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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 01–092–2]

Asian Longhorned Beetle; Addition to Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the Asian longhorned beetle regulations to include additional quarantined areas in Illinois and New York. As a result of the interim rule, the interstate movement of regulated articles from those areas is restricted. The interim rule was necessary to prevent the artificial spread of the Asian longhorned beetle to noninfested areas of the United States.

EFFECTIVE DATE: The interim rule became effective on November 2, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Michael B. Stefan, Emergency Programs Coordinator, Surveillance and Emergency Programs Planning and Coordination Staff, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1231; (301) 734–7338.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective November 2, 2001, and published in the **Federal Register** on November 8, 2001 (66 FR 56428–56430, Docket No. 01–092–1), we amended the Asian longhorned beetle regulations in 7 CFR part 301 to include additional areas of Illinois and NewYork in the list of quarantined areas in § 301.51–3. That action was necessary to prevent the artificial spread of the Asian longhorned beetle to noninfested areas of the United States.

Comments on the interim rule were required to be received on or before January 7, 2002. We did not receive any comments. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule.

This action also affirms the information contained in the interim rule concerning Executive Orders 12866, 12372, and 12988, the National Environmental Policy Act, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

Regulatory Flexibility Act

This rule affirms an interim rule that amended the Asian longhorned beetle regulations by including additional quarantined areas in Illinois and New York. As a result of the interim rule, the interstate movement of regulated articles from those areas is restricted.

The following analysis addresses the economic effect of this rule on small entities, as required by the Regulatory Flexibility Act.

The small businesses potentially affected by the interim rule are nurseries, arborists, tree removal services, and firewood dealers located within the quarantined areas. The actual number of such businesses in the quarantined areas added by the interim rule is unknown. However, we anticipate that the number of such businesses is small since the newly quarantined areas are urban and suburban communities as opposed to rural farm areas.

It is further estimated that the number and value of regulated articles that would, upon inspection, be determined to be infested, and therefore denied a certificate or a limited permit for movement, is small. Current data from the Animal and Plant Health InspectionService (APHIS) Asian longhorned beetle project being conducted in Amityville, NY, support this conclusion.

Finally, the regulations allow businesses to chemically treat, fumigate, or process by chipping or burning all regulated articles before they are presented for APHIS inspection. It is likely that, given their low value relative to the cost of treatment, most regulated articles would not undergo such treatment.

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

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR part 301 and that was published at 66 FR 56428–56430 on November 8, 2001.

Authority: 7 U.S.C. 166, 7711, 7712, 7714, 7731, 7735, 7751, 7752, 7753, and 7754; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 also issued under Sec. 204, Title II, Pub. L. 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 also issued under Sec. 203, Title II, Pub. L. 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

Done in Washington, DC, this 22nd day of February 2002 .

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–4801 Filed 2–27–02; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 984

[Docket No. FV01–984–1 FIR]

Walnuts Grown in California; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (USDA) is adopting, as a final rule, without change, an interim final rule which decreased the assessment rate established for the Walnut Marketing Board (Board) for the 2001–02 and subsequent marketing years from $0.0134 to $0.0124 per

kernelweight pound of assessable walnuts. The Board locally administers the Federal marketing order which regulates the handling of walnuts grown in California (order). Authorization to assess walnut handlers enables the Board to incur expenses that are reasonable and necessary to administer the program. The marketing year runs from August 1 through July 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

EFFECTIVE DATE: April 1, 2002.

FOR FURTHER INFORMATION CONTACT: Toni Sasselli, Marketing Assistant, or Richard P. Van Diest, 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, 1400 Independence Avenue, SW STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, Fax: (202) 720–8938.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, Fax: (202) 720–8938, or e-mail: *Jay.Guerber@usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 984 both as amended (7 CFR part 984), regulating the handling of walnuts grown in California, hereinafter referred to as the ''order.'' The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

USDA is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, California walnut handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable walnuts beginning on August 1, 2001, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule continues to decrease the assessment rate established for the Board for the 2001–02 and subsequent marketing years from $0.0134 to $0.0124 per kernelweight pound of assessable walnuts.

The California walnut marketing order provides authority for the Board, with the approval of the USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Board are producers and handlers of California walnuts. They are familiar with the Board's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2000–01 and subsequent marketing years, the Board recommended, and USDA approved, an assessment rate of $0.0134 per kernelweight pound of assessable walnuts that would continue in effect from year to year unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Board or other information available to USDA.

The Board met on September 7, 2001, and unanimously recommended 2001–02 expenditures of $3,124,800 and an assessment rate of $0.0124 per kernelweight pound of assessable walnuts. In comparison, last year's budgeted expenditures were $2,937,885. The assessment rate is $0.0010 lower than the $0.0134 rate formerly in effect. The lower assessment rate is necessary because this year's crop is estimated by the California Agricultural Statistics Service (CASS) to be 280,000 tons (252,000,000 kernelweight pounds merchantable), which is about 17 percent more than last year's estimate. Thus, sufficient income should be generated at the lower rate for the Board to meet its anticipated expenses.

Major expenditures in the budget recommended by the Board for the 2001–02 year include $2,566,569 for marketing and production research projects, $313,200 for employee expenses such as administrative and office salaries, payroll taxes and benefits, $130,600 for office expenses, including rent, office supplies, telephone/fax, printing, and furniture/fixtures/automobile, $76,000 for other operating expenses, including management and field travel, Board meeting expenses, insurance, and audit fees, and $38,431 as a reserve for contingency. Budgeted expenses for these items in 2000–01 were $2,450,255 for marketing and production research projects, $278,630 for employee expenses, $104,000 for office expenses, $80,000 for other operating expenses, and $25,000 as a reserve for contingency, respectively.

The assessment rate recommended by the Board was derived by dividing anticipated expenses by expected shipments of California walnuts certified as merchantable. Merchantable shipments for the year are estimated at 252,000,000 kernelweight pounds which should provide $3,124,800 in assessment income and allow the Board to cover its expenses. As specified in § 984.69, unexpended funds may be used temporarily to defray expenses of the subsequent marketing year, but must be made available to the handlers from whom collected within 5 months after the end of the year.

The assessment rate will continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and other information submitted by the Board or other available information.

Although this assessment rate is effective for an indefinite period, the Board will continue to meet prior to or during each marketing year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Board meetings are available from the Board or USDA. Board meetings are open to the public and interested persons may express their views at these meetings. USDA will evaluate Board recommendations and other available information to

determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Board's 2001–02 budget and those for subsequent marketing years will be reviewed and, as appropriate, approved by USDA.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 5,500 producers of walnuts in the production area and about 43 handlers subject to regulation under the order. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than $750,000, and small agricultural service firms are defined as those having annual receipts of less than $5,000,000.

Current industry information shows that 14 of the 43 handlers (32.5 percent) shipped over $5,000,000 of merchantable walnuts and could be considered large handlers by the Small Business Administration. Twenty-nine of the 43 walnut handlers (67.5 percent) shipped under $5,000,000 of merchantable walnuts and could be considered small handlers. An estimated 5,442 walnut producers, or about 98.9 percent of the 5,500 total producers, would be considered small producers with annual incomes less than $750,000. Based on the foregoing, it can be concluded that the majority of California walnut handlers and producers may be classified as small entities.

This rule continues to decrease the assessment rate established for the Board and collected from handlers for the 2001–02 and subsequent marketing years from $0.0134 to $0.0124 per kernelweight pound of assessable walnuts. The Board unanimously recommended 2001–02 expenditures of $3,124,800. The recommended $0.0010 decrease in the assessment rate is necessary because this year's estimate of assessable walnuts is about 17 percent more than last year's estimate. Thus, sufficient income should be generated at the current rate for the Board to meet its anticipated expenses.

Major expenditures in the budget recommended by the Board for the 2001–02 year include $2,566,569 for marketing and production research projects, $313,200 for employee expenses such as administrative and office salaries, payroll taxes and benefits, $130,600 for office expenses, including rent, telephone/fax, postage, printing, furniture, fixtures, and automobile, $76,000 for other operating expenses, including management and field travel, insurance, and audit fees, and $38,431 as a reserve for contingency. Budgeted expenses for these items in 2000–01 were $2,450,255 for marketing and production research projects, $278,630 for employee expenses, $104,000 for office expenses, $80,000 for other operating expenses, and $25,000 as a reserve for contingency, respectively.

Prior to arriving at this budget, the Board considered information from various sources, such as the Board's Budget and Personnel Committee, Research Committee, and Marketing Development Committee. Alternative expenditure levels were discussed by these groups, based upon the relative value of various research projects to the walnut industry. The recommended $0.0124 per kernelweight pound assessment rate was then determined by dividing the total recommended budget by the 252,000,000 kernelweight pound estimate of assessable walnuts for the year. Unexpended funds may be used temporarily to defray expenses of the subsequent marketing year, but must be made available to the handlers from whom collected within 5 months after the end of the year (§ 984.69).

A review of historical information and preliminary information pertaining to the current marketing year indicates that the grower price for 2001–02 could range between $0.50 and $0.70 per kernelweight pound of assessable walnuts. Therefore, the estimated assessment revenue for the 2001–02 year as a percentage of total grower revenue could range between 1.7 and 2.5 percent.

This action continues to decrease the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate reduces the burden on handlers, and may reduce the burden on producers. In addition, the Board's meeting was widely publicized throughout the walnut industry and all interested persons were invited to attend the meeting and participate in Board deliberations on all issues. Like all Board meetings, the September 7, 2001, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

This action imposes no additional reporting or recordkeeping requirements on either small or large California walnut handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

An interim final rule concerning this action was published in the **Federal Register** on November 21, 2001 (66 FR 58362). Copies of that rule were also mailed or sent via facsimile to all walnut handlers. Finally, the interim final rule was made available through the Internet by the Office of the Federal Register and USDA. A 60-day comment period was provided for interested persons to respond to the interim final rule. The comment period ended on January 22, 2002, and no comments were received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab.html.* Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Board and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 984

Marketing agreements, Nuts, Reporting and recordkeeping requirements, Walnuts.

PART 984—WALNUTS GROWN IN CALIFORNIA

Accordingly, the interim final rule amending 7 CFR part 984 which was published at 66 FR 58362 on November 21, 2001, is adopted as a final rule without change.

Dated: February 22, 2002.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 02–4707 Filed 2–27–02; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 01–065–2]

Change in Disease Status of Greece Because of BSE

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the regulations by adding Greece to the list of regions where bovine spongiform encephalopathy exists because the disease had been detected in a native-born animal in that region. Greece had been listed among the regions that present an undue risk of introducing bovine spongiform encephalopathy into the United States. The effect of the interim rule was a continued restriction on the importation of ruminants that have been in Greece and meat, meat products, and certain other products of ruminants that have been in Greece. The interim rule was necessary in order to update the disease status of Greece regarding bovine spongiform encephalopathy.

EFFECTIVE DATE: The interim rule became effective on July 2, 2001.

FOR FURTHER INFORMATION CONTACT: Dr. Donna Malloy, Senior Staff Veterinarian, National Center for Import and Export, Products Program, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737–1231; (301) 734–3277.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective July 2, 2001, and published in the **Federal Register** on October 30, 2001 (66 FR 54642–54643, Docket No. 01–065–1), we amended the regulations by adding Greece to the list in § 94.18(a)(1) of regions where bovine spongiform encephalopathy (BSE) is known to exist. Greece had previously been listed in § 94.18(a)(2) as a region that presents an undue risk of introducing BSE into the United States. However, due to the detection of BSE in a native-born animal in that region, the interim rule was necessary to update the disease status of Greece regarding BSE.

Comments on the interim rule were required to be received on or before December 31, 2001. We did not receive any comments. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Order 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, ANDBOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR part 94 and that was published at 66 FR 54642–54643 on October 30, 2001.

Authority: 7 U.S.C. 450, 7711, 7712, 7713, 7714, 7751, and 7754; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 22nd day of February, 2002.

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–4844 Filed 2–27–02; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 162, 171 and 178

[T.D. 02–08]

RIN 1515–AC69

Civil Asset Forfeiture

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document adopts as a final rule, with some changes, the interim rule amending the Customs Regulations that was published in the **Federal Register** on December 14, 2000, as T.D. 00–88. The interim rule implemented the provisions of the Civil Asset Forfeiture Reform Act of 2000 (CAFRA), insofar as these provisions were applicable to laws enforced by Customs. The CAFRA created general rules governing civil forfeiture proceedings. However, CAFRA specifically exempted from certain of its requirements forfeitures that were made under a number of statutes, among these being: the Tariff Act of 1930 or any other provision of law codified in title 19, United States Code; the Internal Revenue Code of 1986; the Federal Food, Drug, and Cosmetic Act; the International Emergency Economic Powers Act; and the Trading with the Enemy Act. In addition, this final rule adopts certain minor conforming changes to the Customs Regulations that were made in the interim rule in order to reflect a recodification of existing statutory law.

EFFECTIVE DATE: February 28, 2002.

FOR FURTHER INFORMATION CONTACT: Jeremy Baskin, Penalties Branch, (202–927–2344).

SUPPLEMENTARY INFORMATION:

Background

Section 2 of the Civil Asset Forfeiture Reform Act of 2000 (CAFRA), Public Law (Pub. L.) 106–185, 114 Stat. 202, enacted on April 25, 2000, and codified at title 18, United States Code, section 983 (18 U.S.C. 983), created general rules for civil forfeiture proceedings. This section of the CAFRA, however, specifically exempts from certain of its requirements forfeitures undertaken pursuant to the following statutes: the Tariff Act of 1930 or any other provision of law codified in title 19, United States Code; the Internal Revenue Code of 1986; the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 *et seq.*); the Trading with the Enemy Act (50 U.S.C. App. 1 *et seq.*); and section 1 of title VI of the Act of June 15, 1917 (40 Stat. 233; 22 U.S.C. 401). In addition, Public Law 107–56, enacted October 26, 2001, the title of which is the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) Act of 2001, exempted from the requirements of CAFRA the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1701 *et seq.*).

Under section 2 of the CAFRA, specified duties and obligations

concerning civil forfeiture proceedings are placed upon Government officials who were to be designated by the seizing agencies.

By a document published in the **Federal Register** (65 FR 78090) on December 14, 2000, as T.D. 00–88, Customs announced an interim rule to clarify and implement the law in this regard. It was determined that interim regulations were appropriate because no additional requirements were imposed upon the public. Rather, the interim regulations conferred certain additional rights on property owners or interested parties, and provided clear guidance to Customs officials in the processing of property seized for forfeiture under the CAFRA.

The interim rule identified the particular Customs official who will grant extensions of time for sending notices of seizure, as authorized by 18 U.S.C. 983(a)(1)(B), and it identified those Customs officials who will rule on requests for immediate release of seized property, as authorized by 18 U.S.C. 983(f)(2). The interim regulations also provided guidance to Customs officials in the processing of property seized for forfeiture under the CAFRA.

In addressing these matters, the interim rule added a new subpart H to part 162 of the Customs Regulations (19 CFR part 162, subpart H).

Furthermore, the interim regulations made clear that acceptance of an administrative forfeiture remission does not make the Government liable for fees, costs or interest pursuant to 28 U.S.C. 2465. In this respect, a new § 171.24 was added to the Customs Regulations (19 CFR 171.24) to provide that, in the case of any seizure for forfeiture that is remitted or mitigated under 19 U.S.C. 1618 or 31 U.S.C. 5321, the person who accepts such a remission or mitigation decision will not be considered to have substantially prevailed in a civil forfeiture proceeding for purposes of being able to collect any fees, costs or interest from the Government.

With the exception of the provision in new § 171.24, seizures exempted from the requirements of section 2 of the CAFRA will be processed in accordance with existing regulations.

Lastly, Pub. L. 103–272, 108 Stat. 745, dated July 5, 1994, reenacted and recodified the provisions of title 49, United States Code. To this end, the interim rule removed the reference to 49 U.S.C. App. appearing in part 171, subpart F, of the Customs Regulations (19 CFR part 171, subpart F), and added in its place a reference to 49 U.S.C. 80303, in accordance with the recodification of the statutory provision specifically made by section 1(e) of Pub. L. 103–272.

Before adopting the interim regulations as a final rule, Customs solicited comments from the public. Three commenters responded to the interim rule. A description of the issues that were raised by the commenters together with Customs response to these issues is set forth below.

Discussion of Comments

Comment: One commenter declares that currently, at international airports, there are signs warning passengers to declare the currency they are carrying if it exceeds $10,000. The commenter recommends that information be added to this warning that if currency is seized for nonreporting, the person whose money is seized has a right to file a claim and to be represented by an attorney, even if the person cannot afford an attorney. The claimant indicates that section 983(b) of title 18 specifies the right to legal representation.

Customs Response: The informational content of warnings posted at airports notifying passengers of the obligation to file monetary instrument reports falls outside the scope of this regulation.

Comment: One commenter states that clarification is required of the meaning of 18 U.S.C. 981(d) of the CAFRA. In particular, the commenter notes that administrative proceedings for violation of the Customs laws are inconsistent with section 981.

Customs Response: Customs disagrees. Administrative proceedings for processing seizures made for violation of the Customs laws are governed by the statutory provisions of 19 U.S.C. 1602 through 1619. Further, the provisions of 19 U.S.C. 1600 state that these procedures will apply to seizures of any property effected by Customs officers under any law enforced or administered by the Customs Service unless such law specifies different procedures. Because section 981 specifically authorizes the application of the Customs laws to these seizures, we find no inconsistencies.

Comment: One commenter asks why the interim regulations refer to ''calendar days'' when the statute only refers to ''days.''

Customs Response: Customs used the term ''calendar days'' in the interim rule for purposes of clarity.

Comment: One commenter observes that § 162.92(a) in the interim rule states that Customs will send a written notice of seizure ''as soon as practicable'' yet an existing regulatory provision (19 CFR 162.21(a)) states that a receipt for seized property shall be given at the time of seizure to the person from whom the property was seized. The commenter suggests that these provisions are clearly in conflict. The commenter avers that immediate notification of seizure must occur, because extending the time for issuance of a receipt creates a situation where none of the parties directly involved with the shipment, *i.e.,* shipper, consignee or carrier, would know the disposition for an extended period of time. It is asserted that seizure of a shipment with no notice from Customs for 60 days or more does not allow the importer to conduct his normal business and will cause the carrier to expend needless time and effort in searching for the seized articles.

Customs Response: There is no conflict presented between §§ 162.21 and 162.92. Further, Customs believes that adequate safeguards regarding notices of seizure already exist.

The commenter incorrectly equates providing a receipt for seized property, which is merely an indication that the Government has taken possession of the property, with issuance of a formal notice of seizure, which explains the rights, both administrative and judicial, that a claimant to that property has with regard to challenging the forfeiture. The issuance of a notice of seizure is already governed by the provisions of § 162.31 of the Customs Regulations (19 CFR 162.31). Those requirements of notice have not changed. In fact, the regulation with which the commenter takes issue, § 162.92, specifically references the requirements of § 162.31 governing information to be included in a notice of seizure. By contrast, the provisions of § 162.21 only speak to the responsibilities and authority of the Customs officer actually making a seizure. Section 162.21 does not deal with the notification of seizure and explanation of the forfeiture processes as do the notices of seizure.

Comment: One commenter notes that, as a carrier, delay in notification of seizures under § 162.92(a) can result in claims being made against the carrier for ''lost'' merchandise which has, in fact, been seized by Customs.

The commenter suggests numerous possible procedures that Customs could implement by regulation to assist carriers when claims are filed due to seizure. Specifically, these procedures include: (1) The provision by Customs of a list of all shipments seized from a carrier's custody not more than 60 days following seizure, without exception so as to allow the carrier to process claims; (2) the review by Customs, every 30 days, of a list of all claims submitted to the carrier for loss in order to allow the carrier to determine which shipments

have been seized by Customs; (3) the empowerment of the carrier to require any party filing a claim against the carrier to obtain from Customs written confirmation that the shipment was not seized in order to perfect that claim; and (4) the empowerment of the carrier to require the party filing a claim to assign ownership of the shipment to the carrier should it be found to have been seized and then released by Customs.

