 mt for compensation to vessels that conducted resource surveys, resulting in a commercial OY of 7,368 mt. Discards are assumed to be 5 percent, resulting in a landed catch value of 7,000 mt.

h/ Petrale sole was estimated to be at 42 percent of its unfished biomass following a 1999 assessment. For 2002, the final ABC for the Vancouver-Columbia area (1,262 mt) is based on an F40% Fmsy proxy. The ABCs for the Eureka, Monterey, and Conception areas (1,500 mt) continue at the same level as 2001.

i/ "Other flatfish" are those species that do not have individual ABC/OYs and include butter sole, curlfin sole, flathead sole, Pacific sand dab, rex sole, rock sole, sand sole, and starry flounder. The ABC is based on historical catch levels.

j/ Pacfic ocean perch (POP) was designated as overfished in 1999. The ABC (640 mt) is based on the 2000 assessment which was updated for 2001. The total catch OY (350 mt) is based on a 70 percent probability of rebuilding the stock to Bmsy by the year 2042. The landed catch value is 294 mt. The landed catch value is based on a discard rate of 16 percent. Tribal vessels are expected to land only trace amounts of POP in 2002 and do not have a specific allocation at this time.

k/ Shortbelly rockfish remains an unexploited stock and is difficult to assess quantitatively. The 1989 assessment provided 2 alternative yield calculations of 13,900 mt and 47,000 mt. NMFS surveys have shown poor recruitment in most years since 1989, indicating low recent productivity and a naturally declining population in spite of low fishing pressure. The ABC and OY therefore are set at 13,900 mt, the low end of the range in the assessment.

l/ Widow rockfish was assessed in 2000 and is estimated to be at 24 percent of its unfished biomass. Therefore, it was declared overfished in 2001. The ABC (3,727 mt) is based on an F50% Fmsy proxy. The OY (856 mt) is based on a 60 percent probability of rebuilding the stock to Bmsy within 37 years. The OY is reduced by 3 mt for the amount estimated to be taken as recreational catch, resulting in a commercial OY of 853 mt. The commercial OY is divided with open access receiving 3 percent (26 mt) and limited entry receiving 97 percent (827 mt). The landed catch equivalent for the open access fishery is 21 mt. The limited entry allocation is reduced by 150 mt for anticipated bycatch in the at-sea whiting fishery and an additional 40 mt for anticipated bycatch in the shore-based sector of the whiting fishery. The remainder of the limited entry allocation is reduced by 16 percent to account for discards in the trip limit fisheries. The landed catch equivalent, excluding the at-sea whiting fishery, is 575 mt. Tribal vessels are expected to land about 27 mt of widow rockfish in 2002, but do not have a specific allocation at this time.

m/ Canary rockfish is estimated to be at 22 percent of its unfished biomass in the north (north of Cape Blanco) and 8 percent of its unfished biomass in the south (south of Cape Blanco). Canary rockfish was declared overfished in 2000. The coastwide ABC (228 mt) is based on an Fmsy proxy of F50%. The coastwide OY of 93 mt (the sum of 73 mt for the northern area, plus 20 mt for the southern area) is based on a 52 percent

probability of rebuilding the stock to Bmsy by the year 2056. The OY is reduced by 5 mt for research surveys and 44 mt for the estimated recreational catch, resulting in a commercial OY of 44 mt. The commercial OY is divided with open access receiving 12.3 percent (5 mt) and limited entry receiving 87.7 percent (39 mt). The landed catch value for the open access fishery is 4.5 mt. The 39 mt limited entry allocation is further reduced by 3 mt for anticipated bycatch in the offshore whiting fishery. The limited entry landed catch value is 30 mt. The landed catch value is based on a discard rate of 16 percent. However, the specific open access/limited entry allocation has been suspended during the rebuilding period as necessary to meet the overall rebuilding target while allowing harvest of healthy stocks. Tribal vessels are expected to land about 2.5 mt of canary rockfish in 2002, but do not have a specific allocation at this time.

n/ Chilipepper rockfish - The ABC (2,700 mt) for the Monterey-Conception area is based on the 1998 stock assessment with the application of an F50% Fmsy proxy. Because the unfished biomass is estimated to be above 40 percent, the default OY could be set equal to the ABC. However, the OY is set at 2,000 mt, near the recent average landed catch, to discourage effort on chilipepper, which is known to have bycatch of overfished bocaccio rockfish. The OY is reduced by 15 mt for the amount estimated to be taken in the recreational fishery, resulting in a commercial OY of 1,985 mt. Of the commercial OY, open access is allocated 44.3 percent (879 mt) and limited entry is allocated 55.7 percent (1,106 mt). The assumed discard is 16 percent, resulting in a open access landed catch value of 739 mt and a limited entry landed catch value of 929 mt.

o/ Bocaccio rockfish is estimated to be at 2 percent of its unfished biomass and was designated as overfished in 1999. The ABC of 122 mt is based on an F50% Fmsy proxy. The OY (100 mt) is based on the rebuilding plan, which has a 67% probability of rebuilding the stock to Bmsy by the year 2033. The OY is reduced by 56 mt for the amount estimated to be taken as recreational harvest, resulting in a 44 mt commercial OY. Open access is allocated 44.3 percent (19 mt) of the commercial OY and limited entry is allocated 55.7 percent (25 mt) of the commercial OY. The open access landed catch value is 16 mt and the limited entry landed catch value is 21 mt. The landed catch value is based on a discard rate of 16 percent.

p/ Splitnose rockfish - The 2001 ABC is 615 mt in the southern area (Monterey-Conception). The 461 mt total catch OY for the southern area reflects a 25 percent precautionary adjustment because of the less rigorous assessment for this stock. In the north, splitnose is included in the minor slope rockfish OY. The assumed discard is 16 percent for a landed catch value of 387 mt.

q/ Yellowtail rockfish is estimated to be at 63 percent of its unfished biomass. The ABC of 3,146 mt is based on a 2000 stock assessment for the Vancouver-Columbia-Eureka areas with an Fmsy proxy of F50%. The OY (3,146 mt) was set equal to the ABC. To derive the commercial OY (3,131 mt) the total catch OY is reduced by 15 mt, the amount estimated to be taken in the recreational fishery. The open access allocation (260 mt) is 8.3 percent of the commercial OY. The limited entry allocation (2,871 mt) is 91.7 percent the commercial OY. For anticipated bycatch in the at-sea whiting fishery, 400 mt is subtracted from the limited entry allocation. An additional 150 mt is deducted for the shore-based whiting fishery. The remainder (2,471 mt) is further reduced by 20 percent for assumed discard. The limited entry landed catch equivalent, excluding the at-sea whiting fishery, is 2,007 mt. The open access landed catch equivalent is 218 mt, given the assumed discard of 16 percent. Tribal vessels are expected to land about 300 mt of yellowtail rockfish outside their directed whiting fishery in 2002, but do not have a specific allocation at this time.

r/ Shortspine thornyhead - A new assessment was done for shortspine thornyhead in 2001 and the stock is estimated to be between 25 and 50 percent of its unfished biomass. The ABC (1,004 mt) for the area north of Pt. Conception (34°27'N lat.) is based on a F50% Fmsy proxy. The OY of 955 mt is based on the new survey with the application of the 40-10 harvest policy, resulting in a commercial OY of 948 mt. Open access is allocated 0.27 percent (3 mt) of the commercial OY and limited entry is allocated 99.73 percent (945 mt) of the commercial OY. A 20 percent rate of discard is applied to obtain a limited entry landed catch value of 757 mt. There is no ABC or OY for the southern Conception area. Tribal vessels are expected to land about 1 mt of shortspine thornyheads in, but do not have a specific allocation at this time.

s/ Longspine thornyhead is estimated to be above 40 percent of its unfished biomass. The ABC (2,461 mt) in the north (Vancouver-Columbia-Eureka-Monterey) is based on the average of the 3-year individual ABCs at an F50% Fmsy proxy. The total catch OY (2,461 mt) is set equal to the ABC. The OY is further reduced by 6 mt for compensation to vessels that conducted resource surveys, resulting in a commercial OY of 2,455 mt. To derive the landed catch equivalent of 2,037 mt, the limited entry

allocation is reduced by 17 percent for estimated discards.

t/ Longspine thornyhead - A separate ABC (390 mt) is established for the northern Conception area and is based on historical catch for the portion of the Conception area north of 34°27' N. lat. (Point Conception). The ABC was reduced by 50 percent to obtain the OY (195 mt), this reduction addresses uncertainty in the stock assessment due to limited information. There is no ABC or OY for the southern Conception Area.

u/ Cowcod in the Conception area was assessed in 1999 and is estimated to be at less than 10 percent of its unfished biomass. Therefore cowcod was declared overfished in 2000. The ABC in the Conception area (5 mt) is based on the 1999 assessment, while the ABC for the Monterey area (19 mt) is based on average landings from 1993-1997. An OY of 4.8 mt (2.4 mt in each area) is based on a 55 percent probability of rebuilding the stock to Bmsy by the year 2094. Cowcod retention will not be permitted in 2002.

v/ Darkblotched rockfish was assessed in 2000 and estimated to be at 22 percent of its unfished biomass. The stock was declared overfished in 2001. An update to the assessment which incorporated new data indicates that the stock may be at 12 percent of the unfished biomass. The ABC of 187 mt is based on the updated assessment with an Fmsy proxy of F50%. The OY of 168 mt is based on a 70 percent probability of rebuilding the stock to Bmsy by 2034. For anticipated bycatch in the at-sea whiting fishery, 5 mt is subtracted from the limited entry allocation. The landed catch value for the remaining limited entry fisheries is 130 mt. The landed catch value is based on a discard rate of 20 percent. Specific open access/limited entry allocation has been suspended during the rebuilding period as necessary to meet the overall rebuilding target while allowing harvest of healthy stocks. Tribal vessels are expected to land minimal amounts of darkblotched rockfish in 2002, but do not have a specific allocation at this time.

w/ Yelloweye rockfish was assessed in 2001 and is estimated to be at 7 percent of its unfished biomass off northern California and at 13 percent of its unfished biomass off Oregon, indicating that it is overfished at this time. The 27 mt coastwide ABC (5 mt for the Monterey area and 22 mt for the areas north of 40°10'N lat.) is based on an Fmsy proxy of F50%. As a precautionary measure, until rebuilding measures can be adopted, the coastwide ABC has been reduced by 50 percent to obtain the OY of 13.5 mt (2.5 mt for the Monterey area and 11 mt for the areas north of 40°10'N lat.) The OY is reduced by 8.81 mt for the amount estimated to be taken as recreational harvest, and 1 mt for the amount expected to be taken in the tribal fishery, resulting in a commercial OY of 3.69 mt. Specific open access/limited entry allocation has been suspended during the rebuilding period as necessary to meet the overall rebuilding target while allowing harvest of healthy stocks.

x/ Minor rockfish north includes the "remaining rockfish" and "other rockfish" categories in the Vancouver, Columbia, and Eureka areas combined. These species include "remaining rockfish" which generally includes species that have been assessed by less rigorous methods than stock assessments, and "other rockfish" which includes species that do not have quantifiable assessments. The ABC (4,795 mt) is the sum of the individual "remaining rockfish" ABCs (2,727 mt) plus the "other rockfish" ABCs (2,068 mt). The remaining rockfish ABCs continue to be reduced by 25 percent (F=0.75M) as a precautionary adjustment. To obtain the total catch OY (3,115 mt) the remaining rockfish ABCs are further reduced by 25 percent with the exception of black rockfish (see footnote aa/), and other rockfish ABCs are reduced by 50 percent. This was a precautionary measure due to limited stock assessment information. The OY is reduced by 673 mt for the amount estimated to be taken in the recreational fishery, resulting in a commercial OY of 2,442 mt. Open access is allocated 8.3 percent (203 mt) of the commercial OY and limited entry is allocated 91.7 percent (2,239 mt) of the commercial OY. The discard is assumed to be 5 percent for nearshore rockfish, 16 percent for shelf rockfish, and 20 percent for slope rockfish, resulting in a an open access landed catch value of 188 mt and a limited entry landed catch value of 1,852 mt. Tribal vessels are expected to land about 10 mt of minor rockfish (2 mt of minor nearshore rockfish, 4 mt of shelf rockfish, and 4 mt of slope rockfish) in 2002, but do not have a specific allocation at this time.

y/ Minor rockfish south includes the "remaining rockfish" and "other rockfish" categories in the Monterey and Conception areas combined. These species include "remaining rockfish" which generally includes species that have been assessed by less rigorous methods than stock assessments, and "other rockfish" which includes species that do not have quantifiable assessments. The ABC (3,506 mt) is the sum of the individual "remaining rockfish" ABCs (854 mt) plus the "other rockfish" ABCs (2,652). The remaining rockfish ABCs continue to be reduced by 25 percent (F=0.75M) as a precautionary adjustment. To obtain total catch OY (2,015 mt), the remaining rockfish

ABCs are further reduced by 25 percent, with the exception of blackgill rockfish (see footnote bb/), and the other rockfish ABCs were reduced by 50 percent. This was a precautionary measure due to limited stock assessment information. The OY is reduced by 732 mt for the amount estimated to be taken in the recreational fishery, resulting in a commercial OY of 1,283 mt. Open access is allocated 44.3 percent (569 mt) of the commercial OY and limited entry is allocated 55.7 percent (714 mt) of the commercial OY. The discard is assumed to be 5 percent for nearshore rockfish, 16 percent for shelf rockfish, and 20 percent for slope rockfish, resulting in an open access landed catch value of 484 mt and a limited entry landed catch value of 582 mt.

z/ Bank rockfish - The ABC of 350 mt is based on a 2000 assessment for the Monterey and Conception areas. This stock contributes 263 mt towards the minor rockfish OY in the south.

aa/ Black rockfish - The ABC (1,115 mt) which is based on a 2000 assessment, is the sum of the assessment area (615 mt) plus the average catch in the unassessed area (500 mt). To obtain the OY for the southern portion of this area, the ABC has been reduced by 50 percent as a precautionary measures due to limited information. For the assessed area the OY was set equal to the ABC. This stock contributes 865 mt towards the minor rockfish OY in the north.

bb/ Blackgill rockfish is estimated to be at 51 percent of its unfished biomass. The ABC (343 mt) is the sum of the Conception area ABC of 268 mt, based on the 1998 assessment with an Fmsy proxy of F50%, and the Monterey area ABC of 75 mt. This stock contributes 306 mt towards minor rockfish south (268 mt for the Conception area ABC and 38 mt for the Monterey area). The OY for the Monterey area is the ABC reduced by 50 percent for precautionary measures because of lack of information.

cc/ "Other rockfish" includes rockfish species listed in 50 CFR 660.302 and California scorpionfish. The ABC is based on the 1996 review of commercial Sebastes landings and includes an estimate of recreational landings. These species have never been quantifiably assessed. Beginning in 2002, an ABC and OY have been specified for yelloweye rockfish, in the Monterey and Conception areas. Therefore, it has been removed from the "other rockfish" category.

dd/ "Other fish" includes sharks, skates, rays, ratfish, morids, grenadiers, and other groundfish species noted above in footnote c/.

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ABC Policy and Overfishing

Each fishing year, the Council assesses the biological condition of the Pacific Coast groundfish fishery, develops estimates of the ABC for major groundfish stocks, and identifies harvest levels or OYs for the species or species groups that it proposes to manage.

The Magnuson-Stevens Act requires an FMP to prevent overfishing. Overfishing is defined in the National Standard Guidelines (50 CFR part 600, subpart D) as exceeding the fishing mortality rate (F) needed to produce the maximum sustainable yield (MSY). When setting the 2002 ABCs, the Council maintained a policy of using a default harvest rate as a proxy for the fishing mortality rate (Fmsy) that is expected to achieve the MSY. The OYs were then set at levels that are expected to prevent overfishing, equal to or less than the ABCs.

The ABC for a species or species group is generally derived by multiplying the harvest rate proxy by the current estimated biomass. In 2002, the Council continued to use default harvest rate proxies recommended by the Council's Scientific and Statistical Committee (SSC) for 2001. See the final rule for the 2001 annual specifications and management measures published on January 11, 2001 (66 FR 2338). These recommended harvest rate proxies are: F40% for flatfish and whiting, F50% for rockfish (including thornyheads), and F45% for other groundfish such as sablefish and lingcod. The FMP allows default harvest rate proxies to be modified as scientific knowledge improves for a particular species.

A harvest or fishing mortality rate can mean very different things for different stocks because that rate is dependent on the productivity of a particular species. For fast growing stocks, those with a strong ability to maintain moderate recruitment levels even when the spawning biomass is reduced, a higher fishing mortality rate may be used, such as F40%. A rate of F40% can be explained as that which reduces spawning potential per female to 40 percent of what it would have been under natural conditions (if there were no mortality due to fishing), and is therefore a more aggressive rate than F45% or F50%. Harvest rate policies must account for several complicating factors, including the relative fecundity of mature individuals over time, and the optimal stock size for the highest level of productivity within that stock.

For some groundfish species, there may be little or no detailed biological data available on which to base ABCs, and only rudimentary assessments were prepared; for other species, the ABC levels may be established only on the basis of historical landings. As in 2001, precautionary measures continue to be taken when setting ABCs and OYs for species with no assessments or only rudimentary ones.

The 2002 ABCs are based on the best scientific information available to the Council at its November 2001 meeting. The ABCs in Table 1 represent total fishing mortality (landed catch plus discards). Where the assessments included Canadian waters, the ABCs apply only to U.S. waters. Stock assessment information considered in determining the ABCs is available from the Council and was made available to the public before the Council's November 2001 meeting. Additional

information can be found in the EA/RIR/IRFA prepared by the Council for this action and in documents from the September and November 2001 Council meetings (see **ADDRESSES**).

OY Policy

In 1999, the Council adopted the ''40–10 precautionary policy'' for setting OYs. The 40–10 policy is intended to prevent species from becoming overfished. According to the Council's OY policy, if a stock biomass is larger than the biomass needed to produce MSY (Bmsy), the OY may be set equal to or less than ABC. The Council uses 40 percent as a default proxy for the Bmsy, also referred to as B40%. See the final rule for the 1999 annual specifications and management measures published on January 8, 1999 (64 FR 1316). A stock with a current biomass between 25 percent of the unfished level and Bmsy (the precautionary threshold) is said to be in the ''precautionary zone.'' The Council's default OY harvest policy reduces the fishing mortality rate when a stock is at or below its precautionary threshold. The further the stock is below the precautionary threshold, the greater the reduction in OY will be relative to the ABC, until, at B10%, the OY would be set at zero. This is, in effect, a default rebuilding policy that will foster quicker return to the Bmsy level than would fishing at the ABC level.

The Council may recommend setting the OY higher than what the default OY harvest policy specifies, if justified, as long as the OY does not exceed the ABC (Fmsy harvest rate) and it is consistent with the requirements of the Magnuson-Stevens Act and the National Standard Guidelines. Additional precaution may be added on a case-by-case basis regardless of the stock's current biomass level, if warranted by uncertainty in the data or by higher risks of being overfished.

If a stock falls below 25 percent of its unfished biomass (B25%), it is considered overfished, and the Magnuson-Stevens Act requires the Council to develop a rebuilding plan within 1 year. Rebuilding plans for overfished species have stock-specific allowable harvest rates, which are intended to rebuild the stock within a specified time period.

Precautionary measures continue to be taken when setting the OYs for species that have no or only rudimentary assessments. Since implementation of the 2000 specifications, ABCs have been reduced by 25 percent to set OYs for those species with less rigorous stock assessments, and by 50 percent to set OYs for those species with no stock assessment.

2002 ABCs and OYs

Species with ABCs and OYs in 2001 continue to have ABCs and OYs in 2002. New assessments were completed and new ABCs and OYs were developed for sablefish, Dover sole, and shortspine thornyhead north of Point Conception (34°27′ N. lat.;) and for yelloweye rockfish in the Monterey, Eureka and Columbia (waters off Oregon only) areas. A new assessment was also prepared for black rockfish off southern Oregon to 40°10′ N. lat.; however, it was not available in time to complete the required review process and was therefore not available for setting 2002 ABCs.

A new stock assessment was prepared for sablefish in 2001. The assessment incorporated new survey and fishery data and extended the assessment area south from 36°N. lat. to 34°27′ N. lat. (Point Conception). Two different assessment models indicated a normal decline in biomass since the late 1970s due to the fishing down of the virgin stock and an unexpected decline in recruitment during the early 1990s. The sablefish stock is currently estimated to be between 27 and 38 percent of the unfished biomass, depending on the assessment scenario and the basis for estimating unfished biomass.

A change in environmental conditions may have been responsible for the abrupt decline in recruitment in the 1990s, or this low recruitment may have been the natural consequence of the gradual decline in spawning biomass. Because of this uncertainty, two ABC estimates were produced and reviewed by the Council: an ABC of 4,786 mt based upon the current Fmsy proxy of F45%, and an ABC of 4,062 mt based upon a reduced harvest rate of F50%. Although sablefish have experienced a decline due to poor recruitment in the 1990's, continuation of the F45% harvest rate is expected to prevent overfishing if this recruitment decline is primarily due to random environmental factors. However, reduction in harvest rate of F50%, or lower, will be necessary in the long-term if reduced spawner abundance has been the dominant factor in causing the lower recruitment (density-dependence). Both represent a substantial reduction from the current ABC. If further analysis during 2002 indicates that the lower level is more appropriate, then the one year delay in implementing the change from F45% to F50% will cause the spawning stock at the beginning of 2003 to be only slightly smaller (47,341 mt versus 47,704 mt).

It is likely that both environmental factors and reduced spawning biomass affect sablefish recruitment, although the relative contribution of each is unknown. Large numbers of juvenile sablefish in the 2001 shelf survey (conducted after the 2001 assessment was completed) suggest that the fishable biomass and spawning biomass will increase in coming years. The survival of these juvenile sablefish may also be improved through the reduced trawl opportunities for continental shelf species because juvenile sablefish are commonly found in shelf areas. The recent large year classes are physical evidence that a recruitment scenario based solely on low spawning biomass (density-dependent scenario) does not fully described the status of the sablefish biomass. Thus, the environmental scenario may have merit as an explanation for the low recruitment during the 1990s. The ABCs considered by the Council and its advisory panels were based on assessments that did not include projections of the juvenile fish (animals that have not yet entered the fishery) from 1999 and 2000. Therefore, both ABC options considered by the Council were prudent reductions from the 2001 ABC level (7,661 mt) and until new information validates the recent recruitment level.

Three OY options were considered for sablefish by the Council: 4,500 mt derived from the environmentally driven model, 4,000 mt a ramp down approach to start moving toward a lower OY strategy, and 3,200 mt derived from the density-dependent model. At the Council's September meeting, the SSC stated a preference for the lowest OY option (3,200 mt), because it was the option most likely to prevent the biomass from falling below the rebuilding threshold (B25%) within the next five years. The SSC also recommended that the Council consider moving towards a more conservative Fmsy proxy. At the Council's November meeting, NMFS scientists presented preliminary data from the 2001 shelf survey that suggests that the fishable biomass and spawning biomass will increase in coming years. In addition, public testimony indicated that more smaller sablefish have been seen in catches during the 2001 fishing year. The SSC did not revise its OY recommendation to the Council after receiving this new information.

The Council majority agreed that information on juvenile sablefish occurrence in the shelf survey and in commercial landings is so strong that it supported the environmental-recruitment scenario while still being

precautionary. Therefore, the Council recommended adopting a 4,500 mt OY, based on the environmentally driven recruitment scenario with the application of the 40–10 harvest policy to reduce the risk of overfishing. The Council asked that NMFS prepare a revised assessment that incorporates the 2001 survey data in time for the Council's 2003 ABCs and OYs setting process. If the revised assessment does not show an increase in recruitment for 2001, the Council expressed interest in considering a ramp down strategy beginning with 2003.

Because the OY options before the Council were substantial reductions from the 2001 total catch OY of 6,895 mt, the Council expressed concern about the adverse economic effect on the fishing industry. In the short-term the 4,500 mt OY option is expected to have less of an adverse economic impact on the fishery than the other OY options.

The sablefish spawning biomass is expected to slowly decline until the large 1999 and 2000 year classes mature. The abundance of these year classes will be monitored with surveys planned for summer 2002, and subsequent stock assessments will provide biological guidance for future adjustments to allowable harvest levels. If the future recruitment of juvenile sablefish from 1999 and 2000 is not as large as estimated and are followed by low recruitments as in the 1990s, then future spawning biomass and OYs will decline further. If the recruitment returns to the long-term average level or is above average, as may be the case in 2001, the stock is expected to increase its spawning biomass and the OY will also increase.

A new stock assessment for Dover sole was prepared by scientists from Oregon State University in 2001. This assessment incorporated new survey and fishery data and extended the assessment area south from 36° N. lat. to Point Conception. The new assessment indicates that the Dover sole stock is at about 29 percent of its unfished biomass. Recent biomass estimates appear to be without trend, but follow a steady decline since the late 1950s. The 5-year projection is for a relatively stable stock abundance. However, lower recruitment during the 1990s indicates a possible future stock decline and provides the reason for consideration of a lower harvest rate.

For the 2001 fishery, the Council adopted a Fmsy proxy of F40% for Dover sole following an SSC recommendation based on a harvest rate analysis specific to Dover sole. With the new Dover sole assessment in 2001, the SSC expressed concerns that the F40% harvest rate was too aggressive given the reduced recruitment levels seen in the 1990s. Three ABCs based on alternative Fmsy proxies of F40%, F45%, and F50% were considered by the Council. The Council determined that a change from the harvest rate policy introduced in 2001 would require a new and equally thorough evaluation of the long term harvest strategy. For 2002, the Council recommended adopting the ABC and OY values (8,510 mt/7,440 mt) that are consistent with the current F40% proxy for Fmsy with the 40–10 precautionary policy adjustments. The Council expressed support for the SSC recommendation for further evaluation of the Fmsy proxy used for Dover sole, but indicated that the process for preparing and reviewing such recommendations should be maintained.

NMFS prepared a new stock assessment for shortspine thornyhead in 2001. The assessment incorporated new survey and fishery data and extended the assessment area south from 36° N. lat. to Point Conception (34°27′ N. lat.) The stock is estimated to be at 25 to 50 percent of its unfished biomass. The assessment concluded that the shortspine thornyhead population shows an increasing biomass trend and has not declined since the last assessment. The Council considered two OYs: 955 mt, the OY from the new assessment, and 751 mt, the 2001 OY that was based on the assessments prepared in the late 1990s. Both OY options reflected an Fmsy proxy of F50% with the application of the 40–10 harvest policy.

The SSC recognized that the analysis and data in the new assessment were an improvement over the previous assessment. However, the SSC also noted the high degree of uncertainty in the 2002 stock projections and they considered the lower OY (751 mt) to be the most risk-adverse option before the Council. The uncertainty associated with an incomplete understanding of biological parameters and survey effectiveness led to the calculation of an alternative shortspine thornyhead OY using standard precautionary measures typically used for species with less rigorous stock assessments. The OY based on standard precautionary measures was similar to the OY from the new assessment. The Council recognized the uncertainty associated with the new assessment, but noted that the new assessment was more adequate than those available in previous years. Because the assessment-based OY was comparable to an OY calculated using standard precautionary measures, the Council recommended adopting 955 mt at the 2002 OY for shortspine thornyhead.

A yelloweye rockfish assessment, which integrated fishery and survey data from northern California and Oregon, was completed by Washington Department of Fish and Wildlife. This was the first time an assessment was done on yelloweye rockfish. The assessment indicated that there has been a declining biomass trend in both areas for about 30 years, with the last above average recruitment occurring in the late 1980s. The assessment concluded that yelloweye rockfish is at about 7 percent of its unfished biomass in waters off northern California and at 13 percent of its unfished biomass in waters off Oregon.

Although a rebuilding analysis has not yet been completed for yelloweye rockfish, the assessment author and the Groundfish Management Team (GMT) analyzed the recruitment data and projected ABCs and OYs for 2002 fisheries. They recommended a coastwide ABC of 27 mt (5 mt for the Monterey area and 22 mt for the areas north of 40°10′ N. lat.) which is based on an Fmsy proxy of F50%.

In September, the Council adopted a preliminary coastwide total catch OY of 11 mt for yelloweye (2 mt for Monterey, 1 for Eureka, and 8 for Columbia and Vancouver areas) based on an initial rebuilding analysis and the application of the 40+10 harvest policy. As an interim measure prior to the development of a rebuilding plan, the Council recommended reducing the 27 mt ABC by 50 percent as a precautionary measure, resulting in an OY of 13.5 mt. The 2.5 mt difference between the two OY options represents approximately 0.3 percent of the stock biomass and is therefore not expected to have an appreciative effect on the stock abundance while a rebuilding analysis is prepared. The recommended OY of 13.5 is not expected to result in further overfishing because both of these options are below the 27 mt ABC.

Seven groundfish stocks have been designated as ''overfished'' Pacific ocean perch (POP), bocaccio, lingcod, canary rockfish, cowcod, darblotched rockfish, and widow rockfish. With the publication of this document, yelloweye rockfish is being designated as overfished. As noted above, the OY for yelloweye rockfish is set at extremely low levels in anticipation of rebuilding plan requirements in 2003.

The OYs for 3 overfished species, POP, widow rockfish and darkblotched rockfish were revised to be consistent with the rebuilding measures for those species. For 2002: the POP OY would be

set at 350 mt, which reflects a 70 percent probability of rebuilding by the year 2042; the widow rockfish OY would be set at 856 mt, which reflects a 60 percent probability of rebuilding the stock by the year 2039; and the darkblotched rockfish OY would be set at 168 mt, which reflects a 70 percent probability of rebuilding the stock by the year 2034. The revised rebuilding analysis for darkblotched rockfish indicates that the stock cannot be rebuilt within a 10 year period; therefore, the OY reflects an extended rebuilding trajectory.

To protect depleted stocks and minimize the chance of overfishing, changes were made in 2000 that eliminated the ''Sebastes complex'' and created the ''minor rockfish'' categories. The same categories will continue to be used for 2002. Minor rockfish, species which have had no or only rudimentary assessments, are divided into nearshore, continental shelf, and continental slope categories that represent where they are predominantly caught. This strategy is intended to keep harvest levels more closely in line with the allowable biological catches for individual species and the various rockfish groups. Grouping the minor rockfish species into nearshore, shelf, and slope categories, allows fishing opportunities to be maintained for abundant stocks while improving protection for depleted stocks.

Management measures designed to rebuild overfished species, to prevent overfishing, or to prevent species from becoming overfished may restrict the harvest of relatively healthy stocks that co-occur with overfished species. As a result of the constraining management measures imposed to protect and rebuild overfished species, a number of the OYs may not be achieved in 2002, particularly for those shelf rockfish species that are not overfished, but which are caught with species that are overfished. Derivations of the ABCs and OYs for the individual groundfish species are explained in detail in Council documents from their September and November 2001 meetings and in the most recent stock assessments, and are summarized in this document in Table 1a. Derivations of commercial harvest guidelines, limited entry and open access allocations, and landed catch equivalents appear in the footnotes to table 1a, which are listed at the end of Table 1b.

Determinations of Overfished Stocks and Rebuilding Plans

The status of the resource is evaluated against the requirements of the Magnuson-Stevens Act, the National Standard Guidelines, and the FMP. A species is considered by NMFS to be overfished if its current biomass is less than 25 percent of the unfished biomass. The Magnuson-Stevens Act requires that a rebuilding plan be prepared within 1 year after the Council is notified by NMFS that a particular species is overfished.

Requirements for developing overfished species rebuilding plans were addressed in Amendment 12 to the FMP, which NMFS approved on December 7, 2000 (65 FR 82947, December 29, 2000). Before Amendment 12 was approved, NMFS had approved the first 3 rebuilding plans for lingcod, bocaccio, and POP (65 FR 53646, September 5, 2000). During NMFS review of Amendment 12, the agency considered whether these 3 rebuilding plans met the requirements of Amendment 12 and concluded that they did not. The final rule to implement Amendment 12 describes NMFS's revocation of the lingcod, bocaccio, and POP rebuilding plans, as these plans did not meet the rebuilding plan content requirements described in Amendment 12 (65 FR 82947, December 29, 2000). The groundfish fishery has continued to operate under measures implementing these preliminary rebuilding plans for lingcod, bocaccio, and POP. NMFS instructed the Council to re-submit rebuilding plans for these species by January 1, 2002.

On January 4, 2000 (65 FR 221), NMFS notified the Council that cowcod and canary rockfish were overfished and that the Council must submit rebuilding plans for these species to NMFS by January 4, 2001. On January 11, 2001 (66 FR 2338), NMFS notified the Council that darkblotched and widow rockfish were overfished and that the Council must submit rebuilding plans for these species to NMFS by January 11, 2002.

On August 20, 2001, the Federal magistrate ruled in *National Resources Defense Council*, v. *Evans*, 2001 WL 1246622 (N.D. Cal. 2001) that rebuilding plans under the FMP must be in the form of a plan amendment or proposed regulations as specified by the Magnuson-Stevens Act, 16 U.S.C. 1854(e)(3). Accordingly, the magistrate issued an order setting aside those portions of Amendment 12 to the FMP dealing with rebuilding plans. Amendment 12 had provided a framework for rebuilding plans that were not themselves plan amendments or proposed regulations. As a result of the magistrate's decision, the Council must now revise Amendment 12 and all rebuilding plans to be consistent with the Court Order. NMFS has notified the Council that draft FMP amendment(s) that meet the statutory rebuilding requirements for POP, bocaccio, lingcod, canary rockfish, cowcod, darkblotched rockfish and widow rockfish should be available for review at the April 2002 meeting, with the intention of presenting final amendment(s) for adoption at the Council's June 2002 meeting.

NMFS also notifies the Council, via this **Federal Register** document, and that yelloweye rockfish is considered overfished at this time and the Council must submit a rebuilding plan FMP amendment to NMFS within 1 year of this notification. While rebuilding plans have not been approved by NMFS, the Council has prepared rebuilding analyses, and the OYs and management measures proposed for 2002 are consistent with these. The draft rebuilding plans initially endorsed by the Council are summarized as follows (maximum allowable rebuilding years refers to the maximum time allowed under the Magnuson-Stevens Act and the National Standard Guidelines):

Canary Rockfish

Areas: Coastwide
Status of stock: 8 to 22 percent of its unfished biomass.
Maximum allowable years to rebuild to MSY: 58 years
Expected median time to rebuild: 57 years (2056)
Probability of rebuilding to MSY biomass by 2056: 52 percent
Fmsy proxy: F50%
ABC in 2002: 228 mt
OY in 2002: 93 mt

Management Measures for 2002

Historically, canary rockfish have been caught directly or incidentally in both recreational and commercial groundfish fisheries. Commercial fisheries for groundfish and for non-groundfish species that co-occur with canary rockfish have been restricted to minimize the incidental catch of canary rockfish. Management measures have also been taken to divert effort off the seafloor of the continental shelf where canary rockfish are typically found. Fishing opportunities with large footrope bottom trawl gear have been severely restricted to reduce incidental interception of canary rockfish. Only small amounts of canary rockfish may be landed with small footrope or midwater trawl gear. Summer flatfish and midwater yellowtail rockfish harvests are constrained to protect canary rockfish and the Dover sole, sablefish, thornyhead (DTS) northern limits are structured to minimize canary interception. California hook-and-line

commercial fisheries are closed during the same periods and in the same areas as the recreational fisheries (below). The shrimp trawl industry will continue to use fish excluder devices to reduce incidental harvest of canary rockfish and other groundfish in that fishery.

The recreational fisheries have been constrained to protect overfished species including canary rockfish. In California and Oregon, the rockfish bag limit is 10 fish, no more than 1 of which may be canary rockfish; off Washington the bag limit is 10 fish, no more than 2 of which may be canary rockfish or no more than 1 canary rockfish and 1 yelloweye rockfish. California recreational fisheries closures are twice the duration they were in 2001. The recreational season for the area between Point Conception and Cape Mendocino, California would be just 4 months duration for all depths, January–February and July–August, plus 4 months inside 20 fathoms (36.9 m) in May–June and September–October. When the fishery is open inside 20 fathoms (36.9 m), canary rockfish retention is prohibited, and there is a 2-shelf rockfish bag limit. South of Point Conception, the recreational fishery would be 8 months (March–October). Historically, the bulk of the recreational canary rockfish landings have been made in California.

POP

Areas: Vancouver and Columbia
Status of stock: 13 percent of its unfished biomass (1998)
Maximum allowable years to rebuild to MSY: 47 years
Expected median time to rebuild: 43 years (2042)
Probability of rebuilding to MSY biomass by 2042: 70 percent
Fmsy proxy: F50%
ABC in 2002: 640 mt
OY in 2002: 350 mt

Management Measures for 2002

Because POP primarily inhabit waters of the upper continental slope and are found along the edge of the shelf, they benefit from the trawl gear restrictions adopted to protect shelf rockfish species. Relatively small cumulative trip limits are intended to accommodate incidental bycatch without encouraging targeting. Higher POP limits are provided in the summer months, when they are more likely to be incidentally taken in the flatfish fisheries.

Bocaccio

Areas: Monterey and Conception
Status of stock: 2.1 percent of its unfished biomass
Maximum allowable years to rebuild to MSY: 38 years
Expected median time to rebuild: 34 years (2033)
Probability of rebuilding to MSY biomass by 2033: 67 percent
Fmsy proxy: F50%
ABC in 2002: 122 mt
OY in 2002: 100 mt

Management Measures for 2002

Bottom trawl opportunities for shelf rockfish continue to be extremely limited. No landings of bocaccio rockfish are allowed with large footrope trawl gear. Small amounts of bocaccio, an unavoidable bycatch, taken with small footrope or midwater trawl gear may be landed in fisheries for healthy stocks. The chilipepper rockfish OY continues to be reduced to limit the incidental take of bocaccio. California hook-and-line commercial fisheries are closed during the same periods and in the same areas as the recreational fisheries (below).

The recreational fisheries in California maintain a rockfish bag limit of 10 fish, no more than 2 of which may be bocaccio rockfish. In addition, California recreational fisheries closures described above under the canary rockfish rebuilding section also protects bocaccio.

Darkblotched Rockfish

Areas: Coastwide
Status of stock: 22 percent of its unfished biomass
Maximum allowable years to rebuild to MSY: 47 years
Expected median time to rebuild: 34 years (2034)
Probability of rebuilding to MSY biomass by 2034: 70 percent
Fmsy proxy: F50%
ABC in 2002 187 mt
OY in 2002: 168 mt

Management Measures in 2002

Relatively small cumulative trip limits for slope rockfish north are intended to accommodate incidental bycatch without encouraging targeting. In addition, the northern DTS trawl fisheries limits are constrained during the November–December period to reduce the incidental catch of darkblotched rockfish, as are the flatfish fisheries during the summer months when participation is greatest and darkblotched are most likely to be encountered. Lower sablefish and Dover sole OYs are also expected to reduce the incidental take of darkblotched rockfish.

Lingcod

Areas: Coastwide
Status of stock: 15 percent of its unfished biomass
Maximum allowable years to rebuild to MSY: 10 years
Expected median time to rebuild: 10 years (2009)
Probability of rebuilding to MSY biomass by 2009: 60 percent
Fmsy proxy: F45%
ABC in 2002: 745 mt
OY in 2002: 577 mt

Management Measures for 2002

Commercial limits for lingcod are intended to accommodate incidental catch and do not provide an incentive for directed fishing. Bottom trawl opportunities for shelf rockfish continue to be extremely limited. Because lingcod are predominately found on the shelf, gear restrictions imposed to protect shelf rockfish will also benefit lingcod. Trawl caught lingcod retention will be permitted during the winter months so as not to increase the overall discard mortality. Commercial nontrawl landings will continue to be prohibited during the winter months. This is to protect lingcod, which are more available to nontrawl gears in rocky habitats, during their spawning and nesting seasons. Nontrawl commercial fishing for lingcod south of 40°10′ N. lat. will be closed during the same periods and in the same areas as the recreational fisheries (below).

The recreational fisheries have been constrained to protect overfished species, including lingcod. Off Washington, the bag limit is 1 lingcod and fishing is not allowed during a 5 month period in the winter. The Oregon lingcod bag limit is 1 fish and the fishery operates year-round. California has a 2 lingcod bag limit. Beginning in 2002, California will lower the minimum size limit to 24 inches (61 cm), which is the same Oregon and Washington. California lingcod closures south of 40°10′ N. lat. are more stringent than in 2001. From 40°10′ N. lat. to 34°27′ N. lat., the area is closed March through April and November through December in all waters, and open only inside 20 fathoms (36.9 m) in May through June and September through October. The area south of 34°27′ N. lat., is closed January through February and November through December.

Cowcod

Areas: Point Conception to the U.S. Areas: Point Conception to the U.S.-Mexico boundary
Status of stock: 4–11 percent of its unfished biomass
Maximum allowable years to rebuild to MSY: 98 years
Expected median time to rebuild: 95 years (2094)
Probability of rebuilding to MSY biomass by 2094: 55 percent
Fmsy proxy: F50%

ABC in 2002: 24 mt
OY in 2002: 4.8 mt

Management Measures in 2002

As in 2001, retention of cowcod is not allowed for any commercial and recreational fisheries. To further protect cowcod from incidental harvest, 2 Cowcod Conservation Areas (CCAs), delineated to encompass key cowcod habitat areas and known areas of high catches, were established in the Southern California Bight in 2001. Fishing for groundfish is prohibited within the CCAs, except that minor nearshore rockfish, cabezon, and greenlining may be taken from waters where the bottom depth is less than 20 fathoms (36.9 m).

Widow Rockfish

Areas Coastwide
Status of Stock: 24 percent of its unfished biomass
Maximum allowable years to rebuild to MSY: 38 years
Expected median time to rebuild: 37 years (2039)
Probability of rebuilding to MSY biomass by 2039 60 percent
Fmsy proxy: F50%
ABC in 2002: 3, 727 mt
OY in 2002: 856 mt

Management Measures in 2002

Commercial limits for widow rockfish are intended to accommodate incidental catch and do not provide an incentive for direct fishing. In addition, the midwater trawl fisheries for yellowtail rockfish have been constrained with an incidental catch allowance during the primary season for Pacific whiting. Bottom trawl opportunities for shelf rockfish continue to be extremely limited, which is expected to benefit widow rockfish.

Overfishing

None of the 2002 ABCs are knowingly set higher than Fmsy or its proxy, none of the OYs are set higher than the corresponding ABCs, and the management measures herein are designed to keep harvest levels within specified OYs. After the 2000 fishing season, NMFS determined that overfishing did not occur on any of the groundfish species. Changes to the rockfish management structure in 2002 that divided minor rockfish into 3 species groups (nearshore, shelf, slope) were partially intended to ensure that those species would not be subject to overfishing harvest rates. The Council also adopted a policy for the 2000 specifications that reduced ABCs by 25 percent to determine OYs for those species with less rigorous stock assessments, and by 50 percent to determine OYs for those species with no stock assessment. These policies are continued in 2002. Overfishing is difficult to detect inseason for many rockfish, particularly on these minor rockfish species, because most are not individually identified on landing. Species compositions, based on proportions encountered in samples of landings, are applied during the year. However, final results are not available until after the end of the year.

Bycatch and Discard Accounting

The Magnuson-Stevens Act defines bycatch as ''fish which are harvested in a fishery, which are not sold or kept for personal use, and include economic discards and regulatory discards.'' By contrast, Pacific Coast groundfish fishery management and many other fishery management regimes commonly use the term bycatch to describe non-targeted species that are caught in common with (co-occur with) target species, some of which are landed and sold or otherwise used and some of which are discarded. The term ''discard'' is used to describe those fish harvested that are neither landed nor used. For the purposes of this rule, the term ''bycatch'' is used to describe a species' co-occurrence with a target species, regardless of that first species' disposition.

With the exception of the mid-water trawl fishery for Pacific whiting, most groundfish vessels sort their catch at sea and discard species that are: in excess of cumulative trip limits, unmarketable, in excess of annual allocations, or incidentally caught non-groundfish species. Landed or retained catch has been monitored by the three state-run fish ticket programs in Washington, Oregon, and California.

Groundfish management measures include provisions to reduce trip limit-induced discards and to account for those discards when monitoring harvest levels (OYs). Historically, NMFS and the Council have accounted for dead discards by estimating the amounts of certain species OYs that would be discarded dead, and then subtracting those amounts from the total catch OYs to get landed catch levels for those species. These discard rates have been expressed as a percent of total catch OY, so that a 16 percent discard rate for a species meant that 16 percent of that species' total catch OY would be deducted to derive that species' landed catch OY. Then, management measures were set to achieve the landed catch OY for that species. Using discard rates was intended to account for dead fish either as dead discard or in landed catch. For all species except lingcod, sablefish, and nearshore rockfish species, it is assumed that discarded fish are generally dead upon discard or die soon after being discarded. Rockfish, particularly deepwater species, are severely stressed by decompression and temperature shock; however, lingcod discard mortality studies show about a 50 percent discard survival rate. There is no exact measure of discard amounts in most fisheries. Assumed amounts are taken into account to determine the true fishing mortality level and to prevent overall harvest from exceeding the OYs.

In setting past management measures, the Council would consider how each species or species group was taken, as targeted or incidental catch, in each of the various West Coast fisheries. A single species could be taken by many different gear types using different fishing strategies. Sablefish, for example, could be taken in trawl fisheries directly targeting the DTS complex, by pot gear directly targeting just sablefish, or by hook-and-line gear catching sablefish incidentally while targeting slope rockfish. West coast groundfish species are rarely found in isolation, and form associations with other groundfish that vary by geographic location, position in the water column, and season. Fisheries management recognizes this mix by setting management measures that discourage targeting of healthy stocks in times and areas when depleted stocks may co-occur with those healthy stocks. Conversely, fisheries management also recognizes this mix by structuring retention allowances for the harvestable amounts of depleted stocks so that fisheries do have access to healthy fish stocks.