Customs Response: Customs disagrees that any changes as proposed by the commenter are needed under the circumstances. The provisions of § 162.31 already require Customs to provide written notice of any liability to forfeiture to each party that the facts of record indicate has an interest in the claim or seized property. To this effect, as stated above, § 162.92(a) in the interim rule specifically references the requirements of § 162.31 governing information to be included in a notice of seizure.

It is not the responsibility of Customs to match each notice of seizure provided to a carrier with any claims of loss that have been filed against the carrier. Nor is it the province of the Customs Regulations to include provisions regarding business practices of a carrier or to empower that carrier to require information from its clients under the authority of federal regulation. The requirements of CAFRA require notification to known parties-in-interest as provided in the interim regulations and as adopted in these final regulations.

Comment: One commenter states, in connection with § 162.92(d), that only the Assistant Commissioner, Office of Investigations, may extend the period for sending notices, not his designee. It is claimed that 18 U.S.C. 983 makes no provision for designees.

Customs Response: The provisions of 18 U.S.C. 983(a)(1)(B) require the decision as to any extension to be made by a supervisory official in the Headquarters office of the seizing agency. Section 162.92(d) in the interim rule complies with this statutory requirement. There is no statutory prohibition on allowing a designee of a supervisory official from making this decision.

Comment: One commenter notes, with respect to § 162.93, that if notice of seizure is not provided timely under CAFRA, and the seized property must be returned to the person from whom the property was seized, the interim regulations provide no audit or check to assure that return of the property occurs. It is averred that no party other than Customs will know that the seizure occurred because no notice has been issued. Accordingly, the commenter suggests that articles should be returned to the owner within 60 days, the same time period as originally required to issue the notice.

Customs Response: Customs disagrees. The provisions of § 162.93 in the interim rule require Customs to return property to any person from whom property is seized if the notice of seizure is not sent within the time period prescribed in § 162.92. Also, the provisions of § 162.21 of the Customs Regulations (19 CFR 162.21) require Customs to provide a receipt for seized property to the party from whom the property has been seized. Contrary to the commenter's assertion, the party from whom the property is seized will know of the seizure based upon regulatory requirements that predate the CAFRA regulations which are the subject of this document.

Comment: One commenter states, in relation to filing a claim for seized property under § 162.94, that 18 U.S.C. 983(a)(2)(D) requires Customs to make claim forms generally available upon request. The commenter also indicates that the provisions of section 983(a)(2)(E) should make clear that a claim can be filed without the posting of a bond. Thus, the commenter implies that this language should be included in § 162.94.

Customs Response: Customs agrees. Section 162.94(c) in the interim rule is revised in this final rule to include a provision that Customs will make claim forms generally available upon request. Also, § 162.94 in the interim rule is amended in this final rule by adding a new paragraph (e) to make clear that a claim may be filed without the posting of a bond. Section 162.94(e) in the interim rule is redesignated as § 162.94(f) in this final rule.

Comment: One commenter states that Customs field offices need guidance on what is meant by the phrase ''legitimate business'' as it appears in § 162.95(b)(1) in the interim rule, which states that immediate release of seized property for hardship purposes will not apply if the seized property is currency or monetary instruments or electronic funds unless such property comprises the assets of a legitimate business. To this end, the commenter states that if a person from whom currency or negotiable instruments have been seized can demonstrate that the money had just been withdrawn from a bank account or can provide sales slips for merchandise sold, that seized property should be returned on site.

Customs Response: Customs disagrees that § 162.95(b)(1) in the interim rule needs any change as suggested by the commenter.

The commenter asks that Customs in effect expand the statute to include situations that are not contained in the statute. The statute allows for the immediate return of seized property to a claimant if continuing possession of the seized property by Customs, pending the final disposition of the forfeiture proceedings, would cause substantial hardship and that likely hardship outweighs the risk that the property will be lost, concealed or transferred if it is returned to the claimant during the pendency of the proceeding. See 18 U.S.C. 983(f)(1).

However, the statute excepts from immediate release, as provided above, currency, or other monetary instruments, or electronic funds *unless* that currency, other monetary instruments or electronic funds constitute the assets of a legitimate business which has been seized. If the claimant to property can show that the seized currency or monetary instruments are the assets of a legitimate business that has been seized, he would still need to show under the statute that he has a possessory interest in the property, that he has sufficient ties to the community, and that continuing possession by Customs would cause substantial hardship.

Against this backdrop, the providing of ''slips showing sale of merchandise'' hardly rises to the level of proof needed in order for the Government to allow the immediate release of the seized property, as described by the commenter.

Nevertheless, in one sense § 162.95(b)(1) in the interim rule does not accurately reflect the statute. It states that immediate release of seized property for hardship purposes will not apply if the seized property is currency or monetary instruments or electronic funds unless such property comprises the assets of a legitimate business. In fact, the statute at 18 U.S.C. 983(f)(8) states that the provision governing the release of seized property will not apply if the seized property is contraband, currency, or other monetary instrument, or electronic funds unless such currency or other monetary instrument or electronic funds constitutes the assets of a legitimate business *which has been seized.* Accordingly, § 162.95(b)(1) in the interim rule is amended in this final rule to more accurately reflect the statute in this respect.

Additional Changes

As previously noted, Public Law 107–56, enacted on October 26, 2001, and known as the Uniting and Strengthening

America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001, exempted from the requirements of CAFRA the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1701 *et seq.*). Section 162.91 in this final rule document is revised to reflect this statutory change.

Also, section 3 of Public Law 106–561, enacted on December 21, 2000, and known as The Paul Coverdell National Forensic Sciences Improvement Act of 2000, amended 18 U.S.C. 983(a)(2)(C)(ii) by eliminating the requirement that a party filing a CAFRA claim provide customary documentary evidence of an interest in the property, if such evidence is available; and by eliminating the requirement that the party state that the claim is not frivolous. Thus, § 162.94(d)(2) in the interim rule, which contained both of these requirements, is amended to reflect the change.

Conclusion

After careful consideration of the comments received and further review of the matter, Customs has concluded that the interim rule amending parts 162, 171 and 178, Customs Regulations (19 CFR parts 162, 171 and 178) that was published in the **Federal Register** (65 FR 78090) on December 14, 2000, as T.D. 00–88, should be adopted as a final rule with the modifications discussed above.

Regulatory Flexibility Act, Executive Order 12866 and Inapplicability of Delayed Effective Date

This final rule document does not impose any additional requirements upon the public. Rather, the regulations are intended both to confer certain additional rights on property owners or interested parties, and to provide clear guidance to Customs officials in the processing of property seized for forfeiture under the CAFRA. Accordingly, it has been determined, pursuant to 5 U.S.C. 553(d)(3), that a delayed effective date is not required. Because no notice of proposed rulemaking was required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. This final rule does not result in a ''significant regulatory action'' as specified in E.O. 12866.

Paperwork Reduction Act

The collection of information involved in this final rule document has already been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) and assigned OMB Control Number 1515–0052 (Petition for remission or mitigation of forfeitures and penalties incurred). This collection encompasses a claim for seized property in a non-judicial civil forfeiture proceeding. This rule does not present any material change to the existing approved information collection. An agency may not conduct, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number assigned by OMB.

To this end, part 178, Customs Regulations (19 CFR part 178), containing the list of approved information collections, was previously revised by the interim rule to make appropriate reference to OMB Control Number 1515–0052.

List of Subjects

19 CFR Part 162

Administrative practice and procedure, Customs duties and inspection, Drug traffic control, Imports, Inspection, Law enforcement, Penalties, Prohibited merchandise, Reporting and recordkeeping requirements, Seizures and forfeitures.

19 CFR Part 171

Administrative practice and procedure, Customs duties and inspection, Law enforcement, Penalties, Seizures and forfeitures.

19 CFR Part 178

Administrative practice and procedure, Collections of information, Imports, Paperwork requirements, Reporting and recordkeeping requirements.

Amendments to the Regulations

Accordingly, the interim rule amending parts 162, 171 and 178, Customs Regulations (19 CFR parts 162, 171 and 178), which was published at 65 FR 78090 on December 14, 2000, is adopted as a final rule with the following changes to part 162:

PART 162—INSPECTION, SEARCH, AND SEIZURE

1. The general authority and relevant specific authority citations for part 162 continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1592, 1593a, 1624.

* * * * *

Sections 162.91 through 162.96 also issued under 18 U.S.C. 983.

2. Section 162.91 is revised to read as follows:

§ 162.91 Exemptions.

The provisions of this subpart will apply to all seizures of property for civil forfeiture made by Customs officers except for those seizures of property to be forfeited under the following statutes: The Tariff Act of 1930 or any other provision of law codified in title19, United States Code; the Internal Revenue Code of 1986 (26 U.S.C. 1 *et seq.*); the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 *et seq.*); the Trading with the Enemy Act (50 U.S.C. App. 1 *et seq.*); the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1701 *et seq.*); and section 1 of title VI of the Act of June 15, 1917 (40 Stat. 233; 22 U.S.C. 401).

3. Section 162.94 is amended by adding a sentence at the end of paragraph (c) and by revising paragraph (d)(2) to read as set forth below; by redesignating existing paragraph (e) as paragraph (f); and by adding a new paragraph (e) to read as set forth below:

§ 162.94 Filing of a claim for seized property.

* * * * *

(c) *Form of claim.* * * * Claim forms will be made generally available upon request.

(d) *Content of claim.* * * *

(2) State the claimant's interest in the property; and

* * * * *

(e) *No bond required.* Any person may make a claim under this section without posting a bond.

* * * * *

4. Section 162.95 is amended by revising paragraph (b)(1) to read as follows:

§ 162.95 Release of seized property.

* * * * *

(b) *Exceptions.* * * *

(1) Is contraband, currency or other monetary instrument, or electronic funds, unless, in the case of currency, other monetary instrument or electronic funds, such property comprises the assets of a legitimate business which has been seized;

* * * * *

Robert C. Bonner,

Commissioner of Customs.

Approved: February 25, 2002.

Timothy E. Skud,

Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 02–4746 Filed 2–27–02; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF–473; Re: Notice No. 916]

RIN 1512–AAO7

Rockpile Viticultural Area (2000R–436P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Treasury decision, final rule.

SUMMARY: This Treasury decision establishes the Rockpile viticultural area in northwestern Sonoma County, CA. The Bureau of Alcohol, Tobacco and Firearms believes the establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising help consumers identify the wines they may purchase. This also allows wineries to better designate the specific grape-growing area in which the grapes used in their wine were grown.

EFFECTIVE DATE: Effective April 29, 2002.

FOR FURTHER INFORMATION CONTACT: Nancy Sutton, Specialist, Regulations Division (San Francisco, CA), Bureau of Alcohol, Tobacco and Firearms, 221 Main Street, 11th Floor, San Francisco, CA 94105, telephone (415) 947–5192.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

What Is ATF's Authority To Establish a Viticultural Area?

The Federal Alcohol Administration Act (FAA Act) at 27 U.S.C. 205(e) requires that alcohol beverage labels provide the consumer with adequate information regarding a product's identity and prohibits the use of deceptive information on such labels. The FAA Act also authorizes the Bureau of Alcohol, Tobacco and Firearms (ATF) to issue regulations to carry out the Act's provisions. Regulations in 27 CFR part 4, Labeling and Advertising of Wine, allow the establishment of definitive viticultural areas. The regulations allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. A list of approved viticultural areas is contained in 27 CFR part 9, American Viticultural Areas.

What Is the Definition of an American Viticultural Area?

An American viticultural area is a delimited grape-growing region distinguishable by geographic features. Viticultural features such as soil, climate, elevation, topography, etc., distinguish it from surrounding areas.

What Is Required To Establish a Viticultural Area?

Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

- Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;
- Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;
- Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;
- A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and
- A copy (or copies) of the appropriate U.S.G.S. map(s) with the boundaries prominently marked.

Rulemaking Proceeding

Rockpile Petition

ATF received a petition from Jack Florence, chairman of the Rockpile Appellation Committee, proposing to establish the ''Rockpile'' viticultural area in northwestern Sonoma County, California. This viticultural area is located entirely within Sonoma County and the established North Coast viticultural area as described in 27 CFR 9.30. The Rockpile viticultural area encompasses 15,400 acres at or above the 800-foot contour line and includes eleven vineyards with approximately 160 acres of planted wine grapes. The area's shape is an irregular east-to-west rectangle with Rockpile Road running through its length. The eastern portion of the area abuts the western edge of the Lake Sonoma Recreational Area and the Warm Springs Dam area. Continuing in a west-northwesterly direction, Rockpile Peak and Rockpile Ranch #3 anchor the viticultural area's west side.

Approximately 2,500 acres of Rockpile's eastern end overlaps the northwest corner of the established Dry Creek Valley viticultural area (27 CFR 9.64). This overlapping area, comprising 3% of the Dry Creek Valley viticultural area, 16% of the Rockpile viticultural area, and found on the U.S.G.S. Warm Springs Dam Quadrangle map, is flanked by Dry Creek to the north and Warm Springs Creek to the south.

Notice of Proposed Rulemaking

A Notice of Proposed Rulemaking, Notice No. 916, requesting comments by July 2, 2001, from all interested persons concerning the establishment of this viticultural area, was published in the **Federal Register** on May 1, 2001 (66 FR 21709). ATF received requests from three commenters.

Comments from Peter Beall of Tombs Creek Vineyards and Art Viramontes of Sonoma Royale Vineyard requested that several vineyards south of the proposed viticultural area be included within the Rockpile boundaries. After the close of the comment period, Mr. Beall determined that he had misread the written description of Rockpile's south boundary on the Tombs Creek U.S.G.S. map. He realized that including the Tombs Creek Vineyards and Sonoma Royale Vineyard would necessitate an extensive realignment of the proposed south boundary line, pushing it beyond what is commonly recognized as the Rockpile area. In a July 10, 2001, letter, Mr. Beall retracted his and Mr. Viramontes' comment letters, withdrew their requests for the boundary realignment, and offered support for the Rockpile petition and its original boundaries.

A comment from Gary Branham requested that his vineyard, Branham's Rockpile, located northwest of the proposed viticultural area, be included within the Rockpile boundaries. As shown on the U.S.G.S. Big Foot Mountain map, the 1,400 acre area in question is above the 800-foot contour line on Rockpile Road in Sonoma County and is considered a part of the original Rockpile Ranch. Its climate, soil and geography are similar to the proposed viticultural area. The Rockpile Appellation Committee concurred with this 1,400-acre northwest expansion of their originally proposed boundaries. ATF agrees that the proposed Rockpile viticultural area's expansion is consistent with the original petition and meets regulatory criteria for an American viticultural area. This final rule has been modified accordingly.

Evidence That the Name of the Area Is Locally or Nationally Known

The Rockpile name in Sonoma County dates to 1858 and the start of cattle-raising operations at the ''Rock Pile Ranch. This name was used in a newspaper article (Sonoma Democrat, Santa Rosa, California) on October 28, 1882. According to the petitioner, and as researched by historian Cathy Parks, an investment partnership purchased

about 21,000 acres of property in this area in 1911, naming it ''La Roca Monte Rancho,'' Spanish for ''the Rocky Peak Ranch.'' The property soon became known by its English name of Rockpile Ranch.

The Rockpile name is noted on the current U.S.G.S. Warm Springs Dam, Cloverdale, and Big Foot Mountain Quadrangle maps, all parts of the petition. The most recent AAA Mendocino and Sonoma Coast Region map shows Rockpile Road within the proposed viticultural area.

Historical or Current Evidence That the Boundaries of the Viticultural Area Are as Specified in the Petition

The viticultural area's boundaries are based on those of the historical Rockpile Ranch and on the area's higher elevation. The Rockpile Ranch, as noted above, stems from a 1911 investment partnership that purchased land in the petitioned area. Acquisitions included the 19th century Rock Pile Ranch, Rockpile Peak, and several surrounding areas. To manage this vast sheep-raising and hunting property, the area was eventually divided into Rockpile #1, Rockpile #2, and Rockpile #3 ranches. During the Great Depression some of the property was sold, but 18,000 acres of the Rockpile Ranch #3 were preserved as a working sheep ranch. By the 1930's the area became locally known as Rockpile, and the winding road to the ranch headquarters was named Rockpile Road. U.S.G.S. and AAA maps identify the area and road as Rockpile.

Rockpile's predominant geographic feature is the 800 foot and above elevation of the entire petitioned area. This elevation makes it higher than other grape-growing areas in the surrounding region.

Evidence Relating to the Geographical Features (Climate, Soil, Elevation, Physical Features, Etc.) Which Distinguish Viticultural Features of the Proposed Area From Surrounding Areas

The petition noted several geographic factors that distinguish the Rockpile viticultural area from surrounding grape-growing regions. The elevation of the Rockpile area, as shown on the U.S.G.S. maps, ranges from 800 feet to approximately 1,900 feet. According to the petition, the 800-foot elevation line delineates the area's eastern and northern boundaries, while the southern and western boundary lines average close to 1,800 feet in elevation. The elevation of the area's established vineyards ranges from 800 feet to 1,800 feet, with approximately 95% of the planted area above the 1,000-foot elevation. This higher elevation provides different climatic influences than found in nearby valleys.

Spring daytime temperatures in the Rockpile area run five to ten degrees cooler than the Healdsburg area, approximately ten miles southeast, according to the petition. In the absence of a marine inversion layer, or fog, the temperature decreases about six degrees Fahrenheit for each additional 1,000 feet of elevation. The cool, prevailing northwesterly spring breezes, which are not as prevalent at the lower elevations of the protected valley floors, increase the cooling effect. According to the petition, the viticultural effect of this cooling creates a delayed bud break and slower growth, resulting in delayed bloom and fruit set.

Summer weather in the Rockpile area, according to the petition, is slightly warmer than the nearby valleys due to less fog and more clear weather, resulting in increased sunshine and warmer temperatures. On days when the marine inversion is shallower than 1,000 feet, the Rockpile area is above the fog.

Fall night temperatures, as stated in the petition, are warmer than in the surrounding areas, with less fog at 800 feet and above than at lower elevations. The crucial grape ripening period of September and early October is generally warmer and drier in the Rockpile locality than in surrounding viticultural areas.

The Rockpile viticultural area's soils, according to the petition, differ from neighboring valley viticultural areas in the relative absence of silt and sand, the higher oxidized iron properties (red color), and the greater clay content of the subsoil. The topsoil, generally loam to clay loam with a red to brown color, is twelve to twenty-four inches in depth in the better viticultural locations. There are areas of small rocks and gravel mixed in the topsoil, some with outcroppings of larger rock. The topsoil depth and amounts of clay, rock, and organic matter vary within the area. The topsoil is acidic to very acidic, and the subsoil is more clay-like in texture. However, areas of weathered shale and sandstone, in addition to the topography, contribute to well-drained vineyard conditions.

Regulatory Analyses and Notices

Does the Paperwork Reduction Act Apply to This Final Rule?

The provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this rule because no requirement to collect information is imposed.

How Does the Regulatory Flexibility Act Apply to This Final Rule?

This regulation will not have a significant economic impact on a substantial number of small entities or otherwise cause a significant increase in reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. No new requirements are imposed. ATF approval of a viticultural area is not an endorsement of the wine produced in the area. The approval of this viticultural area petition merely allows the wineries in the area to more accurately describe the origin of their wines to consumers and helps consumers identify the wines they purchase. Thus, any benefit derived from the use and reputation of a viticultural area name is the result of a proprietor's own efforts and consumer acceptance of wines from that area. Accordingly, a regulatory flexibility analysis is not required.

Is This a Significant Regulatory Action as Defined by Executive Order 12866?

It has been determined that this regulation is not a significant regulatory action as defined by Executive Order 12866. Therefore, a regulatory assessment is not required.

Drafting Information

The principal author of this document is Nancy Sutton, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Wine.

Authority and Issuance

Title 27, Code of Federal Regulations, part 9, American Viticultural Areas, is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

PARAGRAPH 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

Par. 2. Subpart C is amended by adding § 9.173 to read as follows:

§ 9.173 Rockpile

(a) *Name.* The name of the viticultural area described in this section is ''Rockpile''.

(b) *Approved Maps.* The appropriate maps for determining the boundary of

the Rockpile viticultural area are four 1:24,000 Scale U.S.G.S. topographic maps. They are titled:

(1) Warm Springs Dam Quadrangle, CA—Sonoma Co. 1978;

(2) Cloverdale Quadrangle, CA 1975;

(3) Tombs Creek Quadrangle, CA—Sonoma Co. 1978; and

(4) Big Foot Mountain Quadrangle, CA 1991.

(c) *Boundary.* The Rockpile viticultural area is located in northwestern Sonoma County, California. The boundary encircles the Rockpile Ranch area, located west of Lake Sonoma. The point of beginning is the intersection of Rockpile Road and the Section 15 east boundary line, T 10 N, R 11 W (Warm Springs Dam Quadrangle);

(1) Then proceed straight north to the 800-foot contour line, Section 10, T 10 N, R 11 W (Warm Springs Dam Quadrangle);

(2) Then proceed west along the 800-foot contour line through Sections 10, 9, 4, 5, and 32 to the Section 31 east boundary line, T 11 N, R 11 W (Warm Springs Dam and Cloverdale Quadrangles);

(3) Then proceed west along the 800-foot contour line in Section 31, following the line as it reverses from the west to the east direction, returning to the east boundary of Section 31, T 11 N, R 11 W (Cloverdale and Big Foot Mountain Quadrangles);

(4) Then proceed along the 800-foot contour line east through Section 32 and northwest through Sections 33, 32, 29, 30, 25, 24, 23, 14, 15, 22, 21, and 20 to the east boundary line of Section 19, T 11 N, R 12 W (Cloverdale and Big Foot Mountain Quadrangles);

(5) Then proceed west, north, south and east along the meandering 800-foot contour line, in a loop, crossing the southwest and northwest headwaters of Galloway Creek, and returning to the east boundary line of Section 19, T 11 N, R 12 W (Big Foot Mountain Quadrangle);

(6) Then proceed straight north to the Mendocino-Sonoma county boundary line, then follow the county line straight west to the R 13 and 12 W line, and continue straight south to the 1,600-foot contour line in the Section 19 southwest corner, T 11 N, R 12 W (Big Foot Mountain Quadrangle);

(7) Then proceed southeast along the meandering 1,600-foot contour line to the Section 29 west boundary line, and continue straight south to the T 11 and 10 N boundary line, R 12 W (Big Foot Mountain Quadrangle);

(8) Then proceed east along the T 11 and 10 N boundary line to the Section 1 west boundary line, R 12 W (Big Foot Mountain Quadrangle);

(9) Then proceed south along the Section 1 west boundary line, turning east at the Section 1 south boundary and continue east to the northwest corner of Section 8, T 10 N, R 11 W (Big Foot Mountain, Tombs Creek and Warm Springs Dam Quadrangles);

(10) Then proceed south along the west boundary of Section 8, turning east at its southwest corner, and continue east to the 876-foot elevation marker, T 10 N, R 11 W (Warm Springs Dam Quadrangle);

(11) Then proceed straight south approximately 2,000 feet to the 800-foot contour line, T 10 N, R 11 W (Warm Springs Dam Quadrangle);

(12) Then follow the 800-foot contour line as it meanders west, southeast, southwest, and east to the Section 14 west boundary, and then straight north, returning to the point of beginning at Rockpile Road, T 10 N, R 11 W (Warm Springs Dam Quadrangle).

Signed: January 15, 2002.

Bradley A. Buckles,

Director.

Approved: January 31, 2002.

Timothy E. Skud,

Acting Deputy Assistant Secretary, (Regulatory, Tariff & Trade Enforcement).

[FR Doc. 02–4768 Filed 2–27–02; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100 and 165

[USCG–2002–11544]

Safety Zones, Security Zones, and Special Local Regulations

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary rules issued.

SUMMARY: This document provides required notice of substantive rules issued by the Coast Guard and temporarily effective between July 1, 2001 and December 31, 2001, which were nob published in the **Federal Register**. This quarterly notice lists temporary local regulations, security zones, and safety zones of limited duration and for which timely publication in the **Federal Register** was not possible.

DATES: This notice lists temporary Coast Guard regulations that became effective and were terminated between July 1, 2001 and December 31, 2001.

ADDRESSES: The Docket Management Facility maintains the public docket for this notice. Documents indicated in this notice will be available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, Room PL–401, 400 Seventh Street SW., Washington, DC 20593–0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. You may electronically access the public docket for this notice on the Internet at *http://dms.dot.gov*.

FOR FURTHER INFORMATION CONTACT: For questions on this notice, contact Christena Green, Office of Regulations and Administration Law, telephone (202) 267–0133. For questions on viewing, or on submitting material to the docket, contact Dorothy Beard, Chief, Dockets, Department of Transportation (202) 366–5149.

SUPPLEMENTARY INFORMATION: District Commanders and Captains of the Port (COTP) must be immediately responsive to the safety and security needs of the waters within their jurisdiction; therefore, District Commanders and COTPs have been delegated the authority to issue certain local regulations. Safety zones may be established for safety or environmental purposes. A safety zone may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion. Security zones limit access to vessels, ports, or waterfront facilities to prevent injury or damage. Special local regulations are issued to enhance the safety of participants and spectators at regattas and other marine events. Timely publication of these regulations in the **Federal Register** is often precluded when a regulation responds to an emergency, or when an event occurs without sufficient advance notice. The affected public is, however, informed of these regulations through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is provided by Coast Guard patrol vessels enforcing the restrictions imposed by the regulation. Because **Federal Register** publication was not possible before the beginning of the effective period, mariners were personally notified of the contents of these special local regulations, security zones, or safety zones by Coast Guard officials on-scene prior to enforcement action. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To meet this obligation without imposing undue expense on the public, the Coast Guard periodically publishes a list of these temporary special local regulations, security zones,

and safety zones. Permanent regulations are not included in this list because they are published in their entirety in the **Federal Register**. Temporary regulations may also be published in their entirety if sufficient time is available to do so before they are placed in effect or terminated. The safety zones, special local regulations and security zones listed in this notice have been exempted from review under Executive Order 12866 because of their emergency nature, or limited scope and temporary effectiveness.

The following regulations were placed in effect temporarily during the period from July 1, 2001 through December 31, 2001, unless otherwise indicated. This notice also includes regulations that were not received in time to be included on the quarterly notice for the first and second quarter of 2001.

Dated: February 25, 2002.

S.G. Venckus,

Chief, Office of Regulations and Administrative Law.

COTP QUARTERLY REPORT FOR 3RD QUARTER

COTP docket	Location	Type	Effective date
CHARLESTON 01–079	CHARLESTON, SC	SAFETY ZONE	08/09/2001
CORPUS CHRISTI 01–001	PORT ISABEL, TX	SAFETY ZONE	09/15/2001
HUNTINGTON 01–001	OHIO RIVER, M. 356 TO 356.6	SAFETY ZONE	08/24/2001
JACKSONVILLE 01–061	ATLANTIC OCEAN, COCOA BEACH, FL	SAFETY ZONE	07/04/2001
JACKSONVILLE 01–062	FERNANDINA BEACH, FL	SAFETY ZONE	07/04/2001
JACKSONVILLE 01–064	INTRACOASTAL WATERWAY, MELBOURNE	SAFETY ZONE	07/04/2001
JACKSONVILLE 01–065	ST. JOHNS RIVER, ORANGE PARK, FL	SAFETY ZONE	07/04/2001
JACKSONVILLE 01–066	ORMOND BEACH, FL	SAFETY ZONE	07/04/2001
JACKSONVILLE 01–067	MATANZAS RIVER, ST. AUGUSTINE, FL	SAFETY ZONE	07/04/2001
JACKSONVILLE 01–068	JACKSONVILLE, FL	SAFETY ZONE	07/04/2001
JACKSONVILLE 01–069	INDIAN RIVER, TITUSVILLE, FL	SAFETY ZONE	07/04/2001
JACKSONVILLE 01–070	AMELIA ISLAND PLANATATION, AMELIA IS	SAFETY ZONE	07/04/2001
JACKSONVILLE 01–071	4TH OF JULY CELEBRATION, COCAO, FL	SAFETY ZONE	07/04/2001
JACKSONVILLE 01–072	ATLANTIC OCEAN, DAYTONA BEACH, FL	SAFETY ZONE	07/04/2001
JACKSONVILLE 01–102	JACKSONVILLE, FL	SAFETY ZONE	09/18/2001
JACKSONVILLE 01–111	JACKSONVILLE, FL	SAFETY ZONE	09/23/2001
JACKSONVILLE 01–113	JACKSONVILLE, FL	SAFETY ZONE	09/30/2001
LA/LONG BEACH 01–004	HUNTINGTON BEACH, CA	SAFETY ZONE	08/19/2001
LA/LONG BEACH 01–006	PURISIMA POINT, CA	SAFETY ZONE	07/14/2001
LOUISVILLE 01–004	OHIO RIVER, M. 603 TO 604	SAFETY ZONE	07/03/2001
LOUISVILLE 01–005	CINCINNATI, OHIO	SAFETY ZONE	07/01/2001
LOUISVILLE 01–006	OHIO RIVER, M. 791.5 TO 792.5	SAFETY ZONE	07/04/2001
LOUISVILLE 01–008	OHIO RIVER, M. 529.5 TO 530.5	SAFETY ZONE	07/04/2001
LOUISVILLE 01–010	CINCINNATI, OH	SAFETY ZONE	09/02/2001
LOUISVILLE 01–011	NEWPORT, KY	SAFETY ZONE	09/29/2001
MEMPHIS 01–008	MISSISSIPPI RIVER, M. 595 TO 618	SAFETY ZONE	08/20/2001
MEMPHIS 01–009	MEMPHIS, TN	SAFETY ZONE	08/11/2001
MEMPHIS 01–010	LWR MISSISSIPPI RIVER, M. 507 TO 882.7	SECURITY ZONE	09/11/2001
MEMPHIS 01–011	LWR MISSISSIPPI RIVER, M. 507 TO 882.7	SAFETY ZONE	09/12/2001
MIAMI 01–075	KEY BISCAYNE, FLORIDA	SAFETY ZONE	07/13/2001
MIAMI 01–076	BISCAYNE NATIONAL PARK, FLORIDA	SAFETY ZONE	07/17/2001
MIAMI 01–081	HALLANDALE BEACH, FLORIDA	SAFETY ZONE	08/14/2001
MIAMI 01–093	VARIOIUS FLORIDA ZONES	SECURITY ZONE	09/11/2001
MIAMI 01–106	FLORIDA CITY, FL	SECURITY ZONE	090/21/2001
MOBILE 01–006	PENSACOLA SHIP CHANNEL AND BAY	SAFETY ZONE	07/23/2001
MOBILE 01–007	MOBILE RIVER	SECURITY ZONE	07/03/2001
MOBILE 01–008	PORTS PENSACOLA & PANAMA CITY	SAFETY ZONE	08/05/2001
MOBILE 01–009	MOUTH OF PASCAGOULA RIVER	SECURITY ZONE	09/11/2001
MOBILE 01–010	MOBILE RIVER, BENDER SHIPYARD	SECURITY ZONE	09/11/2001
MOBILE 01–011	MOBILE, AL	SAFETY ZONE	09/11/2001
MORGAN CITY 01–002	MORGAN CITY, LOUISIANA	SAFETY ZONE	09/13/2001
NEW ORLEANS 01–011	LAKE PONTCHARTRAIN, LA	SAFETY ZONE	08/11/2001
NEW ORLEANS 01–013	LWR MISSISSIPPI RIVER, M. 137 TO 139	SAFETY ZONE	07/03/2001
NEW ORLEANS 01–014	LWR MISSISSIPPI RIVER, M. 120 TO 122	SAFETY ZONE	07/03/2001
NEW ORLEANS 01–015	LWR MISSISSIPPI RIVER, M. 174.5 TO 176.5	SAFETY ZONE	07/03/2001
NEW ORLEANS 01–016	LWR MISSISSIPPI RIVER, M. 228.5 TO 230.5	SAFETY ZONE	07/04/2001
NEW ORLEANS 01–017	LWR MISSISSIPPI RIVER, M. 362 TO 264	SAFETY ZONE	07/04/2001
NEW ORLEANS 01–018	RED RIVER, M. 226.5 TO 228.5	SAFETY ZONE	07/04/2001
NEW ORLEANS 01–021	MISSISSIPPI RIVER, M. 430 TO GULF OF ME	SAFETY ZONE	08/19/2001
NEW ORLEANS 01–024	LWR MISSISSIPPI RIVER, M. 93.5 to 92.5	SECURITY ZONE	09/14/2001
PADUCAH 01–002	UPPER MISSISSIPPI RIVER, M. 52 TO 53	SAFETY ZONE	07/04/2001
PADUCAH 01–003	METROPOLIS, IL	SAFETY ZONE	09/29/2001
PORT ARTHUR 01–008	SABINE-NECHES CANAL, PORT ARTHUR, T	SAFETY ZONE	07/04/2001
PORT ARTHUR 01–009	PORT ARTHUR, TX	SAFETY ZONE	08/06/2001
PORT ARTHUR 01–010	TRANSIT OF USNS SHUGHART, BEAUMONT	SAFETY ZONE	09/11/2001
PORT ARTHUR 01–011	PORT ARTHUR, TX	SAFETY ZONE	09/13/2001
PORT ARTHUR 01–012	TRANSIT OF M/V GENT, BEAUMONT, TX	SAFETY ZONE	09/21/2001
SAN DIEGO 01–017	CORONADO BRIDGE JUMP, SAN DIEGO, CA	SAFETY ZONE	08/27/2001
SAN DIEGO 01–018	MISSION BAY, SAN DIEGO, CA	SAFETY ZONE	09/14/2001
SAN JUAN 01–087	SAN JUAN AND ARECIBO, PUERTO RICO	SAFETY ZONE	08/22/2001
WESTERN ALASKA 01–002	KODIAK ISLAND, AK	SAFETY ZONE	09/24/2001

COTP QUARTERLY REPORT FOR 3RD QUARTER—Continued

COTP docket	Location	Type	Effective date
WESTERN ALASKA 01–004	PIER, NIKISKI, AK	SECURITY ZONE	09/20/2001
WESTERN ALASKA 01–005	NIKISKI, AK	SECURITY ZONE	09/30/2001
01–01–068	MARBLEHEAD, MA	SAFETY ZONE	07/08/2001
01–01–092	FIREWORKS DISPLAY, NEW BEDFOR, MA	SAFETY ZONE	07/08/2001
01–01–101	ST. PETER'S FIESTA FIREWORKS, GLOUCESTER, MA	SAFETY ZONE	07/01/2001
01–01–111	HINGHAM 4TH OF JULY FIREWORKS, HINGHAM, MA	SAFETY ZONE	07/01/2001
01–01–112	HULL CHAMBER OF COMMERCE FIREWORKS, HULL, MA	SAFETY ZONE	07/07/2001
01–01–113	NEW JERSEY PIERHEAD CHANNEL AND KILL VAN KULL	SAFETY ZONE	07/04/2001
01–01–114	4TH OF JULY FIREWORKS, GLOUCESTER, MA	SAFETY ZONE	07/03/2001
01–01–117	PRESIDENTIAL VISIT, PORT OF NY/NJ	SECURITY ZONE	07/10/2001
01–01–120	NEWTON CREEK, NEW YORK	SAFETY ZONE	07/15/2001
01–01–122	EDS ATLANTIC CHALLENGE, BOSTON, MA	SAFETY ZONE	08/11/2001
01–01–123	SALEM HERITAGE DAYS FIREWORKS, SALEM, MA	SAFETY ZONE	08/18/2001
01–01–124	BOSTON LIGHT SWIM/10 NM, BOSTON, MA	SAFETY ZONE	08/18/2001
01–01–126	GLOUCESTER, MA	SAFETY ZONE	09/01/2001
01–01–127	BOSTON, MASSACHUSETTS	SAFETY ZONE	08/04/2001
01–01–128	GLOUCESTER, MASSACHUSETTS	SAFETY ZONE	08/04/2001
01–01–130	NEWPORT, RHODE ISLAND	SAFETY ZONE	08/06/2001
01–01–132	SWIM BUZZARDS BAY, NEW BEDFORD, MA	SAFETY ZONE	08/18/2001
01–01–134	ROCKLAND HARBOR, ROCKLAND, ME	SECURITY ZONE	08/02/2001
01–01–136	GLOUCESTER, MA	SAFETY ZONE	08/07/2001
01–01–138	BOSTON, MA	SAFETY ZONE	08/13/2001
01–01–140	USS BARRY PORT VISIT, WINTER HARBOR, MAINE	SECURITY ZONE	08/09/2001
01–01–141	USS BARRY PORT VISIT, BAR HARBOR, ME	SECURITY ZONE	08/10/2001
01–01–143	NEW JERSEY PIER HEAD CHANNEL AND KILL VAN KUL	SAFETY ZONE	08/19/2001
01–01–145	USS CARR PORT VISIT, BOSTON, MASSACHUSETTS	SAFETY ZONE	08/04/2001
01–01–149	USS CARR PORT VISIT, GLOUCESTER, MA	SAFETY ZONE	08/31/2001
01–01–150	USS BARRY PORT VISIT, BAR HARBOR, ME	SAFETY ZONE	08/09/2001
01–01–159	BOSTON, MASSACHUSETTS	SAFETY ZONE	09/07/2001
01–01–160	BOSTON INNER HARBOR, MASSACHUSETTS	SECURITY ZONE	09/14/2001
01–01–179	LNG GAS CARRIER TRANSITS, BOSTON, MA	SECURITY ZONE	09/25/2001
05–01–035	POINT PLEASANT BEACH, NEW JERSEY	SPECIAL LOCAL	07/19/2001
05–01–037	CHESTER RIVER, CHESTERTOWN, MARYLAND	SAFETY ZONE	07/14/2001
05–01–042	ST. MARYS RIVER, PATUXENT RIVER, MARYLAND	SAFETY ZONE	07/28/2001
05–01–043	NORTHWEST AND INNER HARBORS, BALTIMORE, MD	SAFETY ZONE	09/07/2001
05–01–044	CHESAPEAKE BAY, HAMPTON, VA	SAFETY ZONE	08/02/2001
05–01–061	BALTIMORE HARBOR, BALTIMORE, MD	SECURITY ZONE	09/11/2001
05–01–062	ARLINGTON AND FAIRFAX COUNTIES, VA	SECURITY ZONE	09/11/2001
05–01–063	CHESAPEAKE BAY	SECURITY ZONE	09/13/2001
05–01–064	ARLINGTON AND FAIRFAX COUNTIES, VA	SECURITY ZONE	09/18/2001
07–01–074	FORT LAUDERDALE, FLORIDA	SAFETY ZONE	07/31/2001
07–01–084	SAVANNAH RIVER, SAVANNAH, GA	SPECIAL LOCAL	08/25/2001
07–01–085	CHARLESTON HARBOR, CHARLESTON, SC	SPECIAL LOCAL	09/06/2001
09–01–012	LAKE ERIE, BUFFALO, NEW YORK	SAFETY ZONE	07/04/2001
09–01–020	NIAGARA RIVER, TONAWANDA, NEW YORK	SAFETY ZONE	07/04/2001
09–01–037	KALAMAZOO LAKE, SAUGATUCK, MI	SAFETY ZONE	07/28/2001
09–01–041	LAKE MICHIGAN, PENTWATER, MI	SAFETY ZONE	07/03/2001
09–01–044	MILWAUKEE HARBOR, MILWAUKEE, WI	SAFETY ZONE	08/19/2001
09–01–045	ALGOMA HARBOR, WISCONSIN	SAFETY ZONE	08/12/2001
09–01–062	LAKE ONTARIO, OSWEGO, NEW YORK	SAFETY ZONE	07/01/2001
09–01–065	LAKE KALAMAZOO, SAUGATUCK, MI	SAFETY ZONE	07/04/2001
09–01–066	LAKE MICHIGAN, MANISTEE, MI	SAFETY ZONE	07/04/2001
09–01–069	LAKE MICHIGAN, CHICAGO, IL	SAFETY ZONE	07/03/2001
09–01–079	LAKE MICHIGAN, GARY, IN	SAFETY ZONE	07/06/2001
09–01–085	LAKE MICHIGAN, MICHIGAN CITY, IN	SAFETY ZONE	07/15/2001
09–01–086	LAKE MICHIGAN, ST. JOSEPH, MI	SAFETY ZONE	07/19/2001
09–01–091	MILWAUKEE HARBOR	SAFETY ZONE	07/13/2001
09–01–093	LAKE MICHIGAN, CHICAGO, IL	SAFETY ZONE	07/14/2001
09–01–095	LAKE MICHIGAN, FERRYSBURG, MI	SAFETY ZONE	07/21/2001
09–01–096	GRAND RIVER, GRAND HAVEN, MI	SAFETY ZONE	08/02/2001
09–01–098	BAY CITY, SAGINAW RIVER, MI	SAFETY ZONE	07/28/2001
09–01–100	TRENTON CHANNEL AND DETROIT RIVER, MI	SAFETY ZONE	07/14/2001
09–01–102	DETROIT RIVER, MI	SAFETY ZONE	07/20/2001
09–01–105	OSWEGO HARBOR, OSWEGO, NY	SAFETY ZONE	07/29/2001
09–01–106	GRAND RIVER, GRAND HAVEN, MI	SAFETY ZONE	07/30/2001
09–01–108	LAKE MICHIGAN, NEW BUFFALO, MI	SAFETY ZONE	08/04/2001
09–01–109	GRAND RIVER, GRAND HAVEN, MI	SAFETY ZONE	08/14/2001
09–01–113	MILWAUKEE, WISCONSIN	SAFETY ZONE	08/05/2001
09–01–120	CITY OF RIVER ROUGE, DETROIT RIVER, MI	SAFETY ZONE	08/31/2001
11–01–012	LONG BEACH, CA	SPECIAL LOCAL	07/28/2001
13–01–013	MOVEMENT OF DRYDOCK NUMBER FOUR, OREGON	SAFETY ZONE	07/02/2001
13–01–017	LAKE WASHINGTON, WA	SAFETY ZONE	07/13/2001