During 2001, the annual specifications and management measures were challenged in court under *Natural Resources Defense Council, Inc* v. *Evans*, 2001 WL 1246622 (N.D.Cal. 2001). One result of that challenge was a court order to review the Council's historic bycatch rates and discard assumptions for bocaccio and lingcod, two overfished species. NMFS and the Council therefore reviewed and revised their overall approach to managing co-occurring healthy and depleted stocks. In September 2001, the Council's GMT and its SSC met to consider a new approach for determining discard rates for five overfished species for the 2002 fishery: bocaccio, lingcod, POP, canary rockfish, and darkbotched rockfish. During the September-October 2001 period, the GMT also considered discard rates for other rockfish and rockfish complexes. This analysis of discard rates for 2002

is the same analysis that the court had ordered NMFS to conduct for the 2001 annual specifications and management measures, and is intended to fulfill that obligation and to serve as the basis for determining 2002 management measures. The analysis for the 2002 discard rates is in ''Evaluation of Bycatch and Discard in the West Coast Groundfish Fishery,'' Council's Exhibit C3, Supplemental Attachment 3, November 2001.

This new bycatch and discard analysis calculated the co-occurrence of healthy stocks with each of the five overfished species. To make these co-occurrence calculations, the analysis evaluated data on a suite of trawl fishery target strategies (targeting the deepwater DTS complex, targeting arrowtooth flounder, etc.) Each target strategy was separated into six two–month periods to set a baseline of co-occurrence rates of overfished stocks throughout an entire calendar year. Not surprisingly, the analysis found seasonal variations in the co-occurrence rates between healthy and overfished stocks.

The bycatch and discard analysis evaluated information from several sources: (1) A 1985–1987 observed trawl study, commonly referred to as ''the Pikitch study,'' for its principal investigator; (2) the 1995–1998 EDCP observer and logbook study; (3) the 1999 state trawl logbook data; and (4) a 1998 Washington Department of Fish and Wildlife (WDFW) study on lingcod discard mortality. The Pikitch study, Experimental Data Collection Program (EDCP) study, and the trawl logbook data were used to derive co-occurrence rates of bycatch species within numerous defined target fishing strategies. Because logbooks only report retained catch, only tows where trip limits had not yet been achieved were included in the calculation of the rates. Logbooks represented the only available source of co-occurrence information for the fishery south of Cape Mendocino. The WDFW study addressed only lingcod discard survival and was not used in analyzing the effects of different fishing strategies on rockfish species.

Once the report's authors had described the relationship between healthy and overfished stocks by calculating co-occurrence rates, they then calculated a range (low-mid-high) of bycatch rates for each of the five overfished species in the analysis. In this report, the bycatch rate referred to the caught amount (by weight) of an overfished bycatch species, divided by the caught-and-retained amount (by weight) of target species for various target fishery scenarios, areas, and months.

Logbook and EDCP data were also used in developing a supplemental analysis of the effects of bycatch distribution on discard for the area north of Cape Mendocino for canary rockfish, POP, and lingcod. The report's authors used the findings from these three species in developing the upper end of the ranges for darkblotched rockfish and bocaccio. The results of this supplemental analysis were used in developing the upper bounds of the expected discard ranges identified for individual species, below. In all cases, the discard ranges developed are lower than the discard assumptions that have been used in recent years. Because of the newness of the analysis and the uncertainty regarding much of the data included in the analysis, NMFS determined it would be prudent to wait to use the new lower discard estimates in calculating landed catch OYs until they can be confirmed by data to be obtained in the new NMFS observer program in the current management regime. Therefore, for canary rockfish, POP, bocaccio, and lingcod the assumed discard rate has been conservatively adjusted up to the rate used in the recent past. For darkblotched rockfish, as explained below, the rate has been conservatively adjusted up to 20 percent.

At its November 2001 meeting, the Council reviewed the bycatch and discard analysis and the possible range of bycatch rates for each of the five overfished species. The Council determined which bycatch level (low, mid, or high) was likely most accurate for each of the five species, based on the analysis in the report. The Council's GMT then crafted trip limit scenarios for target and bycatch species calculated to keep the total catch (landed + discard) of healthy target species and the five overfished species below their respective OYs. The Council's ultimate trip limit recommendations were shaped largely by this bycatch and discard analysis and are proposed in section IV.

After the Council had set management measures according to the bycatch rate ranges for those species and designed to keep the total catch of overfished species below their OYs, the analysis authors were then able to provide NMFS with estimates of the percent of each overfished species OY that would be discarded. Thus, although the analysis of healthy/overfished stock co-occurrence rates and overfished species bycatch rates is new, the practice of deducting expected discard from a species total catch OY to derive landed catch OY has not changed. At the November 2001 Council meeting, the SSC reviewed the new bycatch and discard analysis and stated in its report to the Council that ''the SSC considers the GMT analysis to be the best way to proceed for the coming year.''

As the fishing year progresses, the GMT and the Council will have to periodically evaluate target species catch patterns and effort in season and revise trip limits for the remainder of the year to keep overfished species catch (landed + discard) below the appropriate limits. For example, if flatfish trawl fishery participation in winter months is higher than expected from past participation, assumed winter discard levels might increase and summer trip limits for target and bycatch species may then have to be adjusted to ensure that the overall 2002 fisheries do not exceed the OYs for overfished species. This approach addresses a recommendation from Amendment 13 to the FMP, which called for a re-examination and improvement in accuracy of species-to-species landings limit ratios.

The Council recommended addressing bycatch rates of the five overfished species analyzed in the report as follows:

Canary rockfish. Within the low-mid-high range of possible bycatch rates, the Council recommended the low bycatch rate range for canary rockfish. The Council chose the low range because both the Pikitch study and the EDCP study occurred during years when canary rockfish was considered one of the primary target species in the West Coast rockfish complex fisheries. Coincident catch of canary rockfish should be lower in a fishery management regime designed to avoid canary rockfish, through gear and target species restrictions, than in one designed to target canary rockfish. Data from a 2001 EFP at-sea observation program managed by WDFW supported this assumption, indicating canary rockfish interception rates in the trawl arrowtooth fishery off Washington were about one-tenth the rates assumed in even the low bycatch range scenario. The low bycatch rate range and the management measures proposed in this rule are expected to result in a discard rate of 5–10 percent of the total catch, which has been conservatively adjusted to 16 percent. This bycatch rate range and discard deduction would result in a landed catch OY of 30 mt for the limited entry fisheries and 4.5 mt for the open access fisheries.

Pacific ocean perch. Within the low-mid-high range of possible bycatch rates, the Council recommended the mid bycatch rate range for POP. POP has been managed to allow only incidental

retention for many years, thus the Pikitch and EDCP studies may more accurately represent current POP co-occurrence rates in the fisher than they do for canary rockfish. Bycatch levels assumed under the high bycatch rate scenario were so high that accepting it would have meant assuming that vessels would discard POP without achieving their trip limits. Conversely, the low bycatch rate scenario was implausible because it projected harvest levels lower than actual recorded landings in recent years. These unlikely assumptions related to the high and low bycatch scenarios for POP illustrate some of the difficulties in using varied historical data in a mathematical probability model for determining current bycatch rates. The mid bycatch rate range and the management measures proposed in section IV are expected to result in a discard rate of 0–7 percent of the total catch, which has been conservatively adjusted to 16 percent. This bycatch rate range and discard deduction would result in a landed catch OY of 294 mt.

Bocaccio. Within the low-mid-high range of possible bycatch rates, the Council recommended the high bycatch rate range for bocaccio. Similar to the POP low and high ranges, the low and mid bocacio bycatch range scenarios that came out of the model were unlikely when examined against actual landings data. Both the low and mid bycatch range scenarios for bocaccio projected harvest levels lower than actual recorded landings. Thus, the high bycatch range was the only plausible range for bocaccio. The high bycatch rate range and the management measures proposed in of this rule are expected to result in a discard rate of 4–8 percent of the total catch, which has been conservatively adjusted to 16 percent. This bycatch rate range and discard deduction would result in a landed catch OY of 21 mt for the limited entry fisheries and 16 mt for the open access fisheries.

Darkblotched rockfish. Within the low-mid-high range of possible bycatch rates, the Council recommended the mid bycatch rate range for darkblotched rockfish. Setting a bycatch rate for darkblotched rockfish was more difficult than for the other four species because darkblotched rockfish has not historically been separated from other minor slope rockfish in landings tickets, logbooks, and in data gathered in the EDCP study. The Council indicated that the high range was not as probable as the mid range because darkblotched rockfish tend to be of a larger size than other minor slope rockfish, thus less likely to be discarded for size and market reasons. The mid bycatch rate range and the management measures proposed in section IV are expected to result in a discard rate of 4–16 percent of the total catch, which has been conservatively adjusted to 20 percent due to generally higher rates of slope rockfish discard in EDCP observations. The mid bycatch range was also more probable than the low bycatch range because it was more compatible with results from the EDCP study, which NMFS has determined to be a fair illustration of slope trawling acetifies. This bycatch rate range and discard deduction would result in a landed catch OY of 130 mt.

Lingcod. Within the low-mid-high range of possible bycatch rates, the Council recommended the mid bycatch range for lingcod. The Council indicated that the high bycatch rate range was unlikely because the Pikitch and EDCP studies were conducted during periods when large footrope trawling (which can operate in rocky areas where lingcod are found) was permitted for rocky habitat species. The low bycatch range was unlikely for reasons similar to those for the low range for bocaccio and the low and mid ranges for POP, all of which projected harvest levels lower than actual recorded landings in recent years. The bycatch/discard analysis also indicated that if trawlers were allowed to retain incidentally caught lingcod during the winter months, the overall level of dead and discarded lingcod in 2002 could be reduced because it would be landed as retained catch during those months. Trawl footrope restrictions prevent trawlers from targeting lingcod. Thus, allowing winter trawl retention of lingcod is not expected to increase overall lingcod harvest and the effect on nest guarding males in rocky areas is expected to be neutral. Lingcod discard mortality is estimated to be 50 percent of the number of lingcod discarded (WDFW, 1997). The mid bycatch rate range and the management measures proposed in of this rule are expected to result in a discard mortality rate of 6–10 percent of the total catch, which has been conservatively adjusted to 20 percent. This bycatch rate range and discard deduction would result in a landed catch OY of 163 mt for the limited entry fisheries and 38 mt for the open access fisheries.

In addition to establishing the amount and percentage of discard that would occur for each of these five species (bocaccio, lingcod, darkblotched rockfish, canary rockfish, and POP), target fishery limits were adjusted so that the expected total catch of the five species was less than their total catch OYs. This provides an additional layer of protection for the five species, in that even if realized discard rates are somewhat higher than estimated, the total mortalities of these species should not exceed their OYs.

DTS complex species. For the 2001 specifications and management measures process, NMFS analyzed the results of the 1995 through 1998 EDCP, in which trawl vessels voluntarily fished for groundfish and either carried observers or completed detailed catch and discard logbooks. In 2000, NMFS determined that EDCP data could be used to update discard estimates applied to the DTS complex. New discard rates for the DTS complex resulted from this analysis and were implemented in 2001 as follows: 5 percent of the total catch OY for Dover sole, 17 percent of the total catch OY for longspine thornyhead, and 20 percent of the total catch OY for shortspine thornyhead. For sablefish, the new analysis resulted in discard rates separated by fishery: 22 percent of the limited entry trawl allocation, 8 percent of the limited entry fixed gear and open access allocations, and 3 percent of the tribal fisheries allocation. These discard rate estimates would again be used in 2002 as deductions from the total catch OYs for Dover sole and the two thornyhead species, and as deductions from the various fishery-specific sablefish allocations.

Rockfish species not included in bycatch/discard analysis. For widow rockfish, an overfished shelf rockfish species, the Council recommended continuing use of the historic discard rate estimation of 16 percent, which was originally derived for widow rockfish from the Pikitch study. The Council also recommended using this 16 percent placeholder discard rate for minor shelf rockfish and chilipepper rockfish. The origin of this rate is explained in the GMT's bycatch and discard analysis, along with an evaluation of its current use. Yellowtail rockfish would have a 20 percent placeholder discard rate, which is the 16 percent historic rate adjusted conservatively to reflect moderately higher discard values for yellowtail in the EDCP study. As in past years, widow, yellowtail, canary and darkblotched rockfish discard in the at-sea whiting fisheries will be monitored inseason and actual discard numbers will be deducted from the OY. The Council recommended a 20 percent discard rate for minor slope rockfish, as a conservative adjustment to the 16 percent discard rate that the EDCP study showed for slope rockfish taken in the DTS complex fisheries. The 20 percent discard rate for minor slope rockfish also mirrors the more thoroughly analyzed discard rate for darkblotched

rockfish, a slope rockfish. The minor nearshore rockfish discard rate was set at 5 percent of the total catch OY, based on the assumption that most minor nearshore rockfish survive the discard process because they are shallow water species and are not as affected by depth changes during capture as shelf and slope rockfish. This is supported by the fact that a significant percentage of these species are landed as live fish.

Cowcod and yelloweye rockfish are the other two overfished species not analyzed in the bycatch and discard analysis. Cowcod rebuilding measures include a coastwide retention prohibition. Thus, there is no landed catch OY for cowcod and any incidentally caught cowcod will be discarded. Prohibiting fishing for all groundfish with the CCAs, except that which is allowed seasonally inside 20 fathoms (37 m) along with other seasonal closures off California, is expected to reduce opportunities for intercepting cowcod.

Yelloweye rockfish is not often intercepted in the trawl fisheries. Thus, yelloweye rockfish management focuses on eliminating commercial hook-and-line interception and reducing recreational fisheries opportunities for interception. Modest amounts of yelloweye rockfish retention would be permitted in the trawl fisheries to ensure that if it is encountered, it will be available for scientific sampling.

Future Bycatch and Discard Analyses. During 2002, the Council's SSC will convene a workshop or a series of workshops to discuss the future of the Council's bycatch and discard rate policies. NMFS initiated an observer program for the vessels delivering groundfish to shorebased processing plants in August 2001. Future Council bycatch and discard rate policies will have to evolve over time, first accommodating management needs with little current observer data, and then maturing as the observer program data accumulates to a level where it can be used to better define total catch levels. Data from the observer program will provide information about co-occurrence and discard rates, and will affect discard calculations for all groundfish species, not just those included in the November 2001 bycatch and discard analysis. By the fall of 2002, the observer program will have been in operation for one year and will have observations from all seasons. Preliminary examination of the observer data will occur prior to that time, but the first complete analysis requires accumulation of data from all seasons. This analysis may not be completed in time, or have sufficient observations, to be fully incorporated in the annual specifications fro 2003.

II. Limited Entry and Open Access Fisheries

Since 1994, the non-tribal commercial groundfish fishery has been divided into limited entry and open access sectors, each with its own set of allocations and management measures. Species or species group allocations between the two sectors are based on the relative amounts of a species or species group taken by each component of the fishery during the 1984–1988 limited entry permit qualification period (50 CFR 660.332). The FMP allows suspension of this allocation formula for overfished species when changes to the traditional allocation formula are needed to better protect overfished species (Section 5.3.2).

Ground fish species or species group allocations between the limited entry and open access sectors are detailed in Tables 1a and 1b. All OYs, and all limited entry and open access allocations are expressed in terms of total catch. The limited entry/open access allocations for canary, darkblotched, and yelloweye rockfish would be suspended to allow the Council to better develop management measures that provide harvest of healthy stocks while protecting overfished stocks. Estimates of trip-limit induced discards are taken ''off the top'' before setting the limited entry and open access allocations, except for estimates of sablefish discards as explained in the footnotes to Table 1a. Landed catch equivalents are the harvest goals used when adjusting trip limits and other management measures during the season. Estimated bycatch of yellowtail, widow, canary, and darkblotched rockfish in the offshore whiting fishery is also deducted from the limited entry allocations before determining the landed catch equivalents for the target fisheries for widow and yellowtail rockfish.

Open Access Allocations

The open access fishery is composed of vessels that operate under the OYs, quotas, and other management measures governing the open access fishery, using (1) exempt gear or (2) longline or pot (trap) gear fished from vessels that do not have limited entry permits endorsed for that gear. Exempt gear includes all types of legal groundfish fishing gear except groundfish trawl, longline, and pots. (Exempt gear includes trawls used to harvest pink shrimp, spot, or ridgeback prawns (shrimp trawls) and, halibut or sea cucumbers south of Pt. Arena, CA (38°57′30″N. lat.))

Open access allocations are derived by applying the open access allocation percentages to the commercial OY. The commercial OY is the total catch OY after subtracting any tribal allocations and set-asides for recreational or compensation fishing for conducting resource surveys. For those species in which the open access share would have been less than 1 percent, no open access allocation is specified unless significant open access effort is expected.

Limited Entry Allocations

The limited entry fishery is the fishery composed of vessels using limited entry gear fished pursuant to the OYs, quotas, and other management measures governing the limited entry fishery. Limited entry gear includes longline, pot, or groundfish trawl gear used under the authority of a valid limited entry permit issued under the FMP, affixed with an endorsement for that gear. (Groundfish trawl gear excludes shrimp trawls used to harvest pink shrimp, spot prawns, or ridgeback prawns, and other trawls used to fish for California halibut or sea cucumbers south of Pt. Arena, CA.) A sablefish endorsement is also required for a vessel to operate in the limited entry primary fixed gear season for sablefish.

The limited entry allocation (in total catch) is the OY reduced by (1) set-asides, if any, for treaty tribal fisheries, recreational fisheries, or compensation fishing for participation in resource surveys (which results in the commercial OY or quota); and (2) the open access allocation. (Allocations for Washington coastal tribal fisheries are discussed in section V and, for whiting, at paragraph IV.B.(3).)

Following these procedures, the Regional Administrator calculated the amounts of allocations that are presented in Table 1a of this document. Unless otherwise specified, the limited entry and open access allocations would be treated as OYs or harvest guidelines in 2002. There may be slight discrepancies from the Council's recommendations due to rounding.

III. 2002 Management Measures

Before 2000, the major goals of groundfish management were to prevent overfishing while achieving the OYs and to provide year-round fisheries for the major species or species groups. Over time, however, it became apparent to NMFS that a number of species could not continue to be harvested year-round at a constant harvest rate. New legislative mandates under the Magnuson-Stevens Act (as amended by the Sustainable Fisheries Act in 1996)

gave highest priority to preventing overfishing and rebuilding overfished stocks to their MSY levels. The National Standard guidelines at 50 CFR 600.310 interpreted this as ''weak stock management,'' which means that harvest of healthier stocks may need to be curtailed to prevent overfishing or to rebuild overfished stocks.

Seven FMP species were declared overfished as of January 2001 (lingcod, bocaccio, POP, canary rockfish, cowcod, widow rockfish, and darkblotched rockfish), and one more species is being declared overfished concurrent with publication of this document (yelloweye rockfish). Of these species, canary rockfish is the most constraining, because it is found coastwide on the continental shelf and is caught directly or incidentally in most West coast fisheries (groundfish and non-groundfish.) In order to rebuild these overfished species while allowing harvest of healthy stocks, the Council chose management measures to divert fishing effort off the sea floor of the continental shelf, where lincod, bocaccio, canary rockfish, cowcod, widow rockfish, yelloweye rockfish, and, to a lesser extent, POP and darkblotched rockfish occur. Continental slope fisheries have also been curtailed by lower Dover sole and sablefish ABCs and OYs, which provides additional protection to POP and darkblotched rockfish. Management measures for 2002 have been crafted to maximize fishing opportunity for healthy stocks in periods when bycatch and discard of overfished and depleted stocks is estimated to be lowest.

Management priorities for 2002 were guided by the following goals: (1) Prevent overfishing; (2) manage consistent with rebuilding plans for overfished species; (3) craft management measures and target species seasons to minimize incidental catch and discard of overfished and depleted stocks; (4) provide equitable harvest opportunity for both recreational and commercial sectors; and (5) within the commercial fisheries, achieve harvest guidelines and limited entry and open access allocations, to the extent practicable.

A number of assumptions and considerations were involved in developing the management recommendations for 2002. As discussed earlier, the November 2001 bycatch and discard analysis evaluated the target fisheries for healthy stocks to determine periods in the fishing year when those fisheries could be constrained to best reduce the incidental catch of overfished species. Trip limits in the commercial fisheries have been crafted to reduce incidental interception of overfished species so that total mortality for a species does not exceed its OY, and different sectors of the commercial fisheries are constrained at different times of the year in accordance with their specific effects on overfished species. For example, the bycatch and discard analysis of EDCP data indicated that incidental catch of darkblotched rockfish in the DTS complex fisheries is significantly higher during November-December than during other times of the year. Thus, DTS complex cumulative limits are at their lowest in November-December. Similarly, trawl flatfish limits are the most constrained in May through September, when canary rockfish interception is higher. Fisheries for many target species are unlikely to achieve the OYs of those target species so that overfished species may be protected. Fisheries for yellowtail rockfish, for example, will not achieve the yellowtail OYs because yellowtail harvest is constrained to protect co-occurring canary and widow rockfish. Similarly, chilipepper harvest will be significantly below its OY to protect co-occurring bocaccio.

Management measures for the limited entry fishery are found in section IV. Most cumulative trip limits, size limits, and seasons for the limited entry fishery are set out in Tables 3 and 4. However, the limited entry nontrawl sablefish fishery, the midwater trawl fishery for whiting, and the hook-and-line fishery for black rockfish off Washington are managed separately from the majority of the groundfish species and are not fully addressed in the tables. The management structure for these fisheries has not changed since 2001, except for the level of trip limits for sablefish and whiting, and is described in paragraphs IV.B.(2)–(4) of section IV. Other provisions for the 2001 fisheries not explicitly addressed above would remain in effect for 2002 and are repeated in section IV of this document.

After hearing proposals and advice from its advisory entities and public testimony at its November 2001 meeting, the Council recommended the following actions for management in 2002.

Limited Entry Trawl

For the limited entry trawl fishery, the Council recommended a suite of gear and cumulative trip limits designed to allow fishing with gear in times and areas where incidental catch of overfished or depleted species will be minimized. As discussed earlier, the primary force shaping the structure of trawl fisheries limits were the coincident catch rates for overfished species taken in fisheries targeting healthy stocks. Many of the healthy groundfish stocks, such as the suite of flatfish species, are harvested almost exclusively with trawl gear, rather than with hook-and-line gear. Season structuring and gear requirements are intended to reduce incidental catch of overfished species as much as possible in every period of the year.

Flatfish fisheries are managed with more restrictions on gear use and trip limit levels during the summer months, when participation is greater and trawl tows for flatfish are more likely to encounter overfished species. More restrictive landings limits are imposed on all flatfish species in the north in May–October to minimize canary and/or darkblotched rockfish bycatch. Higher POP trip limits are provided in the summer months, when the flatfish fisheries are more likely to encounter POP. Northern DTS complex limits are different for each two-month period of the year to minimize interception of canary rockfish or darkblotched rockfish, depending on which species is more available to the DTS complex fisheries during a particular period. For both the DTS complex and flatfish fisheries, landings limits are less tightly structured south of 40°10″ N. lat. because fisheries in that area are less likely to encounter POP, canary, and darkblotched rockfish. South of 40°10″ N. lat., the Council has also introduced a new trip limit for Pacific sanddabs, an abundant species with relatively low bycatch rates of other species.

In 2000 and 2001, lingcod retention was prohibited in all fisheries for the months of November through April. These winter closures were intended to both reduce overall lingcod harvest and to reduce capture of male lingcod during the spawning/nesting season. Male lingcod guard nests of fertilized eggs from predators, so reducing male lingcod catch during nest guarding season is an effective way of protecting both adults and eggs. Nest guarding males are mainly caught by gear that can be used in the rocky areas where they nest. Under current gear restrictions, this gear is hook-and-line gear. Small footrope trawl and mid-water trawl gear are not used in rocky areas because they can too easily become entangled and torn in rocky habitat. In 2002, trawl-caught lingcod retention would be permitted throughout the year because the Council believes that trawling is less likely than hook-and-line fishing to disturb male lingcod guarding nests in rocky areas. Lingcod caught incidentally during winter trawl fisheries would otherwise be discarded and thereby increase the overall lingcod discard

level in the trawl fisheries. The lingcod landings limit of 800 lb (363 kg) per 2-month period is not high enough to give trawlers an incentive to target lingcod.

For 2002, the Council recommended continuing the use of differential trip limits for limited entry trawlers operating with different trawl gear configurations: bottom trawl with footropes greater than 8 inches (20.5 cm) in diameter; bottom trawl with footropes smaller than 8 inches (20.5 cm) in diameter; and midwater or pelagic trawl. Trawling with footropes that have roller gear or other large gear designed to bounce over tough rockpiles tends to allow those vessels greater access to rocky areas where several of the overfished species congregate. Therefore, landings of shelf rockfish (except chilipepper) are prohibited if large footrope trawls (such as roller gear) are used (or on board the vessel); small amounts of shelf rockfish bycatch may be landed if small footrope trawls are used; and, targeting healthy shelf rockfish stocks is encouraged only if midwater trawls are used. This tends to greatly reduce harvest in the areas where the overfished species are presumably found, while allowing retention of small amounts incidentally caught in areas of lower abundance of these species. This strategy of differential trip limits for different trawl gear types was used in 2000 and 2001. Initial Oregon Department of Fish and Wildlife trawl logbook data indicate a significant decrease in trawl activity in rocky areas of the continental shelf since the adoption of this strategy. Cowcod prohibitions and closures apply to limited entry trawl vessels, although there are few limited entry trawl vessels operating south of Point Conception in CCA waters.

Chafing gear will continue to be prohibited on the body of small footrope trawls. Chafing gear protects the net from excess wear when it drags against rock piles or the sea floor. The prohibition against chafing gear makes the net more vulnerable to damage, and so encourages fishers to operate in less rocky areas.

Trawl vessels using large footrope gear (with footrope greater than 8 inches (20 cm) in diameter) are prohibited from landing nearshore and shelf rockfish (except chilipepper) and most flatfish species because their ability to fish in rocky areas would result in high incidental catch of species that cannot withstand additional fishing effort. Although vessels are not prohibited from using large footropes in nearshore and continental shelf areas, they are not allowed to retain and sell most of the species they would catch from those areas. Therefore, NMFS expects little, if any, use of large footrope gear in areas of high concentration of overfished species. Large footrope trawls may still be used for target deepwater fisheries when fewer overfished species are encountered, primarily Dover and rex soles, thornyheads, sablefish, and deepwater rockfish. During part of the year, predominately winter months, large footrope trawls may also be used to harvest arrowtooth flounder and petrale sole. However, small footrope trawls are required for the rest of the year when these species are more likely to aggregate with overfished species (See Table 3).

For chilipepper rockfish, trip limits are more liberal when it is taken with midwater trawl gear. This gear is effective at harvesting chilipepper above the ocean floor with little or no bycatch of bottom-dwelling species such as canary rockfish. In past years, higher midwater trawl limits were also available for yellowtail rockfish because of reduced canary rockfish availability in the midwater yellowtail fisheries. In 2002, however, midwater yellowtail retention is restricted to an incidental catch allowance in the midwater whiting trawl fisheries. Midwater fisheries for yellowtail rockfish tend to also harvest widow rockfish. Thus, this increased protection for yellowtail rockfish taken with midwater gear is intended to reduce the opportunity for incidental widow rockfish harvest. If a fisher chooses to carry more than one type of trawl gear on board, any landing will be attributed to the gear on board with the most restrictive landing limit. To land the maximum amounts of chilipepper rockfish, vessels will be required to have only midwater trawl gear on board.

Limited Entry Fixed Gear

Similar to the limited entry trawl fisheries, trip limit opportunities in the limited entry fixed gear fisheries are arranged to minimize opportunities for intercepting overfished species. One of the most significant changes expected for limited entry fixed gear management in 2002 is an April-October primary sablefish season. In 2001, NMFS approved Amendment 14 to the FMP, which implemented a permit stacking program for sablefish-endorsed limited entry permits and a longer primary sablefish season. NMFS expects to shortly publish a proposed rule to, among other things, implement the April-October season for 2002 and beyond.

The larger-sized sablefish most desired in the market are available farther offshore in continental slope waters. For 2002, minor slope rockfish limits are higher in the May-October period to allow vessels targeting primary season sablefish to take advantage of the minor slope rockfish OY when they are most likely to encounter those rockfish. Darkblotched rockfish are part of the minor slope rockfish complex, so overall minor slope rockfish limits are set at levels intended to constrain darkblotched rockfish catch.

Yelloweye rockfish is also caught incidentally in hook-and-line sablefish fisheries. Because yelloweye rockfish tend to sell for a higher price per pound than other co-occurring rockfish species, there is a good chance that yelloweye taken in prior years have been targeted, rather than caught incidentally. Thus, yelloweye rockfish retention has been prohibited entirely in the limited entry fixed gear fisheries. To give vessels targeting sablefish in the daily trip limit fisheries an opportunity to move out to the continental slope fishing grounds, the Council has again recommended a weekly sablefish landing option. With weekly limits, vessels are more likely to travel to the continental slope for the larger and more valuable sablefish, thereby reducing opportunities for incidental catch of continental shelf species (yelloweye, canary, and widow rockfish, bocaccio, cowcod, and lingcod.) Cowcod prohibitions and closures apply to limited entry, fixed gear vessels. Similar to 2001, fisheries for minor nearshore rockfish north of 40°10′ N. lat. are managed with sublimits for species other than black and blue rockfish, to encourage targeting on these more abundant nearshore rockfish species.

As in 2000 and 2001, limited entry fixed gear fishing for lingcod will be prohibited during January through April and during November through December. These closures are intended to protect nest-guarding lingcod during the spawning and nesting season. Nest-guarding lingcod are more available to fixed gear than to trawl gear, because lingcod nest in rocky habitat that tears trawl gear while line gear can be used successfully in rocky areas. Thus, winter closures for fixed gear are intended to eliminate fixed gear lingcod targeting.

For commercial fisheries, directed fishing for and opportunities to take overfished species as bycatch are severely curtailed. Fixed gear generally has greater access than trawl gear to rockfish living on and around high relief rockpiles as explained above. The Council recommended closing commercial fixed gear fishing for nearshore rockfish, shelf rockfish, and

lingcod during periods when the recreational fisheries for those species are closed to reduce overall hook-and-line gear (commercial and recreational) targeting on rockfish. All limited entry fixed gear (pot and longline) vessels south of 40°10′ N. lat. are prohibited from fishing for nearshore rockfish, shelf rockfish, and lingcod during the closed periods detailed in Table 4, with allowances for vessels fishing inside of the 20-fathom (36.9 m) depth contour. Concurrent commercial and recreational closures are expected to achieve conservation goals while reducing the conflict that sometimes occurs when one fishing sector is allowed to fish while another is not.

Open Access (Hook-and-Line, Troll, Pot, Setnet, Trammel Net)

The open access nontrawl fishery is managed separately from the limited entry fixed-gear fishery, but bycatch reduction measures are similar for both sectors. As in the past, open access cumulative trip limits continue to be applied mostly to 1-month periods, and thornyheads may not be taken and retained north of 37°27′ N. lat. Time and area closures are used south of 40°10′ N. lat., similar to the limited entry fixed gear fisheries and for the same reasons. Vessels participating in the open access fisheries with nontrawl gear (hook-and-line, troll, pot, setnet and trammel net) south of 40°10′ N. lat. are prohibited from fishing for nearshore rockfish, shelf rockfish, and lingcod, during the closed periods described in Table 5 with allowances for vessels fishing inside of the 20-fathom (36.9 m) depth contour. The lingcod fishery for all open access nontrawl gears is also subject to the same closure, size limits, and cumulative trip limits as the limited fixed gear fisheries. Similar to 2001, fisheries for minor nearshore rockfish north of 40°10′ N. lat. are managed with sublimits for black and blue rockfish, to encourage targeting on these more abundant nearshore rockfish species. Cowcod prohibitions and closures apply to all open access vessels.

Open access cumulative limits may exceed those for limited entry. If a vessel with a limited entry permit uses open access gear (including exempted trawl gear) and the open access cumulative limit is larger, the vessel will be constrained by the smaller, limited entry cumulative limit for the entire cumulative period.

Open Access Exempted Trawl Gear

Open access exempted trawl gear (used to harvest spot and ridgeback prawns, California halibut, sea cucumbers, or pink shrimp) is managed with both ''per trip'' limits and cumulative trip limits. These trip limits are similar to those in 2001, and the species-specific open access limits apply but may not exceed the overall groundfish limits. The limits are 500 lb (227 kg) of groundfish per day, not to exceed 1,500 lb (680 kg) per trip in the pink shrimp fishery. For other exempted trawl gears, there is a 300 lb (136 kg) per trip limit. The pink shrimp fishery is subject to species-specific limits that are different from other open access limits for lingcod, canary rockfish, and sablefish. As with open access nontrawl gears, thornyheads may not be taken and retained north of 34°27′ N. lat. Cowcod prohibitions and closures apply to all open access vessels.

Recreational Fishery

Recreational fisheries effort has also been constrained to protect overfished species, particularly for lingcod, canary rockfish, bocaccio, and yelloweye rockfish, which have significant recreational catches. Washington, Oregon, and California each proposed, and the Council recommended, different combinations of seasons, bag limits, and size limits to best fit the needs of their recreational fisheries, while also meeting conservation goals.

For lingcod, Washington closed the recreational fishery for 5 months (January 1—March 15, October 15—December 31) and maintained its 2 fish bag limit and its 24 inch (61 cm) minimum size limit. Oregon's lingcod measures are also the same as in 2001, a 1 fish bag limit, 24 inch (61 cm) minimum size limit and a year-round fishery. California maintained its 2 lingcod bag limit, but lowered its minimum size limit to match the 24 inch (61 cm) limit used in the other two states. California lingcod closures south of 40°10′ N. lat. are more stringent than in 2001: from 40°10′ N. lat. 34°27′ N. lat., closed March through April and November through December in all waters, and open only inside 20 fathoms (36.9 m) in May through June and September through October. South of 34°27′ N. lat., closed January through February and November through December.

Recreational fisheries off Washington and Oregon will be challenged this year by a need to maintain low yelloweye rockfish catch. Some measures taken in 2000 and 2001 to protect other northern overfished rockfish species should also protect yelloweye rockfish, but the states also recommended several new yelloweye-specific measures. Washington maintained its 10 rockfish bag limit, with sublimits of no more than 2 canary rockfish, or no more than 1 canary rockfish and 1 yelloweye rockfish. Oregon also maintained its 10 rockfish bag limit, of which no more than 1 may be canary rockfish and no more than one may be yelloweye rockfish. In reviewing the take of yelloweye rockfish in their recreational fisheries, the states of Washington and Oregon found that yelloweye rockfish is most frequently taken by vessels that travel offshore to target Pacific halibut. However, yelloweye rockfish are not taken while the vessel is fishing for halibut, but rather after the vessel has completed its halibut fishing it moves to another location and fishes for yelloweye rockfish before heading to port. Therefore, prohibiting the retention of yelloweye rockfish when halibut are on the vessel should eliminate the directed harvest of yelloweye during halibut fishing trips, without causing discard of incidentally-caught yelloweye rockfish. Thus, Washington is prohibiting the retention of yelloweye rockfish when halibut is on board, and Oregon is prohibiting the same during its all-depth halibut fisheries.

Recreational fishing restrictions proposed for California are intended to ensure that fishing mortality will not exceed limits associated with rebuilding plans for bocaccio, canary rockfish, cowcod, and lingcod. California maintained its rockfish size limits, its 2-hook per fishing line limit and its 10 rockfish bag limit, with a 1 canary rockfish sublimit, 2 bocaccio sublimit, and a 1 yelloweye rockfish sublimit with no more than 2 yelloweye rockfish per vessel. As with all commercial fisheries, cowcod retention is prohibited. In the southern California area, the CCAs first implemented in 2001 would remain closed to both recreational and commercial fishing for groundfish outside of the 20 fathom (36.9 m) depth contour. Inside the 20 fathom (36.9 m) depth contour, recreational and commercial fishing for rockfish and lingcod is permitted from March through October.

Recreational fisheries data indicate that California fisheries may have exceeded the amounts of bocaccio and canary rockfish that the Council had estimated pre-season would be taken in those fisheries in 2001. To prevent these overages from reoccurring in 2002, recreational fisheries closures off California are twice the duration they were in 2001. The recreational fishing season for rockfish and lingcod between 40°27′ N. lat.) and Point Conception (34°27′ N. lat.) would be just 4 months duration for all depths, January–February and July–August, plus 4 months inside 20 fathoms (36.9 m) in

May–June and September–October. When the fishery is open inside 20 fathoms (36.9 m), bocaccio, canary, and yelloweye rockfish retention is prohibited, and there is a 2 shelf rockfish bag limit. The recreational fishing season for rockfish and lingcod in that same area would be open for all depths in January–February and July–August, and in waters shoreward of 20 fathoms (36.9 m) in May–June and September–October. South of Point Conception (34°27′ N. lat.) the recreational fishing season would be 8 months duration, March through October. Different season closures were chosen north and south of Point Conception (34°27′ N. lat.) in order to correspond with the periods of greatest benefit statewide for bocaccio and canary rockfish. Taken together with the proposed restrictions on commercial fisheries, the recreational fishery season closures and limits are expected to keep total fishing mortality under the established OYs.

The season closures allow for modestly higher commercial trip and recreational bag limits than would otherwise be possible under year-round fishing. Season closures are also expected to result in fewer discards than would otherwise occur. Concurrent seasons for recreational and commercial nontrawl fisheries are more cost effective to enforce than staggered seasons and minimize conflicts between commercial nontrawl and recreational fishers who fish for nearshore and self rockfish.

Fishing Communities and Impacts

The Magnuson-Stevens Act requires that actions taken to implement FMPs be consistent with the 10 national standards, one of which requires that conservation and management measures shall be consistent with the conservation requirements of the Act, ''take into account the importance of fishery resources to fishing communities in order to (A) provide for sustained participation of such communities and (B), to the extent practicable, minimize adverse economic impacts on such communities.'' Commercial and recreational fisheries for Pacific Coast groundfish contribute to the economies and shape the cultures of numerous fishing communities in Washington, Oregon, and California. Meeting the needs of fishing communities has become increasingly difficult because the Council manages a fishery that is overcapitalized and contains stocks that are overfished. In recommending this year's specifications and management measures, the Council tried to accommodate some of the needs of those communities within the constraints of Magnuson-Stevens Act requirements to rebuild overfished stocks, prevent overfishing, and minimize bycatch. In general, the Council allows the largest harvest possible, consistent with conservation needs of the fish stocks.

West Coast groundfish intermix by species, which means that interception and incidental mortality of overfished species is inevitable even if retention of a particular species is prohibited. As discussed earlier in the section on bycatch and discards, the Council's primary goal for 2002 was to minimize the incidental interception of overfished species. To achieve this, the fisheries seasons are structured both to maximize target species catch while minimizing overfished species incidental take and to allow minimal retention of overfished species where incidental take will inevitably occur. Minimal retention levels will discourage targeting while allowing fishers to land already dead, incidentally caught fish. The retention levels allowed (along with the estimated discard levels) for each of the overfished species are below their OYs and allow rebuilding.

For 2002, the Council continued the year-round fishery opportunity that is important to the fishing and processing sectors for maintaining continuous employment opportunities and maintaining consistent groundfish marketing opportunities. The Council modified the cumulative trip limit system that has been used in recent years to extend the fishing season throughout the year by providing opportunities for at least some groundfish species and by maintaining trawl gear restrictions initially adopted for 2000. These gear restrictions use operational and economic incentives to prevent bottom trawl fishing with roller gear for some species and encourage use of midwater trawl and small footrope trawls on the continental shelf where most overfished species occur. Trawl gear restrictions are intended to reduce directed fishing for species that commonly co-occur with overfished species. These strategies were first developed for the 2000 fishery by a group of industry participants who met with the GMT about achieving conservation goals while minimizing effects on the industry and coastal communities. Offering higher limits to fishermen who use gear with lower bycatch rates reduces bycatch and enhances economic opportunities by providing access to healthy stocks.

Some commercial fishers have commented that they are being unfairly constrained relative to recreational fisheries, while some recreational fishers have commented that the commercial fisheries are being favored. In developing 2002 management measures, the Council sought a fair and equitable balance for the two sectors, and also sought to achieve needed reductions in total fishing mortality. California hook-and-line commercial fisheries will be subject to the same season restrictions as the recreational fisheries. The Council was concerned that further restrictions on recreational fishing (*e.g.,* longer closures or lower bag limits) would prevent charter vessels operators from running charter fishing trips for a long enough period that they could go out of business. Under further restrictions, passengers may refuse to pay the price to fish or may not make enough trips in open seasons to allow operators to cover their costs. Not only would charter vessel operators be affected by changes to recreational fishery management, but supporting businesses such as bait shops and tackle suppliers, hotels, restaurants, and charter company agents, etc. would also likely suffer. The closed seasons generally cover the months that have historically accounted for the largest seasonal catches of bocaccio and other rockfishes.

Allowable commercial catches of many groundfish are even lower than in 2001, but the Council has tried to restructure the timing of differential trip limits to provide commercial fisheries with greater flexibility in their fishing patterns while not increasing the overall catches. Again, this restructuring is intended to limit the extent to which businesses such as tackle suppliers and bait shops that supply and support the fishing industry would suffer. Many commercial groundfish fishers have other fishing opportunities during the year, and these opportunities were taken into account. For example, the small-scale commercial fishers (and recreational fishers) in southern California would (under state regulations) still be able to fish for certain species in nearshore waters while the shelf is closed to protect overfished species.

Nonetheless, the effects of these 2002 management measures on some fishers and communities will be severe, particularly for those without other opportunities. For the 2002 fishery, the Council proposed stringent harvest levels intended to protect and rebuild overfished and depleted stocks. In addition to reducing OYs for overfished stocks, the Council also severely constrained harvest on healthy stocks associated with overfished stocks. These measures were needed to ensure that

rebuilding of overfished and depleted stocks could occur. However, they will cause serious socio-economic repercussions as a result of these lower harvest levels and the consequent lower landings limits.

Distribution of the economic effect of the 2002 management measures will depend on how well the fishers can adapt to the restrictions. Some user groups, particularly those able to use midwater trawl gear, will have a greater opportunity to harvest than they would have had without gear restrictions, because proposed restrictions allow fishers to use gear that reduces incidental catch of the depleted rockfish. Other fishers will not be able to maintain a viable operation at the reduced harvest levels. The Council prepared an EA/RIR/IRFA for this action, which includes a discussion of the economic and social effects of these management measures on coastal communities (see **ADDRESSES**).

Trip Limit Tables and Management Measures

Cumulative trip limits are set into tables, with explanations in section IV. However, the industry is cautioned not to rely on the tables alone. The text in section IV provides cumulative trip limit definitions and periods, size limit definitions and conversions, and other information that cannot be readily included in a table but must be understood in order to correctly use the tables. The sablefish allocations and nontrawl sablefish management, Pacific whiting allocations and seasons, and ''per trip'' limits for black rockfish off Washington State are still presented in text in paragraphs IV.B. Trip limits for exempted trawl gear in the open access fishery (paragraphs IV.B. Trip limits for exempted trawl gear in the open access fishery (paragraph IV.C.), recreational management measures (paragraph IV.D.), and tribal allocations and management measures (paragraph V.) still remain in the text.

Cumulative trip limits are applied during the time periods and in the areas indicated in Tables 3–5 of section IV. The cumulative trip limit may be taken at any time within the applicable cumulative trip limit period. All cumulative trip limit periods start at 0001 hours, local time, on the specified beginning date, except for ''B'' platoon trawl vessels whose limits start on the 16th of the month (see paragraph IV.A.(16).

Example 1: Line 2 of Table 3 for the limited entry trawl fishery means: North of 40°10′ N. lat., the cumulative trip limit for minor slope rockfish is 1,800 lb (816 kg) per 2-month period; the 2-month periods are January 1–February 28 and March 1–April 30, etc.

Example 2: The trip limits for bocaccio on Table 4 for limited entry fixed gear mean: From January 1 through February 28, the trip limit for bocaccio between 40°10′ N. lat and 34°27′ N. lat. is 200 lb (91 kg) each month. However, the fishery for bocaccio is closed from March 1 to June 30, which means bocaccio may not be taken, retained, possessed or landed between 40°10′ N. lat. and 34°27′ N. lat. during that time period. The cumulative trip limit returns at 200 lb (91 kg) per month on July 1, but a fisher may not fish ahead on that amount (see paragraph IV.A(2)). Bocaccio taken and retained north of 40°10′ N. lat. are not explicitly mentioned in the table, however they are included in the trip limit for ''minor shelf rockfish-north'' (see footnote 5 of Table 4).

IV. NMFS Actions

For the reasons stated above, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), concurs with the Council's recommendations and announces the following management actions for 2002, including measures that are unchanged from 2001 and new measures.

A. General Definitions and Provisions

The following definitions and provisions apply to the 2002 management measures, unless otherwise specified in a subsequent **Federal Register** document:

(1) *Trip limits.* Trip limits are used in the commercial fishery to specify the amount of fish that may legally be taken and retained, possessed, or landed, per vessel, per fishing trip, or cumulatively per unit of time, or the number of landings that may be made from a vessel in a given period of time, as follows:

(a) A per trip limit is the total allowable amount of a groundfish species or species group, by weight, or by percentage of weight of legal fish on board, that may be taken and retained, possessed, or landed per vessel from a single fishing trip.

(b) A daily trip limit is the maximum amount that may be taken and retained, possessed, or landed per vessel in 24 consecutive hours, starting at 0001 hours l.t. Only one landing of groundfish may be made in that 24-hour period. Daily trip limits may not be accumulated during multiple day trips.

(c) A weekly trip limit is the maximum amount that may be taken and retained, possessed, or landed per vessel in 7 consecutive days, starting at 0001 hours l.t. on Sunday and ending at 2400 hours l.t. on Saturday. Weekly trip limits may not be accumulated during multiple week trips. If a calendar week includes days within two different months, a vessel is not entitled to two separate weekly limits during that week.