COTP QUARTERLY REPORT FOR 3RD QUARTER—Continued

COTP docket	Location	Type	Effective date
13–01–026	PUGET SOUND, WA	SECURITY ZONE	09/12/2001

COTP QUARTERLY REPORT FOR 4TH QUARTER

COTP docket	Location	Type	Effective date
CHARLESTON 01–124	COOPER RIVER, SOUTH CAROLINA	SECURITY ZONE	10/17/2001
HONOLULU 01–060	KAILUA-KONA HAWAII COUNTY	SAFETY ZONE	10/06/2001
HONOLULU 01–061	SOUTH SHORES OF THE ISLAND OF OAHU	SAFETY ZONE	11/24/2001
JACKSONVILLE 01–134	ATLANTIC OCEAN, DAYTONA BEACH, FL	SAFETY ZONE	11/09/2001
JACKSONVILLE 01–138	ST. JOHNS RIVER, JACKSONVILLE, FL	SAFETY ZONE	11/24/2001
LA/LONG BEACH 01–007	PIERPOINT BAY, VENTURA, CA	SAFETY ZONE	10/14/2001
LA/LONG BEACH 01–012	LONG BEACH, CA	SAFETY ZONE	12/01/2001
MIAMI 01–140	PORT OF MIAMI, MIAMI BEACH, FL	SAFETY ZONE	12/31/2001
NEW ORLEANS 01–026	MISSISSIPPI RIVER, M. 99 TO 96	SAFETY ZONE	10/06/2001
NEW ORLEANS 01–027	MISSISSIPPI RIVER, M. 229 TO 231	SAFETY ZONE	10/14/2001
NEW ORLEANS 01/028	MISSISSIPPI RIVER, M. 363 TO 365	SAFETY ZONE	10/20/2001
NEW ORLEANS 01–029	MISSISSIPPI RIVER, M. 104 TO 108	SAFETY ZONE	12/02/2001
NEW ORLEANS 01–030	LAKE PONTCHARTRAIN, LA	SAFETY ZONE	12/08/2001
SAN DIEGO 01–023	SAN CLEMENTE ISLAND	SECURITY ZONE	11/20/2001
SAN DIEGO 01–024	THANKSGIVING REGATTA	SAFETY ZONE	11/23/2001
ST LOUIS 01–002	MISSISSIPPI RIVER, M 797 T0 802	SECURITY ZONE	10/30/2001
WESTERN ALASKA 01–006	KIKISKI, AK	SECURITY ZONE	10/09/2001
WESTERN ALASKA 01–009	LNG PIER, NIKISKI, AK	SECURITY ZONE	10/29/2001
WESTERN ALASKA 01–011	COOK INLET, AK	SECURITY ZONE	11/28/2001
WESTERN ALASKA 01–013	COOK INLET, AK	SECURITY ZONE	12/18/2001
WESTERN ALASKA 01–014	COOK INLET, AK	SECURITY ZONE	12/28/2001

DISTRICT QUARTERLY REPORT FOR 4TH QUARTER

District docket	Location	Type	Effective date
01–01–186	BOSTON, MA	SAFETY ZONE	10/08/2001
01–01–189	EAST BOSTON, MA	SAFETY ZONE	10/09/2001
01–01–190	HULL, MA	SAFETY ZONE	10/20/2001
01–01–191	BOSTON, MA	SAFETY ZONE	10/22/2001
01–01–194	BOSTON HARBOR, BOSTON, MA	SAFETY ZONE	11/03/2001
01–01–199	GLOUCHESTER, MA	SAFETY ZONE	11/09/2001
01–01–201	PILGRIM NUCLEAR POWER PLANT, PLYMOUTH, MA	SAFETY ZONE	11/05/2001
01–01–208	JAMAICA BY, NY	SECURITY ZONE	11/07/2001
01–01–209	EAST RIVER, NY	SECURITY ZONE	11/10/2001
01–01–221	CHELSEA RIVER, BOSTON, MA	SAFETY ZONE	12/11/2001
01–01–224	BOSTON, MA	SECURITY ZONE	12/10/2001
05–01–059	JAMES RIVER, WILLIAMSBURG, VA	SAFETY ZONE	10/02/2001
05–01–067	PORTSMOUTH, VA	SPECIAL LOCAL	10/13/2001
05–01–068	SPA CREEK, ANNAPOLIS, MD	SPECIAL LOCAL	11/03/2001
05–01–073	NORFOLK NAVAL STATION VICINITY	SECURITY ZONE	11/10/2001
05–01–074	ELIZABETH RIVER, VA	SECURITY ZONE	11/11/2001
05–01–077	NORFOLK REACH AND VICINITY	SECURITY ZONE	11/21/2001
05–01–079	HAMPTON ROADS, VA	SECURITY ZONE	12/07/2001
07–01–086	CHARLESTON HARBOR, CHARLESTON, SC	SPECIAL LOCAL	10/12/2001
07–01–104	MIAMI, FL	SPECIAL LOCAL	10/06/2001
07–01–109	TAMPA BAY, ST PETERSBURG, FL	SPECIAL LOCAL	10/05/2001
07–01–118	AUGUSTA, GA	SPECIAL LOCAL	10/12/2001
07–01–125	ST. CROIX, USVI	SECURITY ZONE	10/16/2001
09–01–141	CHICAGO, IL	SAFETY ZONE	10/13/2001
09–01–144	MAUMEE RIVER, TOLEDO, OH	SAFETY ZONE	10/17/2001
09–01–146	MARINETTE, WI	SECURITY ZONE	10/27/2001
09–01–150	LAKE ERIE, MAUMEE RIVER, OH	SAFETY ZONE	12/31/2001
09–01–152	DETROIT, DETROIT RIVER, MI	SAFETY ZONE	12/15/2001

REGULATIONS NOT ON PREVIOUS 1ST AND 2ND QUARTERLY REPORT

District/COTP	Location	Type	Effective date
COTP REGULATIONS FOR 1ST QUARTER			
HOUSTON-GALVESTON 01–003	HOUSTON, TX	SAFETY ZONE	03/12/01

REGULATIONS NOT ON PREVIOUS 1ST AND 2ND QUARTERLY REPORT—Continued

District/COTP	Location	Type	Effective date
HOUSTON-GALVESTON 01–004	HOUSTON, TX	SAFETY ZONE	03/21/01
HOUSTON-GALVESTON 01–005	HOUSTON, TX	SAFETY ZONE	03/29/01
PORT ARTHUR 01–001	PORT OF PORT ARTHUR/ORANGE, TX	SAFETY ZONE	01/24/01
PORT ARTHUR 01–002	PORT OF PORT ARTHUR/ORANGE, TX	SAFETY ZONE	01/26/01
COTP REGULATIONS FOR 2ND QUARTER			
MOBILE 01–005	GULF INTRACOASTAL WATERWAY	SAFETY ZONE	04/17/01

[FR Doc. 02–4848 Filed 2–27–02; 8:45 am]
BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–02–012]

RIN 2115–AE47

Drawbridge Operation Regulations: Jamaica Bay and Connecting Waterways, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary final rule governing the operation of the Marine Parkway Bridge, at mile 3.0, across Rockaway Inlet in New York. This temporary final rule allows the bridge owner to open this vertical lift bridge to a maximum of 105 feet for vessel traffic from March 1, 2002 through May 31, 2002. This action is necessary to facilitate maintenance at the bridge.

DATES: This temporary final rule is effective from March 1, 2002 through May 31, 2002.

ADDRESSES: The public docket and all documents referred to in this notice are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Schmied, Project Officer, First Coast Guard District, (212) 668–7165.

SUPPLEMENTARY INFORMATION:

Regulatory Information

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing a NPRM and making it effective in less than 30 days after publication in the **Federal Register**. No vessels known to use this waterway would be precluded from transiting the bridge as a result of the reduction in vertical opening capability from 152 feet to 105 feet because the bridge has not opened beyond 105 feet during the past four years. Additionally, conclusive information from the bridge owner confirming the start date for this bridge maintenance was not provided to the Coast Guard until January 16, 2002. As a result, it was impracticable to draft or publish a NPRM in advance of the requested start date for this necessary maintenance. Any delay encountered in this regulation's effective date would be contrary to the public interest because these repairs are necessary to insure public safety and insure continued operation of the bridge.

Background

The Marine Parkway Bridge, at mile 3.0, across Rockaway Inlet has a vertical clearance of 152 feet at mean high water and 156 feet at mean low water in the full open position. The existing regulations are listed at 33 CFR 117.795(a).

The bridge owner, the Metropolitan Transit Administration (MTA) Bridges and Tunnels, requested that the bridge be allowed to open no greater than 105 feet above mean high water to facilitate repairs at the bridge. The Coast Guard has determined that the bridge has not opened greater than 105 feet during the past four years.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). This conclusion is based on the fact that the bridge will still continue to open for navigation.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This conclusion is based on the fact that the bridge will continue to open for navigation.

Collection of Information

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

Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those unfunded mandate costs. This rule will not impose an unfunded mandate.

Taking of Private Property

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

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to

minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

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

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (32)(e) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found to not have a significant effect on the environment. A written ''Categorical Exclusion Determination'' is not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

2. From March 1, 2002 through May 31, 2002, § 117.795 is temporarily amended by suspending paragraph (a) and adding a new paragraph (e) to read as follows:

§ 117.795 Jamaica Bay and connecting waterways.

* * * * *

(e) The draw of the Marine Parkway Bridge, mile 3.0, over Rockaway Inlet, shall open on signal, to a maximum vertical height of 105 feet above mean high water, Monday through Friday from 8 a.m. to 4 p.m. At all other times, the draw shall open on signal, to a maximum vertical height of 105 feet above mean high water, if at least an eight-hour notice is given; however, the draw shall open on signal if at least one-hour notice is given for the passage of U.S. Navy or National Oceanic and Atmospheric Administration vessels.

Dated: February 12, 2002.

G.N. Naccara,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 02–4711 Filed 2–27–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD07–02–011]

Drawbridge Operation Regulations: Spanish River Boulevard (N.E. 40th Street) Drawbridge, Atlantic Intracoastal Waterway, Boca Raton, FL

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Seventh Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the Spanish River Boulevard (N.E. 40th Street) Drawbridge across the Atlantic Intracoastal Waterway, mile 1045, Boca Raton, Florida. This deviation allows the bridge owner to only open a single leaf of the bridge from March 11, 2002 until March 25, 2002. Double leaf openings shall be provided with a twelve-hour advance notice to the contractor at (321) 229–3222. This temporary deviation is required to allow the bridge owner to safely complete repairs to the bridge decking.

DATES: This deviation is effective from 12:01 a.m. on March 11, 2002 until 11:30 p.m. on March 25, 2002.

ADDRESSES: Material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 S.E. 1st Avenue, Miami, FL 33131 between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Dragon, Chief, Operations Section, Seventh Coast Guard District, Bridge Section at (305) 415–6743.

SUPPLEMENTARY INFORMATION: The Spanish River Boulevard (N.E. 40th Street) Drawbridge across the Atlantic Intracoastal Waterway at Boca Raton, Florida, is a double leaf bridge with a vertical clearance of 21 feet above mean high water (MHW) measured at the fenders in the closed position with a horizontal clearance of 90 feet. The current operating regulation in 33 CFR 117.5 requires both draws of the bridge to open on signal.

On February 1, 2002, the drawbridge owner requested a deviation from the current operating regulations to allow the owner to complete repairs to the decking.

The District Commander has granted a temporary deviation from the operating requirements listed in 33 CFR 117.5 for the purpose of completing these repairs. Under this deviation, the Spanish River Boulevard (N.E. 40th Street) need only open a single leaf of the bridge from 12:01 a.m. on March 11, 2002 until 11:30 p.m. on March 25, 2002. Double leaf openings shall be provided with twelve hours advance notice to the contractor.

Dated: February 20, 2002.

Greg E. Shapley,

Chief, Bridge Administration, Seventh Coast Guard District.

[FR Doc. 02–4712 Filed 2–27–02; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–02–017]

Drawbridge Operation Regulations: Norwalk River, CT

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations for the Washington Street S136 Bridge, mile 0.0, across the Norwalk River at Norwalk, Connecticut. This temporary deviation will allow the bridge to open only one of the two draw spans for bridge openings from 8 a.m. February 26, 2002 through 4 p.m. February 28, 2002. This temporary deviation is necessary to facilitate mechanical repairs at the bridge.

DATES: This deviation is effective from February 26, 2002 through February 28, 2002.

FOR FURTHER INFORMATION CONTACT: Joseph Schmied, Project Officer, First Coast Guard District, at (212) 668–7195.

SUPPLEMENTARY INFORMATION:

The Washington Street S136 Bridge has a vertical clearance in the closed position of 9 feet at mean high water and 16 feet at mean low water. The existing regulations are listed at 33 CFR 117.217.

The bridge owner, Connecticut Department of Transportation (CONNDOT), has requested a temporary deviation from the drawbridge operating regulations to facilitate necessary mechanical maintenance, speed reducer repairs on the east lift span, at the bridge. The nature of the required repairs will require one of the two opening spans (east span) to remain in the closed position during the mechanical repairs.

During this deviation the bridge will open only one span (west span) for bridge openings from 8 a.m. on February 26, 2002 through 4 p.m. on February 28, 2002.

This deviation from the operating regulations is authorized under 33 CFR 117.35, and will be performed with all due speed in order to return the bridge to normal operation as soon as possible.

Dated: February 15, 2002.

G.N. Naccara,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 02–4713 Filed 2–27–02; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–02–011]

RIN 2115–AE47

Drawbridge Operation Regulations: Jamaica Bay and Connecting Waterways, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary final rule governing the operation of the Belt Parkway Bridge, at mile 0.8, across Mill Basin at Brooklyn, New York. This rule allows the bridge owner to require a one-hour advance notice for bridge openings from 10 p.m. through 5 a.m., Sunday through Thursday, from March 1, 2002 through December 31, 2002. This action is necessary to facilitate structural maintenance at the bridge.

DATES: This temporary final rule is effective from March 1, 2002 through December 31, 2002.

ADDRESSES: Material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket (CGD01–02–011) and are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110, 6:30 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Schmied, Project Officer, First Coast Guard District, (212) 668–7165.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard has determined that good cause exists under the Administrative Procedure Act (5 U.S.C. 553) for not publishing a NPRM with comment and for making this regulation effective in less than 30 days after publication in the **Federal Register**. The Coast Guard believes notice and comment are unnecessary because our review of the bridge logs for the past two years shows that there have been no bridge openings requested at night during the time period this rule will be in effect. Making this rule effective less than thirty days after publication is necessary because the bridge owner advised the Coast Guard that emergency structural maintenance must be performed to insure safe operation of the bridge. In view of the historic absence of bridge opening requests at night and the demonstrated need to perform structural maintenance, any delay encountered in this regulation's effective date would be unnecessary and contrary to the public interest.

Background

The Belt Parkway Bridge, at mile 0.8, across the Mill Basin, has a vertical clearance of 34 feet at mean high water, and 39 feet at mean low water in the closed position. The existing drawbridge operating regulations are listed at 33 CFR 117.795(b).

The bridge owner, New York City Department of Transportation (NYCDOT), requested a temporary regulation to facilitate structural maintenance to replace the deteriorated roadway deck at the bridge.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). This conclusion is based on the fact that there have been no requests to open the bridge during the time period the bridge owner has requested an advance notice requirement.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This conclusion is based on the fact that there have been no requests to open the bridge during the time period the bridge owner has requested an advance notice requirement.

Assistance for Small Entities

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

Collection of Information

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

Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those unfunded mandate

costs. This rule will not impose an unfunded mandate.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (32)(e) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found to not have a significant effect on the environment. A written ''Categorical Exclusion Determination'' is not required for the temporary final rule.

Indian Tribal Governments

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

Energy Effects

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

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

2. From March 1, 2002 through December 31, 2002, section 117.795 is temporarily amended by suspending paragraph (b) and adding a new paragraph (d) to read as follows:

§ 117.795 Jamaica Bay and connecting waterways.

* * * * *

(d)(1) The draws of the New York City highway bridge, mile 0.8, across Mill Basin on Belt Parkway, need not be opened for the passage of vessels from noon to 9 p.m. on Sundays from March 1, 2002 to December 31, 2002 and on Labor Day. However, on these days, from two hours before to one hour after predicted high tide, the draw shall open on signal. For the purposes of this section, predicted high tide occurs 15 minutes later than that predicted for Sandy Hook, as given in the tide tables published by the National Oceanic and Atmospheric Administration.

(2) From 10 p.m. to 5 a.m., Sunday through Thursday, from March 1, 2002 through December 31, 2002, the draw shall open on signal after at least a one-hour advance notice is given by calling the number posted at the bridge.

(3) At all times, public vessels of the United States and state or local vessels used for public safety shall be passed as soon as possible.

Dated: February 12, 2002.

G.N. Naccara,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 02–4714 Filed 2–27–02; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Charleston–02–003]

RIN 2115–AA97

Security Zones; Charleston Harbor, Cooper River, South Carolina

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is continuing the temporary fixed security zones for the waters under the Highway 17 bridges over Charleston Harbor and the Don Holt I–526 Bridge over the Cooper River for an additional 5 months. These security zones are needed for national security reasons to protect the public and ports from potential subversive acts. Vessels are prohibited from anchoring, mooring, or loitering within these zones, unless specifically authorized by the Captain of the Port, Charleston, South Carolina or his designated representative.

DATES: This regulation is effective from 12:01 a.m. on January 16, 2002 until 11:59 p.m. June 15, 2002.

ADDRESSES: You may mail comments and related material to Coast Guard Marine Safety Office Charleston, 196 Tradd Street, Charleston, South Carolina 29401. Coast Guard Marine Safety Office Charleston maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket [COTP Charleston–02–003], will become part of this docket and will be available for inspection or copying at Marine Safety Office Charleston, between 7:30 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Paul Dittman at Marine Safety Office Charleston; phone (843) 747–7411.

SUPPLEMENTARY INFORMATION:

Regulatory Information

Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a Notice of Proposed Rulemaking (NPRM). Publishing a NPRM and delaying the effective date of this rule would be contrary to national security interests since immediate action is necessary to protect the public, port, and waterways of the United States.