(d) A cumulative trip limit is the maximum amount that may be taken and retained, possessed, or landed per vessel in a specified period of time without a limit on the number of landings or trips, unless otherwise specified. The cumulative trip limit periods for limited entry and open access fisheries, which start at 0001 hours l.t. and end at 2400 hours l.t., are as follows, unless otherwise specified:

(i) The 2-month periods are: January 1–February 28, March 1–April 30, May 1–June 30, July 1–August 31, September 1–October 31, and November 1–December 31.

(ii) One month means the first day through the last day of the calendar month.

(iii) One week means 7 consecutive days, Sunday through Saturday.

(2) *Fishing ahead.* Unless the fishery is closed, a vessel that has landed its cumulative or daily limit may continue to fish on the limit for the next period, so long as no fish (including, but not limited to, groundfish with no trip limits, shrimp, prawns, or other nongroundfish species or shellfish) are landed (offloaded) until the next period. As stated at 50 CFR 660.302 (in the definition of ''landing''), once the offloading of any species begins, all fish aboard the vessel are counted as part of the landing. Fishing ahead is not allowed during or before a closed period (see paragraph IV.A. (7)). See paragraph IV.A.(9) for information on inseason changes to limits.

(3) *Weights.* All weights are round weights or round-weight equivalents unless otherwise specified.

(4) *Percentages.* Percentages are based on round weights, and, unless otherwise specified, apply only to legal fish on board.

(5) *Legal fish. Legal fish* means fish legally taken and retained, possessed, or landed in accordance with the provisions of 50 CFR part 660, the Magnuson-Stevens Act, any document issued under part 660, and any other regulation promulgated or permit issued under the Magnuson-Stevens Act.

(6) *Size limits and length measurement.* Unless otherwise specified, size limits in the commercial and recreational groundwater fisheries apply to the ''total length,'' which is the longest measurement of the fish without mutilation of the fish or the use of force to extend the length of the fish. No fish with a size limit may be retained if it is in such condition that its length has been extended or cannot be determined by these methods. For conversions not listed here, contact the state where the fish will be landed.

(a) *Whole fish.* For a whole fish, total length is measured from the tip of the snout (mouth closed) to the tip of the tail in a natural, relaxed position.

(b) *''Headed'' fish.* For a fish with the head removed (''headed''), the length is measured from the origin of the first dorsal fin (where the front dorsal fin meets the dorsal surface of the body closest to the head) to the tip of the upper lobe of the tail; the dorsal fin and tail must be left intact.

(c) *Filets.* A filet is the flesh from one side of a fish extending from the head to the tail, which has been removed from the body (head, tail, and backbone) in a single continuous piece. Filet lengths may be subject to size limits for some groundfish taken in the recreational fishery off California (see paragraph IV. D.(1)). A filet is measured along the length of the longest part of the filet, in a relaxed position; stretching or other wise manipulating the filet to increase its length is not permitted.

(d) *Sablefish weight limit conversions.* The following conversions apply to both the limited entry and open access fisheries when trip limits are effective for those fisheries. For headed and gutted (eviscerated) sablefish, the conversion factor established by the state where the fish is or will be landed will be used to convert the processed weight to round weight for purposes of applying the trip limit. (The conversion factor currently is 1.6 in Washington, Oregon, and California. However, the state conversion factors may differ; fishers should contact fishery enforcement officials in the state where the fish will be landed to determine that state's official conversion factor.)

(e) *Lingcod size and weight conversions.* The following conversions apply in both limited entry and open access fisheries.

(i) *Size conversion.* For lingcod with the head removed, the minimum size limit is 19.5 inches (49.5 cm), which corresponds to 24 inches (61 cm) total length for whole fish.

(ii) *Weight conversion.* The conversion factor established by the state where the fish is or will be landed will be used to convert the processed weight to round weight for purposes of applying the trip limit. (The states' conversion factors may differ, and fishers should contact fishery enforcement officials in the state where the fish will be landed to determine that state's official conversion factor.) If a state does not have a conversion factor for headed and gutted lingcod, or lingcod that is only gutted; the following conversion factors will be used. To determine the round weight, multiply the processed weight times the conversion factor.

(A) *Headed and gutted.* The conversion factor for headed and gutted lingcod is 1.5.

(B) *Gutted, with the head on.* The conversion factor for lingcod that has only been gutted is 1.1.

(7) *Closure.* ''Closure,'' when referring to closure of a fishery, means that taking and retaining, possessing, or landing the particular species or species group is prohibited. (See 50 CFR 660.302.) Unless otherwise announced in the **Federal Register**, offloading must begin before the time the fishery closes. The provisions at paragraph IV.A. (2) for fishing ahead do not apply during a closed period. It is unlawful to transit through a closed area with the prohibited species on board, no matter where that species was caught, except as provided for in the CCA at IV.A. (20).

(8) *Fishery management area.* The fishery management area for these species is the EEZ off the coasts of Washington, Oregon, and California between 3 and 200 nm offshore, bounded on the north by the Provisional International Boundary between the United States and Canada, and bounded on the south by the International Boundary between the United States and Mexico. All groundfish possessed between 0–200 nm offshore or landed in Washington, Oregon, or California are presumed to have been taken and retained from the EEZ, unless otherwise demonstrated by the person in possession of those fish.

(9) *Routine management measures.* Most trip, bag, and size limits in the groundfish fishery have been designated ''routine,'' which means they may be changed rapidly after a single Council meeting. (See 50 CFR 660.323(b).) Council meetings in 2002 will be held in the months of March, April, June, September, and November. Inseason changes to routine management measures are announced in the **Federal Register**. Information concerning changes to routine management measures is available from the NMFS Northwest and Southwest Regional Offices (see **ADDRESSES**). Changes to trip limits are effective at the times stated in the **Federal Register**. Once a change is effective, it is illegal to take and retain, possess, or land more fish than allowed under the new trip limit. This means that, unless otherwise announced in the **Federal Register**, offloading must begin before the time a fishery closes or a more restrictive trip limit takes effect.

(10) *Limited entry limits.* It is unlawful for any person to take and retain, possess, or land groundfish in excess of the landing limit for the open access fishery without having a valid limited entry permit for the vessel affixed with a gear endorsement for the gear used to catch the fish (50 CFR 660.306(p)).

(11) *Operating in both limited entry and open access fisheries.* The open access trip limit applies to any fishing conducted with open access gear, even if the vessel has a valid limited entry permit with an endorsement for another type of gear. A vessel that operates in both the open access and limited entry fisheries is not entitled to two separate trip limits for the same species. If a vessel has a limited entry permit and uses open entry limit, the open access limit cannot be exceeded and counts toward the limited entry limit. If a vessel has a limited entry permit and uses open access gear, but the open access limit is larger than the limited entry limit, the smaller limited entry limit applies, even if taken entirely with open access gear.

(12) *Operating in areas with different trip limits.* Trip limits for a species or a species group may differ in different geographic areas along the coast. The following ''crossover'' provisions apply to vessels operating in different geographical areas that have different cumulative or ''per trip'' trip limits for the same species or species group. Such crossover provisions do not apply to species that are subject only to daily trip limits, or to the trip limits for black rockfish off Washington (see 50 CFR 660.323(a)(1)). In 2002, the cumulative trip limit periods for the limited entry and open access fisheries are specified in paragraph IV.A(1)(d), but may be changed during the year if announced in the **Federal Register**.

(a) *Going from a more restrictive to a more liberal area.* If a vessel takes and retains any groundfish species or species group of groundfish in an area where a more restrictive trip limit applies before fishing in an area where a more liberal trip limit (or no trip limit) applies, then that vessel is subject to the more restrictive trip limit for the entire period to which that trip limit applies, no matter where the fish are taken and retained, possessed, or landed.

(b) *Going from a more liberal to a more restrictive area.* If a vessel takes and retains a groundfish species or species group in an area where a higher trip limit or no trip limit applies, and takes and retains, possesses or lands the same species or species group in an area where a more restrictive trip limit applies, that vessel is subject to the more restrictive trip limit for the entire period to which that trip limit applies, no matter where the fish are taken and retained, possessed, or landed.

(c) *Minor rockfish.* Several rockfish species are designed with species-specific limits on one side of the 40°10′ N. lat. management line, and are included as part of a minor rockfish complex on the other side of the line.

(i) If a vessel takes and retains minor slope rockfish north of 40°10′ N. lat., that vessel is also permitted to take and retain, possess or land splitnose rockfish up to its cumulative limit south of 40°10′ N. lat., even if splitnose rockfish were a part of the landings from minor slope rockfish taken and retained north of 40°10′ N. lat. [Note: A vessel that takes and retains minor slope rockfish on both sides of the management line in a single cumulative limit period is subject to the more restrictive cumulative limit for minor slope rockfish during that period.]

(ii) If a vessel takes and retains minor slope rockfish south of 40°10′ N. lat., that vessel is also permitted to take and retain, possess or land POP up to its cumulative limit north of 40°10′ N. lat., even if POP were a part of the landings from minor slope rockfish taken and retained south of 40°10′ N. lat.

Note: A vessel that takes and retains minor slope rockfish on both sides of the management line in a single cumulative limit period is subject to the more restrictive cumulative limit for minor slope rockfish during that period.

(iii) If a vessel takes and retains minor shelf rockfish north of 40°10′ N. lat., that vessel is also permitted to take and retain, possess, or land chilipepper rockfish and bocaccio up to their respective cumulative limits south of 40°10′ N. lat., even if either species is part of the landings from minor shelf rockfish taken and retained north of 40°10′ N. lat.

Note: A vessel that takes and retains minor shelf rockfish on both sides of the management line in a single cumulative limit period is subject to the more restrictive cumulative limit for minor shelf rockfish during that period.

(iv) If a vessel takes and retains minor shelf rockfish south of 40°10′ N. lat., that vessel is also permitted to take and retain, possess, or land yellowtail rockfish up to its respective cumulative limits north of 40°10′ N. lat., even if yellowtail rockfish is part of the landings from minor shelf rockfish taken and retained south of 40°10′ N. lat.

Note: A vessel that takes and retains minor shelf rockfish on both sides of the management line in a single cumulative limit period is subject to the more restrictive cumulative limit for minor shelf rockfish during that period.

(d) ''*DTS complex.*'' For 2002, there are differential trip limits for the ''DTS complex'' (Dover sole, shortspine thornyhead, longspine thornyhead, sablefish) north and south of the management line at 40°10′ N. lat. Vessels operating in the limited entry trawl fishery are subject to the crossover provisions in this paragraph IV.A. (12) when making landings that include any one of the four species in the ''DTS complex.''

(13) *Sorting.* It is unlawful for any person to ''fail to sort, prior to the first weighing after offloading, those groundfish species or species groups for which there is a trip limit, size limit, quota, or commercial OY, if the vessel fished or landed in an area during a time when such trip limit, size limit, commercial optimum yield, or quota applied.'' This provision applies to both the limited entry and open access fisheries. (See 50 CFR 660.306(h).) The following species must be sorted in 2002:

(a) For vessels with a limited entry permit:

(i) Coastwide—widow rockfish, canary rockfish, darkblotched rockfish, yelloweye rockfish, shortbelly rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, shortspine and longspine thornyhead, Dover sole, arrowtooth flounder, rex sole, petrale sole, other flatfish, lingcod, sablefish, and Pacific whiting.

Note: Although both yelloweye and darkblotched rockfish are considered minor rockfish managed under the minor shelf and minor slope rockfish complexes, respectively, they have separate OYs and therefore must be sorted by species.

(ii) North of 40°10′ N. lat.—POP, yellowtail rockfish, and, for fixed gear, black rockfish and blue rockfish;

(iii) South of 40°10′ N. lat.—chilipepper rockfish, bocaccio rockfish, splitnose rockfish, and Pacific sanddabs.

(b) For open access vessels (vessels without a limited entry permit):

(i) Coastwide—widow rockfish, canary rockfish, darkblotched rockfish, yelloweye rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, arrowtooth flounder, other flatfish, lingcod, sablefish, Pacific whiting, and Pacific sanddabs;

(ii) North of 40°10′ N. lat.—black rockfish, blue rockfish, POP, yellowtail rockfish;

(iii) South of 40°10′ N. lat.—chilipepper rockfish, bocaccio rockfish, splitnose rockfish;

(iv) South of Point Conception—thornyheads.

(14) *Limited Entry Trawl Gear Restrictions.* Limited entry trip limits may vary depending on the type of trawl gear that is on board a vessel during a fishing trip: large footrope, small footrope, or midwater trawl gear.

(a) *Types of trawl gear*—(i) Large footrope trawl gear is bottom trawl gear, as specified at 50 CFR 660.302 and 660.322(b), with a footrope diameter larger than 8 inches (20 cm) (including rollers, bobbins or other material encircling or tied along the length of the footrope).

(ii) Small footrope trawl gear is bottom trawl gear, as specified at 50 CFR 660.302 and 660.322(b), with a footrope diameter 8 inches (20 cm) or smaller (including rollers, bobbins or other material encircling or tied along the length of the footrope), except chafing gear may be used only on the last 50 meshes of a small footrope trawl, measured from the terminal (closed) end of the codend. Other lines or ropes that run parallel to the footrope may not be augmented or modified to violate footrope size restrictions.

(iii) Midwater trawl gear is pelagic trawl gear, as specified at 50 CFR 660.302 and 660.322(b)(2). The footrope of midwater trawl gear may not be enlarged by encircling it with chains or by any other means. Ropes or lines running parallel to the footrope of midwater trawl gear must be bare and may not be suspended with chains or other materials.

(b) *Cumulative trip limits and prohibitions by trawl gear type*–(i) *Large footrope trawl.* It is unlawful to take and retain, possess or land any species of shelf or nearshore rockfish (defined at IV.A. (21) and Table 2 to section IV) except chilipepper rockfish south of 40°10′ N. Lat. (as specified in Table 3) from a fishing trip if large footrope gear is on board; this restriction applies coastwide from January 1 to December 31. It is unlawful to take and retain, possess or land petrale sole, rex sole, or arrowtooth flounder from a fishing trip if large footrope gear is onboard and the trip is conducted at least in part between May 1 and October 31; cumulative limits for ''all other flatfish'' (all flatfish except those with cumulative trip limits in Table 3 to section IV) are lower for vessels with large footrope gear on board throughout the year. (See Table 3.) It is unlawful for any vessel using large footrope gear to exceed large footrope gear limits for any species or to use large footrope gear to exceed small footrope gear or midwater trawl gear limits for any species. The presence of rollers or bobbins larger than 8 inches (20 cm) in diameter on board the vessel, even if not attached to a trawl, will be considered to mean a large footrope trawl is on board. Dates are adjusted for the ''B'' platoon (See IV.A. (16)).

(ii) *Small footrope or midwater trawl gear.* Cumulative trip limits for canary rockfish, widow rockfish, yellowtail rockfish, bocaccio, minor shelf rockfish, minor nearshore rockfish, and lingcod, and higher cumulative trip limits for chilipepper rockfish and flatfish, as indicated in Table 3 to section IV, are allowed only if small footrope gear or midwater trawl gear is used, and if that gear meets the specifications in paragraphs IV.A (14).

(iii) *Midwater trawl gear.* Higher cumulative trip limits are available for limited entry vessels using midwater trawl gear to harvest widow or chilipepper rockfish. Each landing that contains widow or chilipepper rockfish is attributed to the gear on board with the most restrictive trip limit for those species. Landings attributed to small footrope trawl must not exceed the small footrope limit, and landings attributed to midwater trawl must not exceed the midwater trawl limit. If a vessel has landings attributed to both types of trawls during a cumulative trip limit period, all landings are counted toward the most restrictive gear-specific cumulative limit.

(iv) *More than one type of trawl gear on board.* The cumulative trip limits in Table 3 of section IV must not be exceeded. A fisher may have more than one type of limited entry trawl gear on board, but the most restrictive trip limit associated with the gear on board applies for the trip and will count toward the cumulative trip limit for that gear.

Example: If a vessel has large footrope gear on board, it cannot land yellowtail rockfish, even if the yellowtail rockfish is caught with a small footrope trawl. If a vessel has both small footrope trawl and midwater trawl gear on board, the landing is attributed to the most restrictive gear-specific limit, regardless of which gear type was used.

(c) *Measurement.* The footrope will be measured in a straight line from the outside edge to the opposite outside edge at the widest part on any individual part, including any individual disk, roller, bobbin, or any other device.

(d) *State landing receipts.* Washington, Oregon, and California will require the type of trawl gear on board with the most restrictive limit to be recorded on the State landing receipt(s) for each trip or an attachment to the State landing receipt.

(e) *Gear inspection.* All trawl gear and trawl gear components, including unattached rollers or bobbins, must be readily accessible and made available for inspection at the request of an authorized officer. No trawl gear may be removed from the vessel prior to offloading. All footropes shall be uncovered and clearly visible except when in use for fishing.

(15) *Permit transfers.* Limited entry permit transfers are to take effect no earlier than the first day of a major cumulative limit period following the day NMFS receives the transfer form and original permit (50 CFR 660.335(e)(3)). Those days in 2002 are January 1, March 1, May 1, July 1, September 1, and November 1, and are delayed by 15 days (starting on the 16th of a month) for the ''B'' platoon.

(16) *Platooning—limited entry trawl vessels.* Limited entry trawl vessels are automatically in the ''A'' platoon, unless the ''B'' platoon is indicated on the limited entry permit. If a vessel is in the ''A'' platoon, its cumulative trip limit periods begin and end on the beginning and end of a calendar month as in the past. If a limited entry trawl permit is authorized for the ''B'' platoon, then cumulative trip limit periods will begin on the 16th of the month (generally 2 weeks later than for the ''A'' platoon), unless otherwise specified.

(a) For a vessel in the ''B'' platoon, cumulative trip limit periods begin on the 16th of the month at 0001 hours, l.t., and end at 2400 hours, l.t., on the 15th of the month. Therefore, the management measures announced herein that are effective on January 1, 2002, for the ''A'' platoon will be effective on January 16, 2002, for the ''B'' platoon. The effective date of any inseason changes to the cumulative trip limits also will be delayed for 2 weeks for the ''B'' platoon, unless otherwise specified.

(b) A vessel authorized to operate in the ''B'' platoon may take and retain, but may not land, groundfish from January 1, 2002, through January 15, 2002.

(c) A vessel authorized to operate in the ''B'' platoon will have the same cumulative trip limits for the November 16, 2002, through December 31, 2002, period as a vessel operating in the ''A'' platoon has for the November 1, 2002, through December 31, 2002 period.

(17) *Exempted fisheries.* U.S. vessels operating under an exempted fishing permit issued under 50 CFR part 600 are also subject to these restrictions, unless otherwise provided in the permit.

(18) *Application of requirements.* Paragraphs IV.B. and IV.C. pertain to the commercial groundfish fishery, but not to Washington coastal tribal fisheries, which are described in section V. The provisions in paragraphs IV.B. and IV.C. that are not covered under the headings ''limited entry'' or ''open access'' apply to all vessels in the commercial fishery that take and retain groundfish, unless otherwise stated. Paragraph IV.D. pertains to the recreation fishery.

(19) *Commonly used geographic coordinates.*

(a) Cape Falcon, OR—45°46′ N. lat.

(b) Cape Lookout, OR—45°20′15″ N. lat.

(c) Cape Blanco, OR—42°50′ N. lat.

(d) Cape Mendocino, CA—40°30′ N. lat.

(e) North/South management line—40°10′ N. lat.

(f) Point Arena, CA—38°57′30″ N. lat.

(g) Point Conception, CA—34°27′ N. lat.

(h) International North Pacific Fisheries Commission (INPFC) subareas (for more precise coordinates for the Canadian and Mexican boundaries, see 50 CFR 660.304):

(i) Vancouver—U.S.-Canada border to 47°30′ N. lat.

(ii) Columbia—47°30′ to 43°00′ N. lat.

(iii) Eureka—43°00′ to 40°00′ N. lat. N. lat.

(iv) Monterey—40°30′ 36°00′ N. lat. N. lat.

(v) Conception—36°00′ N. lat. to the U.S.-Mexico border.

(20) *Cowcod Conservation Areas.* Recreational and commercial fishing for groundfish is prohibited within the Cowcod Conservation Areas (CCAs), except that recreational and commercial fishing for rockfish and lingcod is permitted in waters inside 20 fathoms (36.9 m). It is unlawful to take and retain, possess, or land groundfish inside the CCAs, except for rockfish and lingcod taken in waters inside the 20-fathom (36.9 m) depth contour, when those waters are open to fishing. Commercial fishing vessels may transit through the Western CCA with their gear stowed and groundfish on board only in a corridor through the Western CCA bounded on the north by the latitude line at 33°00′30″ N. lat., and bounded on the south by the latitude line at 32°59′30'' N. lat.

(i) The Western CCA is an area south of Point Conception that is bound by straight lines connecting all of the following points in the order listed:

33°50′ N. lat., 119°30′ W. long.;
33°50′ N. lat., 118°50′ W. long.;
32°20′ N. lat., 118°50′ W. long.;
32°20′ N. lat., 119°30′ W. long.;
33°00′ N. lat., 119°30′ W. long.;
33°00′ N. lat., 119°50′ W. long.;
33°30′ N. lat., 119°50′ W. long.;
33°30′ N. lat., 119°30′ W. long.; and connecting back to 33°50′ N. lat., 119°30′ W. long.

(ii) The Eastern CCA is a smaller area west of San Diego that is bound by straight lines connecting all of the following points in the order listed:

32°40′ N. lat., 118°00′ W. long.;

32°40′ N. lat., 117°50′ W. long.;
32°36′42″ N. lat., 117°50′ W. long.;
32°30′ N. lat., 117°53′30″ W. long.;
32°30′ N. lat., 118°00′ W. long.; and connecting back to 32°40′ N. lat., 118°00′ W. long.;

(21) *Rockfish categories.* Rockfish (except thornyheads) are divided into categories north and south of 40°10′ N. lat., depending on the depth where they most often are caught: nearshore, shelf, or slope. (Scientific names appear in Table 2.) Trip limits are established for ''minor rockfish'' species according to these categories (see Tables 2–5).

(a) Nearshore rockfish consists entirely of the minor nearshore rockfish species listed in Table 2.

(b) Shelf rockfish consists of canary rockfish, shortbelly rockfish, widow rockfish, yelloweye rockfish, yellowtail rockfish, bocaccio, chilipepper, cowcod, and the minor shelf rockfish species listed in Table 2.

(c) Slope rockfish consists of POP, splitnose rockfish, darkblotched rockfish, and the minor slope rockfish species listed in Table 2.

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Table 2 – Minor Rockfish Species (excludes thornyheads)

North of 40°10' N. lat.	South of 40°10' N. lat.
NEARSHORE	
black, Sebastes melanops	black, Sebastes melanops
black and yellow, S. chrysolmelas	black and yellow, S. chrysolmelas
blue, S. mystinus	blue, S. mystinus
brown, S. auriculatus	brown, S. auriculatus
calico, S. dalli	calico, S. dalli
China, S. nebulosus	California scorpionfish, Scorpaena guttata
copper, S. caurinus	China, Sebastes nebulosus
gopher, S. carnatus	copper, S. caurinus
grass, S. rastrelliger	gopher, S. carnatus
kelp, S. atrovirens	grass, S. rastrelliger
olive, S. serranoides	kelp, S. atrovirens
quillback, S. maliger	olive, S. serranoides
treefish, S. serriceps	quillback, S. maliger
	treefish, S. serriceps
SHELF	
bronzespotted, S. gilli	bronzespotted, S. gilli
bocaccio, S. paucispinis	chameleon, S. phillipsi
chameleon, S. phillipsi	dwarf-red, S. rufianus
chilipepper, S. goodei	flag, S. rubrivinctus
cowcod, S. levis	freckled, S. lentiginosus
dwarf-red, S. rufianus	greenblotched, S. rosenblatti
flag, S. rubrivinctus	greenspotted, S. chlorostictus
freckled, S. lentiginosus	greenstriped, S. elongatus
greenblotched, S. rosenblatti	halfbanded, S. semicinctus
greenspotted, S. chlorostictus	honeycomb, S. umbrosus
greenstriped, S. elongatus	Mexican, S. macdonaldi
halfbanded, S. semicinctus	pink, S. eos
honeycomb, S. umbrosus	pinkrose, S. simulator
Mexican, S. macdonaldi	pygmy, S. wilsoni
pink, S. eos	redstriped, S. proriger
pinkrose, S. simulator	rosethorn, S. helvomaculatus
pygmy, S. wilsoni	rosy, S. rosaceus
redstriped, S. proriger	silvergrey, S. brevispinus
rosethorn, S. helvomaculatus	speckled, S. ovalis
rosy, S. rosaceus	squarespot, S. hopkinsi
silvergrey, S. brevispinis	starry, S. constellatus
speckled, S. ovalis	stripetail, S. saxicola
squarespot, S. hopkinsi	swordspine, S. ensifer
starry, S. constellatus	tiger, S. nigorcinctus
stripetail, S. saxicola	vermilion, S. miniatus
swordspine, S. ensifer	yelloweye, S. ruberrimus
tiger, S. nigorcinctus	yellowtail, S. flavidus
vermilion, S. miniatus	
yelloweye, S. ruberrimus	
SLOPE	
aurora, S. aurora	aurora, S. aurora
bank, S. rufus	bank, S. rufus
blackgill, S. melanostomus	blackgill, S. melanostomus
darkblotched, S. crameri	darkblotched, S. crameri
redbanded, S. babcocki	Pacific ocean perch (POP), S. alutus
rougheye, S. aleutianus	redbanded, S. babcocki
sharpchin, S. zacentrus	rougheye, S. aleutianus
shortraker, S. borealis	sharpchin, S. zacentrus
splitnose, S. diploproa	shortraker, S. borealis
yellowmouth, S. reedi	yellowmouth, S. reedi

B. Limited Entry Fishery

(1) *General.* Most species taken in limited entry fisheries will be managed with cumulative trip limits (see paragraph IV.A.(1)(d),) size limits (see paragraph IV.A(6)), and seasons (see paragraph IV.A.(7)). The trawl fishery has gear requirements and trip limits that differ by the type of trawl gear on board (see paragraph (IV.A.(14)). Cowcod retention is prohibited in all fisheries and groundfish vessels operating south of Point Conception must adhere to CCA restrictions (see paragraph IV.A.(20)). Yelloweye rockfish retention is prohibited in the limited entry fixed gear fisheries. Most of the management measures for the limited entry fishery are listed above and in Tables 3 and 4, and may be changed during the year by announcement in the **Federal Register**. However, the management regimes for several fisheries (nontrawl sablefish, Pacific whiting, and black rockfish) do not neatly fit into these tables and are addressed immediately following 3 and 4.

Table 3. Trip Limits [1] and Gear Requirements [2] for Limited Entry Trawl Gear
Other Limits and Requirements Apply -- Read Sections IV. A. and B. NMFS Actions before using this table

line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
1	**Minor slope rockfish**						
2	North	1,800 lb/ 2 months					
3	South	50,000 lb/ 2 months					
4	**Splitnose - South**	25,000 lb/ 2 months					
5	**Pacific ocean perch - North[6]**	2,000 lb/ month		4,000 lb/ month			2,000 lb/ month
6	**Chilipepper - South[6]**						
7	mid-water trawl	25,000 lb/ 2 months					
8	small footrope trawl	7,500 lb/ 2 months					
9	large footrope trawl	500 lb/ trip, not to exceed small footrope cumulative 2-month limits at any time during the year.					
10	**DTS complex - North**						
11	Sablefish	6,000 lb/ 2 months		3,500 lb/ 2 months	6,000 lb/ 2 months	3,500 lb/ 2 months	2,500 lb/ 2 months
12	Longspine thornyhead	10,000 lb/ 2 months		6,000 lb/ 2 months	3,000 lb/ 2 months	10,000 lb/ 2 months	2,000 lb/ 2 months
13	Shortspine thornyhead	2,600 lb/ 2 months		2,000 lb/ 2 months	2,600 lb/ 2 months	2,600 lb/ 2 months	1,500 lb/ 2 months
14	Dover sole	30,000 lb/ 2 months	28,000 lb/ 2 months	14,000 lb/ 2 months	28,000 lb/ 2 months	20,000 lb/ 2 months	14,000 lb/ 2 months
15	**DTS complex - South**						
16	Sablefish	4,500 lb/ 2 months					
17	Longspine thornyhead	10,000 lb/ 2 months					
18	Shortspine thornyhead	2,600 lb/ 2 months					
19	Dover sole	22,000 lb/ 2 months					
20	**Flatfish - North**						
21	All other flatfish [3]	Small footrope required: 15,000 lb/ month	35,000 lb/ month	30,000 lb/ month, no more than 10,000 of which may be petrale sole	40,000 lb/ month, no more than 15,000 of which may be petrale sole	50,000 lb/ month, no more than 20,000 of which may be petrale sole	Small footrope required: 50,000 lb/ month
22	Petrale sole	Not limited					Not limited
23	Rex sole	Not limited					Not limited
24	Arrowtooth flounder	30,000 lb/ trip		Small footrope required: 7,500 lb/ trip, no more than 30,000 lb/ month			30,000 lb/ trip
25	**Flatfish - South**						
26	All other flatfish [3]	Small footrope: 70,000 lb/ month, no more than 40,000 lb of which may be species other than Pacific sanddabs		Small footrope: 70,000 lb/ month, no more than 40,000 lb of which may be species other than Pacific sanddabs. Of the species other than Pacific sanddabs, no more than 15,000 lb may be petrale sole.			Small footrope: 70,000 lb/ month, no more than 40,000 lb of which may be species other than Pacific sanddabs
27	Petrale sole	Not limited					Not limited
28	Rex sole	Not limited					Not limited
29	Arrowtooth flounder	30,000 lb/ trip		Small footrope required: 7,500 lb/ trip, no more than 30,000 lb/ month			30,000 lb/ trip
30	**All other flatfish [3], including petrale sole - North and South**	Large footrope: 1,000 lb/trip, not to exceed small footrope cumulative monthly limits at any time during the year.					
31	**Whiting shoreside [4]**	20,000 lb/ trip		Primary Season			20,000 lb/ trip
32	**USE OF SMALL FOOTROPE BOTTOM TRAWL[5] OR MIDWATER TRAWL REQUIRED FOR LANDING ALL OF THE FOLLOWING SPECIES:**						
33	**Minor shelf rockfish**						
34	North	300 lb/ month		1,000 lb/ month			300 lb/ month
35	South	500 lb/ month		1,000 lb/ month			500 lb/ month
36	**Canary rockfish**	200 lb/ 2 months		600 lb/ 2 months			200 lb/ 2 months
37	**Widow rockfish**						
38	mid-water trawl	CLOSED[7]		During primary whiting season, in trips of at least 10,000 lb of whiting: combined widow and yellowtail limit of 500 lb/ trip, cumulative widow limit of 1,500 lb/ month			CLOSED7/
39	small footrope trawl	1,000 lb/ month					
40	**Yellowtail - North[6]**						
41	mid-water trawl	CLOSED[7]		During primary whiting season, in trips of at least 10,000 lb of whiting: combined widow and yellowtail limit of 500 lb/ trip, cumulative yellowtail limit of 2,000 lb/ month			CLOSED7/
42	small footrope trawl	Without flatfish, 1,000 lb/ month. As flatfish bycatch, per trip limit is the sum of 33% (by weight) of all flatfish except arrowtooth flounder, plus 10% (by weight) of arrowtooth flounder, not to exceed 30,000 lb/ 2 months.					
43	**Bocaccio - South[6]**	600 lb/ 2 months		1,000 lb/ 2 months			600 lb/ 2 months
44	**Cowcod**	**CLOSED7/**					
45	**Minor nearshore rockfish**						
46	North	300 lb/ month		1,000 lb/ month			300 lb/ month
47	South	300 lb/ month		1,000 lb/ month			300 lb/ month
48	**Lingcod[8]**	800 lb/ 2 months					

1/ Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N. lat. to the U.S.-Canada border. "South" means 40°10' N. lat. to the U.S.-Mexico border. 40°10' N. lat. is about 20 nm south of Cape Mendocino, CA.
2/ Gear requirements and prohibitions are explained above.
3/ "Other" flatfish means all flatfish at 50 CFR 660.302 except those in this Table 3 with a trip limit.
4/ The whiting "per trip" limit in the Eureka area inside 100 fm is 10,000 lb/ trip throughout the year. Outside Eureka area, the 20,000 lb/ trip limit applies before and after the primary season.
5/ Small footrope trawl means a bottom trawl net with a footrope no larger than 8 inches (20 cm) in diameter. Midwater gear also may be used; the footrope must be bare. See above.
6/ Yellowtail rockfish and POP in the south, and bocaccio and chilipepper rockfishes in the north are included in the trip limits for minor shelf rockfish in the appropriate area.
7/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV.A.(7).
8/ The minimum size limit for lingcod is 24 inches (61 cm) total length.
To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 4. Trip Limits[1/] for Limited Entry Fixed Gear
Other Limits and Requirements Apply – Read Sections IV. A. and B. NMFS Actions before using this table

line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
1	**Minor slope rockfish**						
2	North	1,000 lb/ month		5,000 lb/ 2 months			2,000 lb/ 2 months
3	South	25,000 lb/ 2 months					
4	**Splitnose - South**	25,000 lb/ 2 months					
5	**Pacific ocean perch - North 5/**	2,000 lb/ month		4,000 lb/ month			2,000 lb/ month
6	**Sablefish**						
7	North of 36° N. lat.	300 lb/ day, or 1 landing per week of up to 800 lb, not to exceed 2,400 lb/ 2 months					
8	South of 36° N. lat.	350 lb/ day, or 1 landing per week of up to 1,050 lb					
9	**Longspine thornyhead**	9,000 lb/ 2 months					
10	**Shortspine thornyhead**	2,000 lb/ 2 months					
11	**Dover sole**	5,000 lb/ month (all flatfish)					
12	**Arrowtooth flounder**						
13	**Petrale sole**						
14	**Rex sole**						
15	**All other flatfish 2/**						
16	**Whiting 3/**	20,000 lb/ trip					
17	**Shelf rockfish, including minor shelf rockfish, widow and yellowtail rockfish[5/]**						
18	North	200 lb/ month					
19	South						
20	40°10' - 34°27' N. lat.	200 lb/ month	CLOSED 4/		200 lb/ month	CLOSED 4/	
21	South of 34°27' N. lat.	CLOSED 4/	1,000 lb/ month				CLOSED 4/
22	**Canary rockfish**	CLOSED 4/					
23	**Yelloweye rockfish**	CLOSED 4/					
24	**Cowcod**	CLOSED 4/					
25	**Bocaccio - South 5/**						
26	40°10' - 34°27' N. lat.	200 lb/ month	CLOSED 4/		200 lb/ month	CLOSED 4/	
27	South of 34°27' N. lat.	CLOSED 4/	200 lb/ month				CLOSED 4/
28	**Chilipepper - South 5/**						
29	40°10' - 34°27' N. lat.	500 lb/ month	CLOSED 4/		500 lb/ month	CLOSED 4/	
30	South of 34°27' N. lat.	CLOSED 4/	2,500 lb/ month				CLOSED 4/
31	**Minor nearshore rockfish**						
32	North	5,000 lb/ month, no more than 2,000 lb of which may be species other than black or blue rockfish 6/					
33	South						
34	40°10' - 34°27' N. lat.	1,600 lb/ 2 months	CLOSED 4/	Shoreward of 20 ftm depth, 1,600 lb/ 2 months, otherwise CLOSED 4/	1,600 lb/ 2 months	Shoreward of 20 ftm depth, 1,600 lb/ 2 months, otherwise CLOSED 4/	CLOSED 4/
35	South of 34°27' N. lat.	CLOSED 4/	2,000 lb/ 2 months				CLOSED 4/
36	**Lingcod 7/**						
37	North	CLOSED 4/		400 lb/ month			CLOSED 4/
38	South						
39	40°10' - 34°27' N. lat.	CLOSED 4/		Shoreward of 20 ftm depth, 400 lb/ month, otherwise CLOSED 4/	400 lb/ month	Shoreward of 20 ftm depth, 400 lb/ month, otherwise CLOSED 4/	CLOSED 4/
40	South of 34°27' N. lat.	CLOSED 4/		400 lb/ month			CLOSED 4/

1/ Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N. lat. to the U.S.-Canada border. "South" means 40°10' N. lat. to the U.S.-Mexico border. 40°10' N. lat is about 20 nm south of Cape Mendocino, CA.
2/ "Other flatfish" means all flatfish at 50 CFR 660.302 except those in this Table 4 with a trip limit.
3/ The whiting "per trip" limit in the Eureka area inside 100 fm is 10,000 lb/ trip throughout the year.
4/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV.A.(7).
5/ Yellowtail rockfish and widow rockfish coastwide, POP in the south, and bocaccio and chilipepper rockfishes in the north are included in the trip limits for shelf rockfish in the appropriate area.
6/ For black rockfish north of Cape Alava (48°09'30" N.lat.), and between Destruction Island (47°40'00" N.lat.) and Leadbetter Point (46°38'10" N.lat.), there is an additional limit of 100 lbs or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.
7/ The minimum size limit for lingcod is 24 inches (61 cm) total length.
To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

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(2) *Sablefish.* The limited entry sablefish allocation is further allocated 58 percent to trawl gear and 42 percent to nontrawl gear. See footnote e/ of Table 1a.

(a) *Trawl trip and size limits.* Management measures for the limited entry trawl fishery for sablefish are listed in Table 3.

(b) *Nontrawl (fixed gear) trip and size limits.* To take, retain, possess, or land sablefish during the primary season for the limited entry fixed gear sablefish fishery, the owner of a vessel must hold a limited entry permit for that vessel, affixed with both a gear endorsement for longline or trap (or pot) gear, and a sablefish endorsement. (See 50 CFR 663.323(a)(2)(i).) A sablefish endorsement is not required to participate in the limited entry daily trip limit fishery.

(i) *Primary season.* The primary season begins at 12 noon l.t. on April 1, 2002, and ends at 12 noon l.t. on October 31, 2002. There are no pre-season or post-season closures. During the primary season, each vessel with at least one limited entry permit with a sablefish endorsement that is registered for use with that vessel may land up to the cumulative trip limit for each of the sablefish-endorsed limited entry permits registered for use with that vessel, for the tier(s) to which the permit(s) are assigned. For 2002, the following limits would be in effect: Tier 1, 36,000 lb. (16,329 kg); Tier 2, 16,500 lb (7,484 kg); Tier 3, 9,500 lb (4,309 kg). All limits are in round weight. If a Vessel is registered for use with a sablefish-endorsed limited entry permit, all sablefish taken after April 1, 2002, count against the cumulative limits associated with the permit(s) registered for use with that vessel. A vessel that is eligible to participate in the primary sablefish season may participate in the daily trip limit fishery for sablefish once that vessel's primary season sablefish limit(s) have been taken or after October 31, 2001, whichever occurs first. No vessel may land sablefish against both its primary season cumulative sablefish limits and against the daily trip limit fishery limits within the same 24 hour period of 0001 hour l.t. to 2400 hours l.t.

(ii) *Daily trip limit.* Daily and/or weekly sablefish trip limits listed in Table 4 apply to any limited entry fixed gear vessels not participating in the primary sablefish season described in paragraph (i) of this section. North of 36° N. lat., the daily and/or weekly trip limits apply to fixed gear vessels that are not registered for use with a sablefish-endorsed limited entry permit, and to fixed gear vessels that are registered for use with a sablefish-endorsed limited entry permit when those vessels are not fishing against their primary sablefish season cumulative limits. South of 36° N. lat., the daily and/or weekly trip limits for taking and retaining sablefish that are listed in Table 4 apply throughout the year to all vessels registered for use with a limited entry fixed gear permit.

(3) *Whiting.* Additional regulations that apply to the whiting fishery are found at 50 CFR 660.306 and at 50 CFR 660.323(a)(3) and (a)(4). All allocations described in this section and in the tribal fisheries allocation description at paragraph V. will not be finalized until the Council finalizes the 2002 whiting ABC and OY at its March 2002 meeting.

(a) *Allocations.* Whiting allocations will be based on the percentages detailed in 50 CFR 660.323(a)(4)(i), and will be announced inseason when the final OY is announced.

(b) *Seasons.* The 2002 primary seasons for the whiting fishery start on the same dates as in 2001, as follows (see 50 CFR 660.323(a)(3)):

(i) *Catcher/processor sector*—May 15;

(ii) *Mothership sector*—May 15;

(iii) *Shore-based sector*—June 15 north of 42° N. lat.; April 1 between 42°–40°30′ N. lat.; April 15 south of 40°30′ N. lat.; April 15 south of 40°30′ N. lat.

(c) *Trip limits*—(i) *Before and after the regular season.* The ''per trip'' limit for whiting before and after the regular season for the shore-based sector is announced in Table 3, as authorized at 50 CFR 660.323(a)(3) and (a)(4). This trip limit includes any whiting caught shoreward of 100 fathoms (183 m) in the Eureka area.

(ii) *Inside the Eureka 100 fm (183 m) contour.* No more than 10,000 lb (4,536 kg) of whiting may be taken and retained, possessed, or landed by a vessel that, at any time during a fishing trip, fished in the fishery management area shoreward of the 100 fathom (183 m) contour (as shown on NOAA Charts 18580, 18600, and 18620) in the Eureka area.

(4) *Black rockfish.* The regulations at 50 CFR 660.323(a)(1) state: ''The trip limit for black rockfish (*Sebastes melanops*) for commercial fishing vessels using hook-and-line gear between the U.S.-Canada border and Cape Alava (48°09′30″ N. lat.) and between Destruction Island (47°40′00″ N. lat.) and Leadbetter Point (46°38′10″ N. lat.), is 100 lb (45 kg) or 30 percent, by weight of all fish on board, whichever is greater, per vessel per fishing trip.'' These ''per trip'' limits apply to limited entry and open access fisheries, in conjunction with the cumulative trip limits and other management measures listed in Tables 4 and 5 of section IV. The crossover provisions at paragraphs IV.A. (12) do not apply to the black rockfish per-trip limits.

C. Trip Limits in the Open Access Fishery

(1) *General.* Open access gear is gear used to take and retain groundfish from a vessel that does not have a valid permit for the Pacific Coast groundfish fishery with an endorsement for the gear used to harvest the groundfish. This includes longline, trap, pot, hook-and-line (fixed or mobile), set net trammel net (south of 38° N. lat. only), and exempted trawl gear (trawls used to target non-groundfish species: pink shrimp or prawns, and, south of Pt. Arena, CA (38°57′30″ N. lat.), California halibut or sea cucumbers). Unless otherwise specified, a vessel operating in the open access fishery is subject to, and must not exceed any trip limit, frequency limit, and/or size limit for the open access fishery. Groundfish species taken in open access fisheries will be managed with cumulative trip limits (see paragraph IV.A.(1)(d) size limits (see paragraph IV.A.(6)), and seasons (see paragraph IV.A.(7)). Cowcod retention is prohibited in all fisheries and groundfish vessels operating south of Point Conception must adhere to CCA restrictions (see paragraph IV.A.(201)). Yelloweye rockfish retention is prohibited in all open access fisheries. The trip limits, size limits, seasons, and other management measures for open access groundfish gear, except exempted trawl gear, are listed in Table 5. The trip limit at 50 CFR 660.323(a)(i) for black rockfish caught with hook-and-line gear also applies. (The black rockfish limit is repeated at paragraph IV.B.4.)

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Table 5. Trip Limits[1/] for Open Access Gears

Other Limits and Requirements Apply -- Read Sections IV. A. and C. NMFS Actions before using this table

Exceptions for exempted gears at Section IV.C.

line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
1	**Minor slope rockfish**						
2	North	Per trip, no more than 25% of weight of the sablefish landed					
3	South	10,000 lb/ 2 months					
4	**Splitnose - South**	200 lb/ month					
5	**Pacific ocean perch - North 5/**	100 lb/ month					
6	**Sablefish**						
7	North of 36° N. lat.	300 lb/ day, or 1 landing per week of up to 800 lb, not to exceed 2,400 lb/ 2 months					
8	South of 36° N. lat.	350 lb/ day, or 1 landing per week of up to 1,050 lb					
9	**Thornyheads**						
10	North of 34° 27' N. lat.	CLOSED 3/					
11	South of 34° 27' N. lat.	50 lb/ day, no more than 2,000 lb/ 2 months					
12	**Dover sole**	3,000 lb/ month, no more than 300 lb of which may be species other than Pacific sanddabs					
13	**Arrowtooth flounder**						
14	**Petrale sole**						
15	**Rex sole**						
16	**All other flatfish 2/**						
17	**Whiting**	300 lb/ month					
18	**Shelf rockfish, including minor shelf rockfish, widow and yellowtail rockfish[4/]**						
19	North	200 lb/ month					
20	South						
21	40°10' - 34°27' N. lat.	200 lb/ month	CLOSED 3/	Shoreward of 20 ftm depth, 200 lb/ month, otherwise CLOSED 3/	200 lb/ month	Shoreward of 20 ftm depth, 200 lb/ month, otherwise CLOSED 3/	CLOSED 3/
22	South of 34°27' N. lat.	CLOSED 3/	500 lb/ month				CLOSED 3/
23	**Canary rockfish**	CLOSED 3/					
24	**Yelloweye rockfish**	CLOSED 3/					
25	**Cowcod**	CLOSED 3/					
26	**Bocaccio - South 5/**						
27	40°10' - 34°27' N. lat.	200 lb/ month	CLOSED 3/		200 lb/ month	CLOSED 3/	
	South of 34°27' N. lat.	CLOSED 3/	200 lb/ month				CLOSED 3/
28	**Chilipepper - South 5/**						
29	40°10' - 34°27' N. lat.	500 lb/ month	CLOSED 3/		500 lb/ month	CLOSED 3/	
30	South of 34°27' N. lat.	CLOSED 3/	2,500 lb/ month				CLOSED 3/
31	**Minor nearshore rockfish**						
32	North	3,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black or blue rockfish 5/		4,000 lb/ 2 months, no more than 1,600 lb of which may be species other than black or blue rockfish 5/			3,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black or blue rockfish 5/
33	South						
34	40°10' - 34°27' N. lat.	1,200 lb/ 2 months	CLOSED 3/	Shoreward of 20 ftm depth, 1,200 lb/ 2 months, otherwise CLOSED 3/	1,200 lb/ 2 months	Shoreward of 20 ftm depth, 1,200 lb/ 2 months, otherwise CLOSED 3/	CLOSED 3/
35	South of 34°27' N. lat.	CLOSED 3/	1,200 lb/ 2 months				CLOSED 3/
36	**Lingcod 7/**						
37	North	CLOSED 3/		300 lb/ month			CLOSED 3/
38	South						
39	40°10' - 34°27' N. lat.	CLOSED 3/		Shoreward of 20 ftm depth, 300 lb/ month, otherwise CLOSED 3/	300 lb/ month	Shoreward of 20 ftm depth, 300 lb/ month, otherwise CLOSED 3/	CLOSED 3/
40	South of 34°27' N. lat.	CLOSED 3/		300 lb/ month			CLOSED 3/

1/ Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N. lat. To the U.S.-Canada border. "South" means 40°10' N. lat. To the U.S.-Mexico border. 40°10' N. lat is about 20 nm south of Cape Mendocino, CA.

2/ "Other flatfish" means all flatfish at 50 CFR 660.302 except those in this Table 5 with a trip limit.

3/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV.A.(7). in the time or area indicated.

4/ Yellowtail rockfish and POP in the south, and bocaccio, and chilipepper rockfishes in the north are included in the trip limits for minor shelf rockfish in the appropriate area.

5/ For black rockfish north of Cape Alava (48°09'30" N.lat.), and between Destruction Island (47°40'00" N.lat.) and Leadbetter Point (46°38'10" N.lat.), there is an additional limit of 100 lbs or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.

6/ The size limit for lingcod is 24 inches (61 cm) total length.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

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(2) *Groundfish taken with exempted trawl gear by vessels engaged in fishing for spot and ridgeback prawns, California halibut, or sea cucumbers*—(a) *Trip limits.* The trip limit is 300 lb (136 kg) of groundfish per fishing trip. Limits in Table 5 also apply and are counted toward the 300 lb (136 kg) groundfish limit. In any landing by a vessel engaged in fishing for spot and ridgeback prawns, California halibut, or sea cucumbers with exempted trawl gear, the amount of groundfish landed may not exceed the amount of the target species landed, except that the amount of spiny dogfish (Squalas acanthias) landed may exceed the amount of target species landed. Spiny dogfish are limited by the 300 lb (136 kg) per trip overall groundfish limit. The daily trip limits for sablefish coastwide and thornyheads south of Pt. Conception and the overall groundfish ''per trip'' limit may not be multiplied by the number of days of the fishing trip. The closures listed in Table 5 also apply, except for the species listed below in subparagraphs (i) through (v). The following sublimits also apply and are counted toward the overall 300 lb (136 kg) per trip groundfish limit:

(i) Shelf rockfish (including minor shelf rockfish, widow and yellowtail)—

(A) Between 40°10′ N. lat. and 34°27′ N. lat.: 200 lb (91 kg) per month.

(B) South of 34°27′ N. lat.: 500 lb (227 kg) per month.

(ii) Bocaccio south of 40 deg. 10′ N. lat.—200 lb (91 kg) per month.

(iii) Chilipepper—

(A) Between 40°10′ N. lat. and 34°27′ N. lat.: 500 lb (227 kg) per month.

(B) South of 34°27′ N. lat.: 2,500 lb (1,134 kg) per month.

(iv) Minor nearshore rockfish south of 40 deg. 10′ N. lat.—1,200 lb (544 kg) per 2 months.

(v) Lingcod south of 40 deg. 10′ N. lat.—May 1 through October 31, 2002: 300 lb (136 kg) per month, otherwise closed.

(b) *State law.* These trip limits are not intended to supersede any more restrictive state law relating to the retention of groundfish taken in shrimp or prawn pots or traps.

(c) *Participation in the California halibut fishery.* A trawl vessel will be considered participating in the California halibut fishery if:

(i) It is not fishing under a valid limited entry permit issued under 50 CFR 660.333 for trawl gear;

(ii) All fishing on the trip takes place south of Pt. Arena; and

(iii) The landing includes California halibut of a size required by California Fish and Game Code section 8392(a), which states: ''No California halibut may be taken, possessed or sold which measures less than 22 inches (56 cm) in total length, unless it weighs 4 lbs (1.8144 kg) or more in the round, 3 and one-half lbs (1.587 kg) or more dressed with the head on, or 3 lbs (1.3608 kg) or more dressed with the head off. Total length means ''the shortest distance between the tip of the jaw or snout, whichever extends farthest while the mouth is closed, and the tip of the longest lobe of the tail, measured while the halibut is lying flat in natural repose, without resort to any force other than the swinging or fanning of the tail.''

(d) *Participation in the sea cucumber fishery.* A trawl vessel will be considered to be participating in the sea cucumber fishery if:

(i) It is not fishing under a valid limited entry permit issued under 50 CFR 660.333 for trawl gear;

(ii) All fishing on the trip takes place south of Pt. Arena; and

(iii) The landing includes sea cucumbers taken in accordance with California Fish and Game Code, section 8396, which requires a permit issued by the State of California.

(3) *Groundfish taken with exempted trawl gear by vessels engaged in fishing for pink shrimp.* (a) The trip limit is 500 lb (227 kg) of groundfish per day, multiplied by the number of days of the fishing trip, but not to exceed 1,500 lb (680 kg) of groundfish per trip. The following sublimits also apply and are counted toward the overall 500 lb (227 kg) per day and 1,500 lb (680 kg) per trip groundfish limits:

(i) Canary rockfish—

(A) April 1 through 30, 2002: 50 lb (23 kg) per month

(B) Starting May 1, 2002 through October 31, 2002: 200 lb (91 kg) per month

(ii) Lingcod—April 1 through October 31, 2002: 400 lb (181 kg) per month, with a minimum size limit (total length) of 24 inches (61 cm).

(iii) Sablefish—April 1, 2002 through October 31, 2002: 2,000 lb (907 kg) per month.

(iv) Thornyheads—Closed north of Pt. Conception (34°27′ N. lat.)

(b) All other groundfish species taken with exempted trawl gear by vessels engaged in fishing for pink shrimp are managed under the overall 500 lb (227 kg) per day and 1,500 lb (680 kg) per trip groundfish limits. Landings of these species count toward the per day and per trip groundfish limits and do not have species-specific limits.

(c) In any trip in which pink shrimp trawl gear is used, the amount of groundfish landed may not exceed the amount of pink shrimp landed.

(d) Operating in pink shrimp and other fisheries during the same cumulative trip limit period. Notwithstanding section IV.A.(11), a vessel that takes and retains pink shrimp and also takes and retains groundfish in either the limited entry or another open access fishery during the same applicable cumulative limit period that it takes and retains pink shrimp (which may be 1 month or 2 months, depending on the fishery and the time of year), may retain the larger of the two limits, but only if the limit(s) for each gear or fishery are not exceeded when operating in that fishery or with that gear. The limits are not additive; the vessel may not retain a separate trip limit for each fishery.

D. Recreational Fishery

(a) *California.*

Note: California law provides that, in times and areas when the recreational fishery is open, there is a 20-fish bag limit for all species of finfish, within which no more than 10 fish of any one species may be taken or possessed by any one person.

For each person engaged in recreational fishing seaward of California, the following seasons and bag limits apply:

(a) *Rockfish*—(i) *Cowcod Conservation Areas.* Recreational fishing for groundfish is prohibited within the CCAs, as described above at IV.A.(20), except that fishing for rockfish is permitted in waters inside the 20-fathom (37 m) depth contour within the CCAs from March 1 through October 31, 2002, subject to the bag limits in paragraph (iii) of this section.

(ii) *Seasons.* North of 40°10′ N. lat., recreational fishing for rockfish is open from January 1 through December 31. South of 40°10′ N. lat. and north of Point Conception (34°27′ N. lat.), recreational fishing for rockfish is closed from March 1 through April 30, and from November 1 through December 31. This area is also closed to recreational rockfish fishing from May 1 through June 30 and from September 1 through October 31, except that fishing for rockfish is permitted inside the 20 fathom (37 m) depth contour, subject to the bag limits and retention prohibitions of paragraph (iii) of this section. South of Point Conception (34°27′ N. lat.), recreational fishing for rockfish is closed from January 1 through February 28 and from November 1 through December 31. Recreational fishing for cowcod is prohibited all year in all areas.

(iii) *Bag limits, boat limits, hook limits.* In times and areas when the recreational season for rockfish is open, there is a 2-hood limit per fishing line, and the bag limit is 10 rockfish per day,

of which not more than 2 may be bocaccio, no more than 1 may be canary rockfish, and no more than 1 may be yelloweye rockfish. No more than 2 yelloweye may be retained per vessel. Cowcod may not be retained. Bocaccio, canary rockfish, and yelloweye may not be retained, and no more than 2 shelf rockfish may be retained, in the area between 40°10′ N. lat. and Point Conception (34°27′ N. lat.) from May 1 through June 30, or September 1 through October 31.

Note: California scorpionfish, are subject to California's 10 fish bag limit per species, but are not counted toward the 10 rockfish bag limit.

Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(iv) *Size limits.* The following rockfish size limits apply: bacaccio may be no smaller than 10 inches (25 cm), and California scorpionfish may be no smaller than 10 inches (25 cm).

(v) *Dressing/Fileting.* Rockfish skin may not be removed when fileting or otherwise dressing rockfish taken in the recreational fishery. The following rockfish filet size limits apply: bocaccio filets may be no smaller than 5 inches (12.8 cm); California scorpionfish filets may be no smaller than 5 inches (12.8 cm); and brown-skinned rockfish filets may be no smaller than 6.5 inches (16.6 cm). ''Brown-skinned'' rockfish include the following species: brown, calico, copper, gopher, kelp, olive, speckled, squarespot, and yellowtail.

(b) *Roundfish* (Lingcod, cabezon, kelp greenling) (i) *Cowcod Conservation Areas.* Recreational fishing for groundfish is prohibited within the CCAs, as described above at IV.A. (20), except that fishing for lingcod is permitted in waters inside the 20 fathom (37 m) depth contour within the CCAs from March 1 through October 31, 2002, subject to the bag limits in paragraph (ii) of this section. Fishing for cabezon and kelp greenling is allowed in waters inside the 20 fathom (37 m) depth contour within the CCAs year round.

(ii) *Seasons.* South of 40°10′ N. lat. and north of Point Conception (34°27′ N. lat.), recreational fishing for lingcod is closed from March 1 through April 30, and from November 1 through December 31. This area is also closed to recreational lingcod fishing from May 1 through June 30 and from September 1 though October 31, except that fishing for lingcod is permitted inside the 20 fathom (36.9 m) depth contour, subject to the bag limits in paragraph (iii) of this section. South of Point Conception (34°27′ N. lat.), recreational fishing for lingcod is closed from January 1 though February 28 and from November 1 through December 31.

(iii) *Bag limits, boat limits, hook limits.* In times and areas when the recreational season for lingcod is open, there is a 2-hook limit per fishing line, and the bag limit is 2 lingcod per day. Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(iv) *Size limits.* The following roundfish size limits apply: lingcod may be no smaller than 24 inches (61 cm) total length, cabezon may be no smaller than 15 inches (38 cm); and kelp greenling may be no smaller than 12 inches (30 cm).

(v) *Dressing/Fileting.* Cabezon and kelp greenling taken in the recreational fishery may not be fileted at sea. Lingcod filets may be no smaller than 15 inches (38.1 cm).

(2) *Oregon.* The bag limits for each person engaged in recreational fishing seaward of Oregon are 1 lingcod per day, which may be no smaller than 24 inches (61 cm) total length; and 10 rockfish per day, of which no more than 1 may be canary rockfish and no more than 1 may be yelloweye rockfish. During the all-depth recreational fisheries for Pacific halibut (*Hippoglossus stenolopis*), vessels with halibut on board may not take, retain, possess or land yelloweye rockfish.

(3) *Washington.* For each person engaged in recreational fishing seaward of Washington, the following seasons and bag limits apply:

(a) *Rockfish.* There is a rockfish bag limit of no more than 10 rockfish per day, of which no more than 2 may be canary rockfish, or no more than 1 may be canary rockfish and 1 may be yelloweye rockfish. Taking and retaining yelloweye rockfish is prohibited from a vessel with Pacific halibut retained on board.

(b) *Lingcod.* Recreational fishing for lingcod is closed between January 1 and April 15, and between October 16 and December 31. When the recreational season for lingcod is open, there is a bag limit of 2 lingcod per day, which may be no smaller than 24 inches (61 cm) total length.

V. Washington Coastal Tribal Fisheries

In 1994, the U.S. government formally recognized that the four Washington Coastal Tribes (Makah, Quileute, Hoh, and Qinault) have treaty rights to fish for groundfish, and concluded that, in general terms, the quantification of those rights is 50 percent of the harvestable surplus of groundfish available in the tribes' usual and accustomed (U and A) fishing areas (described at 60 CFR 660.324).

A tribal allocation is subtracted from the species OY before limited entry and open access allocations are derived for areas that coincide with U and As. The treaty tribal fisheries for sablefish, black rockfish, and whiting are separate fisheries and are not governed by the limited entry or open access regulations or allocations. The tribes regulate these fisheries so as not to exceed their allocations.

The tribal allocation for black rockfish is the same in 2002 as in 2001. Also similar to 2001, the tribal sablefish allocation is 10 percent of the total catch OY (437 mt), less 3 percent for estimated discard mortality, or 424 mt. In 1999 through 2001, the tribal whiting allocation was based on a 5-year sliding scale proposal presented by the Makah Tribe in 1998 (for the years 1999–2003) that determines the tribal allocation based on the level of the overall U.S. OY, up to 17.5 percent tribal harvest ceiling. Although the 2002 whiting ABC and OY have not yet been set, the tribes proposed using the same sliding scale allocation for 2002. As discussed earlier in footnote d/ to Table 1a, the Council will recommend the whiting ABC and OY at its March 2002 meeting, based on the results of a new whiting stock assessment. In 2001, applying the Makah sliding scale allocation to a 190,400 mt overall OY resulted in a 27,500 mt tribal whiting allocation. No other tribes proposed to harvest whiting in 2001.

The right of the Washington coastal treaty tribes to harvest Pacific whiting in accordance with the legal principles established in the ongoing case of *U.S.* v. *Washington*, No. 9213, Phase I (W.D. Wash), was sustained in Subproceeding 96–2, Order Granting Makah's Motion for Summary Judgment (Nov. 5, 1996), and also in *Midwater Trawlers Cooperative* v. *Daley*, 139 F.Supp.2d 1136 (W.D. Wash. 2000). In the latter case, the court held that the tribes have a treaty right to harvest Pacific whiting; that the Federal defendants did not act arbitrarily and capriciously in recognizing the tribes' right; that the Secretary of Commerce (Secretary) did not act arbitrarily and capriciously in extending the tribes' usual and accustomed fishing areas into the United States EEZ; that the Secretary appropriately recognized the tribes as co-managers of the shared resources in the final rule providing for tribal groundfish allocations (see 50 CFR 660.324(d)); and that the 1999 tribal allocation, which was based on the

sliding scale proposal first presented by the Makah Tribe in 1998, was not arbitrary and capricious. Non-treaty fishers and the State of Oregon have appealed this decision to the Ninth Circuit Court of Appeals, where it awaits oral argument.

The issue of the appropriate quantifications of the treaty right to Pacific whiting was recently adjudicated in *U.S.* v. *Washington,* 143 F.Supp.2d 1218 (W.D. Wash., Order on Summary Judgment Motions, April 5, 2001), which approved the Makah Tribe's 1998 sliding scale proposal as within the tribal treaty right and consistent with the Magnuson-Stevens Act.

For some species on which the tribes have a modest harvest, no specific allocation has been determined. Rather than try to reserve specific allocations for the tribes, NMFS is establishing trip limits recommended by the tribes and the Council to accommodate modest tribal fisheries. For lingcod, all tribal fisheries are restricted to 300 lb (136 kg) per day and 900 lb (408 kg) per week cumulative limits. Tribal fisheries are expected to take about 4–5 mt of lingcod in 2002. For rockfish species, the 2002 tribal longline and trawl fisheries will operate under trip and cumulative limits. Tribal fisheries will operate under 300 lb (136 kg) per trip limits each for canary rockfish, thornyheads, and the minor rockfish species groups (nearshore, shelf, and slope), and under a 100 lb (45 kg) trip limit for yelloweye rockfish. A 300 lb (136 kg) canary rockfish trip limit is expected to result in landings of 2.5 mt in 2002. A 300 lb (136 kg) thornyheads trip limit is expected to result in landings of 1 mt in 2002. Other rockfish limits are expected to result in the following landings levels: widow rockfish, 27 mt; yelloweye rockfish, 1–1.5 mt; yelloweye rockfish, 300 mt; minor nearshore rockfish, 2 mt; minor shelf rockfish excluding yelloweye, 4 mt; minor slope rockfish, 4 mt. Trace amounts (<1 mt) of POP and darkblotched rockfish may also be landed in tribal commercial fisheries.

The Assistant Administrator announces the following tribal allocations for 2002, including those that are the same as in 2001. Trip limits for certain species were recommended by the tribes and the Council and are specified here with the tribal allocations.

A. Sablefish

The tribal allocation is 424 mt, 10 percent of the total catch OY, less 3 percent estimated discard mortality.

B. Rockfish

(1) For the commercial harvest of black rockfish off Washington State, a harvest guideline of: 20,000 lb (9,072 kg) north of Cape Alava (48°09′30″ N. lat.) and 10,000 lb (4,536 kg) between Destruction Island (47°40′00″ N. lat.) and Leadbetter Point (46°38′10″ N. lat.).

(2) Thornyheads are subject to a 300 lb (136 kg) trip limit.

(3) Canary rockfish are subject to a 300 lb (136 kg) trip limit.

(4) Yelloweye rockfish are subject to a 100 lb (45 kg) trip limit.

(5) Yellowtail rockfish taken in the tribal mid-water trawl fisheries are subject to a cumulative limit of 30,000 lb (13,608 kg) per two-month period. Landings of widow rockfish must not exceed 10 percent of the weight of yellowtail rockfish landed in any two-month period. These limits may be adjusted by an individual tribe inseason to minimize the incidental catch of canary rockfish and widow rockfish.

(6) Other rockfish, including minor nearshore, minor shelf, and minor slope rockfish groups are subject to a 300 lb (136 kg) trip limit per species or species group, or to the non-tribal limited entry trip limit for those species if those limits are less restrictive than 300 lb (136 kg) per trip.

(7) Rockfish taken during open competition tribal commercial fisheries for Pacific halibut will not be subject to trip limits.

C. Lingcod

Lingcod are subject to a 300 lb (136 kg) daily trip limit and a 900 lb (408 kg) weekly limit.

D. Pacific Whiting

Whiting allocations will be announced when the final OY is announced.

VI. Receipt of an Application for EFPs

At the Council's November 2001 meeting, NMFS received an application requesting renewal of EFPs for the 2002 shore-based Pacific whiting fishery from the States of Washington, Oregon, and California. Issuance of these EFPs would allow unsorted whiting harvests to be delivered to shore-based processing facilities where state-sponsored biologists can collect information on the incidental catch of salmon and groundfish. These EFPs are intended to promote the objectives of the Pacific Coast Groundfish FMP by providing catch data that is otherwise not available for managing the fishery.

Because whiting deteriorates rapidly, it must be handled quickly and immediately chilled to maintain its quality. As a result, many vessels prefer to dump catch directly, or near directly, into the hold and are unable to effectively sort their catch at sea. Delaying sorting until offloading allows whiting quality to be maintained while providing an opportunity for state biologists to collect much needed fishery data. If issued, approximately 20 vessels would be permitted to delay the sorting of prohibited species and groundfish species caught in excess of cumulative trip limits until offloading. Without an EFP, vessels are required to sort prohibited species and return them to sea as soon as practicable with minimum injury (50 CFR 660.306(b)), and they are prohibited from exceeding the groundfish trip limits for individual species or groups (50 CFR 660.306(h)).

Following the opportunity for public comment at the Council's November meeting, the Council recommended that NMFS issue the EFPs requested by the States. A copy of the application is available for review from NMFS (see **ADDRESSES**).

Classification

These proposed specifications and management measures for 2002 are issued under the authority of, and are in accordance with, the Magnuson-Stevens Act, the FMP, and 50 CFR parts 600 and 660 subpart G (the regulations implementing FMP).

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Council prepared an initial regulatory flexibility analysis that describes the impact this proposed rule, if adopted, would have on small entities.

NMFS is proposing the 2002 annual specifications and management measures to allow West Coast commercial and recreational fisheries participants to fish the harvestable surplus of healthy groundfish stocks, while also ensuring that those fisheries do not exceed the allowable catch levels intended to protect overfished and depleted stocks. The form of the specifications, in ABCs and OYs, follows the guidance of the Magnuson-Stevens Act, the National Standard Guidelines, and the FMP for protecting and conserving fish stocks. Annual management measures include trip and bag limits, size limits, season restrictions, gear restrictions, and other measures intended to allow year-round West Coast groundfish landings without compromising overfished species rebuilding measures.

Approximately 2,000 vessels participate in the West Coast groundfish fisheries. Of those, about 500 vessels are registered to limited entry permits

issued for either trawl, longline, or pot gear. About 1,500 vessels land groundfish against open access limits while either directly targeting groundfish or taking groundfish incidentally in fisheries directed at non-groundfish species. All but 10–20 of those vessels are considered small businesses by the Small Business Administration. There are also about 700 groundfish buyers on the West Coast, approximately 250 of which annually purchased at least $33,000 of groundfish in 2000. In the 2001 recreational fisheries, there were 106 charter vessels engaged in salt water fishing outside the Puget Sound, 232 charter vessels active on the Oregon coast and 415 charter vessels active on the California coast.

Revenues for many groundfish fishery participants are expected to decline in 2002. Harvest levels for some key species, such as sablefish, Dover sole, and widow rockfish are set significantly lower in 2002 than in 2001 and will affect coastwide groundfish revenues. For example, the proposed 2002 sablefish commercial OY is 37 percent lower than in 2001. Comparing 2000 sablefish revenue data (2001 data is not yet complete) with the available sablefish commercial OY in 2002, 2002 coastwide sablefish revenue could be 39–48 percent lower than in 2000. Overall, groundfish revenues in 2002 are expected to the $31 million, which is a 22.5 percent decrease from estimated 2001 revenues ($40 million) and a 39 percent decrease from 2000 revenues ($51 million).

It is difficult to estimate exactly how this overall decline in landings and revenue will affect individual members of the groundfish fleet. However, the overall decline is significant enough to suggest that small businesses with a substantial portion of their incomes dependent on groundfish will be negatively affected by implementation of the 2002 proposed harvest levels. Limited entry vessels generally harvest in excess of $50,000 of West Coast fish per year and tend to depend on the catch of groundfish for over 35 percent of their gross West Coast revenue. Open access vessels tend to harvest less than $50,000 of West Coast fish per year and those harvesting in excess of $50,000 of West Coast fish per year generally rely on groundfish for less than 5 percent of their exvessel revenue. Thus limited entry vessels and the people relying on these vessels for income are likely to be more adversely affected from the decline in groundfish revenue opportunity than open access vessels. Of the approximately 700 groundfish buyers, about 300 have groundfish as at least 35 percent of their fish products purchase from fishing vessels. If those groundfish buyers are unable to purchase alternative fish species, they will likely also suffer declines in income and employment.

For the recreational fishery, the only significant catch and effort reductions would occur in California. Little change in overall recreational effort is expected in Washington or Oregon. Reduction in effort in California is expected to result in a reduction in revenue for businesses that cater to recreational fishers. In northern and southern California, $10.8 million and $9.5 million, respectively, of community level personal income were associated with the recreational groundfish fishery. These personal income values are a measure of the contribution of recreational fishing to businesses and local communities. Under the proposed action effort is expected to decline by about 15 percent. The decline in effort would be expected to reduce associated community level personal income by similar amounts. Gross receipts for recreational groundfish activities will likely decline in proportion with the decline in number of angler trips, however, net profits may decline more given that certain costs will be fixed on an annual and per trip basis. Revenue declines from groundfish may be offset to the degree that charter vessels operate in other fisheries.

This rule does not propose any new reporting and recordkeeping requirements; however, it does announce EFPs for 2002, which include reporting and recordkeeping requirements. Reporting and recordkeeping requirements associated with EFPs are described in this section, under the Paperwork Reduction Act.

The Council considered three issues, each with several alternatives and sub-options, and ultimately chose alternative that balanced the conservation and socioeconomic risks and benefits associated with all aspects of the 2002 Pacific Coast groundfish fishery. The relevant issues were alternative harvest levels, alternative bycatch and discard rate assumptions, and alternative season options. Each issue had several alternatives with varying degrees of potential risks and benefits to the groundfish fishery that are described in the EA/RIR/IRFA. Less restrictive alternatives tend to buffer, but not necessarily ameliorate, the continued downward trend in economic benefits and fishing opportunities. However, the short term benefits of less restrictive alternatives were weighed against longer term stock conservation risks. The Council adopted alternatives modeled in the EA/RIR/IRFA that are believed to adequately bracket a reasonable range of options for the 2002 groundfish fishery, given anticipated short and long term risks and benefits.

The alternative harvest levels apply to seven stocks that are subject to new stock assessments or rebuilding strategies, sablefish, Pacific ocean perch (POP), widow rockfish, shortspine thornyhead, darkblotched rockfish, yelloweye rockfish, and Dover sole. Four alternatives were considered, the status quo, a low level of acceptable biological catch (ABC) and OY, high levels of ABC/OY, and the proposed action. The proposed action sets ABCs/OYs between the high and low levels, with the ABCs/OYs of the seven stocks at lower levels than the status quo alternative except for shortspine thornyheads and darkblotched rockfish, and represents a 21-percent reduction in commercial exvessel value from the status quo and a commensurate reduction in recreational catch. While the status quo alternative would provide the highest ABCs/OYs, except for shortspine thornyhead, this alternative was not adopted because these levels are higher than those supported by the new stock assessments and rebuilding strategies. Similarly, the high level alternative, which represents a 19-percent reduction in commercial exvessel value, was not considered to sufficiently consider the effects of incidental catches of these species in other fisheries or to be sufficiently risk averse in rebuilding these stocks. The low level alternative would reduce commercial exvessel value by 34 percent of the value of the status quo fishery, with a commensurate reduction in recreational catch. While this alternative would be risk averse from the standpoint of the stocks, it was rejected because its effects on the fishery would likely cause even more severe economic disruptions, particularly in the trawl and fixed gear limited fisheries.

The bycatch and discard rate estimation issue arose by the need to accurately track total mortality of groundfish stocks and by recent legal challenges of past bycatch and discard rate assumptions. The Council recommended bycatch rates and discard mortality for lingcod, bocaccio, canary rockfish, darkblotched rockfish, and POP for the limited entry trawl fishery. The Council used a synthesis of several scientific studies to provide a low-to-high range of bycatch rates. The methodology of this analysis and how the Council arrived at the species-specific bycatch rates and discard mortality is described previously in this

document. Four alternatives were considered, the status quo, a low end range of bycatch rates, a high end range of bycatch rates, and the mid-range proposed action, which represents the Council consensus of the most scientifically reasonable bycatch rates for each of the five stocks considered to apply to the fishery in 2002. In choosing the preferred alternative the Council considered the legal requirements and the biological and economic consequences of over- or underestimating the bycatch rates. The Council rejected using the status quo bycatch and discard rate assumptions of 2001 as not legally defensible. Applying the low end alternative would not be as constraining on the fishery, but represents a greater risk of overfishing the constraining stocks if bycatch rates and total mortality are underestimated. Applying the high end alternative would entail less risk of overfishing, but would be the most constraining on the fishery and incur excess economic losses if the total mortality is overestimated.

The alternative season options resulted from a desire to consider area and time manipulations of the fishery to potentially realize higher trip limits and lessen regulatory discard of groundfish. Six alternatives were considered for the commercial seasons, the status quo, a year-round Groundfish Management Team (GMT) recommended season, a coastwide 6-month season, a year-round Groundfish Advisory Panel (GAP) recommended season based on the preferred OYs, a year-round GAP recommended season based on the high end OYs, and the proposed action, which provides seasons considering the preferred OYs with consideration of bycatch. The status quo alternative was rejected because the best available science (*i.e.,* new stock assessments) was not considered and it violates the legal mandate to consider bycatch and discard mortality rate assumptions. The year-round GMT recommended season was rejected because it did not consider the restrictions needed for managing overfished species. The coastwide 6-month season was rejected because of the potential of processors and vessels to lose skilled workers, loss of markets, and weather constraints leading to inequitable fishing opportunities among the areas. The two year-round GAP recommended seasons were rejected because the landing limits for these seasons implied a higher bycatch of constraining stocks than would be allowed under the range of harvest levels considered.

The fisheries agencies of the states of Oregon, Washington, and California presented several options for recreational fisheries off their respective states. In each case the Council adopted a preferred alternative that considered the preferred ABC/OY level and the bycatch constraints for their fisheries.

Other regulations affecting the West Coast groundfish fisheries are primarily found at 50 CFR 660.301–360. A copy of this analysis is available from the Council (see **ADDRESSES**).

Pursuant to Executive Order 13175, this rule was developed after meaningful consultation and collaboration with tribal officials from the area covered by the FMP. Under the Magnuson-Stevens Act at 16 U.S.C. 1852(b)(5), one of the voting members of the Pacific Council must be a representative of an Indian tribe with Federally recognized fishing rights from the area of the Council's jurisdiction. In addition, regulations implementing the FMP establish a procedure by which the tribes with treaty fishing rights in the area covered by the FMP request new allocations or regulations specific to the tribes, in writing, before the first of the two fall groundfish meetings of the Council. The regulation at 50 CFR 660.324(d) further states ''the Secretary will develop tribal allocations and regulations under this paragraph in consultation with the affected tribe(s) and, insofar as possible, with tribal consensus.'' The tribal management measures in this proposed rule have been developed following these procedures. The tribal representative on the Council made a motion to adopt the tribal management measures, which was passed by the Council, and those management measures, which were developed and proposed by the tribes, are included in this proposed rule.

NMFS issued Biological Opinions (BOs) under the Endangered Species Act on August 10, 1990, November 26, 1991, August 28, 1992, September 27, 1993, May 14, 1996, and December 15, 1999, pertaining to the effects of the groundfish fishery on chinook salmon (Puget Sound, Snake River spring/summer, Snake River fall, upper Columbia River spring, lower Columbia River, upper Willamette River, Sacramento River winter, Central Valley, California coastal), coho salmon (Central Calfornia coastal, southern Oregon/northern California coastal, Oregon coastal), chum salmon (Hood Canal, Columbia River), sockeye salmon (Snake River, Ozette Lake), and steelhead (upper, middle and lower Columbia River, Snake River Basin, upper Willamette River, central California coast, California Central Valley, south-central California, northern California, southern California). NMFS has concluded that implementation of the FMP for the Pacific Coast groundfish fishery is not expected to jeopardize the continued existence of any Endangered or threatened species under the jurisdiction of NMFS, or result in the destruction or adverse modification of critical habitat. NMFS has re-initiated consultation on the Pacific whiting fishery associated with the (whiting BO) issued on December 15, 1999. During the 2000 whiting season, the whiting fisheries exceeded the chinook bycatch amount specified in the BO's incidental take statement's incidental take estimates, 11,000 fish, by approximately 500 fish. In the 2001 whiting season, however, the whiting fishery's chinook bycatch was well below the 11,000 fish incidental take estimates. The re-initiation will focus primarily on additional actions that the whiting fisheries would take to reduce chinook interception, such as time/area management. NMFS is gathering data from the 2001 whiting fisheries and expects that the re-initiated whiting BO will be complete by February 2002. During the reinitiation, fishing under the FMP is within the scope of the December 15, 1999, BO, so long as the annual incidental take of chinook stays under the 11,000 fish bycatch limit. NMFS has concluded that implementation of the FMP for the Pacific Coast groundfish fishery is not expected to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of NMFS, or result in the destruction or adverse modification of critical habitat. This action is within the scope of these consultations.

This action refers to a collection-of-information requirement subject to the Paperwork Reduction Act (PRA). Permit requirements have been approved by OMB under control number 0648–203 for Federal fisheries permits. The public reporting burden for applications for exempted fishery permits is estimated at 1 hour per response; the burden for reporting by exempted fishing permittees is estimated at 30 minutes per response. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and revising the collection of information. Send comments regarding these burden estimates or any other aspect of the data requirements, including suggestions for reducing the burden to NMFS and to OMB (see **ADDRESSES**).

Notwithstanding any other provisions of the 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 control number.

Dated: December 31, 2001.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 01–32262 Filed 12–31–01; 4:46 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 660

[Docket No. 011231309–1309–01; I.D. 121301A]

RIN 0648–AO69

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures

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

ACTION: Proposed rule, announcement of the overfished status of yelloweye rockfish; announcement of the receipt of exempted fishing permit application; request for comments.

SUMMARY: NMFS proposes a rule to implement the 2002 fishery specifications and management measures for groundfish taken in the U.S. exclusive economic zone (EEZ) and state waters off the coasts of Washington, Oregon, and California. The proposed specifications include the levels of the acceptable biological catch (ABC) and optimum yields (OYs). The commercial OYs (the total catch OYs reduced by tribal allocations and by amounts expected to be taken in recreational and compensation fisheries) proposed herein would be allocated between the limited entry and open access fisheries. Proposed management measures for 2002 are intended to prevent overfishing; rebuild overfished species; minimize incidental catch and discard of overfished and depleted stocks; provide equitable harvest opportunity for both recreational and commercial sectors; and, within the commercial fisheries, achieve harvest guidelines and limited entry and open access allocations to the extent practicable. This **Federal Register** document also announces that the yelloweye rockfish resource is considered overfished, and announces the receipt of an application for an exempted fishing permit (EFP) for 2002.

DATES: Comments must be received no later than 5 p.m., local time (l.t.) on February 11, 2002.

ADDRESSES: Send comments to D. Robert Lohn, Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way N.E., Bldg. 1, Seattle, WA 98115–0070, or fax to 206–526–6736; or Rodney McInnis, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213, or fax to (562) 980–4047. Comments will not be accepted if submitted via E-mail or the internet. Information relevant to this proposed rule, which includes an environmental asssessment/regulatory impact review/initial regulatory flexibility analysis (EA/RIR/IRFA), is available for public review during business hours at the offices of the NMFS Northwest Regional Administrator and the NMFS Southwest Regional Administrator, or may be obtained from the Pacific Fishery Management Council (Council), at 7700 NE Ambassador Place, Portland, OR 97220, phone: 503–326–6352. Additional reports referred to in this document may also be obtained from the Council. Copies of EFP applications are available from NMFS Northwest Region.

Send comments regarding the reporting district estimate or any other aspect of the collection-of-information requirements in the announcement of EFPs, including suggestions for reducing the burden, to one of the NMFS addresses and to the Office of Management and Budget (OMB), Washington, DC 20503, (ATTN: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Yvonne deReynier or Becky Renko (Northwest Region, NMFS), phone: 206–526–6140; fax: 206–526–6736 and; E-mail: *yvonne.dereynier@noaa.gov, becky.renko@noaa.gov* or Svein Fougner (Southwest Region, NMFS) phone: 562–980–4000; fax: 562–980–4047 and; E-mail: *svein.fougner@noaa.gov.*

Electronic Access

This proposed rule also is accessible via the Internet at the Office of the Federal Register's Web site at *http://www.access.gpo.gov/su— docs/aces/aces140.html.* Background information and documents are available at the NMFS Northwest Region Web site at *http://www.nwr.noaa.gov.1sustfsh/gdfsh01.htm* and at the Council's Web site at *http://www.pcouncil.org.*

SUPPLEMENTARY INFORMATION:

Background

The FMP requires that fishery specifications for groundfish be annually evaluated, and revised as necessary, that OYs be specified for species or species groups in need of particular protection, and that management measures designed to achieve the OYs be published in the **Federal Register** and made effective by January 1, the beginning of the fishing year. The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the FMP require that NMFS implement actions to prevent overfishing and to rebuild overfished stocks.

Since 1990, the Council has developed annual specifications and management measures in a two-meeting process (usually its September and November meetings) followed by a NMFS final action published in the **Federal Register** and made available for public comment and correction after the effective date of the action. Each year, specifications and management measures are effective until the specifications and management measures for the following year are published and effective. In 2001, NMFS was challenged on this process in *Natural Resources Defense Council, Inc.* v. *Evans,* 2001 WL 1246622 (N.D.Cal. 2001) and the court ordered NMFS to provide prior public notice and allow public comment on the annual specifications. NMFS is publishing the 2002 specifications and management measures initially as a proposed rule available for a 30-day public comment, to be followed by a final rule.

The Council finalized its 2002 specifications and management measures recommendations at its October 28 through November 2, 2001 meeting in Millbrae, CA. Because NMFS did not have enough time to publish a proposed rule on the Council's recommendations, receive public comments, and publish all of a final rule by the scheduled start of the fishery on January 1, 2002, NMFS also publishes a final emergency rule today's **Federal Register** that finalizes and makes effective the groundfish management measures for January 1 through February 28, 2002. As a result, this proposed rule addresses the 2002 specifications (ABCs and OYs) and the management measures for March through December 2002. Specifications and management measures proposed for 2002 are designed to constrain direct and incidental mortality in order to rebuild overfished stocks and to prevent overfishing and to achieve as much of the OYs as practicable for healthier groundfish stocks managed under the FMP.

During 2002, NMFS and the Council will develop a means to incorporated the Council's development of annual specifications and management measures into the proposed and final rulemaking process required by the Court's order.

I. Proposed Specifications

Proposed fishery specifications include ABCs, the designation of OYs, which may be represented by harvest guidelines (HGs) or quotas for species that need individual management, and the allocation of commercial OYs between the open access and limited entry segments of the fishery. These specifications include fish caught in state ocean waters (0–3 nautical miles (nm) offshore) as well as fish caught in the EEZ (3–200 nm offshore).

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Table 1a. 2002 Specifications of Acceptable Biological Catch (ABC), Optimum Yields (OYs), and Limited Entry and Open Access Allocations, by International North Pacific Fisheries Commission (INPFC) Areas (weights in metric tons).

Species	ACCEPTABLE BIOLOGICAL CATCH (ABC)						OY (Total catch)	Commercial OY (Total catch)	Allocations (Total catch)			
	Vancouver a/	Columbia	Eureka	Monterey	Conception	Total Catch			Limited Entry		Open Access	
									Mt	%	Mt	%
ROUNDFISH												
Lingcod b/	745					745	577	251	203	81.0	48	19.0
Pacific Cod	3,200		c/			3,200	na	3,200	--	--	--	--
Pacific Whiting d/									--	--	--	--
Sablefish e/ (north of 36°)	4,644				--	4,644	4,367	3,906	3,539	90.6	367	9.4
Sablefish f/ (south of 36°)	--				333	333	229	229	--	--	--	--
FLATFISH												
Dover sole g/	8,510					8,510	7,440	7,368	--	--	--	--
English sole	2,000		1,100			3,100	na	-	-	-	-	-
Petrale sole h/	1,262		500	800	200	2,762	na	-	-	-	-	-
Arrowtooth flounder	5,800					5,800	na	-	-	-	-	-
Other flatfish i/	700	3,000	1,700	1,800	500	7,700	na	-	-	-	-	-

Species	ACCEPTABLE BIOLOGICAL CATCH (ABC)						OY (Total catch)	Commercial OY (Total catch	Allocations (Total catch)			
	Vancouver a/	Columbia	Eureka	Monterey	Conception	Total Catch			Limited Entry		Open Access	
									Mt	%	Mt	%
ROCKFISH:												
Pacific Ocean Perch j/	640			--		640	350	350	--	--	--	--
Shortbelly k/	13,900					13,900	13,900	13,900	--	--	--	--
Widow l/	3,727					3,727	856	853	827	97.0	26	3.0
Canary m/	228					228	93	44	39	87.7	5	12.3
Chilipepper n/	c/			2,700		2,700	2,000	1,985	1,106	55.7	879	44.3
Bocaccio o/	c/			122		122	100	44	25	55.7	19	44.3
Splitnose p/	c/			615		615	461	461	--	--	--	--
Yellowtail q/	3,146			c/		3,146	3,146	3,131	2,871	91.7	260	8.3
Shortspine thornyhead r/	1,004					1,004	955	948	945	99.73	3	0.27
Longspine thornyhead s/ (north of 36°)	2,461				--	2,461	2,461	2,455	--	--	--	--
Longspine thornyhead t/ (south of 36°)	--				390	390	195	195	--	--	--	--
Cowcod u/	c/			19	--	19	2.4	0	--	--	--	--
	c/			--	5	5	2.4	0	--	--	--	--
Darkblotched v/	187					187	168	168	163	--	5	-
Yelloweye w/	22			5	--	27	13.5	3.69	--	--	--	--

Species	ACCEPTABLE BIOLOGICAL CATCH (ABC)						OY (Total catch)	Commercial OY (Total Catch	Allocations (Total catch)			
	Vancouver a/	Columbia	Eureka	Monterey	Conception	Total Catch			Limited Entry		Open Access	
									Mt	%	Mt	%
Minor Rockfish North x/	4,795			--		4,795	3,115	2,442	2,239	91.7	203	8.3
Minor Rockfish South y/	--			3,506		3,506	2,015	1,283	714	55.7	569	44.3
Remaining Rockfish	2,727			854		--	--	--	--	--	--	--
bank z/	c/			350		350	--	--	--	--	--	--
black aa/	615		500			1,115	--	--	--	--	--	--
blackgill bb/	c/			75	268	343	--	--	--	--	--	--
bocaccio - (north)	318					318	--	--	--	--	--	--
chilipepper- (north)	32					32	--	--	--	--	--	--
redstripe	576			c/		576	--	--	--	--	--	--
sharpchin	307			45		352	--	--	--	--	--	--
silvergrey	38			c/		38	--	--	--	--	--	--
splitnose	242			c/		242	--	--	--	--	--	--
yellowmouth	99			c/		99						
yellowtail- (south)				116		116						
Other rockfish cc/	2,068			2,652		--	--	--	--	--	--	--
OTHER FISH dd/	2,500	7,000	1,200	2,000	2,000	14,700	na	-	-	-	-	-

Table 1b. 2002 OYs for minor rockfish by depth sub-groups (weights in metric tons).