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that

good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

Background and Purpose

Based on the September 11, 2001, terrorist attack on the World Trade Center in New York and the Pentagon in Arlington, VA there is an increased risk that subversive terrorist activity could be launched by vessels or persons in close proximity to the Port of Charleston, S.C., against bridges within the security zones continued by this rule. If a bridge were damaged or destroyed, the Port of Charleston would be isolated from access to the sea, crippling the local economy and negatively impacting national security. These temporary security zones are necessary to protect the safety of life and property on the navigable waters, prevent potential terrorist threats aimed at the bridges crossing the main shipping channels in the Port of Charleston, S.C. and to ensure the continued unrestricted access to the sea from the Port.

Two minutes after the security zones established October 18, 2001 by a current temporary final rule expire, this rule will continue those security zones for five more months. The current rule (Docket # COTP Charleston–01–124) will expire at 11:59 p.m. on January 15, 2002. [Because its mail delivery to Coast Guard Headquarters was delayed, COTP Charleston–01–124 will be published in the **Federal Register** in a quarterly list of temporary rules issued.]

Regulatory Evaluation

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

We expect the economic impact of this rule to be so minimal so that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The limited geographic area impacted by the security zones will not restrict the movement or routine operation of commercial or recreational vessels through the Port of Charleston. Also, an individual may request a waiver of these regulations from the Coast Guard Captain of the Port of Charleston.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities because the limited geographic area encompassed by the security zones will not restrict the movement or routine operation of commercial or recreational vessels through the Port of Charleston. Also, an individual may request a waiver of these regulations from the Coast Guard Captain of the Port of Charleston.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pubic Law 104–121), we offered to assist small entities in understanding this rule so that they could better evaluate its effects on them and participate in the rulemaking process. If the rule would affect your small business and you have questions concerning its provisions or options for compliance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Small businesses may also send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect

on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

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

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard is amending 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.

2. A new temporary § 165.T07–003 is added to read as follows:

§ 165.T07–003 Security Zones; Charleston Harbor, Cooper River, South Carolina.

(a) *Regulated area.* (1) A temporary fixed security zone is established for the waters around the Highway 17 bridges, to encompass all waters of the Cooper River within a line connecting the following points: 32°48.23′ N, 079°55.3′ W; 32°48.1′ N, 079°54.35′ W; 32°48.34′ N, 079°55.25′ W; 32°48.2′ N, 079°54.35′ W.

(2) Another temporary fixed security zone is established for the waters around the Interstate 526 Bridge spans (Don Holt Bridge) in Charleston Harbor and on the Cooper River and will encompass all waters within a line connecting the following points: 32°53.49′ N, 079°58.05′ W; 32°53.42′ N, 079°57.48′ W; 32°53.53′ N, 079°58.05′ W; 32°53.47′ N, 079°57.47′ W.

(b) *Regulations.* In accordance with the general regulations in § 165.33 of this part, vessels are allowed to transit through these zones but are prohibited from mooring, anchoring, or loitering within these zones unless specifically authorized by the Captain of the Port.

(c) *Authority.* In addition to 33 U.S.C. 1231 and 49 CFR 1.46, the authority for this section includes 33 U.S.C. 1226.

(d) *Effective dates.* This section is effective from 12:01 a.m. on January 16, 2002 until 11:59 p.m. on June 15, 2002.

Dated: January 15, 2002.

G.W. Merrick,

Commander, U.S. Coast Guard, Captain of the Port, Charleston, South Carolina.

[FR Doc. 02–4709 Filed 2–27–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD05–01–071]

RIN 2115–AA97

Security Zone; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, MD

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule; request for comments.

SUMMARY: The Coast Guard is establishing a temporary security zone on the waters of the Chesapeake Bay, Calvert County, Maryland. This zone is necessary to provide for the security of the Calvert Cliffs Nuclear Power Plant in response to potential terrorist acts. The security zone will prohibit vessels from entering a well-defined area around Calvert Cliffs nuclear power plant.

DATES: This rule is effective from 5 p.m. on January 9, 2002, to 5 p.m. on June 15, 2002. Comments and related material must reach the Coast Guard on or before April 29, 2002.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD05–01–071 and are available for inspection or copying at Commander, Coast Guard Activities Baltimore, 2401 Hawkins Point Road, Baltimore, Maryland 21226–1791, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LT Charles A. Roskam II, Port Safety and Security, Activities Baltimore, 2401 Hawkins Point Road, Building 70, Baltimore, Maryland, 21226–1791, telephone number (410) 576–2676.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a NPRM. Publishing an NPRM, which would incorporate a comment period before a final rule was issued, would be contrary to the public interest since immediate action is needed to protect the public, ports and waterways of the United States. For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

Request for Comments

Although the Coast Guard has good cause to implement this regulation without engaging in the notice of proposed rulemaking process, we want to afford the maritime community the opportunity to participate in this rulemaking by submitting comments and related material regarding the size, scope and duration of the Regulated Navigation Areas, safety zones and security zones in order to minimize unnecessary burdens on waterway users. If you do so, please include your name and address, identify the docket number for this rulemaking [CGD05–01–071], indicate the specific section of this document to which each comment applies, and give the reason for each comment.

Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this temporary final rule in view of them.

Background and Purpose

Based on the September 11, 2001, terrorist attacks on the World Trade Center buildings in New York and the Pentagon in Virginia, there is an increased risk that subversive activity could be launched by vessels or persons in close proximity to Calvert Cliffs Nuclear Power Plant. On October 3, 2001, Constellation Nuclear—Calvert Cliffs Nuclear Power Plant requested this rule to reduce the potential threat that may be posed by vessels that approach the power plant.

Entry into the security zone is prohibited, unless specifically authorized by the Captain of the Port, Baltimore, MD. Federal, state, and local agencies may assist the Coast Guard in the enforcement of this rule.

Regulatory Evaluation

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

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This regulation is of limited duration to handle the emergency situation and vessels may transit around the zone.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard considered whether this rule would have a significant economic effect upon a substantial number of small entities. ''Small entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. Because of a good cause exception, this rule was not preceded by a general notice of proposed rulemaking and, therefore, is exempt from the requirements of the Regulatory Flexibility Act. (5 U.S.C. 603). Although this rule is exempt, we have reviewed it for potential economic impact on small entities and the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

Most charter fishing activity on the Chesapeake Bay takes place outside of the affected area. Approximately 15 charter-fishing vessels per day operate within the area encompassed by the security zone. These charter-fishing vessels will be excluded from further fishing within this zone, and will be forced to seek fishing opportunities in other areas. The added time and expense necessary to seek out, and travel to other fishing areas will result in a loss of revenue to the charter fishing vessel operators. Localized impact notwithstanding, the overall impact of this regulation on the Chesapeake Bay charter fishing fleet is expected to be minor.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule will have a significant economic impact on it, please submit a comment to the office listed under **ADDRESSES**. In your comment, explain why you think it qualified and how and to what degree this rule would economically affect it.

Assistance for Small Entities

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Environment

We have considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (34)(g), of Commandant Instruction M16475.lD, this rule is categorically excluded from further environmental documentation. This regulation establishes a security zone. A ''Categorical Exclusion Determination'' is available in the docket for inspection

or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways;

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.

2. Add § 165.T05–071 to read as follows:

§ 165.T05–071 Security Zone; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, MD.

(a) *Location.* The following area is a security zone: the waters of the Chesapeake Bay in the vicinity of the Calvert Cliffs Nuclear Power Plant bounded by a line drawn from a point located at 38°26′06″ N, 076°26′18″ W to 38°26′10″ N, 076°26′12″ W, thence to 38°26′21″ N, 076°26′28″ W, thence back to shore at 38°26′14″ N, 076°26′33″ W. All coordinates reference Datum: NAD 1983.

(b) *Regulations.* (1) In accordance with the general regulations in § 165.33, entry into the security zone described in § 165.T05–071 is prohibited except as authorized by the Captain of the Port or his designated representative.

(2) Persons or vessels requiring entry into or passage within the zone must request authorization from the Captain of the Port or his designated representative by telephone at (410) 576–2693 or by radio on VHF–FM channel 16.

(3) The operator of any vessel within the security zone shall:

(i) Stop the vessel immediately upon being directed to do so by the Coast Guard Captain of the port or his designated representative; and

(ii) Proceed as directed by the Coast Guard Captain of the Port or his designated representative.

(c) *Definitions.* The designated representative of the Captain of the Port is any Coast Guard Commissioned, Warrant, or Petty Officer who has been authorized by the Captain of the Port, Baltimore to act on his behalf.

(d) *Effective period.* This section is effective from 5 p.m. on January 9, 2002 to 5 p.m. on June 15, 2002.

(e) *Enforcement.* The COTP may enlist the cooperation of Federal, state, county, municipal, and private agencies to assist in the enforcement of these regulations.

(f) Authority. This section is promulgated under 33 U.S.C. 1226.

Dated: January 9, 2002.

R.B. Peoples,

Commander, U.S. Coast Guard, Captain of the Port, Baltimore, Maryland.

[FR Doc. 02–4710 Filed 2–27–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP San Francisco Bay–01–010]

RIN 2115–AA97

Security Zone; San Francisco Bay, San Francisco, CA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone in the navigable waters of the United States adjacent to Yerba Buena Island. The need for this security zone is based on recent terrorist actions against the United States. The security zone will prohibit all persons and vessels from entering, transiting through or anchoring within a portion of the San Francisco Bay surrounding United States Coast Guard property on Yerba Buena Island, San Francisco, California unless authorized by the Captain of the Port, or his designated representative.

DATES: This security zone will be in effect from 5 p.m. (PDT) on October 9, 2001 to 4:59 p.m. (PDT) June 9, 2002.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket COTP San Francisco Bay–01–010, and are available for inspection or copying at U.S. Coast Guard Marine Safety Office, San Francisco Bay, Coast Guard Island, Alameda, CA 94501 between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Ross Sargent, U.S. Coast Guard Marine Safety Office San Francisco Bay, at (510) 437–3073.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. In keeping with the requirements of 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. In keeping with the requirements of 5 U.S.C. 553 (d)(3), the Coast Guard also finds that good cause exists for making this regulation effective less than 30 days after publication in the **Federal Register**.

Due to the recent terrorist attack on the United States, a heightened level of security has been established concerning all vessels entering navigable waters of the United States. As a result, this security zone is needed to protect the United States and more specifically the people, ports, waterways, and properties of the San Francisco Bay area. The incidents necessitating this security zone did not allow a 30-day period for publication prior to the issuance of this temporary regulation. Publishing an NPRM and delaying the effective date would be contrary to national security.

Background and Purpose

On September 11, 2001, terrorists launched attacks on civilian and military targets within the United States killing large numbers of people and damaging properties of national significance. Vessels operating near the United States Coast Guard property on Yerba Buena Island, San Francisco, California present possible hindrances or dangers to government emergency response resources.

As part of the Diplomatic Security and Antiterrorism Act of 1986 (Pub. L. 99–399), Congress amended The Ports and Waterways Safety Act (PWSA) to allow the Coast Guard to take actions, including the establishment of security and safety zones, to prevent or respond to acts of terrorism against individuals, vessels, or public or commercial structures. 33 U.S.C. 1226. The terrorist acts against the United States on September 11, 2001 have increased the need for safety and security measures on U.S. ports and waterways. In response to these terrorist acts, and in order to prevent similar occurrences, the Coast Guard is establishing a temporary security zone in the navigable waters of the United States surrounding the United States Coast Guard property on Yerba Buena Island, San Francisco, California. The zone will be in effect from 5:00 p.m. (PDT) on October 9, 2001 to 4:59 p.m. (PDT) on June 9, 2002.

This temporary security zone is necessary to provide for the safety and security of the United States of America and the people, ports, waterways and properties within the San Francisco Bay area. The security zone will be enforced

by Coast Guard patrol craft or any patrol craft enlisted by the COTP.

Persons and vessels are prohibited from entering into or transiting through this security zone unless authorized by the Captain of the Port, or his designated representative. Each person and vessel in a security zone shall obey any direction or order of the COTP. The COTP may remove any person, vessel, article, or thing from a security zone. No person may board, or take or place any article or thing on board, any vessel in a security zone without the permission of the COTP.

Any violation of either security zone described herein, is punishable by, among other things, civil penalties (not to exceed $27,500 per violation, where each day of a continuing violation is a separate violation), criminal penalties (imprisonment for not more than 12 years and a fine of not more than $250,000), in rem liability against the offending vessel, and license sanctions.

Regulatory Evaluation

This temporary final rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6 (a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). Due to the recent terrorist actions against the United States the implementation of this security zone is necessary for the protection of the United States and its people. Vessels will receive authorization to transit into San Francisco Bay by the Captain of the Port on a case-by-case basis. As a result, full regulatory evaluation under paragraph 10 (e) of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

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

This security zone will not have a significant impact on a substantial number of small entities because although the security zone will occupy the entire entrance of San Francisco Bay, vessels will receive authorization to transit into San Francisco Bay by the Captain of the Port on a case-by-case basis. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this temporary final rule will not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard offers to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact Lieutenant Ross Sargent, U.S. Coast Guard Marine Office San Francisco Bay at (510) 437–3073.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This temporary final rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Environment

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

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.

2. Add new temporary § 165.T11–096 to read as follows:

§ 165.T11–096 Security Zone; Navigable Waters of the United States Surrounding United States Coast Guard property on Yerba Buena Island, San Francisco, CA.

(a) *Location.* The security zone will encompass navigable waters surrounding United States Coast Guard property on Yerba Buena Island, San Francisco, California, bounded by the following coordinates: latitude 37° 48.464′N and longitude 122° 21.870′W; thence to 37° 48.413′N and longitude 122° 21.873′W; thence to 37° 48.384′N and longitude 122° 21.723′W; thence to 37° 48.463′N and longitude 122° 21.607′W; thence to 37° 48.664′N and longitude 122° 21.555′W; thence to 37° 48.820′N and longitude 122° 21.559′W, and along the shoreline back to the beginning point.

(b) *Effective dates.* This section will be in effect from 5 p.m. (PDT) on October 9, 2001 to 4:59 p.m. (PDT) on June 9, 2002. If the need for the security zone ends before the scheduled termination time, the Captain of the Port will cease enforcement of this security zone and will also announce that fact via Broadcast Notice to Mariners.

(c) *Regulations.* In accordance with the general regulations in § 165.33 of this part, no person or vessel may enter or remain in the security zone established by this temporary regulation, unless authorized by the Captain of the Port, or his designated representative. All other general regulations of § 165.33 of this part apply in the security zone established by this temporary regulation.

Dated: October 9, 2001.

L.L. Hereth,

Captain, U.S. Coast Guard, Captain of the Port, San Francisco Bay, California.

[FR Doc. 02–4847 Filed 2–27–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP St. Louis–02–003]

RIN 2115–AA97

Security Zone; Upper Mississippi River, Mile Marker 507.3 to 506.3, Left Descending Bank, Cordova, IL

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone encompassing all water extending 300 feet from the shoreline of the left descending bank on the Upper Mississippi River, beginning from mile marker 506.9 to 506.7. This security zone is necessary to protect the Exelon Quad Cities Nuclear Power Plant in Cordova, Illinois from any and all subversive actions from any groups or individuals whose objective is to cause disruption to the daily operations of the Exelon Quad Cities Nuclear Power Plant.

DATES: This rule is effective from 8 a.m. January 14, 2002 through 8 a.m. June 15, 2002.

ADDRESSES: Documents indicated in this preamble as being available in the docket, are part of docket [COTP St. Louis–02–003] and are available for inspection or copying at Marine Safety Office St. Louis, 1222 Spruce St., Rm. 8.104E, St. Louis, Missouri 63103–2835, between 8 a.m. and 4 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: LT David Webb, Marine Safety Detachment Quad Cities, Rock Island, IL at (309) 782–0627.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM, and, under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The catastrophic nature of, and resulting devastation from, the September 11, 2001 attacks on the World Trade Center towers in New York City and the Pentagon in Washington DC, makes this rulemaking necessary for the protection of national security interests. National security and intelligence officials warn that future terrorist attacks against United States interests are likely. Any delay in making this regulation effective would be contrary to the public interest because immediate action is necessary to protect against the possible loss of life, injury, or damage to property.

Background and Purpose

On September 11, 2001, both towers of the World Trade Center and the Pentagon were attacked by terrorists. In response to these terrorist acts, heightened awareness and security of our ports and harbors is necessary. To enhance that security the Captain of the Port (COTP), St. Louis is establishing a temporary security zone.

This security zone includes all water extending 300 feet from the shoreline of the left descending bank on the Upper Mississippi River beginning from mile marker 506.9 and ending at mile marker 506.7. This security zone is necessary to protect the public, facilities, and surrounding area from possible acts of sabotage or other subversive acts at the Quad Cities Generating Station. All vessels and persons are prohibited from entering the zone without the permission of the Captain of the Port St. Louis or his designated representative.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, l979).

The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

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

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

This security zone will not have an impact on a substantial number of small entities because this rule will not obstruct the regular flow of vessel traffic and will allow vessel traffic to pass safely around the security zone. If you are a small business entity and are significantly affected by this regulation please contact LT Dave Webb, U.S. Coast Guard Marine Safety Detachment Quad Cities, Rock Island Arsenal Bldg 218, Rock Island, IL 61299–0627 at (309) 782–0627.

Assistance for Small Entities

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Environment

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

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.

2. A new temporary § 165.T08–003 is added to read as follows:

§ 165.T08–003 Security Zone; Upper Mississippi River Miles 507.3 to 506.3, Left Descending Bank, Cordova, IL

(a) *Location.* The following area is a security zone: The waters of the Upper Mississippi River from mile marker 507.3 to mile marker 506.3, left descending bank, extending out 300 feet from the shoreline.

(b) *Effective date.* This section is effective from 8 a.m. January 14, 2002 through 8 a.m. June 15, 2002.

(c) *Authority.* The authority for this section is 33 U.S.C. 1226, 33 U.S.C. 1231, 33 CFR 1.05–1(g), and 49 CFR 1.46.

(d) *Regulations.* (1) Entry of vessels into this security zone is prohibited unless authorized by the Coast Guard Captain of the Port St. Louis or his designated representative.

(2) Persons or vessels requiring entry into or passage through the zone must request permission from the Captain of the Port St. Louis, or his designated representative. They may be contacted via VHF Channel 16 or via telephone at (309) 782–0627 or (314) 539–3091, ext. 540.

(3) All persons and vessels shall comply with the instructions of the Captain of the Port St. Louis and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

Dated: January 14, 2002.

E.A. Washburn,

Commander, Coast Guard, Captain of the Port St. Louis.

[FR Doc. 02–4708 Filed 2–27–02; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AK84

Exclusion from Countable Income of Expenses Paid for Veteran's Last Illness Subsequent to Veteran's Death but Prior to Date of Death Pension Entitlement

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs (VA) adjudication regulations governing exclusion of expenses of the veteran's last illness, burial, and just debts from countable income for death pension purposes. This amendment eliminates the prohibition against reducing countable income by the amount of these expenses that the surviving spouse paid after the date of death but prior to the date of his or her entitlement. The intended effect of this amendment is to bring the regulations into conformance with the governing statute as interpreted by VA's General Counsel.

DATES: *Effective Date:* February 28, 2002.

FOR FURTHER INFORMATION CONTACT: Beth McCoy, Consultant, Regulations Staff, Compensation and Pension Service (211A), Department of Veterans Affairs, 575 N. Pennsylvania St., Suite 309, Indianapolis, IN 46237, (317) 226–5209 extension 3058.

SUPPLEMENTARY INFORMATION: VA death pension is a needs-based benefit available to surviving spouses and unmarried children of deceased veterans with qualifying wartime service. In order for an individual to be eligible for death pension, his or her income from all sources must be less than the maximum annual pension rate established by law. The annual benefit is reduced, dollar for dollar, by the amount of the beneficiary's countable income. All income from any source is counted unless specifically excluded by statute or regulation.