Species	Total Catch ABC	OY (Total catch)			Harvest Guidelines (Total catch)			
		Total Catch OY	Recreational Estimate	Commercial OY	Limited Entry		Open Access	
					Mt	%	Mt	%
Minor Rockfish North x/	4,795	3,115	673	2,442	2,239	91.7	203	8.3
Nearshore		987	663	324	161	na	163	na
Shelf		968	10	958	928	na	30	na
Slope		1,160	0	1,160	1,150	na	10	na
Minor Rockfish South y/	3,506	2,015	732	1,283	714	55.7	569	44.3
Nearshore		662	532	130	23	na	107	na
Shelf		714	200	514	194	na	320	na
Slope		639		639	497	na	142	na

a/ ABC applies to the U.S. portion of the Vancouver area, except as noted under individual species.

b/ Lingcod was designated as overfished in 1999. Coastwide, lingcod is estimated to be at 15 percent of its unfished biomass. An assessment was conducted in 2000 and updated for 2001. The stock assessment included parts of Canadian waters, therefore the U.S. portion of the ABC for the Vancouver area was set at 44 percent of the total for that area. The ABC of 745 mt was calculated using an Fmsy proxy of F45%. The total catch OY of 577 mt is based on a 60 percent probability of rebuilding the stock to Bmsy by the year 2009. The total catch OY is reduced by 326 mt, the amount that is estimated to be taken by the recreational fishery, resulting in a commercial OY of 251 mt. The open access total catch allocation is 48 mt (19 percent of the commercial OY) and the open access landed catch value is 38 mt. The limited entry total catch allocation is 203 mt and the landed catch value is 163 mt. The landed catch value is based on a discard mortality rate of 20 percent. Tribal vessels are expected to land a small amount of lingcod (4-5 mt), but do not have a specific allocation at this time.

c/ "Other species" - These species are neither common nor important to the commercial and recreational fisheries in the areas footnoted. Accordingly for convenience, Pacific cod is included in the "other fish" category for the areas footnoted and rockfish species are included in either "other rockfish" or "remaining rockfish" for the areas footnoted only.

d/ A new Pacific whiting assessment is expected in early 2002. Therefore, final adoption of the ABC and OY is being deferred until early 2002, when the results of the new assessment become available.

e/ Sablefish north of 36° N lat. - A new sablefish assessment was done in 2001 for the area north of Point Conception (34°27'N lat.). Sablefish north of 34°27'N lat. is estimated to be between 27 percent and 38 percent of its unfished biomass. The ABC for the surveyed area (4,786 mt) is based on an environmentally driven model with an Fmsy proxy of F45%. The ABC for the management area north of 36° N lat. is 4,644 mt (97.04 percent of the ABC from the surveyed area). The total catch OY for the area north of 36° N lat is 4,367 mt, which is based on the application of the 40-10 harvest rate policy, and is 97.04 percent of the OY from the surveyed area. The total catch OY is reduced by 10 percent for the tribal set aside (437 mt) and by 24.7 mt for

compensation to vessels that conducted resource surveys. The remainder (3,906 mt) is the commercial total catch OY. The open access allocation of 9.4 percent of the commercial OY, results in an open access total catch OY of 367 mt. The limited entry total catch OY is 3,539 mt, 90.6 percent of the commercial OY. The limited entry total catch OY is further divided with 58 percent (2,052 mt) allocated to the trawl fishery and 42 percent (1,486 mt) allocated to the non-trawl fishery. Discard rates will be applied as follows: 22 percent for limited entry trawl, 8 percent for limited entry fixed gear and open access, and 3 percent for the tribal fisheries. The resulting landed catch values are: 1,601 mt for limited entry trawl, 1,367 mt for limited entry fixed gear, 338 mt for open access, and 424 mt for the tribal fisheries.

f/ Sablefish south of 36° N lat. - The ABC of 333 mt is the sum of 142 mt (2.96 percent of the ABC from the new 2001 survey based assessment) and 191 mt (based on historical landings). The total catch OY (229 mt) is the sum of 133 mt (2.96 percent of the OY from the new 2001 survey based assessment with the application of the 40-10 harvest rate policy) and 96 mt (that portion of the ABC based on historical landings south of Pt. Conception that was reduced by 50 percent to address uncertainty due to limited information). There are no limited entry or open access allocations in the Conception area at this time. The assumed discard value is 8 percent, resulting in a landed catch value of 211 mt.

g/ Dover sole north of 34°27'N lat. was assessed as a unit in 2001 and is estimated to be at 29% of its unfished biomass. The ABC (8,510 mt) is based on an Fmsy proxy of F40%. Because the biomass is estimated to be in the precautionary zone, the total catch OY of 7,440 mt is based on the application of the 40-10 harvest rate policy. The OY is reduced by 71.6 mt for compensation to vessels that conducted resource surveys, resulting in a commercial OY of 7,368 mt. Discards are assumed to be 5 percent, resulting in a landed catch value of 7,000 mt.

h/ Petrale sole was estimated to be at 42 percent of its unfished biomass following a 1999 assessment. For 2002, the final ABC for the Vancouver-Columbia area (1,262 mt) is based on an F40% Fmsy proxy. The ABCs for the Eureka, Monterey, and Conception areas (1,500 mt) continue at the same level as 2001.

i/ "Other flatfish" are those species that do not have individual ABC/OYs and include butter sole, curlfin sole, flathead sole, Pacific sand dab, rex sole, rock sole, sand sole, and starry flounder. The ABC is based on historical catch levels.

j/ Pacfic ocean perch (POP) was designated as overfished in 1999. The ABC (640 mt) is based on the 2000 assessment which was updated for 2001. The total catch OY (350 mt) is based on a 70 percent probability of rebuilding the stock to Bmsy by the year 2042. The landed catch value is 294 mt. The landed catch value is based on a discard rate of 16 percent. Tribal vessels are expected to land only trace amounts of POP in 2002 and do not have a specific allocation at this time.

k/ Shortbelly rockfish remains an unexploited stock and is difficult to assess quantitatively. The 1989 assessment provided 2 alternative yield calculations of 13,900 mt and 47,000 mt. NMFS surveys have shown poor recruitment in most years since 1989, indicating low recent productivity and a naturally declining population in spite of low fishing pressure. The ABC and OY therefore are set at 13,900 mt, the low end of the range in the assessment.

l/ Widow rockfish was assessed in 2000 and is estimated to be at 24 percent of its unfished biomass. Therefore, it was declared overfished in 2001. The ABC (3,727 mt) is based on an F50% Fmsy proxy. The OY (856 mt) is based on a 60 percent probability of rebuilding the stock to Bmsy within 37 years. The OY is reduced by 3 mt for the amount estimated to be taken as recreational catch, resulting in a commercial OY of 853 mt. The commercial OY is divided with open access receiving 3 percent (26 mt) and limited entry receiving 97 percent (827 mt). The landed catch equivalent for the open access fishery is 21 mt. The limited entry allocation is reduced by 150 mt for anticipated bycatch in the at-sea whiting fishery and an additional 40 mt for anticipated bycatch in the shore-based sector of the whiting fishery. The remainder of the limited entry allocation is reduced by 16 percent to account for discards in the trip limit fisheries. The landed catch equivalent, excluding the at-sea whiting fishery, is 575 mt. Tribal vessels are expected to land about 27 mt of widow rockfish in 2002, but do not have a specific allocation at this time.

m/ Canary rockfish is estimated to be at 22 percent of its unfished biomass in the north (north of Cape Blanco) and 8 percent of its unfished biomass in the south (south of Cape Blanco). Canary rockfish was declared overfished in 2000. The coastwide ABC (228 mt) is based on an Fmsy proxy of F50%. The coastwide OY of 93 mt (the sum of 73 mt for the northern area, plus 20 mt for the southern area) is based on a 52 percent

probability of rebuilding the stock to Bmsy by the year 2056. The OY is reduced by 5 mt for research surveys and 44 mt for the estimated recreational catch, resulting in a commercial OY of 44 mt. The commercial OY is divided with open access receiving 12.3 percent (5 mt) and limited entry receiving 87.7 percent (39 mt). The landed catch value for the open access fishery is 4.5 mt. The 39 mt limited entry allocation is further reduced by 3 mt for anticipated bycatch in the offshore whiting fishery. The limited entry landed catch value is 30 mt. The landed catch value is based on a discard rate of 16 percent. However, the specific open access/limited entry allocation has been suspended during the rebuilding period as necessary to meet the overall rebuilding target while allowing harvest of healthy stocks. Tribal vessels are expected to land about 2.5 mt of canary rockfish in 2002, but do not have a specific allocation at this time.

n/ Chilipepper rockfish - The ABC (2,700 mt) for the Monterey-Conception area is based on the 1998 stock assessment with the application of an F50% Fmsy proxy. Because the unfished biomass is estimated to be above 40 percent, the default OY could be set equal to the ABC. However, the OY is set at 2,000 mt, near the recent average landed catch, to discourage effort on chilipepper, which is known to have bycatch of overfished bocaccio rockfish. The OY is reduced by 15 mt for the amount estimated to be taken in the recreational fishery, resulting in a commercial OY of 1,985 mt. Of the commercial OY, open access is allocated 44.3 percent (879 mt) and limited entry is allocated 55.7 percent (1,106 mt). The assumed discard is 16 percent, resulting in a open access landed catch value of 739 mt and a limited entry landed catch value of 929 mt.

o/ Bocaccio rockfish is estimated to be at 2 percent of its unfished biomass and was designated as overfished in 1999. The ABC of 122 mt is based on an F50% Fmsy proxy. The OY (100 mt) is based on the rebuilding plan, which has a 67% probability of rebuilding the stock to Bmsy by the year 2033. The OY is reduced by 56 mt for the amount estimated to be taken as recreational harvest, resulting in a 44 mt commercial OY. Open access is allocated 44.3 percent (19 mt) of the commercial OY and limited entry is allocated 55.7 percent (25 mt) of the commercial OY. The open access landed catch value is 16 mt and the limited entry landed catch value is 21 mt. The landed catch value is based on a discard rate of 16 percent.

p/ Splitnose rockfish - The 2001 ABC is 615 mt in the southern area (Monterey-Conception). The 461 mt total catch OY for the southern area reflects a 25 percent precautionary adjustment because of the less rigorous assessment for this stock. In the north, splitnose is included in the minor slope rockfish OY. The assumed discard is 16 percent for a landed catch value of 387 mt.

q/ Yellowtail rockfish is estimated to be at 63 percent of its unfished biomass. The ABC of 3,146 mt is based on a 2000 stock assessment for the Vancouver-Columbia-Eureka areas with an Fmsy proxy of F50%. The OY (3,146 mt) was set equal to the ABC. To derive the commercial OY (3,131 mt) the total catch OY is reduced by 15 mt, the amount estimated to be taken in the recreational fishery. The open access allocation (260 mt) is 8.3 percent of the commercial OY. The limited entry allocation (2,871 mt) is 91.7 percent the commercial OY. For anticipated bycatch in the at-sea whiting fishery, 400 mt is subtracted from the limited entry allocation. An additional 150 mt is deducted for the shore-based whiting fishery. The remainder (2,471 mt) is further reduced by 20 percent for assumed discard. The limited entry landed catch equivalent, excluding the at-sea whiting fishery, is 2,007 mt. The open access landed catch equivalent is 218 mt, given the assumed discard of 16 percent. Tribal vessels are expected to land about 300 mt of yellowtail rockfish outside their directed whiting fishery in 2002, but do not have a specific allocation at this time.

r/ Shortspine thornyhead - A new assessment was done for shortspine thornyhead in 2001 and the stock is estimated to be between 25 and 50 percent of its unfished biomass. The ABC (1,004 mt) for the area north of Pt. Conception (34°27'N lat.) is based on a F50% Fmsy proxy. The OY of 955 mt is based on the new survey with the application of the 40-10 harvest policy, resulting in a commercial OY of 948 mt. Open access is allocated 0.27 percent (3 mt) of the commercial OY and limited entry is allocated 99.73 percent (945 mt) of the commercial OY. A 20 percent rate of discard is applied to obtain a limited entry landed catch value of 757 mt. There is no ABC or OY for the southern Conception area. Tribal vessels are expected to land about 1 mt of shortspine thornyheads in, but do not have a specific allocation at this time.

s/ Longspine thornyhead is estimated to be above 40 percent of its unfished biomass. The ABC (2,461 mt) in the north (Vancouver-Columbia-Eureka-Monterey) is based on the average of the 3-year individual ABCs at an F50% Fmsy proxy. The total catch OY (2,461 mt) is set equal to the ABC. The OY is further reduced by 6 mt for compensation to vessels that conducted resource surveys, resulting in a commercial OY of 2,455 mt. To derive the landed catch equivalent of 2,037 mt, the limited entry

allocation is reduced by 17 percent for estimated discards.

t/ Longspine thornyhead - A separate ABC (390 mt) is established for the northern Conception area and is based on historical catch for the portion of the Conception area north of 34°27' N. lat. (Point Conception). The ABC was reduced by 50 percent to obtain the OY (195 mt), this reduction addresses uncertainty in the stock assessment due to limited information. There is no ABC or OY for the southern Conception Area.

u/ Cowcod in the Conception area was assessed in 1999 and is estimated to be at less than 10 percent of its unfished biomass. Therefore cowcod was declared overfished in 2000. The ABC in the Conception area (5 mt) is based on the 1999 assessment, while the ABC for the Monterey area (19 mt) is based on average landings from 1993-1997. An OY of 4.8 mt (2.4 mt in each area) is based on a 55 percent probability of rebuilding the stock to Bmsy by the year 2094. Cowcod retention will not be permitted in 2002.

v/ Darkblotched rockfish was assessed in 2000 and estimated to be at 22 percent of its unfished biomass. The stock was declared overfished in 2001. An update to the assessment which incorporated new data indicates that the stock may be at 12 percent of the unfished biomass. The ABC of 187 mt is based on the updated assessment with an Fmsy proxy of F50%. The OY of 168 mt is based on a 70 percent probability of rebuilding the stock to Bmsy by 2034. For anticipated bycatch in the at-sea whiting fishery, 5 mt is subtracted from the limited entry allocation. The landed catch value for the remaining limited entry fisheries is 130 mt. The landed catch value is based on a discard rate of 20 percent. Specific open access/limited entry allocation has been suspended during the rebuilding period as necessary to meet the overall rebuilding target while allowing harvest of healthy stocks. Tribal vessels are expected to land minimal amounts of darkblotched rockfish in 2002, but do not have a specific allocation at this time.

w/ Yelloweye rockfish was assessed in 2001 and is estimated to be at 7 percent of its unfished biomass off northern California and at 13 percent of its unfished biomass off Oregon, indicating that it is overfished at this time. The 27 mt coastwide ABC (5 mt for the Monterey area and 22 mt for the areas north of 40°10'N lat.) is based on an Fmsy proxy of F50%. As a precautionary measure, until rebuilding measures can be adopted, the coastwide ABC has been reduced by 50 percent to obtain the OY of 13.5 mt (2.5 mt for the Monterey area and 11 mt for the areas north of 40°10'N lat.) The OY is reduced by 8.81 mt for the amount estimated to be taken as recreational harvest, and 1 mt for the amount expected to be taken in the tribal fishery, resulting in a commercial OY of 3.69 mt. Specific open access/limited entry allocation has been suspended during the rebuilding period as necessary to meet the overall rebuilding target while allowing harvest of healthy stocks.

x/ Minor rockfish north includes the "remaining rockfish" and "other rockfish" categories in the Vancouver, Columbia, and Eureka areas combined. These species include "remaining rockfish" which generally includes species that have been assessed by less rigorous methods than stock assessments, and "other rockfish" which includes species that do not have quantifiable assessments. The ABC (4,795 mt) is the sum of the individual "remaining rockfish" ABCs (2,727 mt) plus the "other rockfish" ABCs (2,068 mt). The remaining rockfish ABCs continue to be reduced by 25 percent (F=0.75M) as a precautionary adjustment. To obtain the total catch OY (3,115 mt) the remaining rockfish ABCs are further reduced by 25 percent with the exception of black rockfish (see footnote aa/), and other rockfish ABCs are reduced by 50 percent. This was a precautionary measure due to limited stock assessment information. The OY is reduced by 673 mt for the amount estimated to be taken in the recreational fishery, resulting in a commercial OY of 2,442 mt. Open access is allocated 8.3 percent (203 mt) of the commercial OY and limited entry is allocated 91.7 percent (2,239 mt) of the commercial OY. The discard is assumed to be 5 percent for nearshore rockfish, 16 percent for shelf rockfish, and 20 percent for slope rockfish, resulting in a an open access landed catch value of 188 mt and a limited entry landed catch value of 1,852 mt. Tribal vessels are expected to land about 10 mt of minor rockfish (2 mt of minor nearshore rockfish, 4 mt of shelf rockfish, and 4 mt of slope rockfish) in 2002, but do not have a specific allocation at this time.

y/ Minor rockfish south includes the "remaining rockfish" and "other rockfish" categories in the Monterey and Conception areas combined. These species include "remaining rockfish" which generally includes species that have been assessed by less rigorous methods than stock assessments, and "other rockfish" which includes species that do not have quantifiable assessments. The ABC (3,506 mt) is the sum of the individual "remaining rockfish" ABCs (854 mt) plus the "other rockfish" ABCs (2,652). The remaining rockfish ABCs continue to be reduced by 25 percent (F=0.75M) as a precautionary adjustment. To obtain total catch OY (2,015 mt), the remaining rockfish

ABCs are further reduced by 25 percent, with the exception of blackgill rockfish (see footnote bb/), and the other rockfish ABCs were reduced by 50 percent. This was a precautionary measure due to limited stock assessment information. The OY is reduced by 732 mt for the amount estimated to be taken in the recreational fishery, resulting in a commercial OY of 1,283 mt. Open access is allocated 44.3 percent (569 mt) of the commercial OY and limited entry is allocated 55.7 percent (714 mt) of the commercial OY. The discard is assumed to be 5 percent for nearshore rockfish, 16 percent for shelf rockfish, and 20 percent for slope rockfish, resulting in an open access landed catch value of 484 mt and a limited entry landed catch value of 582 mt.

z/ Bank rockfish - The ABC of 350 mt is based on a 2000 assessment for the Monterey and Conception areas. This stock contributes 263 mt towards the minor rockfish OY in the south.

aa/ Black rockfish - The ABC (1,115 mt) which is based on a 2000 assessment, is the sum of the assessment area (615 mt) plus the average catch in the unassessed area (500 mt). To obtain the OY for the southern portion of this area, the ABC has been reduced by 50 percent as a precautionary measures due to limited information. For the assessed area the OY was set equal to the ABC. This stock contributes 865 mt towards the minor rockfish OY in the north.

bb/ Blackgill rockfish is estimated to be at 51 percent of its unfished biomass. The ABC (343 mt) is the sum of the Conception area ABC of 268 mt, based on the 1998 assessment with an Fmsy proxy of F50%, and the Monterey area ABC of 75 mt. This stock contributes 306 mt towards minor rockfish south (268 mt for the Conception area ABC and 38 mt for the Monterey area). The OY for the Monterey area is the ABC reduced by 50 percent for precautionary measures because of lack of information.

cc/ "Other rockfish" includes rockfish species listed in 50 CFR 660.302 and California scorpionfish. The ABC is based on the 1996 review of commercial Sebastes landings and includes an estimate of recreational landings. These species have never been quantifiably assessed. Beginning in 2002, an ABC and OY have been specified for yelloweye rockfish, in the Monterey and Conception areas. Therefore, it has been removed from the "other rockfish" category.

dd/ "Other fish" includes sharks, skates, rays, ratfish, morids, grenadiers, and other groundfish species noted above in footnote c/.

BILLING CODE 3510–22–C

ABC Policy and Overfishing

Each fishing year, the Council assesses the biological condition of the Pacific Coast groundfish fishery, develops estimates of the ABC for major groundfish stocks, and identifies harvest levels or OYs for the species or species groups that it proposes to manage.

The Magnuson-Stevens Act requires an FMP to prevent overfishing. Overfishing is defined in the National Standard Guidelines (50 CFR part 600, subpart D) as exceeding the fishing mortality rate (F) needed to produce the maximum sustainable yield (MSY). When setting the 2002 ABCs, the Council maintained a policy of using a default harvest rate as a proxy for the fishing mortality rate (Fmsy) that is expected to achieve the MSY. The OYs were then set at levels that are expected to prevent overfishing, equal to or less than the ABCs.

The ABC for a species or species group is generally derived by multiplying the harvest rate proxy by the current estimated biomass. In 2002, the Council continued to use default harvest rate proxies recommended by the Council's Scientific and Statistical Committee (SSC) for 2001. See the final rule for the 2001 annual specifications and management measures published on January 11, 2001 (66 FR 2338). These recommended harvest rate proxies are: F40% for flatfish and whiting, F50% for rockfish (including thornyheads), and F45% for other groundfish such as sablefish and lingcod. The FMP allows default harvest rate proxies to be modified as scientific knowledge improves for a particular species.

A harvest or fishing mortality rate can mean very different things for different stocks because that rate is dependent on the productivity of a particular species. For fast growing stocks, those with a strong ability to maintain moderate recruitment levels even when the spawning biomass is reduced, a higher fishing mortality rate may be used, such as F40%. A rate of F40% can be explained as that which reduces spawning potential per female to 40 percent of what it would have been under natural conditions (if there were no mortality due to fishing), and is therefore a more aggressive rate than F45% or F50%. Harvest rate policies must account for several complicating factors, including the relative fecundity of mature individuals over time, and the optimal stock size for the highest level of productivity within that stock.

For some groundfish species, there may be little or no detailed biological data available on which to base ABCs, and only rudimentary assessments were prepared; for other species, the ABC levels may be established only on the basis of historical landings. As in 2001, precautionary measures continue to be taken when setting ABCs and OYs for species with no assessments or only rudimentary ones.

The 2002 ABCs are based on the best scientific information available to the Council at its November 2001 meeting. The ABCs in Table 1 represent total fishing mortality (landed catch plus discards). Where the assessments included Canadian waters, the ABCs apply only to U.S. waters. Stock assessment information considered in determining the ABCs is available from the Council and was made available to the public before the Council's November 2001 meeting. Additional

information can be found in the EA/RIR/IRFA prepared by the Council for this action and in documents from the September and November 2001 Council meetings (see **ADDRESSES**).

OY Policy

In 1999, the Council adopted the ''40–10 precautionary policy'' for setting OYs. The 40–10 policy is intended to prevent species from becoming overfished. According to the Council's OY policy, if a stock biomass is larger than the biomass needed to produce MSY (Bmsy), the OY may be set equal to or less than ABC. The Council uses 40 percent as a default proxy for the Bmsy, also referred to as B40%. See the final rule for the 1999 annual specifications and management measures published on January 8, 1999 (64 FR 1316). A stock with a current biomass between 25 percent of the unfished level and Bmsy (the precautionary threshold) is said to be in the ''precautionary zone.'' The Council's default OY harvest policy reduces the fishing mortality rate when a stock is at or below its precautionary threshold. The further the stock is below the precautionary threshold, the greater the reduction in OY will be relative to the ABC, until, at B10%, the OY would be set at zero. This is, in effect, a default rebuilding policy that will foster quicker return to the Bmsy level than would fishing at the ABC level.

The Council may recommend setting the OY higher than what the default OY harvest policy specifies, if justified, as long as the OY does not exceed the ABC (Fmsy harvest rate) and it is consistent with the requirements of the Magnuson-Stevens Act and the National Standard Guidelines. Additional precaution may be added on a case-by-case basis regardless of the stock's current biomass level, if warranted by uncertainty in the data or by higher risks of being overfished.

If a stock falls below 25 percent of its unfished biomass (B25%), it is considered overfished, and the Magnuson-Stevens Act requires the Council to develop a rebuilding plan within 1 year. Rebuilding plans for overfished species have stock-specific allowable harvest rates, which are intended to rebuild the stock within a specified time period.

Precautionary measures continue to be taken when setting the OYs for species that have no or only rudimentary assessments. Since implementation of the 2000 specifications, ABCs have been reduced by 25 percent to set OYs for those species with less rigorous stock assessments, and by 50 percent to set OYs for those species with no stock assessment.

2002 ABCs and OYs

Species with ABCs and OYs in 2001 continue to have ABCs and OYs in 2002. New assessments were completed and new ABCs and OYs were developed for sablefish, Dover sole, and shortspine thornyhead north of Point Conception (34°27′ N. lat.;) and for yelloweye rockfish in the Monterey, Eureka and Columbia (waters off Oregon only) areas. A new assessment was also prepared for black rockfish off southern Oregon to 40°10′ N. lat.; however, it was not available in time to complete the required review process and was therefore not available for setting 2002 ABCs.

A new stock assessment was prepared for sablefish in 2001. The assessment incorporated new survey and fishery data and extended the assessment area south from 36°N. lat. to 34°27′ N. lat. (Point Conception). Two different assessment models indicated a normal decline in biomass since the late 1970s due to the fishing down of the virgin stock and an unexpected decline in recruitment during the early 1990s. The sablefish stock is currently estimated to be between 27 and 38 percent of the unfished biomass, depending on the assessment scenario and the basis for estimating unfished biomass.

A change in environmental conditions may have been responsible for the abrupt decline in recruitment in the 1990s, or this low recruitment may have been the natural consequence of the gradual decline in spawning biomass. Because of this uncertainty, two ABC estimates were produced and reviewed by the Council: an ABC of 4,786 mt based upon the current Fmsy proxy of F45%, and an ABC of 4,062 mt based upon a reduced harvest rate of F50%. Although sablefish have experienced a decline due to poor recruitment in the 1990's, continuation of the F45% harvest rate is expected to prevent overfishing if this recruitment decline is primarily due to random environmental factors. However, reduction in harvest rate of F50%, or lower, will be necessary in the long-term if reduced spawner abundance has been the dominant factor in causing the lower recruitment (density-dependence). Both represent a substantial reduction from the current ABC. If further analysis during 2002 indicates that the lower level is more appropriate, then the one year delay in implementing the change from F45% to F50% will cause the spawning stock at the beginning of 2003 to be only slightly smaller (47,341 mt versus 47,704 mt).

It is likely that both environmental factors and reduced spawning biomass affect sablefish recruitment, although the relative contribution of each is unknown. Large numbers of juvenile sablefish in the 2001 shelf survey (conducted after the 2001 assessment was completed) suggest that the fishable biomass and spawning biomass will increase in coming years. The survival of these juvenile sablefish may also be improved through the reduced trawl opportunities for continental shelf species because juvenile sablefish are commonly found in shelf areas. The recent large year classes are physical evidence that a recruitment scenario based solely on low spawning biomass (density-dependent scenario) does not fully described the status of the sablefish biomass. Thus, the environmental scenario may have merit as an explanation for the low recruitment during the 1990s. The ABCs considered by the Council and its advisory panels were based on assessments that did not include projections of the juvenile fish (animals that have not yet entered the fishery) from 1999 and 2000. Therefore, both ABC options considered by the Council were prudent reductions from the 2001 ABC level (7,661 mt) and until new information validates the recent recruitment level.

Three OY options were considered for sablefish by the Council: 4,500 mt derived from the environmentally driven model, 4,000 mt a ramp down approach to start moving toward a lower OY strategy, and 3,200 mt derived from the density-dependent model. At the Council's September meeting, the SSC stated a preference for the lowest OY option (3,200 mt), because it was the option most likely to prevent the biomass from falling below the rebuilding threshold (B25%) within the next five years. The SSC also recommended that the Council consider moving towards a more conservative Fmsy proxy. At the Council's November meeting, NMFS scientists presented preliminary data from the 2001 shelf survey that suggests that the fishable biomass and spawning biomass will increase in coming years. In addition, public testimony indicated that more smaller sablefish have been seen in catches during the 2001 fishing year. The SSC did not revise its OY recommendation to the Council after receiving this new information.

The Council majority agreed that information on juvenile sablefish occurrence in the shelf survey and in commercial landings is so strong that it supported the environmental-recruitment scenario while still being

precautionary. Therefore, the Council recommended adopting a 4,500 mt OY, based on the environmentally driven recruitment scenario with the application of the 40–10 harvest policy to reduce the risk of overfishing. The Council asked that NMFS prepare a revised assessment that incorporates the 2001 survey data in time for the Council's 2003 ABCs and OYs setting process. If the revised assessment does not show an increase in recruitment for 2001, the Council expressed interest in considering a ramp down strategy beginning with 2003.

Because the OY options before the Council were substantial reductions from the 2001 total catch OY of 6,895 mt, the Council expressed concern about the adverse economic effect on the fishing industry. In the short-term the 4,500 mt OY option is expected to have less of an adverse economic impact on the fishery than the other OY options.

The sablefish spawning biomass is expected to slowly decline until the large 1999 and 2000 year classes mature. The abundance of these year classes will be monitored with surveys planned for summer 2002, and subsequent stock assessments will provide biological guidance for future adjustments to allowable harvest levels. If the future recruitment of juvenile sablefish from 1999 and 2000 is not as large as estimated and are followed by low recruitments as in the 1990s, then future spawning biomass and OYs will decline further. If the recruitment returns to the long-term average level or is above average, as may be the case in 2001, the stock is expected to increase its spawning biomass and the OY will also increase.

A new stock assessment for Dover sole was prepared by scientists from Oregon State University in 2001. This assessment incorporated new survey and fishery data and extended the assessment area south from 36° N. lat. to Point Conception. The new assessment indicates that the Dover sole stock is at about 29 percent of its unfished biomass. Recent biomass estimates appear to be without trend, but follow a steady decline since the late 1950s. The 5-year projection is for a relatively stable stock abundance. However, lower recruitment during the 1990s indicates a possible future stock decline and provides the reason for consideration of a lower harvest rate.

For the 2001 fishery, the Council adopted a Fmsy proxy of F40% for Dover sole following an SSC recommendation based on a harvest rate analysis specific to Dover sole. With the new Dover sole assessment in 2001, the SSC expressed concerns that the F40% harvest rate was too aggressive given the reduced recruitment levels seen in the 1990s. Three ABCs based on alternative Fmsy proxies of F40%, F45%, and F50% were considered by the Council. The Council determined that a change from the harvest rate policy introduced in 2001 would require a new and equally thorough evaluation of the long term harvest strategy. For 2002, the Council recommended adopting the ABC and OY values (8,510 mt/7,440 mt) that are consistent with the current F40% proxy for Fmsy with the 40–10 precautionary policy adjustments. The Council expressed support for the SSC recommendation for further evaluation of the Fmsy proxy used for Dover sole, but indicated that the process for preparing and reviewing such recommendations should be maintained.

NMFS prepared a new stock assessment for shortspine thornyhead in 2001. The assessment incorporated new survey and fishery data and extended the assessment area south from 36° N. lat. to Point Conception (34°27′ N. lat.) The stock is estimated to be at 25 to 50 percent of its unfished biomass. The assessment concluded that the shortspine thornyhead population shows an increasing biomass trend and has not declined since the last assessment. The Council considered two OYs: 955 mt, the OY from the new assessment, and 751 mt, the 2001 OY that was based on the assessments prepared in the late 1990s. Both OY options reflected an Fmsy proxy of F50% with the application of the 40–10 harvest policy.

The SSC recognized that the analysis and data in the new assessment were an improvement over the previous assessment. However, the SSC also noted the high degree of uncertainty in the 2002 stock projections and they considered the lower OY (751 mt) to be the most risk-adverse option before the Council. The uncertainty associated with an incomplete understanding of biological parameters and survey effectiveness led to the calculation of an alternative shortspine thornyhead OY using standard precautionary measures typically used for species with less rigorous stock assessments. The OY based on standard precautionary measures was similar to the OY from the new assessment. The Council recognized the uncertainty associated with the new assessment, but noted that the new assessment was more adequate than those available in previous years. Because the assessment-based OY was comparable to an OY calculated using standard precautionary measures, the Council recommended adopting 955 mt at the 2002 OY for shortspine thornyhead.

A yelloweye rockfish assessment, which integrated fishery and survey data from northern California and Oregon, was completed by Washington Department of Fish and Wildlife. This was the first time an assessment was done on yelloweye rockfish. The assessment indicated that there has been a declining biomass trend in both areas for about 30 years, with the last above average recruitment occurring in the late 1980s. The assessment concluded that yelloweye rockfish is at about 7 percent of its unfished biomass in waters off northern California and at 13 percent of its unfished biomass in waters off Oregon.

Although a rebuilding analysis has not yet been completed for yelloweye rockfish, the assessment author and the Groundfish Management Team (GMT) analyzed the recruitment data and projected ABCs and OYs for 2002 fisheries. They recommended a coastwide ABC of 27 mt (5 mt for the Monterey area and 22 mt for the areas north of 40°10′ N. lat.) which is based on an Fmsy proxy of F50%.

In September, the Council adopted a preliminary coastwide total catch OY of 11 mt for yelloweye (2 mt for Monterey, 1 for Eureka, and 8 for Columbia and Vancouver areas) based on an initial rebuilding analysis and the application of the 40+10 harvest policy. As an interim measure prior to the development of a rebuilding plan, the Council recommended reducing the 27 mt ABC by 50 percent as a precautionary measure, resulting in an OY of 13.5 mt. The 2.5 mt difference between the two OY options represents approximately 0.3 percent of the stock biomass and is therefore not expected to have an appreciative effect on the stock abundance while a rebuilding analysis is prepared. The recommended OY of 13.5 is not expected to result in further overfishing because both of these options are below the 27 mt ABC.

Seven groundfish stocks have been designated as ''overfished'' Pacific ocean perch (POP), bocaccio, lingcod, canary rockfish, cowcod, darblotched rockfish, and widow rockfish. With the publication of this document, yelloweye rockfish is being designated as overfished. As noted above, the OY for yelloweye rockfish is set at extremely low levels in anticipation of rebuilding plan requirements in 2003.

The OYs for 3 overfished species, POP, widow rockfish and darkblotched rockfish were revised to be consistent with the rebuilding measures for those species. For 2002: the POP OY would be

set at 350 mt, which reflects a 70 percent probability of rebuilding by the year 2042; the widow rockfish OY would be set at 856 mt, which reflects a 60 percent probability of rebuilding the stock by the year 2039; and the darkblotched rockfish OY would be set at 168 mt, which reflects a 70 percent probability of rebuilding the stock by the year 2034. The revised rebuilding analysis for darkblotched rockfish indicates that the stock cannot be rebuilt within a 10 year period; therefore, the OY reflects an extended rebuilding trajectory.

To protect depleted stocks and minimize the chance of overfishing, changes were made in 2000 that eliminated the ''Sebastes complex'' and created the ''minor rockfish'' categories. The same categories will continue to be used for 2002. Minor rockfish, species which have had no or only rudimentary assessments, are divided into nearshore, continental shelf, and continental slope categories that represent where they are predominantly caught. This strategy is intended to keep harvest levels more closely in line with the allowable biological catches for individual species and the various rockfish groups. Grouping the minor rockfish species into nearshore, shelf, and slope categories, allows fishing opportunities to be maintained for abundant stocks while improving protection for depleted stocks.

Management measures designed to rebuild overfished species, to prevent overfishing, or to prevent species from becoming overfished may restrict the harvest of relatively healthy stocks that co-occur with overfished species. As a result of the constraining management measures imposed to protect and rebuild overfished species, a number of the OYs may not be achieved in 2002, particularly for those shelf rockfish species that are not overfished, but which are caught with species that are overfished. Derivations of the ABCs and OYs for the individual groundfish species are explained in detail in Council documents from their September and November 2001 meetings and in the most recent stock assessments, and are summarized in this document in Table 1a. Derivations of commercial harvest guidelines, limited entry and open access allocations, and landed catch equivalents appear in the footnotes to table 1a, which are listed at the end of Table 1b.

Determinations of Overfished Stocks and Rebuilding Plans

The status of the resource is evaluated against the requirements of the Magnuson-Stevens Act, the National Standard Guidelines, and the FMP. A species is considered by NMFS to be overfished if its current biomass is less than 25 percent of the unfished biomass. The Magnuson-Stevens Act requires that a rebuilding plan be prepared within 1 year after the Council is notified by NMFS that a particular species is overfished.

Requirements for developing overfished species rebuilding plans were addressed in Amendment 12 to the FMP, which NMFS approved on December 7, 2000 (65 FR 82947, December 29, 2000). Before Amendment 12 was approved, NMFS had approved the first 3 rebuilding plans for lingcod, bocaccio, and POP (65 FR 53646, September 5, 2000). During NMFS review of Amendment 12, the agency considered whether these 3 rebuilding plans met the requirements of Amendment 12 and concluded that they did not. The final rule to implement Amendment 12 describes NMFS's revocation of the lingcod, bocaccio, and POP rebuilding plans, as these plans did not meet the rebuilding plan content requirements described in Amendment 12 (65 FR 82947, December 29, 2000). The groundfish fishery has continued to operate under measures implementing these preliminary rebuilding plans for lingcod, bocaccio, and POP. NMFS instructed the Council to re-submit rebuilding plans for these species by January 1, 2002.

On January 4, 2000 (65 FR 221), NMFS notified the Council that cowcod and canary rockfish were overfished and that the Council must submit rebuilding plans for these species to NMFS by January 4, 2001. On January 11, 2001 (66 FR 2338), NMFS notified the Council that darkblotched and widow rockfish were overfished and that the Council must submit rebuilding plans for these species to NMFS by January 11, 2002.

On August 20, 2001, the Federal magistrate ruled in *National Resources Defense Council*, v. *Evans*, 2001 WL 1246622 (N.D. Cal. 2001) that rebuilding plans under the FMP must be in the form of a plan amendment or proposed regulations as specified by the Magnuson-Stevens Act, 16 U.S.C. 1854(e)(3). Accordingly, the magistrate issued an order setting aside those portions of Amendment 12 to the FMP dealing with rebuilding plans. Amendment 12 had provided a framework for rebuilding plans that were not themselves plan amendments or proposed regulations. As a result of the magistrate's decision, the Council must now revise Amendment 12 and all rebuilding plans to be consistent with the Court Order. NMFS has notified the Council that draft FMP amendment(s) that meet the statutory rebuilding requirements for POP, bocaccio, lingcod, canary rockfish, cowcod, darkblotched rockfish and widow rockfish should be available for review at the April 2002 meeting, with the intention of presenting final amendment(s) for adoption at the Council's June 2002 meeting.

NMFS also notifies the Council, via this **Federal Register** document, and that yelloweye rockfish is considered overfished at this time and the Council must submit a rebuilding plan FMP amendment to NMFS within 1 year of this notification. While rebuilding plans have not been approved by NMFS, the Council has prepared rebuilding analyses, and the OYs and management measures proposed for 2002 are consistent with these. The draft rebuilding plans initially endorsed by the Council are summarized as follows (maximum allowable rebuilding years refers to the maximum time allowed under the Magnuson-Stevens Act and the National Standard Guidelines):

Canary Rockfish

Areas: Coastwide
Status of stock: 8 to 22 percent of its unfished biomass.
Maximum allowable years to rebuild to MSY: 58 years
Expected median time to rebuild: 57 years (2056)
Probability of rebuilding to MSY biomass by 2056: 52 percent
Fmsy proxy: F50%
ABC in 2002: 228 mt
OY in 2002: 93 mt

Management Measures for 2002

Historically, canary rockfish have been caught directly or incidentally in both recreational and commercial groundfish fisheries. Commercial fisheries for groundfish and for non-groundfish species that co-occur with canary rockfish have been restricted to minimize the incidental catch of canary rockfish. Management measures have also been taken to divert effort off the seafloor of the continental shelf where canary rockfish are typically found. Fishing opportunities with large footrope bottom trawl gear have been severely restricted to reduce incidental interception of canary rockfish. Only small amounts of canary rockfish may be landed with small footrope or midwater trawl gear. Summer flatfish and midwater yellowtail rockfish harvests are constrained to protect canary rockfish and the Dover sole, sablefish, thornyhead (DTS) northern limits are structured to minimize canary interception. California hook-and-line

commercial fisheries are closed during the same periods and in the same areas as the recreational fisheries (below). The shrimp trawl industry will continue to use fish excluder devices to reduce incidental harvest of canary rockfish and other groundfish in that fishery.

The recreational fisheries have been constrained to protect overfished species including canary rockfish. In California and Oregon, the rockfish bag limit is 10 fish, no more than 1 of which may be canary rockfish; off Washington the bag limit is 10 fish, no more than 2 of which may be canary rockfish or no more than 1 canary rockfish and 1 yelloweye rockfish. California recreational fisheries closures are twice the duration they were in 2001. The recreational season for the area between Point Conception and Cape Mendocino, California would be just 4 months duration for all depths, January–February and July–August, plus 4 months inside 20 fathoms (36.9 m) in May–June and September–October. When the fishery is open inside 20 fathoms (36.9 m), canary rockfish retention is prohibited, and there is a 2-shelf rockfish bag limit. South of Point Conception, the recreational fishery would be 8 months (March–October). Historically, the bulk of the recreational canary rockfish landings have been made in California.

POP

Areas: Vancouver and Columbia
Status of stock: 13 percent of its unfished biomass (1998)
Maximum allowable years to rebuild to MSY: 47 years
Expected median time to rebuild: 43 years (2042)
Probability of rebuilding to MSY biomass by 2042: 70 percent
Fmsy proxy: F50%
ABC in 2002: 640 mt
OY in 2002: 350 mt

Management Measures for 2002

Because POP primarily inhabit waters of the upper continental slope and are found along the edge of the shelf, they benefit from the trawl gear restrictions adopted to protect shelf rockfish species. Relatively small cumulative trip limits are intended to accommodate incidental bycatch without encouraging targeting. Higher POP limits are provided in the summer months, when they are more likely to be incidentally taken in the flatfish fisheries.

Bocaccio

Areas: Monterey and Conception
Status of stock: 2.1 percent of its unfished biomass
Maximum allowable years to rebuild to MSY: 38 years
Expected median time to rebuild: 34 years (2033)
Probability of rebuilding to MSY biomass by 2033: 67 percent
Fmsy proxy: F50%
ABC in 2002: 122 mt
OY in 2002: 100 mt

Management Measures for 2002

Bottom trawl opportunities for shelf rockfish continue to be extremely limited. No landings of bocaccio rockfish are allowed with large footrope trawl gear. Small amounts of bocaccio, an unavoidable bycatch, taken with small footrope or midwater trawl gear may be landed in fisheries for healthy stocks. The chilipepper rockfish OY continues to be reduced to limit the incidental take of bocaccio. California hook-and-line commercial fisheries are closed during the same periods and in the same areas as the recreational fisheries (below).

The recreational fisheries in California maintain a rockfish bag limit of 10 fish, no more than 2 of which may be bocaccio rockfish. In addition, California recreational fisheries closures described above under the canary rockfish rebuilding section also protects bocaccio.

Darkblotched Rockfish

Areas: Coastwide
Status of stock: 22 percent of its unfished biomass
Maximum allowable years to rebuild to MSY: 47 years
Expected median time to rebuild: 34 years (2034)
Probability of rebuilding to MSY biomass by 2034: 70 percent
Fmsy proxy: F50%
ABC in 2002 187 mt
OY in 2002: 168 mt

Management Measures in 2002

Relatively small cumulative trip limits for slope rockfish north are intended to accommodate incidental bycatch without encouraging targeting. In addition, the northern DTS trawl fisheries limits are constrained during the November–December period to reduce the incidental catch of darkblotched rockfish, as are the flatfish fisheries during the summer months when participation is greatest and darkblotched are most likely to be encountered. Lower sablefish and Dover sole OYs are also expected to reduce the incidental take of darkblotched rockfish.

Lingcod

Areas: Coastwide
Status of stock: 15 percent of its unfished biomass
Maximum allowable years to rebuild to MSY: 10 years
Expected median time to rebuild: 10 years (2009)
Probability of rebuilding to MSY biomass by 2009: 60 percent
Fmsy proxy: F45%
ABC in 2002: 745 mt
OY in 2002: 577 mt

Management Measures for 2002

Commercial limits for lingcod are intended to accommodate incidental catch and do not provide an incentive for directed fishing. Bottom trawl opportunities for shelf rockfish continue to be extremely limited. Because lingcod are predominately found on the shelf, gear restrictions imposed to protect shelf rockfish will also benefit lingcod. Trawl caught lingcod retention will be permitted during the winter months so as not to increase the overall discard mortality. Commercial nontrawl landings will continue to be prohibited during the winter months. This is to protect lingcod, which are more available to nontrawl gears in rocky habitats, during their spawning and nesting seasons. Nontrawl commercial fishing for lingcod south of 40°10′ N. lat. will be closed during the same periods and in the same areas as the recreational fisheries (below).

The recreational fisheries have been constrained to protect overfished species, including lingcod. Off Washington, the bag limit is 1 lingcod and fishing is not allowed during a 5 month period in the winter. The Oregon lingcod bag limit is 1 fish and the fishery operates year-round. California has a 2 lingcod bag limit. Beginning in 2002, California will lower the minimum size limit to 24 inches (61 cm), which is the same Oregon and Washington. California lingcod closures south of 40°10′ N. lat. are more stringent than in 2001. From 40°10′ N. lat. to 34°27′ N. lat., the area is closed March through April and November through December in all waters, and open only inside 20 fathoms (36.9 m) in May through June and September through October. The area south of 34°27′ N. lat., is closed January through February and November through December.

Cowcod

Areas: Point Conception to the U.S. Areas: Point Conception to the U.S.-Mexico boundary
Status of stock: 4–11 percent of its unfished biomass
Maximum allowable years to rebuild to MSY: 98 years
Expected median time to rebuild: 95 years (2094)
Probability of rebuilding to MSY biomass by 2094: 55 percent
Fmsy proxy: F50%

ABC in 2002: 24 mt
OY in 2002: 4.8 mt

Management Measures in 2002

As in 2001, retention of cowcod is not allowed for any commercial and recreational fisheries. To further protect cowcod from incidental harvest, 2 Cowcod Conservation Areas (CCAs), delineated to encompass key cowcod habitat areas and known areas of high catches, were established in the Southern California Bight in 2001. Fishing for groundfish is prohibited within the CCAs, except that minor nearshore rockfish, cabezon, and greenlining may be taken from waters where the bottom depth is less than 20 fathoms (36.9 m).

Widow Rockfish

Areas Coastwide
Status of Stock: 24 percent of its unfished biomass
Maximum allowable years to rebuild to MSY: 38 years
Expected median time to rebuild: 37 years (2039)
Probability of rebuilding to MSY biomass by 2039 60 percent
Fmsy proxy: F50%
ABC in 2002: 3, 727 mt
OY in 2002: 856 mt

Management Measures in 2002

Commercial limits for widow rockfish are intended to accommodate incidental catch and do not provide an incentive for direct fishing. In addition, the midwater trawl fisheries for yellowtail rockfish have been constrained with an incidental catch allowance during the primary season for Pacific whiting. Bottom trawl opportunities for shelf rockfish continue to be extremely limited, which is expected to benefit widow rockfish.

Overfishing

None of the 2002 ABCs are knowingly set higher than Fmsy or its proxy, none of the OYs are set higher than the corresponding ABCs, and the management measures herein are designed to keep harvest levels within specified OYs. After the 2000 fishing season, NMFS determined that overfishing did not occur on any of the groundfish species. Changes to the rockfish management structure in 2002 that divided minor rockfish into 3 species groups (nearshore, shelf, slope) were partially intended to ensure that those species would not be subject to overfishing harvest rates. The Council also adopted a policy for the 2000 specifications that reduced ABCs by 25 percent to determine OYs for those species with less rigorous stock assessments, and by 50 percent to determine OYs for those species with no stock assessment. These policies are continued in 2002. Overfishing is difficult to detect inseason for many rockfish, particularly on these minor rockfish species, because most are not individually identified on landing. Species compositions, based on proportions encountered in samples of landings, are applied during the year. However, final results are not available until after the end of the year.

Bycatch and Discard Accounting

The Magnuson-Stevens Act defines bycatch as ''fish which are harvested in a fishery, which are not sold or kept for personal use, and include economic discards and regulatory discards.'' By contrast, Pacific Coast groundfish fishery management and many other fishery management regimes commonly use the term bycatch to describe non-targeted species that are caught in common with (co-occur with) target species, some of which are landed and sold or otherwise used and some of which are discarded. The term ''discard'' is used to describe those fish harvested that are neither landed nor used. For the purposes of this rule, the term ''bycatch'' is used to describe a species' co-occurrence with a target species, regardless of that first species' disposition.

With the exception of the mid-water trawl fishery for Pacific whiting, most groundfish vessels sort their catch at sea and discard species that are: in excess of cumulative trip limits, unmarketable, in excess of annual allocations, or incidentally caught non-groundfish species. Landed or retained catch has been monitored by the three state-run fish ticket programs in Washington, Oregon, and California.

Groundfish management measures include provisions to reduce trip limit-induced discards and to account for those discards when monitoring harvest levels (OYs). Historically, NMFS and the Council have accounted for dead discards by estimating the amounts of certain species OYs that would be discarded dead, and then subtracting those amounts from the total catch OYs to get landed catch levels for those species. These discard rates have been expressed as a percent of total catch OY, so that a 16 percent discard rate for a species meant that 16 percent of that species' total catch OY would be deducted to derive that species' landed catch OY. Then, management measures were set to achieve the landed catch OY for that species. Using discard rates was intended to account for dead fish either as dead discard or in landed catch. For all species except lingcod, sablefish, and nearshore rockfish species, it is assumed that discarded fish are generally dead upon discard or die soon after being discarded. Rockfish, particularly deepwater species, are severely stressed by decompression and temperature shock; however, lingcod discard mortality studies show about a 50 percent discard survival rate. There is no exact measure of discard amounts in most fisheries. Assumed amounts are taken into account to determine the true fishing mortality level and to prevent overall harvest from exceeding the OYs.

In setting past management measures, the Council would consider how each species or species group was taken, as targeted or incidental catch, in each of the various West Coast fisheries. A single species could be taken by many different gear types using different fishing strategies. Sablefish, for example, could be taken in trawl fisheries directly targeting the DTS complex, by pot gear directly targeting just sablefish, or by hook-and-line gear catching sablefish incidentally while targeting slope rockfish. West coast groundfish species are rarely found in isolation, and form associations with other groundfish that vary by geographic location, position in the water column, and season. Fisheries management recognizes this mix by setting management measures that discourage targeting of healthy stocks in times and areas when depleted stocks may co-occur with those healthy stocks. Conversely, fisheries management also recognizes this mix by structuring retention allowances for the harvestable amounts of depleted stocks so that fisheries do have access to healthy fish stocks.

During 2001, the annual specifications and management measures were challenged in court under *Natural Resources Defense Council, Inc* v. *Evans*, 2001 WL 1246622 (N.D.Cal. 2001). One result of that challenge was a court order to review the Council's historic bycatch rates and discard assumptions for bocaccio and lingcod, two overfished species. NMFS and the Council therefore reviewed and revised their overall approach to managing co-occurring healthy and depleted stocks. In September 2001, the Council's GMT and its SSC met to consider a new approach for determining discard rates for five overfished species for the 2002 fishery: bocaccio, lingcod, POP, canary rockfish, and darkbotched rockfish. During the September-October 2001 period, the GMT also considered discard rates for other rockfish and rockfish complexes. This analysis of discard rates for 2002

is the same analysis that the court had ordered NMFS to conduct for the 2001 annual specifications and management measures, and is intended to fulfill that obligation and to serve as the basis for determining 2002 management measures. The analysis for the 2002 discard rates is in ''Evaluation of Bycatch and Discard in the West Coast Groundfish Fishery,'' Council's Exhibit C3, Supplemental Attachment 3, November 2001.

This new bycatch and discard analysis calculated the co-occurrence of healthy stocks with each of the five overfished species. To make these co-occurrence calculations, the analysis evaluated data on a suite of trawl fishery target strategies (targeting the deepwater DTS complex, targeting arrowtooth flounder, etc.) Each target strategy was separated into six two–month periods to set a baseline of co-occurrence rates of overfished stocks throughout an entire calendar year. Not surprisingly, the analysis found seasonal variations in the co-occurrence rates between healthy and overfished stocks.

The bycatch and discard analysis evaluated information from several sources: (1) A 1985–1987 observed trawl study, commonly referred to as ''the Pikitch study,'' for its principal investigator; (2) the 1995–1998 EDCP observer and logbook study; (3) the 1999 state trawl logbook data; and (4) a 1998 Washington Department of Fish and Wildlife (WDFW) study on lingcod discard mortality. The Pikitch study, Experimental Data Collection Program (EDCP) study, and the trawl logbook data were used to derive co-occurrence rates of bycatch species within numerous defined target fishing strategies. Because logbooks only report retained catch, only tows where trip limits had not yet been achieved were included in the calculation of the rates. Logbooks represented the only available source of co-occurrence information for the fishery south of Cape Mendocino. The WDFW study addressed only lingcod discard survival and was not used in analyzing the effects of different fishing strategies on rockfish species.

Once the report's authors had described the relationship between healthy and overfished stocks by calculating co-occurrence rates, they then calculated a range (low-mid-high) of bycatch rates for each of the five overfished species in the analysis. In this report, the bycatch rate referred to the caught amount (by weight) of an overfished bycatch species, divided by the caught-and-retained amount (by weight) of target species for various target fishery scenarios, areas, and months.

Logbook and EDCP data were also used in developing a supplemental analysis of the effects of bycatch distribution on discard for the area north of Cape Mendocino for canary rockfish, POP, and lingcod. The report's authors used the findings from these three species in developing the upper end of the ranges for darkblotched rockfish and bocaccio. The results of this supplemental analysis were used in developing the upper bounds of the expected discard ranges identified for individual species, below. In all cases, the discard ranges developed are lower than the discard assumptions that have been used in recent years. Because of the newness of the analysis and the uncertainty regarding much of the data included in the analysis, NMFS determined it would be prudent to wait to use the new lower discard estimates in calculating landed catch OYs until they can be confirmed by data to be obtained in the new NMFS observer program in the current management regime. Therefore, for canary rockfish, POP, bocaccio, and lingcod the assumed discard rate has been conservatively adjusted up to the rate used in the recent past. For darkblotched rockfish, as explained below, the rate has been conservatively adjusted up to 20 percent.

At its November 2001 meeting, the Council reviewed the bycatch and discard analysis and the possible range of bycatch rates for each of the five overfished species. The Council determined which bycatch level (low, mid, or high) was likely most accurate for each of the five species, based on the analysis in the report. The Council's GMT then crafted trip limit scenarios for target and bycatch species calculated to keep the total catch (landed + discard) of healthy target species and the five overfished species below their respective OYs. The Council's ultimate trip limit recommendations were shaped largely by this bycatch and discard analysis and are proposed in section IV.

After the Council had set management measures according to the bycatch rate ranges for those species and designed to keep the total catch of overfished species below their OYs, the analysis authors were then able to provide NMFS with estimates of the percent of each overfished species OY that would be discarded. Thus, although the analysis of healthy/overfished stock co-occurrence rates and overfished species bycatch rates is new, the practice of deducting expected discard from a species total catch OY to derive landed catch OY has not changed. At the November 2001 Council meeting, the SSC reviewed the new bycatch and discard analysis and stated in its report to the Council that ''the SSC considers the GMT analysis to be the best way to proceed for the coming year.''

As the fishing year progresses, the GMT and the Council will have to periodically evaluate target species catch patterns and effort in season and revise trip limits for the remainder of the year to keep overfished species catch (landed + discard) below the appropriate limits. For example, if flatfish trawl fishery participation in winter months is higher than expected from past participation, assumed winter discard levels might increase and summer trip limits for target and bycatch species may then have to be adjusted to ensure that the overall 2002 fisheries do not exceed the OYs for overfished species. This approach addresses a recommendation from Amendment 13 to the FMP, which called for a re-examination and improvement in accuracy of species-to-species landings limit ratios.

The Council recommended addressing bycatch rates of the five overfished species analyzed in the report as follows:

Canary rockfish. Within the low-mid-high range of possible bycatch rates, the Council recommended the low bycatch rate range for canary rockfish. The Council chose the low range because both the Pikitch study and the EDCP study occurred during years when canary rockfish was considered one of the primary target species in the West Coast rockfish complex fisheries. Coincident catch of canary rockfish should be lower in a fishery management regime designed to avoid canary rockfish, through gear and target species restrictions, than in one designed to target canary rockfish. Data from a 2001 EFP at-sea observation program managed by WDFW supported this assumption, indicating canary rockfish interception rates in the trawl arrowtooth fishery off Washington were about one-tenth the rates assumed in even the low bycatch range scenario. The low bycatch rate range and the management measures proposed in this rule are expected to result in a discard rate of 5–10 percent of the total catch, which has been conservatively adjusted to 16 percent. This bycatch rate range and discard deduction would result in a landed catch OY of 30 mt for the limited entry fisheries and 4.5 mt for the open access fisheries.

Pacific ocean perch. Within the low-mid-high range of possible bycatch rates, the Council recommended the mid bycatch rate range for POP. POP has been managed to allow only incidental

retention for many years, thus the Pikitch and EDCP studies may more accurately represent current POP co-occurrence rates in the fisher than they do for canary rockfish. Bycatch levels assumed under the high bycatch rate scenario were so high that accepting it would have meant assuming that vessels would discard POP without achieving their trip limits. Conversely, the low bycatch rate scenario was implausible because it projected harvest levels lower than actual recorded landings in recent years. These unlikely assumptions related to the high and low bycatch scenarios for POP illustrate some of the difficulties in using varied historical data in a mathematical probability model for determining current bycatch rates. The mid bycatch rate range and the management measures proposed in section IV are expected to result in a discard rate of 0–7 percent of the total catch, which has been conservatively adjusted to 16 percent. This bycatch rate range and discard deduction would result in a landed catch OY of 294 mt.

Bocaccio. Within the low-mid-high range of possible bycatch rates, the Council recommended the high bycatch rate range for bocaccio. Similar to the POP low and high ranges, the low and mid bocacio bycatch range scenarios that came out of the model were unlikely when examined against actual landings data. Both the low and mid bycatch range scenarios for bocaccio projected harvest levels lower than actual recorded landings. Thus, the high bycatch range was the only plausible range for bocaccio. The high bycatch rate range and the management measures proposed in of this rule are expected to result in a discard rate of 4–8 percent of the total catch, which has been conservatively adjusted to 16 percent. This bycatch rate range and discard deduction would result in a landed catch OY of 21 mt for the limited entry fisheries and 16 mt for the open access fisheries.

Darkblotched rockfish. Within the low-mid-high range of possible bycatch rates, the Council recommended the mid bycatch rate range for darkblotched rockfish. Setting a bycatch rate for darkblotched rockfish was more difficult than for the other four species because darkblotched rockfish has not historically been separated from other minor slope rockfish in landings tickets, logbooks, and in data gathered in the EDCP study. The Council indicated that the high range was not as probable as the mid range because darkblotched rockfish tend to be of a larger size than other minor slope rockfish, thus less likely to be discarded for size and market reasons. The mid bycatch rate range and the management measures proposed in section IV are expected to result in a discard rate of 4–16 percent of the total catch, which has been conservatively adjusted to 20 percent due to generally higher rates of slope rockfish discard in EDCP observations. The mid bycatch range was also more probable than the low bycatch range because it was more compatible with results from the EDCP study, which NMFS has determined to be a fair illustration of slope trawling acetifies. This bycatch rate range and discard deduction would result in a landed catch OY of 130 mt.

Lingcod. Within the low-mid-high range of possible bycatch rates, the Council recommended the mid bycatch range for lingcod. The Council indicated that the high bycatch rate range was unlikely because the Pikitch and EDCP studies were conducted during periods when large footrope trawling (which can operate in rocky areas where lingcod are found) was permitted for rocky habitat species. The low bycatch range was unlikely for reasons similar to those for the low range for bocaccio and the low and mid ranges for POP, all of which projected harvest levels lower than actual recorded landings in recent years. The bycatch/discard analysis also indicated that if trawlers were allowed to retain incidentally caught lingcod during the winter months, the overall level of dead and discarded lingcod in 2002 could be reduced because it would be landed as retained catch during those months. Trawl footrope restrictions prevent trawlers from targeting lingcod. Thus, allowing winter trawl retention of lingcod is not expected to increase overall lingcod harvest and the effect on nest guarding males in rocky areas is expected to be neutral. Lingcod discard mortality is estimated to be 50 percent of the number of lingcod discarded (WDFW, 1997). The mid bycatch rate range and the management measures proposed in of this rule are expected to result in a discard mortality rate of 6–10 percent of the total catch, which has been conservatively adjusted to 20 percent. This bycatch rate range and discard deduction would result in a landed catch OY of 163 mt for the limited entry fisheries and 38 mt for the open access fisheries.

In addition to establishing the amount and percentage of discard that would occur for each of these five species (bocaccio, lingcod, darkblotched rockfish, canary rockfish, and POP), target fishery limits were adjusted so that the expected total catch of the five species was less than their total catch OYs. This provides an additional layer of protection for the five species, in that even if realized discard rates are somewhat higher than estimated, the total mortalities of these species should not exceed their OYs.

DTS complex species. For the 2001 specifications and management measures process, NMFS analyzed the results of the 1995 through 1998 EDCP, in which trawl vessels voluntarily fished for groundfish and either carried observers or completed detailed catch and discard logbooks. In 2000, NMFS determined that EDCP data could be used to update discard estimates applied to the DTS complex. New discard rates for the DTS complex resulted from this analysis and were implemented in 2001 as follows: 5 percent of the total catch OY for Dover sole, 17 percent of the total catch OY for longspine thornyhead, and 20 percent of the total catch OY for shortspine thornyhead. For sablefish, the new analysis resulted in discard rates separated by fishery: 22 percent of the limited entry trawl allocation, 8 percent of the limited entry fixed gear and open access allocations, and 3 percent of the tribal fisheries allocation. These discard rate estimates would again be used in 2002 as deductions from the total catch OYs for Dover sole and the two thornyhead species, and as deductions from the various fishery-specific sablefish allocations.

Rockfish species not included in bycatch/discard analysis. For widow rockfish, an overfished shelf rockfish species, the Council recommended continuing use of the historic discard rate estimation of 16 percent, which was originally derived for widow rockfish from the Pikitch study. The Council also recommended using this 16 percent placeholder discard rate for minor shelf rockfish and chilipepper rockfish. The origin of this rate is explained in the GMT's bycatch and discard analysis, along with an evaluation of its current use. Yellowtail rockfish would have a 20 percent placeholder discard rate, which is the 16 percent historic rate adjusted conservatively to reflect moderately higher discard values for yellowtail in the EDCP study. As in past years, widow, yellowtail, canary and darkblotched rockfish discard in the at-sea whiting fisheries will be monitored inseason and actual discard numbers will be deducted from the OY. The Council recommended a 20 percent discard rate for minor slope rockfish, as a conservative adjustment to the 16 percent discard rate that the EDCP study showed for slope rockfish taken in the DTS complex fisheries. The 20 percent discard rate for minor slope rockfish also mirrors the more thoroughly analyzed discard rate for darkblotched

rockfish, a slope rockfish. The minor nearshore rockfish discard rate was set at 5 percent of the total catch OY, based on the assumption that most minor nearshore rockfish survive the discard process because they are shallow water species and are not as affected by depth changes during capture as shelf and slope rockfish. This is supported by the fact that a significant percentage of these species are landed as live fish.

Cowcod and yelloweye rockfish are the other two overfished species not analyzed in the bycatch and discard analysis. Cowcod rebuilding measures include a coastwide retention prohibition. Thus, there is no landed catch OY for cowcod and any incidentally caught cowcod will be discarded. Prohibiting fishing for all groundfish with the CCAs, except that which is allowed seasonally inside 20 fathoms (37 m) along with other seasonal closures off California, is expected to reduce opportunities for intercepting cowcod.

Yelloweye rockfish is not often intercepted in the trawl fisheries. Thus, yelloweye rockfish management focuses on eliminating commercial hook-and-line interception and reducing recreational fisheries opportunities for interception. Modest amounts of yelloweye rockfish retention would be permitted in the trawl fisheries to ensure that if it is encountered, it will be available for scientific sampling.

Future Bycatch and Discard Analyses. During 2002, the Council's SSC will convene a workshop or a series of workshops to discuss the future of the Council's bycatch and discard rate policies. NMFS initiated an observer program for the vessels delivering groundfish to shorebased processing plants in August 2001. Future Council bycatch and discard rate policies will have to evolve over time, first accommodating management needs with little current observer data, and then maturing as the observer program data accumulates to a level where it can be used to better define total catch levels. Data from the observer program will provide information about co-occurrence and discard rates, and will affect discard calculations for all groundfish species, not just those included in the November 2001 bycatch and discard analysis. By the fall of 2002, the observer program will have been in operation for one year and will have observations from all seasons. Preliminary examination of the observer data will occur prior to that time, but the first complete analysis requires accumulation of data from all seasons. This analysis may not be completed in time, or have sufficient observations, to be fully incorporated in the annual specifications fro 2003.

II. Limited Entry and Open Access Fisheries

Since 1994, the non-tribal commercial groundfish fishery has been divided into limited entry and open access sectors, each with its own set of allocations and management measures. Species or species group allocations between the two sectors are based on the relative amounts of a species or species group taken by each component of the fishery during the 1984–1988 limited entry permit qualification period (50 CFR 660.332). The FMP allows suspension of this allocation formula for overfished species when changes to the traditional allocation formula are needed to better protect overfished species (Section 5.3.2).

Ground fish species or species group allocations between the limited entry and open access sectors are detailed in Tables 1a and 1b. All OYs, and all limited entry and open access allocations are expressed in terms of total catch. The limited entry/open access allocations for canary, darkblotched, and yelloweye rockfish would be suspended to allow the Council to better develop management measures that provide harvest of healthy stocks while protecting overfished stocks. Estimates of trip-limit induced discards are taken ''off the top'' before setting the limited entry and open access allocations, except for estimates of sablefish discards as explained in the footnotes to Table 1a. Landed catch equivalents are the harvest goals used when adjusting trip limits and other management measures during the season. Estimated bycatch of yellowtail, widow, canary, and darkblotched rockfish in the offshore whiting fishery is also deducted from the limited entry allocations before determining the landed catch equivalents for the target fisheries for widow and yellowtail rockfish.

Open Access Allocations

The open access fishery is composed of vessels that operate under the OYs, quotas, and other management measures governing the open access fishery, using (1) exempt gear or (2) longline or pot (trap) gear fished from vessels that do not have limited entry permits endorsed for that gear. Exempt gear includes all types of legal groundfish fishing gear except groundfish trawl, longline, and pots. (Exempt gear includes trawls used to harvest pink shrimp, spot, or ridgeback prawns (shrimp trawls) and, halibut or sea cucumbers south of Pt. Arena, CA (38°57′30″N. lat.))

Open access allocations are derived by applying the open access allocation percentages to the commercial OY. The commercial OY is the total catch OY after subtracting any tribal allocations and set-asides for recreational or compensation fishing for conducting resource surveys. For those species in which the open access share would have been less than 1 percent, no open access allocation is specified unless significant open access effort is expected.

Limited Entry Allocations

The limited entry fishery is the fishery composed of vessels using limited entry gear fished pursuant to the OYs, quotas, and other management measures governing the limited entry fishery. Limited entry gear includes longline, pot, or groundfish trawl gear used under the authority of a valid limited entry permit issued under the FMP, affixed with an endorsement for that gear. (Groundfish trawl gear excludes shrimp trawls used to harvest pink shrimp, spot prawns, or ridgeback prawns, and other trawls used to fish for California halibut or sea cucumbers south of Pt. Arena, CA.) A sablefish endorsement is also required for a vessel to operate in the limited entry primary fixed gear season for sablefish.

The limited entry allocation (in total catch) is the OY reduced by (1) set-asides, if any, for treaty tribal fisheries, recreational fisheries, or compensation fishing for participation in resource surveys (which results in the commercial OY or quota); and (2) the open access allocation. (Allocations for Washington coastal tribal fisheries are discussed in section V and, for whiting, at paragraph IV.B.(3).)

Following these procedures, the Regional Administrator calculated the amounts of allocations that are presented in Table 1a of this document. Unless otherwise specified, the limited entry and open access allocations would be treated as OYs or harvest guidelines in 2002. There may be slight discrepancies from the Council's recommendations due to rounding.

III. 2002 Management Measures

Before 2000, the major goals of groundfish management were to prevent overfishing while achieving the OYs and to provide year-round fisheries for the major species or species groups. Over time, however, it became apparent to NMFS that a number of species could not continue to be harvested year-round at a constant harvest rate. New legislative mandates under the Magnuson-Stevens Act (as amended by the Sustainable Fisheries Act in 1996)

gave highest priority to preventing overfishing and rebuilding overfished stocks to their MSY levels. The National Standard guidelines at 50 CFR 600.310 interpreted this as ''weak stock management,'' which means that harvest of healthier stocks may need to be curtailed to prevent overfishing or to rebuild overfished stocks.

Seven FMP species were declared overfished as of January 2001 (lingcod, bocaccio, POP, canary rockfish, cowcod, widow rockfish, and darkblotched rockfish), and one more species is being declared overfished concurrent with publication of this document (yelloweye rockfish). Of these species, canary rockfish is the most constraining, because it is found coastwide on the continental shelf and is caught directly or incidentally in most West coast fisheries (groundfish and non-groundfish.) In order to rebuild these overfished species while allowing harvest of healthy stocks, the Council chose management measures to divert fishing effort off the sea floor of the continental shelf, where lincod, bocaccio, canary rockfish, cowcod, widow rockfish, yelloweye rockfish, and, to a lesser extent, POP and darkblotched rockfish occur. Continental slope fisheries have also been curtailed by lower Dover sole and sablefish ABCs and OYs, which provides additional protection to POP and darkblotched rockfish. Management measures for 2002 have been crafted to maximize fishing opportunity for healthy stocks in periods when bycatch and discard of overfished and depleted stocks is estimated to be lowest.

Management priorities for 2002 were guided by the following goals: (1) Prevent overfishing; (2) manage consistent with rebuilding plans for overfished species; (3) craft management measures and target species seasons to minimize incidental catch and discard of overfished and depleted stocks; (4) provide equitable harvest opportunity for both recreational and commercial sectors; and (5) within the commercial fisheries, achieve harvest guidelines and limited entry and open access allocations, to the extent practicable.

A number of assumptions and considerations were involved in developing the management recommendations for 2002. As discussed earlier, the November 2001 bycatch and discard analysis evaluated the target fisheries for healthy stocks to determine periods in the fishing year when those fisheries could be constrained to best reduce the incidental catch of overfished species. Trip limits in the commercial fisheries have been crafted to reduce incidental interception of overfished species so that total mortality for a species does not exceed its OY, and different sectors of the commercial fisheries are constrained at different times of the year in accordance with their specific effects on overfished species. For example, the bycatch and discard analysis of EDCP data indicated that incidental catch of darkblotched rockfish in the DTS complex fisheries is significantly higher during November-December than during other times of the year. Thus, DTS complex cumulative limits are at their lowest in November-December. Similarly, trawl flatfish limits are the most constrained in May through September, when canary rockfish interception is higher. Fisheries for many target species are unlikely to achieve the OYs of those target species so that overfished species may be protected. Fisheries for yellowtail rockfish, for example, will not achieve the yellowtail OYs because yellowtail harvest is constrained to protect co-occurring canary and widow rockfish. Similarly, chilipepper harvest will be significantly below its OY to protect co-occurring bocaccio.

Management measures for the limited entry fishery are found in section IV. Most cumulative trip limits, size limits, and seasons for the limited entry fishery are set out in Tables 3 and 4. However, the limited entry nontrawl sablefish fishery, the midwater trawl fishery for whiting, and the hook-and-line fishery for black rockfish off Washington are managed separately from the majority of the groundfish species and are not fully addressed in the tables. The management structure for these fisheries has not changed since 2001, except for the level of trip limits for sablefish and whiting, and is described in paragraphs IV.B.(2)–(4) of section IV. Other provisions for the 2001 fisheries not explicitly addressed above would remain in effect for 2002 and are repeated in section IV of this document.

After hearing proposals and advice from its advisory entities and public testimony at its November 2001 meeting, the Council recommended the following actions for management in 2002.

Limited Entry Trawl

For the limited entry trawl fishery, the Council recommended a suite of gear and cumulative trip limits designed to allow fishing with gear in times and areas where incidental catch of overfished or depleted species will be minimized. As discussed earlier, the primary force shaping the structure of trawl fisheries limits were the coincident catch rates for overfished species taken in fisheries targeting healthy stocks. Many of the healthy groundfish stocks, such as the suite of flatfish species, are harvested almost exclusively with trawl gear, rather than with hook-and-line gear. Season structuring and gear requirements are intended to reduce incidental catch of overfished species as much as possible in every period of the year.

Flatfish fisheries are managed with more restrictions on gear use and trip limit levels during the summer months, when participation is greater and trawl tows for flatfish are more likely to encounter overfished species. More restrictive landings limits are imposed on all flatfish species in the north in May–October to minimize canary and/or darkblotched rockfish bycatch. Higher POP trip limits are provided in the summer months, when the flatfish fisheries are more likely to encounter POP. Northern DTS complex limits are different for each two-month period of the year to minimize interception of canary rockfish or darkblotched rockfish, depending on which species is more available to the DTS complex fisheries during a particular period. For both the DTS complex and flatfish fisheries, landings limits are less tightly structured south of 40°10″ N. lat. because fisheries in that area are less likely to encounter POP, canary, and darkblotched rockfish. South of 40°10″ N. lat., the Council has also introduced a new trip limit for Pacific sanddabs, an abundant species with relatively low bycatch rates of other species.

In 2000 and 2001, lingcod retention was prohibited in all fisheries for the months of November through April. These winter closures were intended to both reduce overall lingcod harvest and to reduce capture of male lingcod during the spawning/nesting season. Male lingcod guard nests of fertilized eggs from predators, so reducing male lingcod catch during nest guarding season is an effective way of protecting both adults and eggs. Nest guarding males are mainly caught by gear that can be used in the rocky areas where they nest. Under current gear restrictions, this gear is hook-and-line gear. Small footrope trawl and mid-water trawl gear are not used in rocky areas because they can too easily become entangled and torn in rocky habitat. In 2002, trawl-caught lingcod retention would be permitted throughout the year because the Council believes that trawling is less likely than hook-and-line fishing to disturb male lingcod guarding nests in rocky areas. Lingcod caught incidentally during winter trawl fisheries would otherwise be discarded and thereby increase the overall lingcod discard

level in the trawl fisheries. The lingcod landings limit of 800 lb (363 kg) per 2-month period is not high enough to give trawlers an incentive to target lingcod.

For 2002, the Council recommended continuing the use of differential trip limits for limited entry trawlers operating with different trawl gear configurations: bottom trawl with footropes greater than 8 inches (20.5 cm) in diameter; bottom trawl with footropes smaller than 8 inches (20.5 cm) in diameter; and midwater or pelagic trawl. Trawling with footropes that have roller gear or other large gear designed to bounce over tough rockpiles tends to allow those vessels greater access to rocky areas where several of the overfished species congregate. Therefore, landings of shelf rockfish (except chilipepper) are prohibited if large footrope trawls (such as roller gear) are used (or on board the vessel); small amounts of shelf rockfish bycatch may be landed if small footrope trawls are used; and, targeting healthy shelf rockfish stocks is encouraged only if midwater trawls are used. This tends to greatly reduce harvest in the areas where the overfished species are presumably found, while allowing retention of small amounts incidentally caught in areas of lower abundance of these species. This strategy of differential trip limits for different trawl gear types was used in 2000 and 2001. Initial Oregon Department of Fish and Wildlife trawl logbook data indicate a significant decrease in trawl activity in rocky areas of the continental shelf since the adoption of this strategy. Cowcod prohibitions and closures apply to limited entry trawl vessels, although there are few limited entry trawl vessels operating south of Point Conception in CCA waters.

Chafing gear will continue to be prohibited on the body of small footrope trawls. Chafing gear protects the net from excess wear when it drags against rock piles or the sea floor. The prohibition against chafing gear makes the net more vulnerable to damage, and so encourages fishers to operate in less rocky areas.

Trawl vessels using large footrope gear (with footrope greater than 8 inches (20 cm) in diameter) are prohibited from landing nearshore and shelf rockfish (except chilipepper) and most flatfish species because their ability to fish in rocky areas would result in high incidental catch of species that cannot withstand additional fishing effort. Although vessels are not prohibited from using large footropes in nearshore and continental shelf areas, they are not allowed to retain and sell most of the species they would catch from those areas. Therefore, NMFS expects little, if any, use of large footrope gear in areas of high concentration of overfished species. Large footrope trawls may still be used for target deepwater fisheries when fewer overfished species are encountered, primarily Dover and rex soles, thornyheads, sablefish, and deepwater rockfish. During part of the year, predominately winter months, large footrope trawls may also be used to harvest arrowtooth flounder and petrale sole. However, small footrope trawls are required for the rest of the year when these species are more likely to aggregate with overfished species (See Table 3).

For chilipepper rockfish, trip limits are more liberal when it is taken with midwater trawl gear. This gear is effective at harvesting chilipepper above the ocean floor with little or no bycatch of bottom-dwelling species such as canary rockfish. In past years, higher midwater trawl limits were also available for yellowtail rockfish because of reduced canary rockfish availability in the midwater yellowtail fisheries. In 2002, however, midwater yellowtail retention is restricted to an incidental catch allowance in the midwater whiting trawl fisheries. Midwater fisheries for yellowtail rockfish tend to also harvest widow rockfish. Thus, this increased protection for yellowtail rockfish taken with midwater gear is intended to reduce the opportunity for incidental widow rockfish harvest. If a fisher chooses to carry more than one type of trawl gear on board, any landing will be attributed to the gear on board with the most restrictive landing limit. To land the maximum amounts of chilipepper rockfish, vessels will be required to have only midwater trawl gear on board.

Limited Entry Fixed Gear

Similar to the limited entry trawl fisheries, trip limit opportunities in the limited entry fixed gear fisheries are arranged to minimize opportunities for intercepting overfished species. One of the most significant changes expected for limited entry fixed gear management in 2002 is an April-October primary sablefish season. In 2001, NMFS approved Amendment 14 to the FMP, which implemented a permit stacking program for sablefish-endorsed limited entry permits and a longer primary sablefish season. NMFS expects to shortly publish a proposed rule to, among other things, implement the April-October season for 2002 and beyond.

The larger-sized sablefish most desired in the market are available farther offshore in continental slope waters. For 2002, minor slope rockfish limits are higher in the May-October period to allow vessels targeting primary season sablefish to take advantage of the minor slope rockfish OY when they are most likely to encounter those rockfish. Darkblotched rockfish are part of the minor slope rockfish complex, so overall minor slope rockfish limits are set at levels intended to constrain darkblotched rockfish catch.

Yelloweye rockfish is also caught incidentally in hook-and-line sablefish fisheries. Because yelloweye rockfish tend to sell for a higher price per pound than other co-occurring rockfish species, there is a good chance that yelloweye taken in prior years have been targeted, rather than caught incidentally. Thus, yelloweye rockfish retention has been prohibited entirely in the limited entry fixed gear fisheries. To give vessels targeting sablefish in the daily trip limit fisheries an opportunity to move out to the continental slope fishing grounds, the Council has again recommended a weekly sablefish landing option. With weekly limits, vessels are more likely to travel to the continental slope for the larger and more valuable sablefish, thereby reducing opportunities for incidental catch of continental shelf species (yelloweye, canary, and widow rockfish, bocaccio, cowcod, and lingcod.) Cowcod prohibitions and closures apply to limited entry, fixed gear vessels. Similar to 2001, fisheries for minor nearshore rockfish north of 40°10′ N. lat. are managed with sublimits for species other than black and blue rockfish, to encourage targeting on these more abundant nearshore rockfish species.

As in 2000 and 2001, limited entry fixed gear fishing for lingcod will be prohibited during January through April and during November through December. These closures are intended to protect nest-guarding lingcod during the spawning and nesting season. Nest-guarding lingcod are more available to fixed gear than to trawl gear, because lingcod nest in rocky habitat that tears trawl gear while line gear can be used successfully in rocky areas. Thus, winter closures for fixed gear are intended to eliminate fixed gear lingcod targeting.

For commercial fisheries, directed fishing for and opportunities to take overfished species as bycatch are severely curtailed. Fixed gear generally has greater access than trawl gear to rockfish living on and around high relief rockpiles as explained above. The Council recommended closing commercial fixed gear fishing for nearshore rockfish, shelf rockfish, and

lingcod during periods when the recreational fisheries for those species are closed to reduce overall hook-and-line gear (commercial and recreational) targeting on rockfish. All limited entry fixed gear (pot and longline) vessels south of 40°10′ N. lat. are prohibited from fishing for nearshore rockfish, shelf rockfish, and lingcod during the closed periods detailed in Table 4, with allowances for vessels fishing inside of the 20-fathom (36.9 m) depth contour. Concurrent commercial and recreational closures are expected to achieve conservation goals while reducing the conflict that sometimes occurs when one fishing sector is allowed to fish while another is not.

Open Access (Hook-and-Line, Troll, Pot, Setnet, Trammel Net)

The open access nontrawl fishery is managed separately from the limited entry fixed-gear fishery, but bycatch reduction measures are similar for both sectors. As in the past, open access cumulative trip limits continue to be applied mostly to 1-month periods, and thornyheads may not be taken and retained north of 37°27′ N. lat. Time and area closures are used south of 40°10′ N. lat., similar to the limited entry fixed gear fisheries and for the same reasons. Vessels participating in the open access fisheries with nontrawl gear (hook-and-line, troll, pot, setnet and trammel net) south of 40°10′ N. lat. are prohibited from fishing for nearshore rockfish, shelf rockfish, and lingcod, during the closed periods described in Table 5 with allowances for vessels fishing inside of the 20-fathom (36.9 m) depth contour. The lingcod fishery for all open access nontrawl gears is also subject to the same closure, size limits, and cumulative trip limits as the limited fixed gear fisheries. Similar to 2001, fisheries for minor nearshore rockfish north of 40°10′ N. lat. are managed with sublimits for black and blue rockfish, to encourage targeting on these more abundant nearshore rockfish species. Cowcod prohibitions and closures apply to all open access vessels.

Open access cumulative limits may exceed those for limited entry. If a vessel with a limited entry permit uses open access gear (including exempted trawl gear) and the open access cumulative limit is larger, the vessel will be constrained by the smaller, limited entry cumulative limit for the entire cumulative period.

Open Access Exempted Trawl Gear

Open access exempted trawl gear (used to harvest spot and ridgeback prawns, California halibut, sea cucumbers, or pink shrimp) is managed with both ''per trip'' limits and cumulative trip limits. These trip limits are similar to those in 2001, and the species-specific open access limits apply but may not exceed the overall groundfish limits. The limits are 500 lb (227 kg) of groundfish per day, not to exceed 1,500 lb (680 kg) per trip in the pink shrimp fishery. For other exempted trawl gears, there is a 300 lb (136 kg) per trip limit. The pink shrimp fishery is subject to species-specific limits that are different from other open access limits for lingcod, canary rockfish, and sablefish. As with open access nontrawl gears, thornyheads may not be taken and retained north of 34°27′ N. lat. Cowcod prohibitions and closures apply to all open access vessels.

Recreational Fishery

Recreational fisheries effort has also been constrained to protect overfished species, particularly for lingcod, canary rockfish, bocaccio, and yelloweye rockfish, which have significant recreational catches. Washington, Oregon, and California each proposed, and the Council recommended, different combinations of seasons, bag limits, and size limits to best fit the needs of their recreational fisheries, while also meeting conservation goals.

For lingcod, Washington closed the recreational fishery for 5 months (January 1—March 15, October 15—December 31) and maintained its 2 fish bag limit and its 24 inch (61 cm) minimum size limit. Oregon's lingcod measures are also the same as in 2001, a 1 fish bag limit, 24 inch (61 cm) minimum size limit and a year-round fishery. California maintained its 2 lingcod bag limit, but lowered its minimum size limit to match the 24 inch (61 cm) limit used in the other two states. California lingcod closures south of 40°10′ N. lat. are more stringent than in 2001: from 40°10′ N. lat. 34°27′ N. lat., closed March through April and November through December in all waters, and open only inside 20 fathoms (36.9 m) in May through June and September through October. South of 34°27′ N. lat., closed January through February and November through December.

Recreational fisheries off Washington and Oregon will be challenged this year by a need to maintain low yelloweye rockfish catch. Some measures taken in 2000 and 2001 to protect other northern overfished rockfish species should also protect yelloweye rockfish, but the states also recommended several new yelloweye-specific measures. Washington maintained its 10 rockfish bag limit, with sublimits of no more than 2 canary rockfish, or no more than 1 canary rockfish and 1 yelloweye rockfish. Oregon also maintained its 10 rockfish bag limit, of which no more than 1 may be canary rockfish and no more than one may be yelloweye rockfish. In reviewing the take of yelloweye rockfish in their recreational fisheries, the states of Washington and Oregon found that yelloweye rockfish is most frequently taken by vessels that travel offshore to target Pacific halibut. However, yelloweye rockfish are not taken while the vessel is fishing for halibut, but rather after the vessel has completed its halibut fishing it moves to another location and fishes for yelloweye rockfish before heading to port. Therefore, prohibiting the retention of yelloweye rockfish when halibut are on the vessel should eliminate the directed harvest of yelloweye during halibut fishing trips, without causing discard of incidentally-caught yelloweye rockfish. Thus, Washington is prohibiting the retention of yelloweye rockfish when halibut is on board, and Oregon is prohibiting the same during its all-depth halibut fisheries.

Recreational fishing restrictions proposed for California are intended to ensure that fishing mortality will not exceed limits associated with rebuilding plans for bocaccio, canary rockfish, cowcod, and lingcod. California maintained its rockfish size limits, its 2-hook per fishing line limit and its 10 rockfish bag limit, with a 1 canary rockfish sublimit, 2 bocaccio sublimit, and a 1 yelloweye rockfish sublimit with no more than 2 yelloweye rockfish per vessel. As with all commercial fisheries, cowcod retention is prohibited. In the southern California area, the CCAs first implemented in 2001 would remain closed to both recreational and commercial fishing for groundfish outside of the 20 fathom (36.9 m) depth contour. Inside the 20 fathom (36.9 m) depth contour, recreational and commercial fishing for rockfish and lingcod is permitted from March through October.

Recreational fisheries data indicate that California fisheries may have exceeded the amounts of bocaccio and canary rockfish that the Council had estimated pre-season would be taken in those fisheries in 2001. To prevent these overages from reoccurring in 2002, recreational fisheries closures off California are twice the duration they were in 2001. The recreational fishing season for rockfish and lingcod between 40°27′ N. lat.) and Point Conception (34°27′ N. lat.) would be just 4 months duration for all depths, January–February and July–August, plus 4 months inside 20 fathoms (36.9 m) in

May–June and September–October. When the fishery is open inside 20 fathoms (36.9 m), bocaccio, canary, and yelloweye rockfish retention is prohibited, and there is a 2 shelf rockfish bag limit. The recreational fishing season for rockfish and lingcod in that same area would be open for all depths in January–February and July–August, and in waters shoreward of 20 fathoms (36.9 m) in May–June and September–October. South of Point Conception (34°27′ N. lat.) the recreational fishing season would be 8 months duration, March through October. Different season closures were chosen north and south of Point Conception (34°27′ N. lat.) in order to correspond with the periods of greatest benefit statewide for bocaccio and canary rockfish. Taken together with the proposed restrictions on commercial fisheries, the recreational fishery season closures and limits are expected to keep total fishing mortality under the established OYs.

The season closures allow for modestly higher commercial trip and recreational bag limits than would otherwise be possible under year-round fishing. Season closures are also expected to result in fewer discards than would otherwise occur. Concurrent seasons for recreational and commercial nontrawl fisheries are more cost effective to enforce than staggered seasons and minimize conflicts between commercial nontrawl and recreational fishers who fish for nearshore and self rockfish.

Fishing Communities and Impacts

The Magnuson-Stevens Act requires that actions taken to implement FMPs be consistent with the 10 national standards, one of which requires that conservation and management measures shall be consistent with the conservation requirements of the Act, ''take into account the importance of fishery resources to fishing communities in order to (A) provide for sustained participation of such communities and (B), to the extent practicable, minimize adverse economic impacts on such communities.'' Commercial and recreational fisheries for Pacific Coast groundfish contribute to the economies and shape the cultures of numerous fishing communities in Washington, Oregon, and California. Meeting the needs of fishing communities has become increasingly difficult because the Council manages a fishery that is overcapitalized and contains stocks that are overfished. In recommending this year's specifications and management measures, the Council tried to accommodate some of the needs of those communities within the constraints of Magnuson-Stevens Act requirements to rebuild overfished stocks, prevent overfishing, and minimize bycatch. In general, the Council allows the largest harvest possible, consistent with conservation needs of the fish stocks.

West Coast groundfish intermix by species, which means that interception and incidental mortality of overfished species is inevitable even if retention of a particular species is prohibited. As discussed earlier in the section on bycatch and discards, the Council's primary goal for 2002 was to minimize the incidental interception of overfished species. To achieve this, the fisheries seasons are structured both to maximize target species catch while minimizing overfished species incidental take and to allow minimal retention of overfished species where incidental take will inevitably occur. Minimal retention levels will discourage targeting while allowing fishers to land already dead, incidentally caught fish. The retention levels allowed (along with the estimated discard levels) for each of the overfished species are below their OYs and allow rebuilding.

For 2002, the Council continued the year-round fishery opportunity that is important to the fishing and processing sectors for maintaining continuous employment opportunities and maintaining consistent groundfish marketing opportunities. The Council modified the cumulative trip limit system that has been used in recent years to extend the fishing season throughout the year by providing opportunities for at least some groundfish species and by maintaining trawl gear restrictions initially adopted for 2000. These gear restrictions use operational and economic incentives to prevent bottom trawl fishing with roller gear for some species and encourage use of midwater trawl and small footrope trawls on the continental shelf where most overfished species occur. Trawl gear restrictions are intended to reduce directed fishing for species that commonly co-occur with overfished species. These strategies were first developed for the 2000 fishery by a group of industry participants who met with the GMT about achieving conservation goals while minimizing effects on the industry and coastal communities. Offering higher limits to fishermen who use gear with lower bycatch rates reduces bycatch and enhances economic opportunities by providing access to healthy stocks.

Some commercial fishers have commented that they are being unfairly constrained relative to recreational fisheries, while some recreational fishers have commented that the commercial fisheries are being favored. In developing 2002 management measures, the Council sought a fair and equitable balance for the two sectors, and also sought to achieve needed reductions in total fishing mortality. California hook-and-line commercial fisheries will be subject to the same season restrictions as the recreational fisheries. The Council was concerned that further restrictions on recreational fishing (*e.g.,* longer closures or lower bag limits) would prevent charter vessels operators from running charter fishing trips for a long enough period that they could go out of business. Under further restrictions, passengers may refuse to pay the price to fish or may not make enough trips in open seasons to allow operators to cover their costs. Not only would charter vessel operators be affected by changes to recreational fishery management, but supporting businesses such as bait shops and tackle suppliers, hotels, restaurants, and charter company agents, etc. would also likely suffer. The closed seasons generally cover the months that have historically accounted for the largest seasonal catches of bocaccio and other rockfishes.

Allowable commercial catches of many groundfish are even lower than in 2001, but the Council has tried to restructure the timing of differential trip limits to provide commercial fisheries with greater flexibility in their fishing patterns while not increasing the overall catches. Again, this restructuring is intended to limit the extent to which businesses such as tackle suppliers and bait shops that supply and support the fishing industry would suffer. Many commercial groundfish fishers have other fishing opportunities during the year, and these opportunities were taken into account. For example, the small-scale commercial fishers (and recreational fishers) in southern California would (under state regulations) still be able to fish for certain species in nearshore waters while the shelf is closed to protect overfished species.

Nonetheless, the effects of these 2002 management measures on some fishers and communities will be severe, particularly for those without other opportunities. For the 2002 fishery, the Council proposed stringent harvest levels intended to protect and rebuild overfished and depleted stocks. In addition to reducing OYs for overfished stocks, the Council also severely constrained harvest on healthy stocks associated with overfished stocks. These measures were needed to ensure that

rebuilding of overfished and depleted stocks could occur. However, they will cause serious socio-economic repercussions as a result of these lower harvest levels and the consequent lower landings limits.

Distribution of the economic effect of the 2002 management measures will depend on how well the fishers can adapt to the restrictions. Some user groups, particularly those able to use midwater trawl gear, will have a greater opportunity to harvest than they would have had without gear restrictions, because proposed restrictions allow fishers to use gear that reduces incidental catch of the depleted rockfish. Other fishers will not be able to maintain a viable operation at the reduced harvest levels. The Council prepared an EA/RIR/IRFA for this action, which includes a discussion of the economic and social effects of these management measures on coastal communities (see **ADDRESSES**).

Trip Limit Tables and Management Measures

Cumulative trip limits are set into tables, with explanations in section IV. However, the industry is cautioned not to rely on the tables alone. The text in section IV provides cumulative trip limit definitions and periods, size limit definitions and conversions, and other information that cannot be readily included in a table but must be understood in order to correctly use the tables. The sablefish allocations and nontrawl sablefish management, Pacific whiting allocations and seasons, and ''per trip'' limits for black rockfish off Washington State are still presented in text in paragraphs IV.B. Trip limits for exempted trawl gear in the open access fishery (paragraphs IV.B. Trip limits for exempted trawl gear in the open access fishery (paragraph IV.C.), recreational management measures (paragraph IV.D.), and tribal allocations and management measures (paragraph V.) still remain in the text.

Cumulative trip limits are applied during the time periods and in the areas indicated in Tables 3–5 of section IV. The cumulative trip limit may be taken at any time within the applicable cumulative trip limit period. All cumulative trip limit periods start at 0001 hours, local time, on the specified beginning date, except for ''B'' platoon trawl vessels whose limits start on the 16th of the month (see paragraph IV.A.(16).

Example 1: Line 2 of Table 3 for the limited entry trawl fishery means: North of 40°10′ N. lat., the cumulative trip limit for minor slope rockfish is 1,800 lb (816 kg) per 2-month period; the 2-month periods are January 1–February 28 and March 1–April 30, etc.

Example 2: The trip limits for bocaccio on Table 4 for limited entry fixed gear mean: From January 1 through February 28, the trip limit for bocaccio between 40°10′ N. lat and 34°27′ N. lat. is 200 lb (91 kg) each month. However, the fishery for bocaccio is closed from March 1 to June 30, which means bocaccio may not be taken, retained, possessed or landed between 40°10′ N. lat. and 34°27′ N. lat. during that time period. The cumulative trip limit returns at 200 lb (91 kg) per month on July 1, but a fisher may not fish ahead on that amount (see paragraph IV.A(2)). Bocaccio taken and retained north of 40°10′ N. lat. are not explicitly mentioned in the table, however they are included in the trip limit for ''minor shelf rockfish-north'' (see footnote 5 of Table 4).