Section 1503(a)(3) of 38 U.S.C. provides for certain exclusions from countable income for death pension entitlement, including an amount equal to the expenses of the veteran's last illness, burial and just debts paid by the spouse or by the surviving spouse or child of a deceased veteran. VA implemented the provisions of 38 U.S.C. 1503(a)(3) at 38 CFR 3.272(h). The last sentence of § 3.272 (h) provides that the amount of expenses of the veteran's last illness, burial, and just debts ''paid subsequent to death but prior to date of entitlement are not deductible.''

In a precedent opinion dated March 28, 2000 (VAOPGCPREC 1–2000), VA's General Counsel held that the last sentence of § 3.272(h) is inconsistent with 38 U.S.C. 1503(a)(3) because the statute does not limit the period in which expenses of a veteran's last illness may be deducted in calculating the surviving spouse's death pension entitlement. The General Counsel determined that VA may not deny a death pension claim or reduce the amount of benefits payable based on the last sentence of § 3.272(h) and that VA must revise § 3.272(h) to eliminate the prohibition against reducing the surviving spouse's countable income by the amount of expenses of the veteran's last illness, just debts and burial when paid after the veteran's death but before the date of the surviving spouse's entitlement to death pension. Pursuant to 38 CFR 14.507, a General Counsel precedent opinion is binding on VA. Accordingly, we are amending § 3.272(h) to make it consistent with that General Counsel opinion.

This final rule brings the regulations into conformance with the governing statute as interpreted by VA's General Counsel in a precedent opinion that under 38 CFR 14.507 is binding on VA and the public. Accordingly, since there is no discretion in this matter, there is a basis for dispensing with prior notice and comment and delayed effective date provisions of 5 U.S.C. 552 and 553.

Paperwork Reduction Act

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501–3520).

Executive Order 12866

This document has been reviewed by the Office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

Because no notice of proposed rule making was required in connection with the adoption of this final rule, no regulatory flexibility analysis is required under the Regulatory Flexibility Act (5 U.S.C. 601–612). Even so, the Secretary hereby certifies that this regulatory amendment will not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final flexibility analysis requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance numbers are 64.101 and 64.105.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Radioactive materials, Veterans, Vietnam.

Approved: November 19, 2001.

Anthony J. Principi,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 3 is amended as follows:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

§ 3.272 [Amended]

2. Section 3.272 is amended by removing the last sentence of paragraph (h) introductory text.

[FR Doc. 02–4687 Filed 2–27–02; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 169–0323; FRL–7148–8]

Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing a limited approval and limited disapproval of revisions to the San Joaquin Valley Unified Air Pollution Control District portion of the California State Implementation Plan (SIP). This action was proposed in the **Federal Register** on September 14, 1998 and concerns oxides of nitrogen (NO_X) emissions from internal combustion engines; stationary gas turbines; and from boilers, steam generators, and process heaters. Under authority of the Clean Air Act as amended in 1990 (CAA or the Act), this action simultaneously approves local rules that regulate these emission sources and directs California to correct rule deficiencies.

EFFECTIVE DATE: This rule is effective on April 1, 2002.

ADDRESSES: You can inspect copies of the administrative record for this action

at EPA's Region IX office during normal business hours. You can inspect copies of the submitted SIP revisions at the following locations:

Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Environmental Protection Agency, Air Docket (6102), Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington D.C. 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 ''I'' Street, Sacramento, CA 95814.

San Joaquin Valley Unified Air Pollution Control District, 1990 East Gettysburg Avenue, Fresno, California 93726–0244

FOR FURTHER INFORMATION CONTACT: Thomas C. Canaday, Rulemaking Office (AIR–4), U.S. Environmental Protection Agency, Region IX, (415) 947–4121.

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

I. Proposed Action

On September 14, 1998 (63 FR 49053), EPA proposed a limited approval and limited disapproval of the following rules that were submitted for incorporation into the California SIP.

Local agency	Rule No.	Rule title	Adopted	Submitted
SJVUAPCD	4305	Boilers, Steam Generators, and Process Heaters	12/19/96	03/03/97
SJVUAPCD	4351	Boilers, Steam Generators, and Process Heaters—Reasonably Available Control Technology.	10/19/95	03/26/96
SJVUAPCD	4701	Internal Combustion Engines	12/19/96	03/10/98
SJVUAPCD	4703	Stationary Gas Turbines	10/16/97	03/10/98

We proposed a limited approval because we determined that these rules improve the SIP and are largely consistent with the relevant CAA requirements. We simultaneously proposed a limited disapproval because some rule provisions conflict with section 110 and part D of the Act. These provisions include the following:

1. Exemption from regulation, or exemption from federal enforceability of regulation, of facilities located west of Interstate Highway 5 in Fresno, Kern, or Kings county (the ''West Side Exemption'').
2. Automatic exemption from regulation of emissions which occur during start-up, shutdown, or breakdown conditions.
3. The application of the four rules and the circumstances under which sources might be exempt from the rules.
4. The absence of explicitly stated averaging times for emissions concentration limits.
5. The absence of interim parametric monitoring in instances of deferred source testing.
6. The overly lenient use of representative testing to fulfill monitoring requirements.
7. The lack of a requirement for a 10% additional reduction of emissions beyond established baselines as an environmental benefit when sources meet rule requirements via an alternative emission control plan.
8. The failure to require physical modification of an exempted unit to assure its operation at or below the rule application capacity threshold when the unit's nameplate capacity exceeds this threshold.
9. The failure to require source tests to be performed on units using each fuel which is allowed to be burned in that unit.
10. The lack of source test requirements for certain units through May 31, 1999.
11. The lack of specificity as to what information is required to be recorded and maintained as part of recordkeeping requirements.
12. The frequency of required compliance testing for internal combustion engines under Rule 4701.
13. The lack of specificity as to what operating records and support documentation are to be maintained by owners claiming exemption to the requirements of Rule 4701.
14. The allowance until May 31, 2001 for Reasonably Available Control Technology (''RACT'') compliance for certain internal combustion engines under Rule 4701.
15. Use of 14 day averaging to determine compliance under the alternative emission control plan provisions of Rule 4701.
16. Excessive director's discretion in specifying what method is to be used to determine the applicable conversion factor from fuel use to engine emissions in the alternative emission control plan provisions of Rule 4701.
17. The inclusion of the factor AE_{Motor} to account for emissions avoided by replacing internal combustion engines with electric motors.
18. The lack of reference to continuous emission monitoring system requirements and reporting requirements of 40 CFR part 60.

Our proposed action contains more information on the basis for this rulemaking and on our evaluation of the submittals.

II. Public Comments and EPA Responses

EPA's proposed action provided a 30-day public comment period. The comment period was subsequently extended for an additional 30 days. During and after the 60-day comment period, we received comments from the following parties.

1. Mark Boese, San Joaquin Valley Unified Air Pollution Control District (''SJVUAPCD'' or ''the District''); letter dated November 10, 1998.
2. Marc Chytilo, Environmental Defense Center (''EDC''); letter dated November 13, 1998.
3. William A. Brommelsiek, Chevron USA Production Company (''CUPC''); letter dated November 13, 1998.
4. Malcolm C. Weiss, McClintock, Weston, Benshoof, Rochefort, Rubalcava, & MacCuish LLP (''MWB''); letter dated November 12, 1998.
5. David R. Farabee, Pillsbury, Madison, & Sutro LLP (''PMS''); letter dated November 13, 1998.
6. Bruce Nilles, Earthjustice, email dated November 14, 2001.

The letter from EDC expressed unequivocal support for our proposed action. The letter from CUPC concurred with and incorporated by reference the comments submitted by MWB. The email from Earthjustice noted the exemption in Rule 4701 for engines used in agricultural production and requested that this exemption be added to the rule provisions determined by EPA to be deficient. Since this comment was received well after the close of the comment period, EPA simply acknowledges it in the present rulemaking and will defer any determination of whether the agricultural exemption fails to implement CAA requirements until such time as the State of California submits a revised version of this rule. The remainder of the comments and our responses are summarized below.

Comment: SJVUAPCD commented on a number of instances where EPA found that the rules should be made applicable to more sources. These instances include sections 4.1.5 and 5.2 of Rule 4305; and section 3.11 of Rule 4701. SJVUAPCD objected to our findings by referring to their cost effectiveness analyses which they performed while developing these rules. These analyses were based on a cost effectiveness threshold of $9700 per ton of NO_X reduced, and SJVUAPCD objected to our proposed requirement that their rules be made applicable to additional sources on the grounds that to do so would incur costs to sources that exceed SJVUAPCD's threshold.

Response: SJVUAPCD provided no information on how and when they selected $9,700 per ton NO_X reduced as a cost effectiveness threshold for the subject rules. We believe this figure may have been generated originally by the South Coast Air Quality Management District in the 1980s and has no link to applicable RACT or attainment requirements. In evaluating RACT, we have reviewed analogous requirements contained in other District, state and federal rules and guidance including RACT determinations developed by the California Air Resources Board (CARB). Relevant CARB RACT determinations, for example, incorporate cost effectiveness thresholds as high as $24,000/ton. We retain the specified deficiencies as proposed, but acknowledge that SJVUAPCD may be able to correct them by demonstrating local circumstances that justify alternative RACT limits.

Comment: SJVUAPCD commented on EPA's finding that the emission limits in section 5.1.3 of Rule 4701 should be made more stringent. Again SJVUAPCD's objection was based on their cost effectiveness threshold of $9700 per ton of NO_X reduced.

Response: Again, we have reviewed analogous requirements contained in other District, state and federal rules and guidance including RACT determinations developed by CARB and compared these to the limits in section 5.1.3. We retain the specified deficiencies as proposed, but acknowledge that SJVUAPCD may be able to correct them by demonstrating local circumstances that justify alternative RACT limits.

Comment: SJVUAPCD objected to our requirement that an alternate emissions limit be applicable during natural gas curtailment on the grounds that this would necessitate additional emissions testing. Also SJVUAPCD stated that gas curtailments can last longer than the 168 hours allowed by EPA.

Response: EPA does not intend that additional source testing be required and withdraws our comment to this effect in regard to section 6.3 of Rule 4351. However, if gas curtailment extends beyond 168 hours of operation per year EPA does require that the standard emissions limitations for non-gaseous fuel firing be met.

Comment: SJVUAPCD objected to our disallowance of their exemption of sources that operate only during winter months.

Response: The CAA requires that RACT level of controls be implemented at major sources of NO_X year-round. This requirement of the CAA is addressed in a March 30, 1994 memorandum ''Nitrogen Oxides Questions from the Ohio EPA,'' U.S. EPA, Ozone/Carbon Monoxide Programs Branch. The EPA's RACT guidance for volatile organic compounds (VOC) states that seasonal controls are generally not allowed (EPA clarification to Appendix D of the November 24, 1987 **Federal Register**, ''Issues Relating to VOC Regulations Cutpoints, Deficiencies, and Deviations,'' revised January 1, 1990). As stated in the NO_X Supplement to the General Preamble (57 FR 55625, November 25, 1992), the VOC RACT guidance is generally applicable to NO_X RACT. Thus the limitation on seasonal controls also applies to NO_X RACT.

Comment: SJVUAPCD objected to our requirement that averaging times for emissions measurements be explicitly stated in the rules.

Response: EPA believes that an explicit averaging time is necessary in order that emissions limits be enforceable on a continuous basis. This is consistent with the CARB RACT determination as well as other SIP-approved rules for these source categories.

Comment: SJVUAPCD commented that the excess emissions provisions in section 5.5.2 of Rule 4305 are consistent with EPA policy.

Response: On September 20, 1999, EPA issued a policy guidance document entitled ''State Implementation Plans: Policy Regarding Excess Emissions During Malfunctions, Startup, and Shutdown,'' U.S. EPA, Office of Air Quality Planning and Standards. This guidance document is intended to assist states in drafting excess emissions provisions into SIPs that are consistent with the requirements of the federal Clean Air Act. Generally speaking, automatic exemptions from emissions limits are allowed during start-up and shutdown only insofar as control technologies or strategies are shown to be technically infeasible during these periods and are not allowed during malfunctions. The existing exemptions in Rule 4305 apply during malfunction and are not time-limited during start-up and shutdown and thus do not meet the requirements of the Act as interpreted by EPA policy.

Comment: SJVUAPCD expressed concern that EPA's requirement for equipment tune-ups between source tests may result in setting operating parameters at different levels than were established during source tests.

Response: EPA believes that equipment tune-ups, properly conducted, will result in decreased emissions. See, for example, the procedures described in Attachment 1 to the CARB Determination of Reasonably Available Control Technology for Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters dated July 18, 1991.

Comment: SJVUAPCD expressed concern that requiring source tests for each fuel burned would be impractical since some fuels are burned only as a back-up during natural gas curtailment and then only for a limited period of time.

Response: EPA agrees with SJVUAPCD's concern and withdraws this requirement for section 6.3 of Rule 4351.

Comment: SJVUAPCD objected to EPA's disallowance of representative testing for internal combustion engines.

Response: EPA continues to disapprove of representative testing for internal combustion engines due to the inherently high variability of emissions from units within this source category. This is consistent with other rulemakings EPA has promulgated for this source category.

Comment: SJVUAPCD stated that 14-day averaging is appropriate for evaluating compliance with an Alternative Emissions Compliance Plan (''AECP'') as opposed to a shorter averaging time as would be required for a standard compliance determination.

Response: EPA's interpretation of CAA requirements with respect to long-term (greater than 24 hours) averaging of emissions is contained in section 16.13 of our January 2001 Economic Incentive Program guidance as well as in the January 20, 1984 memorandum ''Averaging Times for Compliance with VOC Emission Limits—SIP Revision Policy'', U.S. EPA Office of Air Quality Planning and Standards. Any State that wishes to allow long-term averaging for compliance evaluation for RACT limits must include in the SIP submittal a justification that the long-term average is needed and demonstrate that

averaging will not interfere with attainment or other requirements of the Act. Since the submittal for Rule 4701 does not contain this information, EPA cannot approve the long-term averaging provisions in section 8.0 of Rule 4701.

Comment: SJVUAPCD explained that the emission factor EF_i in section 8.3.2 of Rule 4701 is the actual NO_X emissions as determined by the most recent source test and not a general emission factor as was EPA's concern.

Response: EPA agrees and withdraws our previous comment concerning section 8.3.2 of Rule 4701.

Comment: SJVUAPCD stated that emissions reductions obtained when engines are replaced with an electric motor should be allowed to be included in an AECP so long as the engines are not being replaced solely to comply with RACT limits.

Response: EPA agrees and withdraws our previous comment concerning section 8.4 of Rule 4701.

Comment: MWB and PMS assert that the EPA's determination that NO_X sources may contribute significantly to PM–10 levels which exceed the standard in the area and that, therefore, Reasonably Available Control Measures (''RACM'') are required at West Side sources is contrary to documentation provided by the SJVUAPCD.

Response: The SJVUAPCD presented their PM–10 Attainment Demonstration Plan Progress Report 1997–1999 (''Progress Report'') to a hearing of their Governing Board on June 15, 2000. The Progress Report states that during winter months secondary ammonium nitrate is the largest contributor to PM mass and that the core sites were found to be ammonia rich with the formation of secondary ammonium nitrate limited by the amount of NO_X rather than ammonia. This finding is consistent with our September 14, 1998 Proposed Rulemaking. RACM is required for the West Side NO_X sources because section 189(a)(1)(C) and section 189(e) of the Act require RACM at major stationary sources of PM–10 precursors in PM–10 nonattainment areas independent of separate ozone attainment requirements. The SJVUAPCD has not demonstrated to EPA that the West Side sources do not contribute significantly to PM–10 levels which exceed the standard in the area.

Comment: MWB asserts that the West Side Exemption is required under state law since emissions from that area do not impact other portions of the SJVUAPCD.

Response: Without commenting on the provisions of California state law, EPA notes that our interpretation of the CAA requirements applicable to the subject Rules does not rest on any finding regarding transport of pollutants within the SJVUAPCD.

Comment: MWB asserts that EPA does not have authority under the CAA to grant limited approval and simultaneous limited disapproval of a Rule. MWB further expresses confusion over the effect of such an action.

Response: While the Act does not expressly provide for limited approvals, EPA is using its ''gap-filling'' authority under section 301(a) of the Act in conjunction with the section 110(k)(3) approval provision to interpret the Act to provide for this type of approval action. EPA routinely publishes limited approval/limited disapproval actions (e.g. we did so for nine different rules in the SJVUAPCD in the year 2000 alone). Under this action EPA approves and can enforce the entire rule as submitted, even those portions that prohibit full approval. For example, upon the effective date of this final rulemaking, the West Side Exemption becomes part of the SIP and will remain in the SIP until such time as EPA approves a SIP revision removing the exemption or EPA promulgates a FIP. The disapproval only applies to whether the submittal meets specific requirements of the Act and does not affect incorporation of the rule into the approved, federally enforceable SIP.

Comment: MWB and PMS assert that since the Rules were submitted to EPA as part of the ozone SIP, EPA lacks the authority to consider whether the provisions of the Rules are sufficient to meet requirements of the CAA related to PM–10 and that, further, this is not the proper time to consider CAA requirements related to PM–10.

Response: As stated in the September 14, 1998 Notice of Proposed Rulemaking, section 189(a)(1)(C) of the Act requires that RACM for the control of PM–10 be implemented in moderate nonattainment areas (including the SJVUAPCD) by December 10, 1993. These control requirements also apply to major stationary sources of PM–10 precursors (including NO_X) under section 189(e) of the Act unless the EPA determines that such sources do not contribute significantly to PM–10 levels which exceed the standard in the area. Section 172(c)(1) provides that RACM shall include, at a minimum, those reductions in emissions from existing sources as may be obtained through the adoption of RACT. The four subject Rules contain provisions waiving RACT requirements under the SIP for facilities on the West Side. This constitutes a failure to implement RACM at these facilities as required under section 189(a)(1)(C) of the Act. Section 110(l) of the Act forbids EPA from approving SIP revisions which would interfere with any applicable requirement, including section 189(a)(1)(C). For this reason EPA must disapprove the West Side Exemption.

Comment: MWB asserts that EPA has inappropriately concluded that Best Available Retrofit Control Technology (''BARCT''), as required under state law, is the same as RACT.

Response: EPA has determined that the control requirements waived under the West Side Exemption are reasonably available. This determination was made by comparing these requirements with those implemented elsewhere in the SJVUAPCD and the State of California, as well as by referring to applicable Determinations of Reasonably Available Control Technology published by the California Air Resources Board. We agree with the commentor that states can adopt requirements more stringent than those required by federal RACT. The SJVUAPCD could, theoretically, demonstrate that NO_X emission limits currently applied to the east-side sources are more stringent than RACT, and are therefore not needed to fulfill RACT for the West Side sources. However, some level of control beyond the existing full exemption for the West Side sources is clearly needed to fulfill RACT.

Comment: MWB and PMS noted that EPA objected to certain of the compliance deadlines in Rule 4701. MWB and PMS assert that it would be impractical to accelerate these deadlines.

Response: EPA notes that the deadlines to which the commentors refer have now passed rendering moot this particular objection by EPA.

Comment: MWB and PMS assert that the District has shown, through modeling, that the reduction of NO_X emissions from West Side sources would not contribute to the attainment of the ozone National Ambient Air Quality Standards (''NAAQS'') in the District and that therefore the West Side Exemption is consistent with CAA requirements for ozone.

Response: Since our September 14, 1998 Notice of Proposed Rulemaking, EPA on November 8, 2001 (66 FR 56476), published a final rulemaking action reclassifying the San Joaquin Valley Ozone Nonattainment Area from serious to severe nonattainment because the area was unable to attain the ozone standard by the serious area deadline of 1999. This indicates that the previous control strategy and modeling that supported the West Side Exemption were inadequate to attain the standard by the applicable attainment date and that substantial additional reductions of

ozone precursors (NO_X and/or VOC) will be necessary to achieve attainment of the ozone NAAQS.