IV. NMFS Actions

For the reasons stated above, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), concurs with the Council's recommendations and announces the following management actions for 2002, including measures that are unchanged from 2001 and new measures.

A. General Definitions and Provisions

The following definitions and provisions apply to the 2002 management measures, unless otherwise specified in a subsequent **Federal Register** document:

(1) *Trip limits.* Trip limits are used in the commercial fishery to specify the amount of fish that may legally be taken and retained, possessed, or landed, per vessel, per fishing trip, or cumulatively per unit of time, or the number of landings that may be made from a vessel in a given period of time, as follows:

(a) A per trip limit is the total allowable amount of a groundfish species or species group, by weight, or by percentage of weight of legal fish on board, that may be taken and retained, possessed, or landed per vessel from a single fishing trip.

(b) A daily trip limit is the maximum amount that may be taken and retained, possessed, or landed per vessel in 24 consecutive hours, starting at 0001 hours l.t. Only one landing of groundfish may be made in that 24-hour period. Daily trip limits may not be accumulated during multiple day trips.

(c) A weekly trip limit is the maximum amount that may be taken and retained, possessed, or landed per vessel in 7 consecutive days, starting at 0001 hours l.t. on Sunday and ending at 2400 hours l.t. on Saturday. Weekly trip limits may not be accumulated during multiple week trips. If a calendar week includes days within two different months, a vessel is not entitled to two separate weekly limits during that week.

(d) A cumulative trip limit is the maximum amount that may be taken and retained, possessed, or landed per vessel in a specified period of time without a limit on the number of landings or trips, unless otherwise specified. The cumulative trip limit periods for limited entry and open access fisheries, which start at 0001 hours l.t. and end at 2400 hours l.t., are as follows, unless otherwise specified:

(i) The 2-month periods are: January 1–February 28, March 1–April 30, May 1–June 30, July 1–August 31, September 1–October 31, and November 1–December 31.

(ii) One month means the first day through the last day of the calendar month.

(iii) One week means 7 consecutive days, Sunday through Saturday.

(2) *Fishing ahead.* Unless the fishery is closed, a vessel that has landed its cumulative or daily limit may continue to fish on the limit for the next period, so long as no fish (including, but not limited to, groundfish with no trip limits, shrimp, prawns, or other nongroundfish species or shellfish) are landed (offloaded) until the next period. As stated at 50 CFR 660.302 (in the definition of ''landing''), once the offloading of any species begins, all fish aboard the vessel are counted as part of the landing. Fishing ahead is not allowed during or before a closed period (see paragraph IV.A. (7)). See paragraph IV.A.(9) for information on inseason changes to limits.

(3) *Weights.* All weights are round weights or round-weight equivalents unless otherwise specified.

(4) *Percentages.* Percentages are based on round weights, and, unless otherwise specified, apply only to legal fish on board.

(5) *Legal fish. Legal fish* means fish legally taken and retained, possessed, or landed in accordance with the provisions of 50 CFR part 660, the Magnuson-Stevens Act, any document issued under part 660, and any other regulation promulgated or permit issued under the Magnuson-Stevens Act.

(6) *Size limits and length measurement.* Unless otherwise specified, size limits in the commercial and recreational groundwater fisheries apply to the ''total length,'' which is the longest measurement of the fish without mutilation of the fish or the use of force to extend the length of the fish. No fish with a size limit may be retained if it is in such condition that its length has been extended or cannot be determined by these methods. For conversions not listed here, contact the state where the fish will be landed.

(a) *Whole fish.* For a whole fish, total length is measured from the tip of the snout (mouth closed) to the tip of the tail in a natural, relaxed position.

(b) *''Headed'' fish.* For a fish with the head removed (''headed''), the length is measured from the origin of the first dorsal fin (where the front dorsal fin meets the dorsal surface of the body closest to the head) to the tip of the upper lobe of the tail; the dorsal fin and tail must be left intact.

(c) *Filets.* A filet is the flesh from one side of a fish extending from the head to the tail, which has been removed from the body (head, tail, and backbone) in a single continuous piece. Filet lengths may be subject to size limits for some groundfish taken in the recreational fishery off California (see paragraph IV. D.(1)). A filet is measured along the length of the longest part of the filet, in a relaxed position; stretching or other wise manipulating the filet to increase its length is not permitted.

(d) *Sablefish weight limit conversions.* The following conversions apply to both the limited entry and open access fisheries when trip limits are effective for those fisheries. For headed and gutted (eviscerated) sablefish, the conversion factor established by the state where the fish is or will be landed will be used to convert the processed weight to round weight for purposes of applying the trip limit. (The conversion factor currently is 1.6 in Washington, Oregon, and California. However, the state conversion factors may differ; fishers should contact fishery enforcement officials in the state where the fish will be landed to determine that state's official conversion factor.)

(e) *Lingcod size and weight conversions.* The following conversions apply in both limited entry and open access fisheries.

(i) *Size conversion.* For lingcod with the head removed, the minimum size limit is 19.5 inches (49.5 cm), which corresponds to 24 inches (61 cm) total length for whole fish.

(ii) *Weight conversion.* The conversion factor established by the state where the fish is or will be landed will be used to convert the processed weight to round weight for purposes of applying the trip limit. (The states' conversion factors may differ, and fishers should contact fishery enforcement officials in the state where the fish will be landed to determine that state's official conversion factor.) If a state does not have a conversion factor for headed and gutted lingcod, or lingcod that is only gutted; the following conversion factors will be used. To determine the round weight, multiply the processed weight times the conversion factor.

(A) *Headed and gutted.* The conversion factor for headed and gutted lingcod is 1.5.

(B) *Gutted, with the head on.* The conversion factor for lingcod that has only been gutted is 1.1.

(7) *Closure.* ''Closure,'' when referring to closure of a fishery, means that taking and retaining, possessing, or landing the particular species or species group is prohibited. (See 50 CFR 660.302.) Unless otherwise announced in the **Federal Register**, offloading must begin before the time the fishery closes. The provisions at paragraph IV.A. (2) for fishing ahead do not apply during a closed period. It is unlawful to transit through a closed area with the prohibited species on board, no matter where that species was caught, except as provided for in the CCA at IV.A. (20).

(8) *Fishery management area.* The fishery management area for these species is the EEZ off the coasts of Washington, Oregon, and California between 3 and 200 nm offshore, bounded on the north by the Provisional International Boundary between the United States and Canada, and bounded on the south by the International Boundary between the United States and Mexico. All groundfish possessed between 0–200 nm offshore or landed in Washington, Oregon, or California are presumed to have been taken and retained from the EEZ, unless otherwise demonstrated by the person in possession of those fish.

(9) *Routine management measures.* Most trip, bag, and size limits in the groundfish fishery have been designated ''routine,'' which means they may be changed rapidly after a single Council meeting. (See 50 CFR 660.323(b).) Council meetings in 2002 will be held in the months of March, April, June, September, and November. Inseason changes to routine management measures are announced in the **Federal Register**. Information concerning changes to routine management measures is available from the NMFS Northwest and Southwest Regional Offices (see **ADDRESSES**). Changes to trip limits are effective at the times stated in the **Federal Register**. Once a change is effective, it is illegal to take and retain, possess, or land more fish than allowed under the new trip limit. This means that, unless otherwise announced in the **Federal Register**, offloading must begin before the time a fishery closes or a more restrictive trip limit takes effect.

(10) *Limited entry limits.* It is unlawful for any person to take and retain, possess, or land groundfish in excess of the landing limit for the open access fishery without having a valid limited entry permit for the vessel affixed with a gear endorsement for the gear used to catch the fish (50 CFR 660.306(p)).

(11) *Operating in both limited entry and open access fisheries.* The open access trip limit applies to any fishing conducted with open access gear, even if the vessel has a valid limited entry permit with an endorsement for another type of gear. A vessel that operates in both the open access and limited entry fisheries is not entitled to two separate trip limits for the same species. If a vessel has a limited entry permit and uses open entry limit, the open access limit cannot be exceeded and counts toward the limited entry limit. If a vessel has a limited entry permit and uses open access gear, but the open access limit is larger than the limited entry limit, the smaller limited entry limit applies, even if taken entirely with open access gear.

(12) *Operating in areas with different trip limits.* Trip limits for a species or a species group may differ in different geographic areas along the coast. The following ''crossover'' provisions apply to vessels operating in different geographical areas that have different cumulative or ''per trip'' trip limits for the same species or species group. Such crossover provisions do not apply to species that are subject only to daily trip limits, or to the trip limits for black rockfish off Washington (see 50 CFR 660.323(a)(1)). In 2002, the cumulative trip limit periods for the limited entry and open access fisheries are specified in paragraph IV.A(1)(d), but may be changed during the year if announced in the **Federal Register**.

(a) *Going from a more restrictive to a more liberal area.* If a vessel takes and retains any groundfish species or species group of groundfish in an area where a more restrictive trip limit applies before fishing in an area where a more liberal trip limit (or no trip limit) applies, then that vessel is subject to the more restrictive trip limit for the entire period to which that trip limit applies, no matter where the fish are taken and retained, possessed, or landed.

(b) *Going from a more liberal to a more restrictive area.* If a vessel takes and retains a groundfish species or species group in an area where a higher trip limit or no trip limit applies, and takes and retains, possesses or lands the same species or species group in an area where a more restrictive trip limit applies, that vessel is subject to the more restrictive trip limit for the entire period to which that trip limit applies, no matter where the fish are taken and retained, possessed, or landed.

(c) *Minor rockfish.* Several rockfish species are designed with species-specific limits on one side of the 40°10′ N. lat. management line, and are included as part of a minor rockfish complex on the other side of the line.

(i) If a vessel takes and retains minor slope rockfish north of 40°10′ N. lat., that vessel is also permitted to take and retain, possess or land splitnose rockfish up to its cumulative limit south of 40°10′ N. lat., even if splitnose rockfish were a part of the landings from minor slope rockfish taken and retained north of 40°10′ N. lat. [Note: A vessel that takes and retains minor slope rockfish on both sides of the management line in a single cumulative limit period is subject to the more restrictive cumulative limit for minor slope rockfish during that period.]

(ii) If a vessel takes and retains minor slope rockfish south of 40°10′ N. lat., that vessel is also permitted to take and retain, possess or land POP up to its cumulative limit north of 40°10′ N. lat., even if POP were a part of the landings from minor slope rockfish taken and retained south of 40°10′ N. lat.

Note: A vessel that takes and retains minor slope rockfish on both sides of the management line in a single cumulative limit period is subject to the more restrictive cumulative limit for minor slope rockfish during that period.

(iii) If a vessel takes and retains minor shelf rockfish north of 40°10′ N. lat., that vessel is also permitted to take and retain, possess, or land chilipepper rockfish and bocaccio up to their respective cumulative limits south of 40°10′ N. lat., even if either species is part of the landings from minor shelf rockfish taken and retained north of 40°10′ N. lat.

Note: A vessel that takes and retains minor shelf rockfish on both sides of the management line in a single cumulative limit period is subject to the more restrictive cumulative limit for minor shelf rockfish during that period.

(iv) If a vessel takes and retains minor shelf rockfish south of 40°10′ N. lat., that vessel is also permitted to take and retain, possess, or land yellowtail rockfish up to its respective cumulative limits north of 40°10′ N. lat., even if yellowtail rockfish is part of the landings from minor shelf rockfish taken and retained south of 40°10′ N. lat.

Note: A vessel that takes and retains minor shelf rockfish on both sides of the management line in a single cumulative limit period is subject to the more restrictive cumulative limit for minor shelf rockfish during that period.

(d) ''*DTS complex.*'' For 2002, there are differential trip limits for the ''DTS complex'' (Dover sole, shortspine thornyhead, longspine thornyhead, sablefish) north and south of the management line at 40°10′ N. lat. Vessels operating in the limited entry trawl fishery are subject to the crossover provisions in this paragraph IV.A. (12) when making landings that include any one of the four species in the ''DTS complex.''

(13) *Sorting.* It is unlawful for any person to ''fail to sort, prior to the first weighing after offloading, those groundfish species or species groups for which there is a trip limit, size limit, quota, or commercial OY, if the vessel fished or landed in an area during a time when such trip limit, size limit, commercial optimum yield, or quota applied.'' This provision applies to both the limited entry and open access fisheries. (See 50 CFR 660.306(h).) The following species must be sorted in 2002:

(a) For vessels with a limited entry permit:

(i) Coastwide—widow rockfish, canary rockfish, darkblotched rockfish, yelloweye rockfish, shortbelly rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, shortspine and longspine thornyhead, Dover sole, arrowtooth flounder, rex sole, petrale sole, other flatfish, lingcod, sablefish, and Pacific whiting.

Note: Although both yelloweye and darkblotched rockfish are considered minor rockfish managed under the minor shelf and minor slope rockfish complexes, respectively, they have separate OYs and therefore must be sorted by species.

(ii) North of 40°10′ N. lat.—POP, yellowtail rockfish, and, for fixed gear, black rockfish and blue rockfish;

(iii) South of 40°10′ N. lat.—chilipepper rockfish, bocaccio rockfish, splitnose rockfish, and Pacific sanddabs.

(b) For open access vessels (vessels without a limited entry permit):

(i) Coastwide—widow rockfish, canary rockfish, darkblotched rockfish, yelloweye rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, arrowtooth flounder, other flatfish, lingcod, sablefish, Pacific whiting, and Pacific sanddabs;

(ii) North of 40°10′ N. lat.—black rockfish, blue rockfish, POP, yellowtail rockfish;

(iii) South of 40°10′ N. lat.—chilipepper rockfish, bocaccio rockfish, splitnose rockfish;

(iv) South of Point Conception—thornyheads.

(14) *Limited Entry Trawl Gear Restrictions.* Limited entry trip limits may vary depending on the type of trawl gear that is on board a vessel during a fishing trip: large footrope, small footrope, or midwater trawl gear.

(a) *Types of trawl gear*—(i) Large footrope trawl gear is bottom trawl gear, as specified at 50 CFR 660.302 and 660.322(b), with a footrope diameter larger than 8 inches (20 cm) (including rollers, bobbins or other material encircling or tied along the length of the footrope).

(ii) Small footrope trawl gear is bottom trawl gear, as specified at 50 CFR 660.302 and 660.322(b), with a footrope diameter 8 inches (20 cm) or smaller (including rollers, bobbins or other material encircling or tied along the length of the footrope), except chafing gear may be used only on the last 50 meshes of a small footrope trawl, measured from the terminal (closed) end of the codend. Other lines or ropes that run parallel to the footrope may not be augmented or modified to violate footrope size restrictions.

(iii) Midwater trawl gear is pelagic trawl gear, as specified at 50 CFR 660.302 and 660.322(b)(2). The footrope of midwater trawl gear may not be enlarged by encircling it with chains or by any other means. Ropes or lines running parallel to the footrope of midwater trawl gear must be bare and may not be suspended with chains or other materials.

(b) *Cumulative trip limits and prohibitions by trawl gear type*–(i) *Large footrope trawl.* It is unlawful to take and retain, possess or land any species of shelf or nearshore rockfish (defined at IV.A. (21) and Table 2 to section IV) except chilipepper rockfish south of 40°10′ N. Lat. (as specified in Table 3) from a fishing trip if large footrope gear is on board; this restriction applies coastwide from January 1 to December 31. It is unlawful to take and retain, possess or land petrale sole, rex sole, or arrowtooth flounder from a fishing trip if large footrope gear is onboard and the trip is conducted at least in part between May 1 and October 31; cumulative limits for ''all other flatfish'' (all flatfish except those with cumulative trip limits in Table 3 to section IV) are lower for vessels with large footrope gear on board throughout the year. (See Table 3.) It is unlawful for any vessel using large footrope gear to exceed large footrope gear limits for any species or to use large footrope gear to exceed small footrope gear or midwater trawl gear limits for any species. The presence of rollers or bobbins larger than 8 inches (20 cm) in diameter on board the vessel, even if not attached to a trawl, will be considered to mean a large footrope trawl is on board. Dates are adjusted for the ''B'' platoon (See IV.A. (16)).

(ii) *Small footrope or midwater trawl gear.* Cumulative trip limits for canary rockfish, widow rockfish, yellowtail rockfish, bocaccio, minor shelf rockfish, minor nearshore rockfish, and lingcod, and higher cumulative trip limits for chilipepper rockfish and flatfish, as indicated in Table 3 to section IV, are allowed only if small footrope gear or midwater trawl gear is used, and if that gear meets the specifications in paragraphs IV.A (14).

(iii) *Midwater trawl gear.* Higher cumulative trip limits are available for limited entry vessels using midwater trawl gear to harvest widow or chilipepper rockfish. Each landing that contains widow or chilipepper rockfish is attributed to the gear on board with the most restrictive trip limit for those species. Landings attributed to small footrope trawl must not exceed the small footrope limit, and landings attributed to midwater trawl must not exceed the midwater trawl limit. If a vessel has landings attributed to both types of trawls during a cumulative trip limit period, all landings are counted toward the most restrictive gear-specific cumulative limit.

(iv) *More than one type of trawl gear on board.* The cumulative trip limits in Table 3 of section IV must not be exceeded. A fisher may have more than one type of limited entry trawl gear on board, but the most restrictive trip limit associated with the gear on board applies for the trip and will count toward the cumulative trip limit for that gear.

Example: If a vessel has large footrope gear on board, it cannot land yellowtail rockfish, even if the yellowtail rockfish is caught with a small footrope trawl. If a vessel has both small footrope trawl and midwater trawl gear on board, the landing is attributed to the most restrictive gear-specific limit, regardless of which gear type was used.

(c) *Measurement.* The footrope will be measured in a straight line from the outside edge to the opposite outside edge at the widest part on any individual part, including any individual disk, roller, bobbin, or any other device.

(d) *State landing receipts.* Washington, Oregon, and California will require the type of trawl gear on board with the most restrictive limit to be recorded on the State landing receipt(s) for each trip or an attachment to the State landing receipt.

(e) *Gear inspection.* All trawl gear and trawl gear components, including unattached rollers or bobbins, must be readily accessible and made available for inspection at the request of an authorized officer. No trawl gear may be removed from the vessel prior to offloading. All footropes shall be uncovered and clearly visible except when in use for fishing.

(15) *Permit transfers.* Limited entry permit transfers are to take effect no earlier than the first day of a major cumulative limit period following the day NMFS receives the transfer form and original permit (50 CFR 660.335(e)(3)). Those days in 2002 are January 1, March 1, May 1, July 1, September 1, and November 1, and are delayed by 15 days (starting on the 16th of a month) for the ''B'' platoon.

(16) *Platooning—limited entry trawl vessels.* Limited entry trawl vessels are automatically in the ''A'' platoon, unless the ''B'' platoon is indicated on the limited entry permit. If a vessel is in the ''A'' platoon, its cumulative trip limit periods begin and end on the beginning and end of a calendar month as in the past. If a limited entry trawl permit is authorized for the ''B'' platoon, then cumulative trip limit periods will begin on the 16th of the month (generally 2 weeks later than for the ''A'' platoon), unless otherwise specified.

(a) For a vessel in the ''B'' platoon, cumulative trip limit periods begin on the 16th of the month at 0001 hours, l.t., and end at 2400 hours, l.t., on the 15th of the month. Therefore, the management measures announced herein that are effective on January 1, 2002, for the ''A'' platoon will be effective on January 16, 2002, for the ''B'' platoon. The effective date of any inseason changes to the cumulative trip limits also will be delayed for 2 weeks for the ''B'' platoon, unless otherwise specified.

(b) A vessel authorized to operate in the ''B'' platoon may take and retain, but may not land, groundfish from January 1, 2002, through January 15, 2002.

(c) A vessel authorized to operate in the ''B'' platoon will have the same cumulative trip limits for the November 16, 2002, through December 31, 2002, period as a vessel operating in the ''A'' platoon has for the November 1, 2002, through December 31, 2002 period.

(17) *Exempted fisheries.* U.S. vessels operating under an exempted fishing permit issued under 50 CFR part 600 are also subject to these restrictions, unless otherwise provided in the permit.

(18) *Application of requirements.* Paragraphs IV.B. and IV.C. pertain to the commercial groundfish fishery, but not to Washington coastal tribal fisheries, which are described in section V. The provisions in paragraphs IV.B. and IV.C. that are not covered under the headings ''limited entry'' or ''open access'' apply to all vessels in the commercial fishery that take and retain groundfish, unless otherwise stated. Paragraph IV.D. pertains to the recreation fishery.

(19) *Commonly used geographic coordinates.*

(a) Cape Falcon, OR—45°46′ N. lat.

(b) Cape Lookout, OR—45°20′15″ N. lat.

(c) Cape Blanco, OR—42°50′ N. lat.

(d) Cape Mendocino, CA—40°30′ N. lat.

(e) North/South management line—40°10′ N. lat.

(f) Point Arena, CA—38°57′30″ N. lat.

(g) Point Conception, CA—34°27′ N. lat.

(h) International North Pacific Fisheries Commission (INPFC) subareas (for more precise coordinates for the Canadian and Mexican boundaries, see 50 CFR 660.304):

(i) Vancouver—U.S.-Canada border to 47°30′ N. lat.

(ii) Columbia—47°30′ to 43°00′ N. lat.

(iii) Eureka—43°00′ to 40°00′ N. lat. N. lat.

(iv) Monterey—40°30′ 36°00′ N. lat. N. lat.

(v) Conception—36°00′ N. lat. to the U.S.-Mexico border.

(20) *Cowcod Conservation Areas.* Recreational and commercial fishing for groundfish is prohibited within the Cowcod Conservation Areas (CCAs), except that recreational and commercial fishing for rockfish and lingcod is permitted in waters inside 20 fathoms (36.9 m). It is unlawful to take and retain, possess, or land groundfish inside the CCAs, except for rockfish and lingcod taken in waters inside the 20-fathom (36.9 m) depth contour, when those waters are open to fishing. Commercial fishing vessels may transit through the Western CCA with their gear stowed and groundfish on board only in a corridor through the Western CCA bounded on the north by the latitude line at 33°00′30″ N. lat., and bounded on the south by the latitude line at 32°59′30'' N. lat.

(i) The Western CCA is an area south of Point Conception that is bound by straight lines connecting all of the following points in the order listed:

33°50′ N. lat., 119°30′ W. long.;
33°50′ N. lat., 118°50′ W. long.;
32°20′ N. lat., 118°50′ W. long.;
32°20′ N. lat., 119°30′ W. long.;
33°00′ N. lat., 119°30′ W. long.;
33°00′ N. lat., 119°50′ W. long.;
33°30′ N. lat., 119°50′ W. long.;
33°30′ N. lat., 119°30′ W. long.; and connecting back to 33°50′ N. lat., 119°30′ W. long.

(ii) The Eastern CCA is a smaller area west of San Diego that is bound by straight lines connecting all of the following points in the order listed:

32°40′ N. lat., 118°00′ W. long.;

32°40′ N. lat., 117°50′ W. long.;
32°36′42″ N. lat., 117°50′ W. long.;
32°30′ N. lat., 117°53′30″ W. long.;
32°30′ N. lat., 118°00′ W. long.; and connecting back to 32°40′ N. lat., 118°00′ W. long.;

(21) *Rockfish categories.* Rockfish (except thornyheads) are divided into categories north and south of 40°10′ N. lat., depending on the depth where they most often are caught: nearshore, shelf, or slope. (Scientific names appear in Table 2.) Trip limits are established for ''minor rockfish'' species according to these categories (see Tables 2–5).

(a) Nearshore rockfish consists entirely of the minor nearshore rockfish species listed in Table 2.

(b) Shelf rockfish consists of canary rockfish, shortbelly rockfish, widow rockfish, yelloweye rockfish, yellowtail rockfish, bocaccio, chilipepper, cowcod, and the minor shelf rockfish species listed in Table 2.

(c) Slope rockfish consists of POP, splitnose rockfish, darkblotched rockfish, and the minor slope rockfish species listed in Table 2.

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Table 2 – Minor Rockfish Species (excludes thornyheads)

North of 40°10' N. lat.	South of 40°10' N. lat.
NEARSHORE	
black, Sebastes melanops	black, Sebastes melanops
black and yellow, S. chrysolmelas	black and yellow, S. chrysolmelas
blue, S. mystinus	blue, S. mystinus
brown, S. auriculatus	brown, S. auriculatus
calico, S. dalli	calico, S. dalli
China, S. nebulosus	California scorpionfish, Scorpaena guttata
copper, S. caurinus	China, Sebastes nebulosus
gopher, S. carnatus	copper, S. caurinus
grass, S. rastrelliger	gopher, S. carnatus
kelp, S. atrovirens	grass, S. rastrelliger
olive, S. serranoides	kelp, S. atrovirens
quillback, S. maliger	olive, S. serranoides
treefish, S. serriceps	quillback, S. maliger
	treefish, S. serriceps
SHELF	
bronzespotted, S. gilli	bronzespotted, S. gilli
bocaccio, S. paucispinis	chameleon, S. phillipsi
chameleon, S. phillipsi	dwarf-red, S. rufianus
chilipepper, S. goodei	flag, S. rubrivinctus
cowcod, S. levis	freckled, S. lentiginosus
dwarf-red, S. rufianus	greenblotched, S. rosenblatti
flag, S. rubrivinctus	greenspotted, S. chlorostictus
freckled, S. lentiginosus	greenstriped, S. elongatus
greenblotched, S. rosenblatti	halfbanded, S. semicinctus
greenspotted, S. chlorostictus	honeycomb, S. umbrosus
greenstriped, S. elongatus	Mexican, S. macdonaldi
halfbanded, S. semicinctus	pink, S. eos
honeycomb, S. umbrosus	pinkrose, S. simulator
Mexican, S. macdonaldi	pygmy, S. wilsoni
pink, S. eos	redstriped, S. proriger
pinkrose, S. simulator	rosethorn, S. helvomaculatus
pygmy, S. wilsoni	rosy, S. rosaceus
redstriped, S. proriger	silvergrey, S. brevispinus
rosethorn, S. helvomaculatus	speckled, S. ovalis
rosy, S. rosaceus	squarespot, S. hopkinsi
silvergrey, S. brevispinis	starry, S. constellatus
speckled, S. ovalis	stripetail, S. saxicola
squarespot, S. hopkinsi	swordspine, S. ensifer
starry, S. constellatus	tiger, S. nigorcinctus
stripetail, S. saxicola	vermilion, S. miniatus
swordspine, S. ensifer	yelloweye, S. ruberrimus
tiger, S. nigorcinctus	yellowtail, S. flavidus
vermilion, S. miniatus	
yelloweye, S. ruberrimus	
SLOPE	
aurora, S. aurora	aurora, S. aurora
bank, S. rufus	bank, S. rufus
blackgill, S. melanostomus	blackgill, S. melanostomus
darkblotched, S. crameri	darkblotched, S. crameri
redbanded, S. babcocki	Pacific ocean perch (POP), S. alutus
rougheye, S. aleutianus	redbanded, S. babcocki
sharpchin, S. zacentrus	rougheye, S. aleutianus
shortraker, S. borealis	sharpchin, S. zacentrus
splitnose, S. diploproa	shortraker, S. borealis
yellowmouth, S. reedi	yellowmouth, S. reedi

B. Limited Entry Fishery

(1) *General.* Most species taken in limited entry fisheries will be managed with cumulative trip limits (see paragraph IV.A.(1)(d),) size limits (see paragraph IV.A(6)), and seasons (see paragraph IV.A.(7)). The trawl fishery has gear requirements and trip limits that differ by the type of trawl gear on board (see paragraph (IV.A.(14)). Cowcod retention is prohibited in all fisheries and groundfish vessels operating south of Point Conception must adhere to CCA restrictions (see paragraph IV.A.(20)). Yelloweye rockfish retention is prohibited in the limited entry fixed gear fisheries. Most of the management measures for the limited entry fishery are listed above and in Tables 3 and 4, and may be changed during the year by announcement in the **Federal Register**. However, the management regimes for several fisheries (nontrawl sablefish, Pacific whiting, and black rockfish) do not neatly fit into these tables and are addressed immediately following 3 and 4.

Table 3. Trip Limits [1] and Gear Requirements [2] for Limited Entry Trawl Gear
Other Limits and Requirements Apply -- Read Sections IV. A. and B. NMFS Actions before using this table

line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
1	**Minor slope rockfish**						
2	North	1,800 lb/ 2 months					
3	South	50,000 lb/ 2 months					
4	**Splitnose - South**	25,000 lb/ 2 months					
5	**Pacific ocean perch - North[6]**	2,000 lb/ month		4,000 lb/ month			2,000 lb/ month
6	**Chilipepper - South[6]**						
7	mid-water trawl	25,000 lb/ 2 months					
8	small footrope trawl	7,500 lb/ 2 months					
9	large footrope trawl	500 lb/ trip, not to exceed small footrope cumulative 2-month limits at any time during the year.					
10	**DTS complex - North**						
11	Sablefish	6,000 lb/ 2 months		3,500 lb/ 2 months	6,000 lb/ 2 months	3,500 lb/ 2 months	2,500 lb/ 2 months
12	Longspine thornyhead	10,000 lb/ 2 months		6,000 lb/ 2 months	3,000 lb/ 2 months	10,000 lb/ 2 months	2,000 lb/ 2 months
13	Shortspine thornyhead	2,600 lb/ 2 months		2,000 lb/ 2 months	2,600 lb/ 2 months	2,600 lb/ 2 months	1,500 lb/ 2 months
14	Dover sole	30,000 lb/ 2 months	28,000 lb/ 2 months	14,000 lb/ 2 months	28,000 lb/ 2 months	20,000 lb/ 2 months	14,000 lb/ 2 months
15	**DTS complex - South**						
16	Sablefish	4,500 lb/ 2 months					
17	Longspine thornyhead	10,000 lb/ 2 months					
18	Shortspine thornyhead	2,600 lb/ 2 months					
19	Dover sole	22,000 lb/ 2 months					
20	**Flatfish - North**						
21	All other flatfish [3]	Small footrope required: 15,000 lb/ month	35,000 lb/ month	30,000 lb/ month, no more than 10,000 of which may be petrale sole	40,000 lb/ month, no more than 15,000 of which may be petrale sole	50,000 lb/ month, no more than 20,000 of which may be petrale sole	Small footrope required: 50,000 lb/ month
22	Petrale sole	Not limited					Not limited
23	Rex sole	Not limited					Not limited
24	Arrowtooth flounder	30,000 lb/ trip		Small footrope required: 7,500 lb/ trip, no more than 30,000 lb/ month			30,000 lb/ trip
25	**Flatfish - South**						
26	All other flatfish [3]	Small footrope: 70,000 lb/ month, no more than 40,000 lb of which may be species other than Pacific sanddabs		Small footrope: 70,000 lb/ month, no more than 40,000 lb of which may be species other than Pacific sanddabs. Of the species other than Pacific sanddabs, no more than 15,000 lb may be petrale sole.			Small footrope: 70,000 lb/ month, no more than 40,000 lb of which may be species other than Pacific sanddabs
27	Petrale sole	Not limited					Not limited
28	Rex sole	Not limited					Not limited
29	Arrowtooth flounder	30,000 lb/ trip		Small footrope required: 7,500 lb/ trip, no more than 30,000 lb/ month			30,000 lb/ trip
30	**All other flatfish [3], including petrale sole - North and South**	Large footrope: 1,000 lb/trip, not to exceed small footrope cumulative monthly limits at any time during the year.					
31	**Whiting shoreside [4]**	20,000 lb/ trip		Primary Season			20,000 lb/ trip
32	**USE OF SMALL FOOTROPE BOTTOM TRAWL[5] OR MIDWATER TRAWL REQUIRED FOR LANDING ALL OF THE FOLLOWING SPECIES:**						
33	**Minor shelf rockfish**						
34	North	300 lb/ month		1,000 lb/ month			300 lb/ month
35	South	500 lb/ month		1,000 lb/ month			500 lb/ month
36	**Canary rockfish**	200 lb/ 2 months		600 lb/ 2 months			200 lb/ 2 months
37	**Widow rockfish**						
38	mid-water trawl	CLOSED[7]		During primary whiting season, in trips of at least 10,000 lb of whiting: combined widow and yellowtail limit of 500 lb/ trip, cumulative widow limit of 1,500 lb/ month			CLOSED7/
39	small footrope trawl	1,000 lb/ month					
40	**Yellowtail - North[6]**						
41	mid-water trawl	CLOSED[7]		During primary whiting season, in trips of at least 10,000 lb of whiting: combined widow and yellowtail limit of 500 lb/ trip, cumulative yellowtail limit of 2,000 lb/ month			CLOSED7/
42	small footrope trawl	Without flatfish, 1,000 lb/ month. As flatfish bycatch, per trip limit is the sum of 33% (by weight) of all flatfish except arrowtooth flounder, plus 10% (by weight) of arrowtooth flounder, not to exceed 30,000 lb/ 2 months.					
43	**Bocaccio - South[6]**	600 lb/ 2 months		1,000 lb/ 2 months			600 lb/ 2 months
44	**Cowcod**	**CLOSED7/**					
45	**Minor nearshore rockfish**						
46	North	300 lb/ month		1,000 lb/ month			300 lb/ month
47	South	300 lb/ month		1,000 lb/ month			300 lb/ month
48	**Lingcod[8]**	800 lb/ 2 months					

1/ Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N. lat. to the U.S.-Canada border. "South" means 40°10' N. lat. to the U.S.-Mexico border. 40°10' N. lat. is about 20 nm south of Cape Mendocino, CA.
2/ Gear requirements and prohibitions are explained above.
3/ "Other" flatfish means all flatfish at 50 CFR 660.302 except those in this Table 3 with a trip limit.
4/ The whiting "per trip" limit in the Eureka area inside 100 fm is 10,000 lb/ trip throughout the year. Outside Eureka area, the 20,000 lb/ trip limit applies before and after the primary season.
5/ Small footrope trawl means a bottom trawl net with a footrope no larger than 8 inches (20 cm) in diameter. Midwater gear also may be used; the footrope must be bare. See above.
6/ Yellowtail rockfish and POP in the south, and bocaccio and chilipepper rockfishes in the north are included in the trip limits for minor shelf rockfish in the appropriate area.
7/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV.A.(7).
8/ The minimum size limit for lingcod is 24 inches (61 cm) total length.
To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 4. Trip Limits[1/] for Limited Entry Fixed Gear
Other Limits and Requirements Apply – Read Sections IV. A. and B. NMFS Actions before using this table

line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
1	**Minor slope rockfish**						
2	North	1,000 lb/ month		5,000 lb/ 2 months			2,000 lb/ 2 months
3	South	25,000 lb/ 2 months					
4	**Splitnose - South**	25,000 lb/ 2 months					
5	**Pacific ocean perch - North 5/**	2,000 lb/ month		4,000 lb/ month			2,000 lb/ month
6	**Sablefish**						
7	North of 36° N. lat.	300 lb/ day, or 1 landing per week of up to 800 lb, not to exceed 2,400 lb/ 2 months					
8	South of 36° N. lat.	350 lb/ day, or 1 landing per week of up to 1,050 lb					
9	**Longspine thornyhead**	9,000 lb/ 2 months					
10	**Shortspine thornyhead**	2,000 lb/ 2 months					
11	**Dover sole**	5,000 lb/ month (all flatfish)					
12	**Arrowtooth flounder**						
13	**Petrale sole**						
14	**Rex sole**						
15	**All other flatfish 2/**						
16	**Whiting 3/**	20,000 lb/ trip					
17	**Shelf rockfish, including minor shelf rockfish, widow and yellowtail rockfish[5/]**						
18	North	200 lb/ month					
19	South						
20	40°10' - 34°27' N. lat.	200 lb/ month	CLOSED 4/		200 lb/ month	CLOSED 4/	
21	South of 34°27' N. lat.	CLOSED 4/	1,000 lb/ month				CLOSED 4/
22	**Canary rockfish**	CLOSED 4/					
23	**Yelloweye rockfish**	CLOSED 4/					
24	**Cowcod**	CLOSED 4/					
25	**Bocaccio - South 5/**						
26	40°10' - 34°27' N. lat.	200 lb/ month	CLOSED 4/		200 lb/ month	CLOSED 4/	
27	South of 34°27' N. lat.	CLOSED 4/	200 lb/ month				CLOSED 4/
28	**Chilipepper - South 5/**						
29	40°10' - 34°27' N. lat.	500 lb/ month	CLOSED 4/		500 lb/ month	CLOSED 4/	
30	South of 34°27' N. lat.	CLOSED 4/	2,500 lb/ month				CLOSED 4/
31	**Minor nearshore rockfish**						
32	North	5,000 lb/ month, no more than 2,000 lb of which may be species other than black or blue rockfish 6/					
33	South						
34	40°10' - 34°27' N. lat.	1,600 lb/ 2 months	CLOSED 4/	Shoreward of 20 ftm depth, 1,600 lb/ 2 months, otherwise CLOSED 4/	1,600 lb/ 2 months	Shoreward of 20 ftm depth, 1,600 lb/ 2 months, otherwise CLOSED 4/	CLOSED 4/
35	South of 34°27' N. lat.	CLOSED 4/	2,000 lb/ 2 months				CLOSED 4/
36	**Lingcod 7/**						
37	North	CLOSED 4/		400 lb/ month			CLOSED 4/
38	South						
39	40°10' - 34°27' N. lat.	CLOSED 4/		Shoreward of 20 ftm depth, 400 lb/ month, otherwise CLOSED 4/	400 lb/ month	Shoreward of 20 ftm depth, 400 lb/ month, otherwise CLOSED 4/	CLOSED 4/
40	South of 34°27' N. lat.	CLOSED 4/		400 lb/ month			CLOSED 4/

1/ Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N. lat. to the U.S.-Canada border. "South" means 40°10' N. lat. to the U.S.-Mexico border. 40°10' N. lat is about 20 nm south of Cape Mendocino, CA.
2/ "Other flatfish" means all flatfish at 50 CFR 660.302 except those in this Table 4 with a trip limit.
3/ The whiting "per trip" limit in the Eureka area inside 100 fm is 10,000 lb/ trip throughout the year.
4/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV.A.(7).
5/ Yellowtail rockfish and widow rockfish coastwide, POP in the south, and bocaccio and chilipepper rockfishes in the north are included in the trip limits for shelf rockfish in the appropriate area.
6/ For black rockfish north of Cape Alava (48°09'30" N.lat.), and between Destruction Island (47°40'00" N.lat.) and Leadbetter Point (46°38'10" N.lat.), there is an additional limit of 100 lbs or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.
7/ The minimum size limit for lingcod is 24 inches (61 cm) total length.
To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

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(2) *Sablefish.* The limited entry sablefish allocation is further allocated 58 percent to trawl gear and 42 percent to nontrawl gear. See footnote e/ of Table 1a.

(a) *Trawl trip and size limits.* Management measures for the limited entry trawl fishery for sablefish are listed in Table 3.

(b) *Nontrawl (fixed gear) trip and size limits.* To take, retain, possess, or land sablefish during the primary season for the limited entry fixed gear sablefish fishery, the owner of a vessel must hold a limited entry permit for that vessel, affixed with both a gear endorsement for longline or trap (or pot) gear, and a sablefish endorsement. (See 50 CFR 663.323(a)(2)(i).) A sablefish endorsement is not required to participate in the limited entry daily trip limit fishery.

(i) *Primary season.* The primary season begins at 12 noon l.t. on April 1, 2002, and ends at 12 noon l.t. on October 31, 2002. There are no pre-season or post-season closures. During the primary season, each vessel with at least one limited entry permit with a sablefish endorsement that is registered for use with that vessel may land up to the cumulative trip limit for each of the sablefish-endorsed limited entry permits registered for use with that vessel, for the tier(s) to which the permit(s) are assigned. For 2002, the following limits would be in effect: Tier 1, 36,000 lb. (16,329 kg); Tier 2, 16,500 lb (7,484 kg); Tier 3, 9,500 lb (4,309 kg). All limits are in round weight. If a Vessel is registered for use with a sablefish-endorsed limited entry permit, all sablefish taken after April 1, 2002, count against the cumulative limits associated with the permit(s) registered for use with that vessel. A vessel that is eligible to participate in the primary sablefish season may participate in the daily trip limit fishery for sablefish once that vessel's primary season sablefish limit(s) have been taken or after October 31, 2001, whichever occurs first. No vessel may land sablefish against both its primary season cumulative sablefish limits and against the daily trip limit fishery limits within the same 24 hour period of 0001 hour l.t. to 2400 hours l.t.

(ii) *Daily trip limit.* Daily and/or weekly sablefish trip limits listed in Table 4 apply to any limited entry fixed gear vessels not participating in the primary sablefish season described in paragraph (i) of this section. North of 36° N. lat., the daily and/or weekly trip limits apply to fixed gear vessels that are not registered for use with a sablefish-endorsed limited entry permit, and to fixed gear vessels that are registered for use with a sablefish-endorsed limited entry permit when those vessels are not fishing against their primary sablefish season cumulative limits. South of 36° N. lat., the daily and/or weekly trip limits for taking and retaining sablefish that are listed in Table 4 apply throughout the year to all vessels registered for use with a limited entry fixed gear permit.

(3) *Whiting.* Additional regulations that apply to the whiting fishery are found at 50 CFR 660.306 and at 50 CFR 660.323(a)(3) and (a)(4). All allocations described in this section and in the tribal fisheries allocation description at paragraph V. will not be finalized until the Council finalizes the 2002 whiting ABC and OY at its March 2002 meeting.

(a) *Allocations.* Whiting allocations will be based on the percentages detailed in 50 CFR 660.323(a)(4)(i), and will be announced inseason when the final OY is announced.

(b) *Seasons.* The 2002 primary seasons for the whiting fishery start on the same dates as in 2001, as follows (see 50 CFR 660.323(a)(3)):

(i) *Catcher/processor sector*—May 15;

(ii) *Mothership sector*—May 15;

(iii) *Shore-based sector*—June 15 north of 42° N. lat.; April 1 between 42°–40°30′ N. lat.; April 15 south of 40°30′ N. lat.; April 15 south of 40°30′ N. lat.

(c) *Trip limits*—(i) *Before and after the regular season.* The ''per trip'' limit for whiting before and after the regular season for the shore-based sector is announced in Table 3, as authorized at 50 CFR 660.323(a)(3) and (a)(4). This trip limit includes any whiting caught shoreward of 100 fathoms (183 m) in the Eureka area.

(ii) *Inside the Eureka 100 fm (183 m) contour.* No more than 10,000 lb (4,536 kg) of whiting may be taken and retained, possessed, or landed by a vessel that, at any time during a fishing trip, fished in the fishery management area shoreward of the 100 fathom (183 m) contour (as shown on NOAA Charts 18580, 18600, and 18620) in the Eureka area.

(4) *Black rockfish.* The regulations at 50 CFR 660.323(a)(1) state: ''The trip limit for black rockfish (*Sebastes melanops*) for commercial fishing vessels using hook-and-line gear between the U.S.-Canada border and Cape Alava (48°09′30″ N. lat.) and between Destruction Island (47°40′00″ N. lat.) and Leadbetter Point (46°38′10″ N. lat.), is 100 lb (45 kg) or 30 percent, by weight of all fish on board, whichever is greater, per vessel per fishing trip.'' These ''per trip'' limits apply to limited entry and open access fisheries, in conjunction with the cumulative trip limits and other management measures listed in Tables 4 and 5 of section IV. The crossover provisions at paragraphs IV.A. (12) do not apply to the black rockfish per-trip limits.

C. Trip Limits in the Open Access Fishery

(1) *General.* Open access gear is gear used to take and retain groundfish from a vessel that does not have a valid permit for the Pacific Coast groundfish fishery with an endorsement for the gear used to harvest the groundfish. This includes longline, trap, pot, hook-and-line (fixed or mobile), set net trammel net (south of 38° N. lat. only), and exempted trawl gear (trawls used to target non-groundfish species: pink shrimp or prawns, and, south of Pt. Arena, CA (38°57′30″ N. lat.), California halibut or sea cucumbers). Unless otherwise specified, a vessel operating in the open access fishery is subject to, and must not exceed any trip limit, frequency limit, and/or size limit for the open access fishery. Groundfish species taken in open access fisheries will be managed with cumulative trip limits (see paragraph IV.A.(1)(d) size limits (see paragraph IV.A.(6)), and seasons (see paragraph IV.A.(7)). Cowcod retention is prohibited in all fisheries and groundfish vessels operating south of Point Conception must adhere to CCA restrictions (see paragraph IV.A.(201)). Yelloweye rockfish retention is prohibited in all open access fisheries. The trip limits, size limits, seasons, and other management measures for open access groundfish gear, except exempted trawl gear, are listed in Table 5. The trip limit at 50 CFR 660.323(a)(i) for black rockfish caught with hook-and-line gear also applies. (The black rockfish limit is repeated at paragraph IV.B.4.)

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Table 5. Trip Limits[1/] for Open Access Gears

Other Limits and Requirements Apply -- Read Sections IV. A. and C. NMFS Actions before using this table

Exceptions for exempted gears at Section IV.C.

line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
1	**Minor slope rockfish**						
2	North	Per trip, no more than 25% of weight of the sablefish landed					
3	South	10,000 lb/ 2 months					
4	**Splitnose - South**	200 lb/ month					
5	**Pacific ocean perch - North 5/**	100 lb/ month					
6	**Sablefish**						
7	North of 36° N. lat.	300 lb/ day, or 1 landing per week of up to 800 lb, not to exceed 2,400 lb/ 2 months					
8	South of 36° N. lat.	350 lb/ day, or 1 landing per week of up to 1,050 lb					
9	**Thornyheads**						
10	North of 34° 27' N. lat.	CLOSED 3/					
11	South of 34° 27' N. lat.	50 lb/ day, no more than 2,000 lb/ 2 months					
12	**Dover sole**	3,000 lb/ month, no more than 300 lb of which may be species other than Pacific sanddabs					
13	**Arrowtooth flounder**						
14	**Petrale sole**						
15	**Rex sole**						
16	**All other flatfish 2/**						
17	**Whiting**	300 lb/ month					
18	**Shelf rockfish, including minor shelf rockfish, widow and yellowtail rockfish[4/]**						
19	North	200 lb/ month					
20	South						
21	40°10' - 34°27' N. lat.	200 lb/ month	CLOSED 3/	Shoreward of 20 ftm depth, 200 lb/ month, otherwise CLOSED 3/	200 lb/ month	Shoreward of 20 ftm depth, 200 lb/ month, otherwise CLOSED 3/	CLOSED 3/
22	South of 34°27' N. lat.	CLOSED 3/	500 lb/ month				CLOSED 3/
23	**Canary rockfish**	CLOSED 3/					
24	**Yelloweye rockfish**	CLOSED 3/					
25	**Cowcod**	CLOSED 3/					
26	**Bocaccio - South 5/**						
27	40°10' - 34°27' N. lat.	200 lb/ month	CLOSED 3/		200 lb/ month	CLOSED 3/	
	South of 34°27' N. lat.	CLOSED 3/	200 lb/ month				CLOSED 3/
28	**Chilipepper - South 5/**						
29	40°10' - 34°27' N. lat.	500 lb/ month	CLOSED 3/		500 lb/ month	CLOSED 3/	
30	South of 34°27' N. lat.	CLOSED 3/	2,500 lb/ month				CLOSED 3/
31	**Minor nearshore rockfish**						
32	North	3,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black or blue rockfish 5/		4,000 lb/ 2 months, no more than 1,600 lb of which may be species other than black or blue rockfish 5/			3,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black or blue rockfish 5/
33	South						
34	40°10' - 34°27' N. lat.	1,200 lb/ 2 months	CLOSED 3/	Shoreward of 20 ftm depth, 1,200 lb/ 2 months, otherwise CLOSED 3/	1,200 lb/ 2 months	Shoreward of 20 ftm depth, 1,200 lb/ 2 months, otherwise CLOSED 3/	CLOSED 3/
35	South of 34°27' N. lat.	CLOSED 3/	1,200 lb/ 2 months				CLOSED 3/
36	**Lingcod 7/**						
37	North	CLOSED 3/		300 lb/ month			CLOSED 3/
38	South						
39	40°10' - 34°27' N. lat.	CLOSED 3/		Shoreward of 20 ftm depth, 300 lb/ month, otherwise CLOSED 3/	300 lb/ month	Shoreward of 20 ftm depth, 300 lb/ month, otherwise CLOSED 3/	CLOSED 3/
40	South of 34°27' N. lat.	CLOSED 3/		300 lb/ month			CLOSED 3/

1/ Trip limits apply coastwide unless otherwise specified. "North" means 40°10' N. lat. To the U.S.-Canada border. "South" means 40°10' N. lat. To the U.S.-Mexico border. 40°10' N. lat is about 20 nm south of Cape Mendocino, CA.

2/ "Other flatfish" means all flatfish at 50 CFR 660.302 except those in this Table 5 with a trip limit.

3/ Closed means that it is prohibited to take and retain, possess, or land the designated species in the time or area indicated. See IV.A.(7). in the time or area indicated.

4/ Yellowtail rockfish and POP in the south, and bocaccio, and chilipepper rockfishes in the north are included in the trip limits for minor shelf rockfish in the appropriate area.

5/ For black rockfish north of Cape Alava (48°09'30" N.lat.), and between Destruction Island (47°40'00" N.lat.) and Leadbetter Point (46°38'10" N.lat.), there is an additional limit of 100 lbs or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.

6/ The size limit for lingcod is 24 inches (61 cm) total length.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

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(2) *Groundfish taken with exempted trawl gear by vessels engaged in fishing for spot and ridgeback prawns, California halibut, or sea cucumbers*—(a) *Trip limits.* The trip limit is 300 lb (136 kg) of groundfish per fishing trip. Limits in Table 5 also apply and are counted toward the 300 lb (136 kg) groundfish limit. In any landing by a vessel engaged in fishing for spot and ridgeback prawns, California halibut, or sea cucumbers with exempted trawl gear, the amount of groundfish landed may not exceed the amount of the target species landed, except that the amount of spiny dogfish (Squalas acanthias) landed may exceed the amount of target species landed. Spiny dogfish are limited by the 300 lb (136 kg) per trip overall groundfish limit. The daily trip limits for sablefish coastwide and thornyheads south of Pt. Conception and the overall groundfish ''per trip'' limit may not be multiplied by the number of days of the fishing trip. The closures listed in Table 5 also apply, except for the species listed below in subparagraphs (i) through (v). The following sublimits also apply and are counted toward the overall 300 lb (136 kg) per trip groundfish limit:

(i) Shelf rockfish (including minor shelf rockfish, widow and yellowtail)—

(A) Between 40°10′ N. lat. and 34°27′ N. lat.: 200 lb (91 kg) per month.

(B) South of 34°27′ N. lat.: 500 lb (227 kg) per month.

(ii) Bocaccio south of 40 deg. 10′ N. lat.—200 lb (91 kg) per month.

(iii) Chilipepper—

(A) Between 40°10′ N. lat. and 34°27′ N. lat.: 500 lb (227 kg) per month.

(B) South of 34°27′ N. lat.: 2,500 lb (1,134 kg) per month.

(iv) Minor nearshore rockfish south of 40 deg. 10′ N. lat.—1,200 lb (544 kg) per 2 months.

(v) Lingcod south of 40 deg. 10′ N. lat.—May 1 through October 31, 2002: 300 lb (136 kg) per month, otherwise closed.

(b) *State law.* These trip limits are not intended to supersede any more restrictive state law relating to the retention of groundfish taken in shrimp or prawn pots or traps.

(c) *Participation in the California halibut fishery.* A trawl vessel will be considered participating in the California halibut fishery if:

(i) It is not fishing under a valid limited entry permit issued under 50 CFR 660.333 for trawl gear;

(ii) All fishing on the trip takes place south of Pt. Arena; and

(iii) The landing includes California halibut of a size required by California Fish and Game Code section 8392(a), which states: ''No California halibut may be taken, possessed or sold which measures less than 22 inches (56 cm) in total length, unless it weighs 4 lbs (1.8144 kg) or more in the round, 3 and one-half lbs (1.587 kg) or more dressed with the head on, or 3 lbs (1.3608 kg) or more dressed with the head off. Total length means ''the shortest distance between the tip of the jaw or snout, whichever extends farthest while the mouth is closed, and the tip of the longest lobe of the tail, measured while the halibut is lying flat in natural repose, without resort to any force other than the swinging or fanning of the tail.''

(d) *Participation in the sea cucumber fishery.* A trawl vessel will be considered to be participating in the sea cucumber fishery if:

(i) It is not fishing under a valid limited entry permit issued under 50 CFR 660.333 for trawl gear;

(ii) All fishing on the trip takes place south of Pt. Arena; and

(iii) The landing includes sea cucumbers taken in accordance with California Fish and Game Code, section 8396, which requires a permit issued by the State of California.

(3) *Groundfish taken with exempted trawl gear by vessels engaged in fishing for pink shrimp.* (a) The trip limit is 500 lb (227 kg) of groundfish per day, multiplied by the number of days of the fishing trip, but not to exceed 1,500 lb (680 kg) of groundfish per trip. The following sublimits also apply and are counted toward the overall 500 lb (227 kg) per day and 1,500 lb (680 kg) per trip groundfish limits:

(i) Canary rockfish—

(A) April 1 through 30, 2002: 50 lb (23 kg) per month

(B) Starting May 1, 2002 through October 31, 2002: 200 lb (91 kg) per month

(ii) Lingcod—April 1 through October 31, 2002: 400 lb (181 kg) per month, with a minimum size limit (total length) of 24 inches (61 cm).

(iii) Sablefish—April 1, 2002 through October 31, 2002: 2,000 lb (907 kg) per month.

(iv) Thornyheads—Closed north of Pt. Conception (34°27′ N. lat.)

(b) All other groundfish species taken with exempted trawl gear by vessels engaged in fishing for pink shrimp are managed under the overall 500 lb (227 kg) per day and 1,500 lb (680 kg) per trip groundfish limits. Landings of these species count toward the per day and per trip groundfish limits and do not have species-specific limits.

(c) In any trip in which pink shrimp trawl gear is used, the amount of groundfish landed may not exceed the amount of pink shrimp landed.

(d) Operating in pink shrimp and other fisheries during the same cumulative trip limit period. Notwithstanding section IV.A.(11), a vessel that takes and retains pink shrimp and also takes and retains groundfish in either the limited entry or another open access fishery during the same applicable cumulative limit period that it takes and retains pink shrimp (which may be 1 month or 2 months, depending on the fishery and the time of year), may retain the larger of the two limits, but only if the limit(s) for each gear or fishery are not exceeded when operating in that fishery or with that gear. The limits are not additive; the vessel may not retain a separate trip limit for each fishery.

D. Recreational Fishery

(a) *California.*

Note: California law provides that, in times and areas when the recreational fishery is open, there is a 20-fish bag limit for all species of finfish, within which no more than 10 fish of any one species may be taken or possessed by any one person.

For each person engaged in recreational fishing seaward of California, the following seasons and bag limits apply:

(a) *Rockfish*—(i) *Cowcod Conservation Areas.* Recreational fishing for groundfish is prohibited within the CCAs, as described above at IV.A.(20), except that fishing for rockfish is permitted in waters inside the 20-fathom (37 m) depth contour within the CCAs from March 1 through October 31, 2002, subject to the bag limits in paragraph (iii) of this section.

(ii) *Seasons.* North of 40°10′ N. lat., recreational fishing for rockfish is open from January 1 through December 31. South of 40°10′ N. lat. and north of Point Conception (34°27′ N. lat.), recreational fishing for rockfish is closed from March 1 through April 30, and from November 1 through December 31. This area is also closed to recreational rockfish fishing from May 1 through June 30 and from September 1 through October 31, except that fishing for rockfish is permitted inside the 20 fathom (37 m) depth contour, subject to the bag limits and retention prohibitions of paragraph (iii) of this section. South of Point Conception (34°27′ N. lat.), recreational fishing for rockfish is closed from January 1 through February 28 and from November 1 through December 31. Recreational fishing for cowcod is prohibited all year in all areas.

(iii) *Bag limits, boat limits, hook limits.* In times and areas when the recreational season for rockfish is open, there is a 2-hood limit per fishing line, and the bag limit is 10 rockfish per day,

of which not more than 2 may be bocaccio, no more than 1 may be canary rockfish, and no more than 1 may be yelloweye rockfish. No more than 2 yelloweye may be retained per vessel. Cowcod may not be retained. Bocaccio, canary rockfish, and yelloweye may not be retained, and no more than 2 shelf rockfish may be retained, in the area between 40°10′ N. lat. and Point Conception (34°27′ N. lat.) from May 1 through June 30, or September 1 through October 31.

Note: California scorpionfish, are subject to California's 10 fish bag limit per species, but are not counted toward the 10 rockfish bag limit.

Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(iv) *Size limits.* The following rockfish size limits apply: bacaccio may be no smaller than 10 inches (25 cm), and California scorpionfish may be no smaller than 10 inches (25 cm).

(v) *Dressing/Fileting.* Rockfish skin may not be removed when fileting or otherwise dressing rockfish taken in the recreational fishery. The following rockfish filet size limits apply: bocaccio filets may be no smaller than 5 inches (12.8 cm); California scorpionfish filets may be no smaller than 5 inches (12.8 cm); and brown-skinned rockfish filets may be no smaller than 6.5 inches (16.6 cm). ''Brown-skinned'' rockfish include the following species: brown, calico, copper, gopher, kelp, olive, speckled, squarespot, and yellowtail.

(b) *Roundfish* (Lingcod, cabezon, kelp greenling) (i) *Cowcod Conservation Areas.* Recreational fishing for groundfish is prohibited within the CCAs, as described above at IV.A. (20), except that fishing for lingcod is permitted in waters inside the 20 fathom (37 m) depth contour within the CCAs from March 1 through October 31, 2002, subject to the bag limits in paragraph (ii) of this section. Fishing for cabezon and kelp greenling is allowed in waters inside the 20 fathom (37 m) depth contour within the CCAs year round.

(ii) *Seasons.* South of 40°10′ N. lat. and north of Point Conception (34°27′ N. lat.), recreational fishing for lingcod is closed from March 1 through April 30, and from November 1 through December 31. This area is also closed to recreational lingcod fishing from May 1 through June 30 and from September 1 though October 31, except that fishing for lingcod is permitted inside the 20 fathom (36.9 m) depth contour, subject to the bag limits in paragraph (iii) of this section. South of Point Conception (34°27′ N. lat.), recreational fishing for lingcod is closed from January 1 though February 28 and from November 1 through December 31.

(iii) *Bag limits, boat limits, hook limits.* In times and areas when the recreational season for lingcod is open, there is a 2-hook limit per fishing line, and the bag limit is 2 lingcod per day. Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(iv) *Size limits.* The following roundfish size limits apply: lingcod may be no smaller than 24 inches (61 cm) total length, cabezon may be no smaller than 15 inches (38 cm); and kelp greenling may be no smaller than 12 inches (30 cm).

(v) *Dressing/Fileting.* Cabezon and kelp greenling taken in the recreational fishery may not be fileted at sea. Lingcod filets may be no smaller than 15 inches (38.1 cm).

(2) *Oregon.* The bag limits for each person engaged in recreational fishing seaward of Oregon are 1 lingcod per day, which may be no smaller than 24 inches (61 cm) total length; and 10 rockfish per day, of which no more than 1 may be canary rockfish and no more than 1 may be yelloweye rockfish. During the all-depth recreational fisheries for Pacific halibut (*Hippoglossus stenolopis*), vessels with halibut on board may not take, retain, possess or land yelloweye rockfish.

(3) *Washington.* For each person engaged in recreational fishing seaward of Washington, the following seasons and bag limits apply:

(a) *Rockfish.* There is a rockfish bag limit of no more than 10 rockfish per day, of which no more than 2 may be canary rockfish, or no more than 1 may be canary rockfish and 1 may be yelloweye rockfish. Taking and retaining yelloweye rockfish is prohibited from a vessel with Pacific halibut retained on board.

(b) *Lingcod.* Recreational fishing for lingcod is closed between January 1 and April 15, and between October 16 and December 31. When the recreational season for lingcod is open, there is a bag limit of 2 lingcod per day, which may be no smaller than 24 inches (61 cm) total length.

V. Washington Coastal Tribal Fisheries

In 1994, the U.S. government formally recognized that the four Washington Coastal Tribes (Makah, Quileute, Hoh, and Qinault) have treaty rights to fish for groundfish, and concluded that, in general terms, the quantification of those rights is 50 percent of the harvestable surplus of groundfish available in the tribes' usual and accustomed (U and A) fishing areas (described at 60 CFR 660.324).

A tribal allocation is subtracted from the species OY before limited entry and open access allocations are derived for areas that coincide with U and As. The treaty tribal fisheries for sablefish, black rockfish, and whiting are separate fisheries and are not governed by the limited entry or open access regulations or allocations. The tribes regulate these fisheries so as not to exceed their allocations.

The tribal allocation for black rockfish is the same in 2002 as in 2001. Also similar to 2001, the tribal sablefish allocation is 10 percent of the total catch OY (437 mt), less 3 percent for estimated discard mortality, or 424 mt. In 1999 through 2001, the tribal whiting allocation was based on a 5-year sliding scale proposal presented by the Makah Tribe in 1998 (for the years 1999–2003) that determines the tribal allocation based on the level of the overall U.S. OY, up to 17.5 percent tribal harvest ceiling. Although the 2002 whiting ABC and OY have not yet been set, the tribes proposed using the same sliding scale allocation for 2002. As discussed earlier in footnote d/ to Table 1a, the Council will recommend the whiting ABC and OY at its March 2002 meeting, based on the results of a new whiting stock assessment. In 2001, applying the Makah sliding scale allocation to a 190,400 mt overall OY resulted in a 27,500 mt tribal whiting allocation. No other tribes proposed to harvest whiting in 2001.

The right of the Washington coastal treaty tribes to harvest Pacific whiting in accordance with the legal principles established in the ongoing case of *U.S.* v. *Washington*, No. 9213, Phase I (W.D. Wash), was sustained in Subproceeding 96–2, Order Granting Makah's Motion for Summary Judgment (Nov. 5, 1996), and also in *Midwater Trawlers Cooperative* v. *Daley*, 139 F.Supp.2d 1136 (W.D. Wash. 2000). In the latter case, the court held that the tribes have a treaty right to harvest Pacific whiting; that the Federal defendants did not act arbitrarily and capriciously in recognizing the tribes' right; that the Secretary of Commerce (Secretary) did not act arbitrarily and capriciously in extending the tribes' usual and accustomed fishing areas into the United States EEZ; that the Secretary appropriately recognized the tribes as co-managers of the shared resources in the final rule providing for tribal groundfish allocations (see 50 CFR 660.324(d)); and that the 1999 tribal allocation, which was based on the

sliding scale proposal first presented by the Makah Tribe in 1998, was not arbitrary and capricious. Non-treaty fishers and the State of Oregon have appealed this decision to the Ninth Circuit Court of Appeals, where it awaits oral argument.

The issue of the appropriate quantifications of the treaty right to Pacific whiting was recently adjudicated in *U.S.* v. *Washington,* 143 F.Supp.2d 1218 (W.D. Wash., Order on Summary Judgment Motions, April 5, 2001), which approved the Makah Tribe's 1998 sliding scale proposal as within the tribal treaty right and consistent with the Magnuson-Stevens Act.

For some species on which the tribes have a modest harvest, no specific allocation has been determined. Rather than try to reserve specific allocations for the tribes, NMFS is establishing trip limits recommended by the tribes and the Council to accommodate modest tribal fisheries. For lingcod, all tribal fisheries are restricted to 300 lb (136 kg) per day and 900 lb (408 kg) per week cumulative limits. Tribal fisheries are expected to take about 4–5 mt of lingcod in 2002. For rockfish species, the 2002 tribal longline and trawl fisheries will operate under trip and cumulative limits. Tribal fisheries will operate under 300 lb (136 kg) per trip limits each for canary rockfish, thornyheads, and the minor rockfish species groups (nearshore, shelf, and slope), and under a 100 lb (45 kg) trip limit for yelloweye rockfish. A 300 lb (136 kg) canary rockfish trip limit is expected to result in landings of 2.5 mt in 2002. A 300 lb (136 kg) thornyheads trip limit is expected to result in landings of 1 mt in 2002. Other rockfish limits are expected to result in the following landings levels: widow rockfish, 27 mt; yelloweye rockfish, 1–1.5 mt; yelloweye rockfish, 300 mt; minor nearshore rockfish, 2 mt; minor shelf rockfish excluding yelloweye, 4 mt; minor slope rockfish, 4 mt. Trace amounts (<1 mt) of POP and darkblotched rockfish may also be landed in tribal commercial fisheries.

The Assistant Administrator announces the following tribal allocations for 2002, including those that are the same as in 2001. Trip limits for certain species were recommended by the tribes and the Council and are specified here with the tribal allocations.

A. Sablefish

The tribal allocation is 424 mt, 10 percent of the total catch OY, less 3 percent estimated discard mortality.

B. Rockfish

(1) For the commercial harvest of black rockfish off Washington State, a harvest guideline of: 20,000 lb (9,072 kg) north of Cape Alava (48°09′30″ N. lat.) and 10,000 lb (4,536 kg) between Destruction Island (47°40′00″ N. lat.) and Leadbetter Point (46°38′10″ N. lat.).

(2) Thornyheads are subject to a 300 lb (136 kg) trip limit.

(3) Canary rockfish are subject to a 300 lb (136 kg) trip limit.

(4) Yelloweye rockfish are subject to a 100 lb (45 kg) trip limit.

(5) Yellowtail rockfish taken in the tribal mid-water trawl fisheries are subject to a cumulative limit of 30,000 lb (13,608 kg) per two-month period. Landings of widow rockfish must not exceed 10 percent of the weight of yellowtail rockfish landed in any two-month period. These limits may be adjusted by an individual tribe inseason to minimize the incidental catch of canary rockfish and widow rockfish.

(6) Other rockfish, including minor nearshore, minor shelf, and minor slope rockfish groups are subject to a 300 lb (136 kg) trip limit per species or species group, or to the non-tribal limited entry trip limit for those species if those limits are less restrictive than 300 lb (136 kg) per trip.

(7) Rockfish taken during open competition tribal commercial fisheries for Pacific halibut will not be subject to trip limits.

C. Lingcod

Lingcod are subject to a 300 lb (136 kg) daily trip limit and a 900 lb (408 kg) weekly limit.

D. Pacific Whiting

Whiting allocations will be announced when the final OY is announced.

VI. Receipt of an Application for EFPs

At the Council's November 2001 meeting, NMFS received an application requesting renewal of EFPs for the 2002 shore-based Pacific whiting fishery from the States of Washington, Oregon, and California. Issuance of these EFPs would allow unsorted whiting harvests to be delivered to shore-based processing facilities where state-sponsored biologists can collect information on the incidental catch of salmon and groundfish. These EFPs are intended to promote the objectives of the Pacific Coast Groundfish FMP by providing catch data that is otherwise not available for managing the fishery.

Because whiting deteriorates rapidly, it must be handled quickly and immediately chilled to maintain its quality. As a result, many vessels prefer to dump catch directly, or near directly, into the hold and are unable to effectively sort their catch at sea. Delaying sorting until offloading allows whiting quality to be maintained while providing an opportunity for state biologists to collect much needed fishery data. If issued, approximately 20 vessels would be permitted to delay the sorting of prohibited species and groundfish species caught in excess of cumulative trip limits until offloading. Without an EFP, vessels are required to sort prohibited species and return them to sea as soon as practicable with minimum injury (50 CFR 660.306(b)), and they are prohibited from exceeding the groundfish trip limits for individual species or groups (50 CFR 660.306(h)).

Following the opportunity for public comment at the Council's November meeting, the Council recommended that NMFS issue the EFPs requested by the States. A copy of the application is available for review from NMFS (see **ADDRESSES**).

Classification

These proposed specifications and management measures for 2002 are issued under the authority of, and are in accordance with, the Magnuson-Stevens Act, the FMP, and 50 CFR parts 600 and 660 subpart G (the regulations implementing FMP).

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Council prepared an initial regulatory flexibility analysis that describes the impact this proposed rule, if adopted, would have on small entities.

NMFS is proposing the 2002 annual specifications and management measures to allow West Coast commercial and recreational fisheries participants to fish the harvestable surplus of healthy groundfish stocks, while also ensuring that those fisheries do not exceed the allowable catch levels intended to protect overfished and depleted stocks. The form of the specifications, in ABCs and OYs, follows the guidance of the Magnuson-Stevens Act, the National Standard Guidelines, and the FMP for protecting and conserving fish stocks. Annual management measures include trip and bag limits, size limits, season restrictions, gear restrictions, and other measures intended to allow year-round West Coast groundfish landings without compromising overfished species rebuilding measures.

Approximately 2,000 vessels participate in the West Coast groundfish fisheries. Of those, about 500 vessels are registered to limited entry permits

issued for either trawl, longline, or pot gear. About 1,500 vessels land groundfish against open access limits while either directly targeting groundfish or taking groundfish incidentally in fisheries directed at non-groundfish species. All but 10–20 of those vessels are considered small businesses by the Small Business Administration. There are also about 700 groundfish buyers on the West Coast, approximately 250 of which annually purchased at least $33,000 of groundfish in 2000. In the 2001 recreational fisheries, there were 106 charter vessels engaged in salt water fishing outside the Puget Sound, 232 charter vessels active on the Oregon coast and 415 charter vessels active on the California coast.

Revenues for many groundfish fishery participants are expected to decline in 2002. Harvest levels for some key species, such as sablefish, Dover sole, and widow rockfish are set significantly lower in 2002 than in 2001 and will affect coastwide groundfish revenues. For example, the proposed 2002 sablefish commercial OY is 37 percent lower than in 2001. Comparing 2000 sablefish revenue data (2001 data is not yet complete) with the available sablefish commercial OY in 2002, 2002 coastwide sablefish revenue could be 39–48 percent lower than in 2000. Overall, groundfish revenues in 2002 are expected to the $31 million, which is a 22.5 percent decrease from estimated 2001 revenues ($40 million) and a 39 percent decrease from 2000 revenues ($51 million).

It is difficult to estimate exactly how this overall decline in landings and revenue will affect individual members of the groundfish fleet. However, the overall decline is significant enough to suggest that small businesses with a substantial portion of their incomes dependent on groundfish will be negatively affected by implementation of the 2002 proposed harvest levels. Limited entry vessels generally harvest in excess of $50,000 of West Coast fish per year and tend to depend on the catch of groundfish for over 35 percent of their gross West Coast revenue. Open access vessels tend to harvest less than $50,000 of West Coast fish per year and those harvesting in excess of $50,000 of West Coast fish per year generally rely on groundfish for less than 5 percent of their exvessel revenue. Thus limited entry vessels and the people relying on these vessels for income are likely to be more adversely affected from the decline in groundfish revenue opportunity than open access vessels. Of the approximately 700 groundfish buyers, about 300 have groundfish as at least 35 percent of their fish products purchase from fishing vessels. If those groundfish buyers are unable to purchase alternative fish species, they will likely also suffer declines in income and employment.

For the recreational fishery, the only significant catch and effort reductions would occur in California. Little change in overall recreational effort is expected in Washington or Oregon. Reduction in effort in California is expected to result in a reduction in revenue for businesses that cater to recreational fishers. In northern and southern California, $10.8 million and $9.5 million, respectively, of community level personal income were associated with the recreational groundfish fishery. These personal income values are a measure of the contribution of recreational fishing to businesses and local communities. Under the proposed action effort is expected to decline by about 15 percent. The decline in effort would be expected to reduce associated community level personal income by similar amounts. Gross receipts for recreational groundfish activities will likely decline in proportion with the decline in number of angler trips, however, net profits may decline more given that certain costs will be fixed on an annual and per trip basis. Revenue declines from groundfish may be offset to the degree that charter vessels operate in other fisheries.

This rule does not propose any new reporting and recordkeeping requirements; however, it does announce EFPs for 2002, which include reporting and recordkeeping requirements. Reporting and recordkeeping requirements associated with EFPs are described in this section, under the Paperwork Reduction Act.

The Council considered three issues, each with several alternatives and sub-options, and ultimately chose alternative that balanced the conservation and socioeconomic risks and benefits associated with all aspects of the 2002 Pacific Coast groundfish fishery. The relevant issues were alternative harvest levels, alternative bycatch and discard rate assumptions, and alternative season options. Each issue had several alternatives with varying degrees of potential risks and benefits to the groundfish fishery that are described in the EA/RIR/IRFA. Less restrictive alternatives tend to buffer, but not necessarily ameliorate, the continued downward trend in economic benefits and fishing opportunities. However, the short term benefits of less restrictive alternatives were weighed against longer term stock conservation risks. The Council adopted alternatives modeled in the EA/RIR/IRFA that are believed to adequately bracket a reasonable range of options for the 2002 groundfish fishery, given anticipated short and long term risks and benefits.

The alternative harvest levels apply to seven stocks that are subject to new stock assessments or rebuilding strategies, sablefish, Pacific ocean perch (POP), widow rockfish, shortspine thornyhead, darkblotched rockfish, yelloweye rockfish, and Dover sole. Four alternatives were considered, the status quo, a low level of acceptable biological catch (ABC) and OY, high levels of ABC/OY, and the proposed action. The proposed action sets ABCs/OYs between the high and low levels, with the ABCs/OYs of the seven stocks at lower levels than the status quo alternative except for shortspine thornyheads and darkblotched rockfish, and represents a 21-percent reduction in commercial exvessel value from the status quo and a commensurate reduction in recreational catch. While the status quo alternative would provide the highest ABCs/OYs, except for shortspine thornyhead, this alternative was not adopted because these levels are higher than those supported by the new stock assessments and rebuilding strategies. Similarly, the high level alternative, which represents a 19-percent reduction in commercial exvessel value, was not considered to sufficiently consider the effects of incidental catches of these species in other fisheries or to be sufficiently risk averse in rebuilding these stocks. The low level alternative would reduce commercial exvessel value by 34 percent of the value of the status quo fishery, with a commensurate reduction in recreational catch. While this alternative would be risk averse from the standpoint of the stocks, it was rejected because its effects on the fishery would likely cause even more severe economic disruptions, particularly in the trawl and fixed gear limited fisheries.

The bycatch and discard rate estimation issue arose by the need to accurately track total mortality of groundfish stocks and by recent legal challenges of past bycatch and discard rate assumptions. The Council recommended bycatch rates and discard mortality for lingcod, bocaccio, canary rockfish, darkblotched rockfish, and POP for the limited entry trawl fishery. The Council used a synthesis of several scientific studies to provide a low-to-high range of bycatch rates. The methodology of this analysis and how the Council arrived at the species-specific bycatch rates and discard mortality is described previously in this

document. Four alternatives were considered, the status quo, a low end range of bycatch rates, a high end range of bycatch rates, and the mid-range proposed action, which represents the Council consensus of the most scientifically reasonable bycatch rates for each of the five stocks considered to apply to the fishery in 2002. In choosing the preferred alternative the Council considered the legal requirements and the biological and economic consequences of over- or underestimating the bycatch rates. The Council rejected using the status quo bycatch and discard rate assumptions of 2001 as not legally defensible. Applying the low end alternative would not be as constraining on the fishery, but represents a greater risk of overfishing the constraining stocks if bycatch rates and total mortality are underestimated. Applying the high end alternative would entail less risk of overfishing, but would be the most constraining on the fishery and incur excess economic losses if the total mortality is overestimated.

The alternative season options resulted from a desire to consider area and time manipulations of the fishery to potentially realize higher trip limits and lessen regulatory discard of groundfish. Six alternatives were considered for the commercial seasons, the status quo, a year-round Groundfish Management Team (GMT) recommended season, a coastwide 6-month season, a year-round Groundfish Advisory Panel (GAP) recommended season based on the preferred OYs, a year-round GAP recommended season based on the high end OYs, and the proposed action, which provides seasons considering the preferred OYs with consideration of bycatch. The status quo alternative was rejected because the best available science (*i.e.,* new stock assessments) was not considered and it violates the legal mandate to consider bycatch and discard mortality rate assumptions. The year-round GMT recommended season was rejected because it did not consider the restrictions needed for managing overfished species. The coastwide 6-month season was rejected because of the potential of processors and vessels to lose skilled workers, loss of markets, and weather constraints leading to inequitable fishing opportunities among the areas. The two year-round GAP recommended seasons were rejected because the landing limits for these seasons implied a higher bycatch of constraining stocks than would be allowed under the range of harvest levels considered.

The fisheries agencies of the states of Oregon, Washington, and California presented several options for recreational fisheries off their respective states. In each case the Council adopted a preferred alternative that considered the preferred ABC/OY level and the bycatch constraints for their fisheries.

Other regulations affecting the West Coast groundfish fisheries are primarily found at 50 CFR 660.301–360. A copy of this analysis is available from the Council (see **ADDRESSES**).

Pursuant to Executive Order 13175, this rule was developed after meaningful consultation and collaboration with tribal officials from the area covered by the FMP. Under the Magnuson-Stevens Act at 16 U.S.C. 1852(b)(5), one of the voting members of the Pacific Council must be a representative of an Indian tribe with Federally recognized fishing rights from the area of the Council's jurisdiction. In addition, regulations implementing the FMP establish a procedure by which the tribes with treaty fishing rights in the area covered by the FMP request new allocations or regulations specific to the tribes, in writing, before the first of the two fall groundfish meetings of the Council. The regulation at 50 CFR 660.324(d) further states ''the Secretary will develop tribal allocations and regulations under this paragraph in consultation with the affected tribe(s) and, insofar as possible, with tribal consensus.'' The tribal management measures in this proposed rule have been developed following these procedures. The tribal representative on the Council made a motion to adopt the tribal management measures, which was passed by the Council, and those management measures, which were developed and proposed by the tribes, are included in this proposed rule.

NMFS issued Biological Opinions (BOs) under the Endangered Species Act on August 10, 1990, November 26, 1991, August 28, 1992, September 27, 1993, May 14, 1996, and December 15, 1999, pertaining to the effects of the groundfish fishery on chinook salmon (Puget Sound, Snake River spring/summer, Snake River fall, upper Columbia River spring, lower Columbia River, upper Willamette River, Sacramento River winter, Central Valley, California coastal), coho salmon (Central Calfornia coastal, southern Oregon/northern California coastal, Oregon coastal), chum salmon (Hood Canal, Columbia River), sockeye salmon (Snake River, Ozette Lake), and steelhead (upper, middle and lower Columbia River, Snake River Basin, upper Willamette River, central California coast, California Central Valley, south-central California, northern California, southern California). NMFS has concluded that implementation of the FMP for the Pacific Coast groundfish fishery is not expected to jeopardize the continued existence of any Endangered or threatened species under the jurisdiction of NMFS, or result in the destruction or adverse modification of critical habitat. NMFS has re-initiated consultation on the Pacific whiting fishery associated with the (whiting BO) issued on December 15, 1999. During the 2000 whiting season, the whiting fisheries exceeded the chinook bycatch amount specified in the BO's incidental take statement's incidental take estimates, 11,000 fish, by approximately 500 fish. In the 2001 whiting season, however, the whiting fishery's chinook bycatch was well below the 11,000 fish incidental take estimates. The re-initiation will focus primarily on additional actions that the whiting fisheries would take to reduce chinook interception, such as time/area management. NMFS is gathering data from the 2001 whiting fisheries and expects that the re-initiated whiting BO will be complete by February 2002. During the reinitiation, fishing under the FMP is within the scope of the December 15, 1999, BO, so long as the annual incidental take of chinook stays under the 11,000 fish bycatch limit. NMFS has concluded that implementation of the FMP for the Pacific Coast groundfish fishery is not expected to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of NMFS, or result in the destruction or adverse modification of critical habitat. This action is within the scope of these consultations.

This action refers to a collection-of-information requirement subject to the Paperwork Reduction Act (PRA). Permit requirements have been approved by OMB under control number 0648–203 for Federal fisheries permits. The public reporting burden for applications for exempted fishery permits is estimated at 1 hour per response; the burden for reporting by exempted fishing permittees is estimated at 30 minutes per response. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and revising the collection of information. Send comments regarding these burden estimates or any other aspect of the data requirements, including suggestions for reducing the burden to NMFS and to OMB (see **ADDRESSES**).

Notwithstanding any other provisions of the 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 control number.

Dated: December 31, 2001.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 01–32262 Filed 12–31–01; 4:46 pm]

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Federal Register

Friday,
January 11, 2002

Part III

The President

Executive Order 13250—Providing an Order of Succession Within the Department of Health and Human Services

Executive Order 13251—Providing an Order of Succession Within the Department of State

Executive Order 13252—Exclusions From the Federal Labor-Management Relations Program

Federal Register
Vol. 67, No. 8
Friday, January 11, 2002

Presidential Documents

Title 3—

The President

Executive Order 13250 of December 28, 2001

Providing an Order of Succession Within the Department of Health and Human Services

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et seq.*, it is hereby ordered that:

Section 1. Subject to the provisions of section 3 of this order, the officers named in section 2, in the order listed, shall act as and perform the functions and duties of the Office of the Secretary of Health and Human Services (Secretary) during any period when both the Secretary and the Deputy Secretary of Health and Human Services (Deputy Secretary) have died, resigned, or become otherwise unable to perform the functions and duties of the office of Secretary.

Sec. 2. *Order of Succession.*

(a) The Assistant Secretaries of Health and Human Services appointed by the President and confirmed by the Senate, in the order in which they shall have taken the oath of office as such;

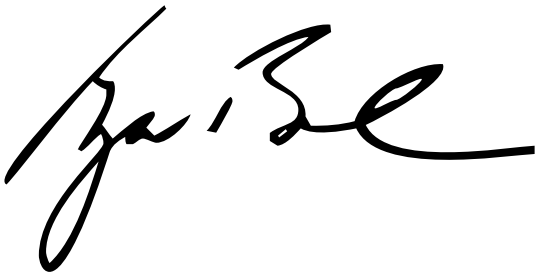
(b) The General Counsel of the Department of Health and Human Services; and

(c) Other officers within the Department of Health and Human Services who have been appointed by the President by and with the consent of the Senate, in the order in which they shall have taken the oath of office as such.

Sec. 3. *Exceptions.*

(a) No individual who is serving in an office listed in section 2(a)–(c) of this order in an acting capacity shall act as Secretary pursuant to this order.

(b) Notwithstanding the provisions of this order, the President retains discretion, to the extent permitted by the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et seq.*, to depart from this order in designating an acting Secretary.



THE WHITE HOUSE,
December 28, 2001.

[FR Doc. 02–917
Filed 01–10–02; 8:45 am]
Billing code 3195–01–P

Federal Register

Friday,
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Sec. 2. *Order of Succession.*

(a) The Assistant Secretaries of Health and Human Services appointed by the President and confirmed by the Senate, in the order in which they shall have taken the oath of office as such;

(b) The General Counsel of the Department of Health and Human Services; and

(c) Other officers within the Department of Health and Human Services who have been appointed by the President by and with the consent of the Senate, in the order in which they shall have taken the oath of office as such.

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(a) No individual who is serving in an office listed in section 2(a)–(c) of this order in an acting capacity shall act as Secretary pursuant to this order.

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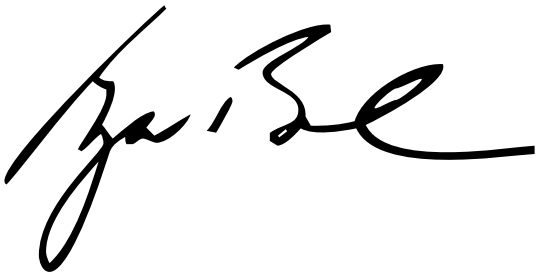


THE WHITE HOUSE,
December 28, 2001.

[FR Doc. 02–917
Filed 01–10–02; 8:45 am]
Billing code 3195–01–P

Presidential Documents

Executive Order 13251 of December 28, 2001

Providing an Order of Succession Within the Department of State

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et seq.*, it is hereby ordered that:

Section 1. Subject to the provisions of section 3 of this order, the officers named in section 2, in the order listed, shall act as, and perform the duties of, the office of Secretary of State (Secretary) during any period in which the Secretary has died, resigned, or otherwise become unable to perform the functions and duties of the office of Secretary.

Sec. 2. *Order of Succession.*

(a) Deputy Secretary of State;

(b) Deputy Secretary of State for Management and Resources;

(c) Under Secretary of State designated for political affairs pursuant to section 2651a(b) of title 22, United States Code;

(d) Under Secretary of State designated for management affairs pursuant to section 2651a(b) of title 22, United States Code;

(e) The remaining Under Secretaries of State, in the order in which they shall have taken the oath of office as such;

(f) Assistant Secretaries of State designated for regional bureaus pursuant to section 2651a(c) of title 22, United States Code, in the order in which they shall have taken the oath of office as such;

(g) The following officers, in the order in which they shall have taken the oath of office as such:

(1) Remaining Assistant Secretaries of State;

(2) Coordinator for Counterterrorism;

(3) Director General of the Foreign Service; and

(4) Legal Adviser;

(h) United States Representative to the United Nations (New York);

(i) Deputy United States Representative to the United Nations (New York);

(j) The following other United States Representatives to the United Nations (New York), in the order in which they shall have taken the oath of office as such:

(1) United States Representative to the United Nations for United Nations Management and Reform;

(2) United States Representative to the United Nations on the Economic and Social Council of the United Nations; and

(3) Alternate United States Representative to the United Nations for Special Political Affairs in the United Nations;

(k) The following Chiefs of Mission, in the order listed:

(1) United States Ambassador to the United Kingdom;

(2) United States Ambassador to Canada;

(3) United States Ambassador to Australia;

(4) United States Ambassador to Mexico;

(5) United States Ambassador to Japan; and

(6) United States Ambassador to India;

(l) The following officers, in the order in which they shall have taken the oath of office as such:

(1) United States Ambassadors at Large;

(2) Counselor; and

(3) Special Representatives of the President; and

(m) The remaining Chiefs of Mission, in the order in which they shall have taken the oath of office as such.

Sec. 3. *Exceptions.*

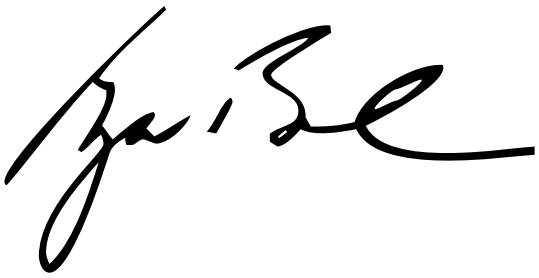
(a) No individual who has not been appointed by the President by and with the consent of the Senate shall act as Secretary pursuant to this order.

(b) No individual who is serving in an office listed in section 2(a)-(m) in an acting capacity shall act as Secretary pursuant to this order.

(c) Notwithstanding the provisions of this order, the President retains discretion, to the extent permitted by the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et seq.*, to depart from this order in designating an acting Secretary.

(d) A successor office, intended to be the equivalent of an office identified in section 2 of this order, shall be deemed to be the position identified in section 2 for purposes of this order.

Sec. 4. Executive Order 12343 of January 27, 1982, is hereby revoked.



THE WHITE HOUSE,
December 28, 2001.

[FR Doc. 02–918
Filed 1–10–02; 8:45 am]
Billing code 3195–01–P

Presidential Documents

Executive Order 13251 of December 28, 2001

Providing an Order of Succession Within the Department of State

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et seq.*, it is hereby ordered that:

Section 1. Subject to the provisions of section 3 of this order, the officers named in section 2, in the order listed, shall act as, and perform the duties of, the office of Secretary of State (Secretary) during any period in which the Secretary has died, resigned, or otherwise become unable to perform the functions and duties of the office of Secretary.

Sec. 2. *Order of Succession.*

(a) Deputy Secretary of State;

(b) Deputy Secretary of State for Management and Resources;

(c) Under Secretary of State designated for political affairs pursuant to section 2651a(b) of title 22, United States Code;

(d) Under Secretary of State designated for management affairs pursuant to section 2651a(b) of title 22, United States Code;

(e) The remaining Under Secretaries of State, in the order in which they shall have taken the oath of office as such;

(f) Assistant Secretaries of State designated for regional bureaus pursuant to section 2651a(c) of title 22, United States Code, in the order in which they shall have taken the oath of office as such;

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(1) Remaining Assistant Secretaries of State;

(2) Coordinator for Counterterrorism;

(3) Director General of the Foreign Service; and

(4) Legal Adviser;

(h) United States Representative to the United Nations (New York);

(i) Deputy United States Representative to the United Nations (New York);

(j) The following other United States Representatives to the United Nations (New York), in the order in which they shall have taken the oath of office as such:

(1) United States Representative to the United Nations for United Nations Management and Reform;

(2) United States Representative to the United Nations on the Economic and Social Council of the United Nations; and

(3) Alternate United States Representative to the United Nations for Special Political Affairs in the United Nations;

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(1) United States Ambassador to the United Kingdom;

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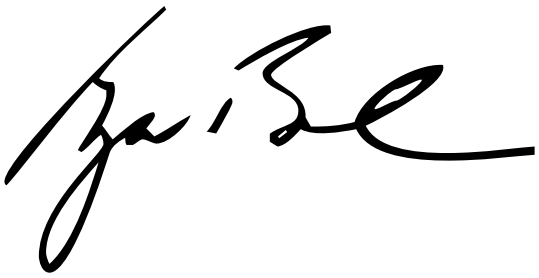
Sec. 4. Executive Order 12343 of January 27, 1982, is hereby revoked.



THE WHITE HOUSE,
December 28, 2001.

[FR Doc. 02–918
Filed 1–10–02; 8:45 am]
Billing code 3195–01–P

Presidential Documents

Executive Order 13252 of January 7, 2002

Exclusions From the Federal Labor-Management Relations Program

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 7103(b)(1) of title 5, United States Code, and in order to exempt certain subdivisions of the Department of Justice from coverage under the Federal Labor-Management Relations Program, it is hereby ordered as follows:

Section 1. *Determinations.* The subdivisions of the Department of Justice set forth in section 2 of this order are hereby determined to have as a primary function intelligence, counterintelligence, investigative, or national security work. It is further determined that chapter 71 of title 5, United States Code, cannot be applied to these subdivisions in a manner consistent with national security requirements and considerations.

Sec. 2. *Amendment of Executive Order 12171.* Executive Order 12171 of November 19, 1979, as amended, is further amended by adding to the end of section 1–209 the following new subsections:

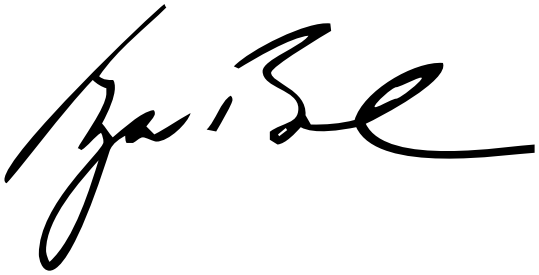
''(c) United States Attorneys' Offices.

(d) Criminal Division.

(e) INTERPOL—U.S. National Central Bureau.

(f) National Drug Intelligence Center.

(g) Office of Intelligence Policy and Review.''



THE WHITE HOUSE,
January 7, 2002.

[FR Doc. 02–919
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Presidential Documents

Executive Order 13252 of January 7, 2002

Exclusions From the Federal Labor-Management Relations Program

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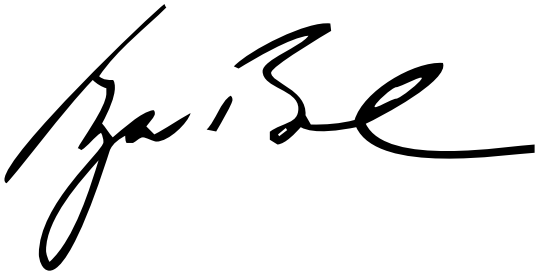

THE WHITE HOUSE,
January 7, 2002.

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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.

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