III. EPA Action

Two of the rule provisions listed above as being in conflict with the Act included compliance dates that we proposed as deficient for being too far in the future. However, both of those dates have now passed so those issues are moot. The relevant requirements are found in section 6.3 of Rule 4351 and section 7.3 of Rule 4701. As stated in the above responses, there are three specific instances where we agree with SJVUAPCD's comments and therefore withdraw our proposed finding that the subject rule provisions are deficient. These are found in section 6.3 of Rule 4351, and sections 8.3.2 and 8.4 of Rule 4701. For the remainder of the above listed rule provisions, we have concluded that they are in conflict with the Act and are thus grounds for a limited disapproval. Therefore, as authorized in sections 110(k)(3) and 301(a) of the Act, EPA is finalizing a limited approval of the submitted rules. This action incorporates the submitted rules into the California SIP, including those provisions identified as deficient. As authorized under section 110(k)(3), EPA is simultaneously finalizing a limited disapproval of the rules. As a result, sanctions will be imposed unless EPA approves subsequent SIP revisions that correct the rule deficiencies within 18 months of the effective date of this action. These sanctions will be imposed under section 179 of the Act according to 40 CFR 52.31. In addition, EPA must promulgate a Federal implementation plan (FIP) under section 110(c) unless we approve subsequent SIP revisions that correct the rule deficiencies within 24 months. Note that the submitted rules have been adopted by the San Joaquin Valley Unified Air Pollution Control District, and EPA's final limited disapproval does not prevent the local agency from enforcing them.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 13211

This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

C. Executive Order 13045

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

This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13132

Executive Order 13132, entitled Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612, Federalism and 12875, Enhancing the Intergovernmental Partnership. Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely acts on a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

E. Executive Order 13175

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

This final rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply act on requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

EPA's disapproval of the state request under section 110 and subchapter I, part D of the Clean Air Act does not affect any existing requirements applicable to small entities. Any pre-existing federal requirements remain in place after this disapproval. Federal disapproval of the state submittal does not affect state enforceability. Moreover, EPA's disapproval of the submittal does not impose any new Federal requirements. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA,* 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

G. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action acts on pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

H. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

EPA believes that VCS are inapplicable to today's action because it does not require the public to perform activities conducive to the use of VCS.

I. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq*., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a ''major'' rule as defined by 5 U.S.C. 804(2).

J. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 29, 2002. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: January 14, 2002.

Wayne Nastri,

Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(230)(i)(D)(*3*), (244)(i)(E)(*2*) and (254)(i)(A)(*5*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(230) * * *

(i) * * *

(D) * * *

(*3*) Rule 4351 adopted on October 19, 1995.

* * * * *

(244) * * *

(i) * * *

(E) * * *

(*2*) Rule 4305 adopted on December 19, 1996.

* * * * *

(254) * * *

(i) * * *

(A) * * *

(*5*) Rule 4701 adopted on December 19, 1996, and Rule 4703 adopted on October 16, 1997.

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[FR Doc. 02–4643 Filed 2–27–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301217; FRL–6822–7]

RIN 2070–AB78

Hydrogen Peroxide; An Amendment to an Exemption from the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an amendment to an exemption from the requirement of a tolerance for residues of the biochemical hydrogen peroxide in or on all post-harvest agricultural food commodities when applied/used at the rate of ≤ 1% hydrogen peroxide per application. Biosafe Systems, Inc. submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act (FQPA) of 1996, requesting an exemption from the requirement of a tolerance. This

regulation eliminates the need to establish a maximum permissible level for residues of hydrogen peroxide.

DATES: This regulation is effective February 28, 2002. Objections and requests for hearings, identified by docket control number OPP–301217, must be received by EPA, on or before April 29, 2002.

ADDRESSES: Written objections and hearing requests may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit IX. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301217 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Diana Hudson, c/o Product Manager (PM) 90, Biopesticides and Pollution Prevention Division (7511C), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8713; and e-mail address: hudson.diana@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS Codes	Examples of Potentially Affected Entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have 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 and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this 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,'' ''Regulations and Proposed Rules,'' 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/. A frequently updated electronic version of 40 CFR part 180 is available at http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180_00.html, a beta site currently under development.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–301217. The official record consists of the documents specifically referenced in this action, 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 in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of November 1, 2001 (66 FR 55175) (FRL–6805–7), EPA issued a notice pursuant to section 408 of the FFDCA, 21 U.S.C. 346a(e), as amended by the FQPA (Public Law 104–170) announcing the filing of a pesticide tolerance petition by Biosafe Systems, Inc., 80 Commerce Street, Glastonbury, CT 06033. This notice included a summary of the petition prepared by the petitioner Biosafe Systems, Inc.. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.1197 be amended by establishing an exemption from the requirement of a tolerance for residues of hydrogen peroxide.

III. Risk Assessment

New section 408(c)(2)(A)(i) of the FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(c)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue....'' Additionally, section 408(b)(2)(D) requires that the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides. Second, EPA examines exposure to the pesticide through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings.

IV. Toxicological Profile

Consistent with section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness, and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Hydrogen peroxide at a concentration of 27.17% has a pH of 1.05 at which concentration EPA assumes a toxicity category I for skin and eye irritation. Biosafe has submitted toxicology information from open literature for aqueous solutions containing 6% hydrogen peroxide and for aqueous solutions containing 50% hydrogen peroxide. The concentrate (27.17%

hydrogen peroxide) will be diluted with water at the rate of 1:50 or 1:100 or 1:300 and thus, the concentration of hydrogen peroxide in the product at the time of application will range from 0.09% to 0.54%. The information from open literature demonstrated that solutions containing 6% hydrogen peroxide have an acute oral $LD_{50} \geq 5,000$ milligrams/kilograms (mg/kg) in rats (toxicity category III), an acute dermal $LD_{50} \geq 10,000$ mg/kg in rabbits (toxicity category IV), and an inhalation LC_{50} of 4 milligram/liter (mg/L) (toxicity category IV). The 6% hydrogen peroxide solutions are mild irritants to rabbit skin and cause severe irreversible corneal injury in half of the exposed rabbits (toxicity category I). Toxicology information from open literature demonstrated that solutions which contained 50% hydrogen peroxide have an acute oral $LD_{50} < 500$ mg/kg in rats (toxicity category II), and an acute dermal $LD_{50} < 1,000$ mg/kg in rabbits (toxicity category II). No deaths resulted after an 8–hour exposure of rats to saturated vapors of 90% hydrogen peroxide, $LC_{50} = 4$ mg/L (2,000 ppm). Solutions which contain 50% hydrogen peroxide also are extremely irritating (corrosive) to rabbit eyes (toxicity category I).

EPA has concluded that for food use at an application rate of ≤ 1% hydrogen peroxide has no apparent acute toxicity and subchronic toxicity end points exist to suggest a significant toxicity. An RfD (chronic toxicity) for hydrogen peroxide has not been estimated because of its short half-life in the environment and lack of any residues of toxicological concern. For similar reasons, an additional safety factor was not judged necessary to protect the safety of infants and children. Additionally, hydrogen peroxide is listed by the Food and Drug Administration as Generally Recognized As Safe (GRAS). Additionally, hydrogen peroxide is used to treat food at a maximum level of 0.05% in milk used in cheesemaking, 0.04% in whey, 0.15% in starch and corn syrup, and 1.25% in emulsifiers containing fatty acid esters as bleaching agents (21 CFR 184.1366). As a GRAS substance, hydrogen peroxide may be used in washing or to assist in the lye peeling of fruits and vegetables (21 CFR 173.315).

V. Aggregate Exposures

In examining aggregate exposure, FFDCA section 408 directs EPA to consider available information concerning exposures from the pesticide residue in food and all other non-occupational exposures, including drinking water from ground water or surface water and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

A. Dietary Exposure

1. *Food.* For the proposed uses the concentrate of hydrogen peroxide will be diluted with water at the rate of 1:50, 1:100 or 1:300 corresponding to a low concentration of hydrogen peroxide in the product at the time of application (0.09–0.54%). The solution, having a low concentration of hydrogen peroxide, reacts on contact with the surface on which it is sprayed and degrades rapidly to oxygen and water. Therefore, residues in or on treated post-harvest food commodities of the algaecide/fungicide/bactericide hydrogen peroxide are expected to be negligible. Additional sources of the GRAS substance hydrogen peroxide in concentrations range from 0.04% to 1.25% in various foods as cited above (21 CFR 184.1366).

2. *Drinking water exposure.* At the proposed application rates, the use of hydrogen peroxide as an algaecide, fungicide, and bactericide to treat all post-harvest agricultural food commodities could result in a minimal transfer of residues to potential drinking water sources. This is due to the low application rate and the rapid chemical degradation of hydrogen peroxide into oxygen and water neither of which is of toxicological concern.

B. Other Non-Occupational Exposure

There may be minimal amounts of non-dietary exposure to hydrogen peroxide in homes through the infrequent and short topical use of the substance in treating minor skin injuries and in its use in oral mouthwashes. Exposure is expected to be minimal also because of the rapid chemical degradation of hydrogen peroxide into oxygen and water.

VI. Cumulative Effects

Because of the low use rates of hydrogen peroxide, its low toxicity and rapid degradation, EPA does not believe that there is any concern regarding the potential for cumulative effects of hydrogen peroxide with other substances due to a common mechanism of action. Because hydrogen peroxide is not known to have a common toxic metabolite with other substances, EPA has not assumed that hydrogen peroxide has a common mechanism of toxicity with other substances.

VII. Determination of Safety for U.S. Population, Infants and Children

Because hydrogen peroxide is of low toxicity, the proposed uses employ low concentrations of hydrogen peroxide, and hydrogen peroxide degrades rapidly following application, EPA concludes that this exemption from the requirement of a tolerance in or on all post-harvest food commodities for hydrogen peroxide when applied at ≤ 1% will not pose a dietary risk under reasonably foreseeable circumstances. Further, the EPA Office of Water has stated that it has seen no new data that contradict the assessment previously given, which is that low concentrations of hydrogen peroxide do not typically persist in drinking water at levels that pose a health risk. Accordingly, EPA concludes that there is a reasonable certainty of no harm to consumers, including infants and children, from aggregate exposure to hydrogen peroxide.

VIII. Other Considerations

A. Endocrine Disruptors

There is no evidence to suggest that hydrogen peroxide in the proposed concentrations will adversely affect the endocrine system.

B. Analytical Method(s)

An analytical method for the detection of residues of hydrogen peroxide is not applicable to this tolerance exemption because of the low concentration of hydrogen peroxide in the product at the time of application (≤ 1%) and its rapid degradation to water and oxygen on contact with crops.

C. Codex Maximum Residue Level

There are no Codex Maximum Residue Levels established for residues on hydrogen peroxide.

IX. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to ''object'' to a regulation for an exemption from the requirement of a

tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301217 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before April 29, 2002.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential 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. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it ''Tolerance Petition Fees.''

EPA is authorized to waive any fee requirement ''when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection.'' For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit IX.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket number OPP–301217, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

Request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

X. Regulatory Assessment Requirements

This final rule establishes an exemption from the tolerance requirement under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866 due to its lack of significance, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on 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, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the

development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). For these same reasons, the Agency has determined that this rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications '' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.'' This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

XI. Submission to Congress and the Comptroller General

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

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 20, 2002.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 371.

2. Section 180.1197 is revised to read as follows:

§ 180.1197 Hydrogen peroxide; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of hydrogen peroxide in or on all post-harvest food commodities at the rate of ≤ 1% hydrogen peroxide per application.

[FR Doc. 02–4791 Filed 2–27–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–7150–6]

North Carolina: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: North Carolina has applied to EPA for Final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has determined that these changes satisfy all requirements needed to qualify for Final authorization, and is authorizing the State's changes through this immediate final action. EPA is publishing this rule to authorize the changes without a prior proposal because we believe this action is not controversial and do not expect comments that oppose it. Unless we get written comments which oppose this authorization during the comment period, the decision to authorize North Carolina's changes to their hazardous waste program will take effect. If we get comments that oppose this action, we will publish a document in the **Federal Register** withdrawing this rule before it takes effect and a separate document in the proposed rules section of this **Federal Register** will serve as a proposal to authorize the changes.

DATES: This Final authorization will become effective on April 29, 2002 unless EPA receives adverse written comment by April 1, 2002. If EPA receives such comment, it will publish a timely withdrawal of this immediate final rule in the **Federal Register** and inform the public that this authorization will not take effect.

ADDRESSES: Send written comments to Narindar Kumar, Chief RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street, SW Atlanta, GA, 30303–3104; (404) 562–8440. You can view and copy North Carolina's application from 9 a.m. to 4 p.m. at the following addresses: North Carolina Department of Environment, Health and Natural Resources, P.O. Box 27687, Raleigh, North Carolina 29201, (919) 733–2178; and EPA Region 4, Atlanta Federal Center, Library, 61 Forsyth Street, SW., Atlanta, Georgia 30303; (404) 562–8190.

FOR FURTHER INFORMATION CONTACT: Narindar Kumar, Chief RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, GA, 30303–3104; (404) 562–8440.

SUPPLEMENTARY INFORMATION:

A. Why Are Revisions to State Programs Necessary?

States which have received final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, States must change their programs and ask EPA to authorize the changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

B. What Decisions Have We Made in This Rule?

We conclude that North Carolina's application to revise its authorized

program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we grant North Carolina Final authorization to operate its hazardous waste program with the changes described in the authorization application. North Carolina has responsibility for permitting Treatment, Storage, and Disposal Facilities (TSDFs) within its borders (except in Indian Country) and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New federal requirements and prohibitions imposed by Federal regulations that EPA promulgates under the authority of HSWA take effect in authorized States before they are authorized for the requirements. Thus, EPA will implement those requirements and prohibitions in North Carolina, including issuing permits, until the State is granted authorization to do so.

C. What Is the Effect of Today's Authorization Decision?

The effect of this decision is that a facility in North Carolina subject to RCRA will now have to comply with the authorized State requirements instead of the equivalent federal requirements in order to comply with RCRA. North Carolina has enforcement responsibilities under its state hazardous waste program for violations of such program, but EPA retains its authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others, authority to:

- Do inspections, and require monitoring, tests, analyses or reports.
- Enforce RCRA requirements and suspend or revoke permits.
- Take enforcement actions regardless of whether the State has taken its own actions.

This action does not impose additional requirements on the regulated community because the regulations for which North Carolina is being authorized by today's action are already effective, and are not changed by today's action.

D. Why Wasn't There a Proposed Rule Before Today's Rule?

EPA did not publish a proposal before today's rule because we view this as a routine program change and do not expect comments that oppose this approval. We are providing an opportunity for public comment now. In addition to this rule, in the proposed rules section of today's **Federal Register** we are publishing a separate document that proposes to authorize the state program changes.

E. What Happens if EPA Receives Comments That Oppose This Action?

If EPA receives comments that oppose this authorization, we will withdraw this rule by publishing a document in the **Federal Register** before the rule becomes effective. EPA will base any further decision on the authorization of the state program changes on the proposal mentioned in the previous paragraph. We will then address all public comments in a later final rule. You may not have another opportunity to comment. If you want to comment on this authorization, you must do so at this time.

If we receive comments that oppose only the authorization of a particular change to the State hazardous waste program, we will withdraw that part of this rule but the authorization of the program changes that the comments do not oppose will become effective on the date specified above. The **Federal Register** withdrawal document will specify which part of the authorization will become effective, and which part is being withdrawn.

F. What Has North Carolina Previously Been Authorized for?

North Carolina initially received final authorization on December 14, 1984, effective December 31, 1984 (49 FR 48694) to implement its base hazardous waste management program. We granted authorization for changes on March 25, 1986 (51 FR 10211) effective April 8, 1986, August 5, 1988 (53 FR 1988) effective October 4, 1988, February 9, 1989 (54 FR 6290) effective April 10, 1989, September 22, 1989 (54 FR 38993) effective November 21, 1989, January 18, 1991 (56 FR 1929) effective March 19, 1991, April 10, 1991 (56 FR 14474) effective June 9, 1991, July 19, 1991 (56 FR 33206) effective September 17, 1991, April 27, 1992 (57 FR 15254) effective June 26, 1992, December 12, 1992 (57 FR 59825) effective February 16, 1993, June 3, 1993 (58 FR 31474) effective June 3, 1993, January 27, 1994 (59 FR 3792) effective March 28, 1994, April 4, 1994 (59 FR 15633) effective June 3, 1994, June 23, 1994 (59 FR 32378) effective August 22, 1994, November 10, 1994 (59 FR 56000) effective January 9, 1995, September 27, 1995 (60 FR 49800) effective November 27, 1995, April 25, 1996 (61 FR 18284) effective June 24, 1996, October 23, 1998 (63 FR 56834) effective December 22, 1998. North Carolina most recently received authorization for revisions to its program on August 25, 1999 (64 FR 46298) effective October 25, 1999.

G. What Changes Are We Authorizing With Today's Action?

On April 05, 2000, North Carolina submitted a final complete program revision application, seeking authorization of their changes in accordance with 40 CFR 271.21. We now make an immediate final decision, subject to receipt of written comments that oppose this action, that North Carolina's hazardous waste program revision satisfies all of the requirements necessary to qualify for Final authorization. Therefore, we grant North Carolina Final authorization for the following program changes:

Federal requirement	**Federal Register**	Analogous state authority [1]
Military Munitions Rule: Hazardous Waste Identification and Management; Explosive Emergencies; Manifest Exemptions for Transport of Hazardous Waste on Right-of-Ways on Contiguous Properties Checklist 156.	02/12/1997 ..... 62 *FR* 6622	NCGS §130A–294(c)(1), NCGS §130A–294(c)(2),NCGS §130A–294(c)(5),NCGS §130A–294(c)(6), NCGS §130A–294(c)(7),NCGS §130A–294(c)(14),NCGS §130A–294(c)(15),NCGS §130A–294(d),NCGS §150B–21.6,15A NCAC 13A.0102(b), 15A NCAC 13A.0106(a), 15A NCAC 13A.0107(a), 15A NCAC 13A.0107(b), 15A NCAC 13A.0108(a), 15A NCAC 13A.0109(b), 15A NCAC 13A.0109(f), 15A NCAC 13A.0109(z),15A NCAC 13A.0110(a),15A NCAC 13A.0110(e),15A NCAC 13A.0110(w),15A NCAC 13A.0111(e),15A NCAC 13A.0113(a),15A NCAC 13A.0113(g).
Land Disposal Restrictions Phase III Emergency Extension of the K088 National Variance, Amendment Checklist 160.	07/14/1997 ..... 52 *FR* 37699	15A NCAC 13A.0112(b).

Federal requirement	**Federal Register**	Analogous state authority [1]
Emergency Revision of the Carbamate Land Disposal Restrictions Checklist 161.	08/28/1997 ..... 62 *FR* 45568	15A NCAC 13A.0112(c).
Clarification of Standards for Hazardous Waste LDR Treatment Variances; Checklist 162.	12/05/1997 ..... 62 *FR* 64504	15A NCAC 13A.0112(c).
Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers; Clarification and Technical Amendment; Checklist 163.	12/08/1997 ..... 62 *FR* 64636	15A NCAC 13A.0109(c),15A NCAC 13A.0109(f),15A NCAC 13A.0109(v),15A NCAC 13A.0109(w),15A NCAC 13A.0109(x),15A NCAC 13A.0110(b),15A NCAC 13A.0110(e),15A NCAC 13A.0110(s),15A NCAC 13A.0110(t),15A NCAC 13A.0110(u),15A NCAC 13A.0113(b).
Kraft Mill Steam Stripper Condensate Exclusion; Checklist 164.	04/15/1998 ..... 63 *FR* 18504	15A NCAC 13A.0106(a).
Recycled Used Oil Management Standards; Technical Corrections and Clarification; Checklist 166.	05/06/1998 ..... 63 *FR* 24963	15A NCAC 13A.0106(a),15A NCAC 13A.0118(b),15A NCAC 13A.0118(c),15A NCAC 13A.0118(e),15A NCAC 13A.0118(f),15A NCAC 13A.0118(g),15A NCAC 13A.0118(h).
Land Disposal Restrictions Phase IV Treatment Standards for Metal Wastes and Mineral Processing Wastes; Checklist 167A.	05/26/1998 ..... 63 *FR* 28556	NCGS § 130A–294(c)(7), NCGS § 130A–294(c)(15),NCGS § 130A–294(h)(2),NCGS § 150B–21.6,15A NCAC 13A.0112(a),15A NCAC 13A.0112(b),15A NCAC 13A.0112(c).
Land Disposal Restrictions Phase IV Corrections; Checklist 167C.	05/26/1998 ..... 63 *FR* 28556	NCGS § 130A–294(c)(7),NCGS § 130A–294(c)(15),NCGS § 130A–294(h)(2),NCGS § 150B–21.6,15A NCAC 13A.0112(a),15A NCAC 13A.0112(c),15A NCAC 13A.0112(e).
Mineral Processing Secondary Materials Exclusion; Checklist 167D.	05/26/1998 ..... 63 *FR* 28556	NCGS § 130A–294(c)(1),CGS § 130A–294(c)(15), NCGS § 150B–21.6,15A NCAC 13A.0106(a).
Bevill Exclusion Revisions and Clarifications; Checklist 167E.	05/26/1998 ..... 63 *FR* 28556	NCGS § 130A–294(c)(1),NCGS § 130A–294(c)(15),NCGS § 150B–21.6,15A NCAC 13A.0106(a).
Exclusion of Recycled Wood Preserving Wastewaters	05/26/1998 ..... 63 *FR* 28556	NCGS § 130A–294(c)(1),NCGS § 130A–294(c)(15),NCGS § 150B–21.6,15A NCAC 13A.0106(a).

[1] The North Carolina provisions are from the North Carolina Hazardous Waste Management Rules, 15A NCAC 13A, April 1, 1999, unless otherwise stated.

H. Who Handles Permits After the Authorization Takes Effect?

North Carolina will issue permits for all the provisions for which it is authorized and will administer the permits it issues. EPA will continue to administer any RCRA hazardous waste permits or portions of permits which we issued prior to the effective date of this authorization. At the time the State Program is approved in the new areas, EPA will suspend issuance of Federal permits in the State and terminate those Federal permits issued pursuant to 40 CFR 124.5 and 271.8 upon effectiveness of equivalent state permit conditions. EPA will also transfer any pending permit applications, completed permits, or pertinent file information to the State within thirty (30) days of the approval of the State Program in conformance with the conditions of this agreement. We will not issue any more new permits or new portions of permits for the provisions listed in the Table above after the effective date of this authorization. EPA will continue to implement and issue permits for HSWA requirements for which North Carolina is not yet authorized.

I. What Is Codification and Is EPA Codifying North Carolina's Hazardous Waste Program as Authorized in This Rule?

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. We do this by referencing the authorized State rules in 40 CFR part 272. We reserve the amendment of 40 CFR part 272, subpart PP for this authorization of North Carolina's program until a later date.

J. How Does Today's Action Affect Indian Country (18 U.S.C. 115) in North Carolina?

North Carolina has not requested authorization to carry out its hazardous waste program in Indian Country within the State, which includes the Cherokee Indian Nation, and therefore is not authorized to carry out its hazardous waste program in Indian Country within the State. As a result, this action has no effect on Indian Country. EPA will continue to implement and administer the RCRA program in these lands.

K. Administrative Requirements

The Office of Management and Budget has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993), and therefore this action is not subject to review by OMB. This action authorizes State requirements for the purpose of RCRA 3006 and imposes no additional requirements beyond those imposed by State law. Accordingly, I certify that this action 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 action authorizes pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). For the same reason, this action does not have tribal implications within the meaning of Executive Order 13175 (65 FR 67249, November 6, 2000). It does not have substantial direct effects on tribal governments, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order

13175. This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

Under RCRA 3006(b), EPA grants a State's application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this document 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 in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This action will be effective April 29, 2002.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: September 18, 2001.

A. Stanley Meiburg,

Acting Regional Administrator, Region IV.

[FR Doc. 02–4644 Filed 2–27–02; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 32

[CC Docket Nos. 00–199, 97–212, and 80–286; FCC 01–305]

2000 Biennial Regulatory Review—Comprehensive Review of the Accounting Requirements and ARMIS Reporting Requirements for Incumbent Local Exchange Carriers: Phase 2

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: On February 6, 2002, the Commission published a final rule document which consolidated and streamlined Class A accounting requirements; relaxed certain aspects of the affiliate transactions rules; significantly reduced the accounting and reporting rules for mid-sized carriers; and reduced the ARMIS reporting requirements for both large and mid-sized incumbent local exchange carriers (LECs). This document corrects that rule by redesignating the paragraphs of § 32.5200.

DATES: Effective February 28, 2002.

ADDRESSES: Federal Communications Commission, 445 12th Street, TW–A325, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Tim Peterson, Deputy Division Chief, Accounting Safeguards Division, Common Carrier Bureau, at (202) 418–1575 or Mika Savir, Accounting Safeguards Division, Common Carrier Bureau, Legal Branch, at (202) 418–0384. For additional information concerning the information collections in this document, contact Judy Boley at (202) 418–0214, or via the Internet at *jboley@fcc.gov.*

SUPPLEMENTARY INFORMATION: On February 6, 2001 the **Federal Register** published a summary of the Commission's Report and Order adopted October 11, 2001 and released November 5, 2001, along with final rules adopted by the Commission. In § 32.5200 of the final rules, paragraphs (j), (k), and (l) were incorrectly listed as (k), (l), and (m). This document corrects that error by redesignating those pargraphs as (j), (k), and (l).

The rule published on February 6, 2002 at 67 FR 5670, is corrected as follows:

On page 5693, in the third column, in § 32.5200, redesignate paragraphs (k), (l), and (m) as paragraphs (j), (k), and (l).

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 02–4861 Filed 2–27–02; 8:45 am]

BILLING CODE 6712–01–P

Rules and Regulations

Federal Register
Vol. 67, No. 40
Thursday, February 28, 2002

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 01–092–2]

Asian Longhorned Beetle; Addition to Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the Asian longhorned beetle regulations to include additional quarantined areas in Illinois and New York. As a result of the interim rule, the interstate movement of regulated articles from those areas is restricted. The interim rule was necessary to prevent the artificial spread of the Asian longhorned beetle to noninfested areas of the United States.

EFFECTIVE DATE: The interim rule became effective on November 2, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Michael B. Stefan, Emergency Programs Coordinator, Surveillance and Emergency Programs Planning and Coordination Staff, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1231; (301) 734–7338.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective November 2, 2001, and published in the **Federal Register** on November 8, 2001 (66 FR 56428–56430, Docket No. 01–092–1), we amended the Asian longhorned beetle regulations in 7 CFR part 301 to include additional areas of Illinois and NewYork in the list of quarantined areas in § 301.51–3. That action was necessary to prevent the artificial spread of the Asian longhorned beetle to noninfested areas of the United States.

Comments on the interim rule were required to be received on or before January 7, 2002. We did not receive any comments. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule.

This action also affirms the information contained in the interim rule concerning Executive Orders 12866, 12372, and 12988, the National Environmental Policy Act, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

Regulatory Flexibility Act

This rule affirms an interim rule that amended the Asian longhorned beetle regulations by including additional quarantined areas in Illinois and New York. As a result of the interim rule, the interstate movement of regulated articles from those areas is restricted.

The following analysis addresses the economic effect of this rule on small entities, as required by the Regulatory Flexibility Act.

The small businesses potentially affected by the interim rule are nurseries, arborists, tree removal services, and firewood dealers located within the quarantined areas. The actual number of such businesses in the quarantined areas added by the interim rule is unknown. However, we anticipate that the number of such businesses is small since the newly quarantined areas are urban and suburban communities as opposed to rural farm areas.

It is further estimated that the number and value of regulated articles that would, upon inspection, be determined to be infested, and therefore denied a certificate or a limited permit for movement, is small. Current data from the Animal and Plant Health InspectionService (APHIS) Asian longhorned beetle project being conducted in Amityville, NY, support this conclusion.

Finally, the regulations allow businesses to chemically treat, fumigate, or process by chipping or burning all regulated articles before they are presented for APHIS inspection. It is likely that, given their low value relative to the cost of treatment, most regulated articles would not undergo such treatment.

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

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR part 301 and that was published at 66 FR 56428–56430 on November 8, 2001.

Authority: 7 U.S.C. 166, 7711, 7712, 7714, 7731, 7735, 7751, 7752, 7753, and 7754; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 also issued under Sec. 204, Title II, Pub. L. 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 also issued under Sec. 203, Title II, Pub. L. 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

Done in Washington, DC, this 22nd day of February 2002 .

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–4801 Filed 2–27–02; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 984

[Docket No. FV01–984–1 FIR]

Walnuts Grown in California; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (USDA) is adopting, as a final rule, without change, an interim final rule which decreased the assessment rate established for the Walnut Marketing Board (Board) for the 2001–02 and subsequent marketing years from $0.0134 to $0.0124 per

kernelweight pound of assessable walnuts. The Board locally administers the Federal marketing order which regulates the handling of walnuts grown in California (order). Authorization to assess walnut handlers enables the Board to incur expenses that are reasonable and necessary to administer the program. The marketing year runs from August 1 through July 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

EFFECTIVE DATE: April 1, 2002.

FOR FURTHER INFORMATION CONTACT: Toni Sasselli, Marketing Assistant, or Richard P. Van Diest, 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, 1400 Independence Avenue, SW STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, Fax: (202) 720–8938.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, Fax: (202) 720–8938, or e-mail: *Jay.Guerber@usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 984 both as amended (7 CFR part 984), regulating the handling of walnuts grown in California, hereinafter referred to as the ''order.'' The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

USDA is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, California walnut handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable walnuts beginning on August 1, 2001, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule continues to decrease the assessment rate established for the Board for the 2001–02 and subsequent marketing years from $0.0134 to $0.0124 per kernelweight pound of assessable walnuts.

The California walnut marketing order provides authority for the Board, with the approval of the USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Board are producers and handlers of California walnuts. They are familiar with the Board's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2000–01 and subsequent marketing years, the Board recommended, and USDA approved, an assessment rate of $0.0134 per kernelweight pound of assessable walnuts that would continue in effect from year to year unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Board or other information available to USDA.

The Board met on September 7, 2001, and unanimously recommended 2001–02 expenditures of $3,124,800 and an assessment rate of $0.0124 per kernelweight pound of assessable walnuts. In comparison, last year's budgeted expenditures were $2,937,885. The assessment rate is $0.0010 lower than the $0.0134 rate formerly in effect. The lower assessment rate is necessary because this year's crop is estimated by the California Agricultural Statistics Service (CASS) to be 280,000 tons (252,000,000 kernelweight pounds merchantable), which is about 17 percent more than last year's estimate. Thus, sufficient income should be generated at the lower rate for the Board to meet its anticipated expenses.

Major expenditures in the budget recommended by the Board for the 2001–02 year include $2,566,569 for marketing and production research projects, $313,200 for employee expenses such as administrative and office salaries, payroll taxes and benefits, $130,600 for office expenses, including rent, office supplies, telephone/fax, printing, and furniture/fixtures/automobile, $76,000 for other operating expenses, including management and field travel, Board meeting expenses, insurance, and audit fees, and $38,431 as a reserve for contingency. Budgeted expenses for these items in 2000–01 were $2,450,255 for marketing and production research projects, $278,630 for employee expenses, $104,000 for office expenses, $80,000 for other operating expenses, and $25,000 as a reserve for contingency, respectively.

The assessment rate recommended by the Board was derived by dividing anticipated expenses by expected shipments of California walnuts certified as merchantable. Merchantable shipments for the year are estimated at 252,000,000 kernelweight pounds which should provide $3,124,800 in assessment income and allow the Board to cover its expenses. As specified in § 984.69, unexpended funds may be used temporarily to defray expenses of the subsequent marketing year, but must be made available to the handlers from whom collected within 5 months after the end of the year.

The assessment rate will continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and other information submitted by the Board or other available information.

Although this assessment rate is effective for an indefinite period, the Board will continue to meet prior to or during each marketing year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Board meetings are available from the Board or USDA. Board meetings are open to the public and interested persons may express their views at these meetings. USDA will evaluate Board recommendations and other available information to

determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Board's 2001–02 budget and those for subsequent marketing years will be reviewed and, as appropriate, approved by USDA.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 5,500 producers of walnuts in the production area and about 43 handlers subject to regulation under the order. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than $750,000, and small agricultural service firms are defined as those having annual receipts of less than $5,000,000.

Current industry information shows that 14 of the 43 handlers (32.5 percent) shipped over $5,000,000 of merchantable walnuts and could be considered large handlers by the Small Business Administration. Twenty-nine of the 43 walnut handlers (67.5 percent) shipped under $5,000,000 of merchantable walnuts and could be considered small handlers. An estimated 5,442 walnut producers, or about 98.9 percent of the 5,500 total producers, would be considered small producers with annual incomes less than $750,000. Based on the foregoing, it can be concluded that the majority of California walnut handlers and producers may be classified as small entities.

This rule continues to decrease the assessment rate established for the Board and collected from handlers for the 2001–02 and subsequent marketing years from $0.0134 to $0.0124 per kernelweight pound of assessable walnuts. The Board unanimously recommended 2001–02 expenditures of $3,124,800. The recommended $0.0010 decrease in the assessment rate is necessary because this year's estimate of assessable walnuts is about 17 percent more than last year's estimate. Thus, sufficient income should be generated at the current rate for the Board to meet its anticipated expenses.

Major expenditures in the budget recommended by the Board for the 2001–02 year include $2,566,569 for marketing and production research projects, $313,200 for employee expenses such as administrative and office salaries, payroll taxes and benefits, $130,600 for office expenses, including rent, telephone/fax, postage, printing, furniture, fixtures, and automobile, $76,000 for other operating expenses, including management and field travel, insurance, and audit fees, and $38,431 as a reserve for contingency. Budgeted expenses for these items in 2000–01 were $2,450,255 for marketing and production research projects, $278,630 for employee expenses, $104,000 for office expenses, $80,000 for other operating expenses, and $25,000 as a reserve for contingency, respectively.

Prior to arriving at this budget, the Board considered information from various sources, such as the Board's Budget and Personnel Committee, Research Committee, and Marketing Development Committee. Alternative expenditure levels were discussed by these groups, based upon the relative value of various research projects to the walnut industry. The recommended $0.0124 per kernelweight pound assessment rate was then determined by dividing the total recommended budget by the 252,000,000 kernelweight pound estimate of assessable walnuts for the year. Unexpended funds may be used temporarily to defray expenses of the subsequent marketing year, but must be made available to the handlers from whom collected within 5 months after the end of the year (§ 984.69).

A review of historical information and preliminary information pertaining to the current marketing year indicates that the grower price for 2001–02 could range between $0.50 and $0.70 per kernelweight pound of assessable walnuts. Therefore, the estimated assessment revenue for the 2001–02 year as a percentage of total grower revenue could range between 1.7 and 2.5 percent.

This action continues to decrease the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate reduces the burden on handlers, and may reduce the burden on producers. In addition, the Board's meeting was widely publicized throughout the walnut industry and all interested persons were invited to attend the meeting and participate in Board deliberations on all issues. Like all Board meetings, the September 7, 2001, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

This action imposes no additional reporting or recordkeeping requirements on either small or large California walnut handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

An interim final rule concerning this action was published in the **Federal Register** on November 21, 2001 (66 FR 58362). Copies of that rule were also mailed or sent via facsimile to all walnut handlers. Finally, the interim final rule was made available through the Internet by the Office of the Federal Register and USDA. A 60-day comment period was provided for interested persons to respond to the interim final rule. The comment period ended on January 22, 2002, and no comments were received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab.html.* Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Board and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 984

Marketing agreements, Nuts, Reporting and recordkeeping requirements, Walnuts.

PART 984—WALNUTS GROWN IN CALIFORNIA

Accordingly, the interim final rule amending 7 CFR part 984 which was published at 66 FR 58362 on November 21, 2001, is adopted as a final rule without change.

Dated: February 22, 2002.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 02–4707 Filed 2–27–02; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 01–065–2]

Change in Disease Status of Greece Because of BSE

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the regulations by adding Greece to the list of regions where bovine spongiform encephalopathy exists because the disease had been detected in a native-born animal in that region. Greece had been listed among the regions that present an undue risk of introducing bovine spongiform encephalopathy into the United States. The effect of the interim rule was a continued restriction on the importation of ruminants that have been in Greece and meat, meat products, and certain other products of ruminants that have been in Greece. The interim rule was necessary in order to update the disease status of Greece regarding bovine spongiform encephalopathy.

EFFECTIVE DATE: The interim rule became effective on July 2, 2001.

FOR FURTHER INFORMATION CONTACT: Dr. Donna Malloy, Senior Staff Veterinarian, National Center for Import and Export, Products Program, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737–1231; (301) 734–3277.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective July 2, 2001, and published in the **Federal Register** on October 30, 2001 (66 FR 54642–54643, Docket No. 01–065–1), we amended the regulations by adding Greece to the list in § 94.18(a)(1) of regions where bovine spongiform encephalopathy (BSE) is known to exist. Greece had previously been listed in § 94.18(a)(2) as a region that presents an undue risk of introducing BSE into the United States. However, due to the detection of BSE in a native-born animal in that region, the interim rule was necessary to update the disease status of Greece regarding BSE.

Comments on the interim rule were required to be received on or before December 31, 2001. We did not receive any comments. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Order 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, ANDBOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR part 94 and that was published at 66 FR 54642–54643 on October 30, 2001.

Authority: 7 U.S.C. 450, 7711, 7712, 7713, 7714, 7751, and 7754; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 22nd day of February, 2002.

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–4844 Filed 2–27–02; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 162, 171 and 178

[T.D. 02–08]

RIN 1515–AC69

Civil Asset Forfeiture

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document adopts as a final rule, with some changes, the interim rule amending the Customs Regulations that was published in the **Federal Register** on December 14, 2000, as T.D. 00–88. The interim rule implemented the provisions of the Civil Asset Forfeiture Reform Act of 2000 (CAFRA), insofar as these provisions were applicable to laws enforced by Customs. The CAFRA created general rules governing civil forfeiture proceedings. However, CAFRA specifically exempted from certain of its requirements forfeitures that were made under a number of statutes, among these being: the Tariff Act of 1930 or any other provision of law codified in title 19, United States Code; the Internal Revenue Code of 1986; the Federal Food, Drug, and Cosmetic Act; the International Emergency Economic Powers Act; and the Trading with the Enemy Act. In addition, this final rule adopts certain minor conforming changes to the Customs Regulations that were made in the interim rule in order to reflect a recodification of existing statutory law.

EFFECTIVE DATE: February 28, 2002.

FOR FURTHER INFORMATION CONTACT: Jeremy Baskin, Penalties Branch, (202–927–2344).

SUPPLEMENTARY INFORMATION:

Background

Section 2 of the Civil Asset Forfeiture Reform Act of 2000 (CAFRA), Public Law (Pub. L.) 106–185, 114 Stat. 202, enacted on April 25, 2000, and codified at title 18, United States Code, section 983 (18 U.S.C. 983), created general rules for civil forfeiture proceedings. This section of the CAFRA, however, specifically exempts from certain of its requirements forfeitures undertaken pursuant to the following statutes: the Tariff Act of 1930 or any other provision of law codified in title 19, United States Code; the Internal Revenue Code of 1986; the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 *et seq.*); the Trading with the Enemy Act (50 U.S.C. App. 1 *et seq.*); and section 1 of title VI of the Act of June 15, 1917 (40 Stat. 233; 22 U.S.C. 401). In addition, Public Law 107–56, enacted October 26, 2001, the title of which is the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) Act of 2001, exempted from the requirements of CAFRA the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1701 *et seq.*).

Under section 2 of the CAFRA, specified duties and obligations

concerning civil forfeiture proceedings are placed upon Government officials who were to be designated by the seizing agencies.

By a document published in the **Federal Register** (65 FR 78090) on December 14, 2000, as T.D. 00–88, Customs announced an interim rule to clarify and implement the law in this regard. It was determined that interim regulations were appropriate because no additional requirements were imposed upon the public. Rather, the interim regulations conferred certain additional rights on property owners or interested parties, and provided clear guidance to Customs officials in the processing of property seized for forfeiture under the CAFRA.

The interim rule identified the particular Customs official who will grant extensions of time for sending notices of seizure, as authorized by 18 U.S.C. 983(a)(1)(B), and it identified those Customs officials who will rule on requests for immediate release of seized property, as authorized by 18 U.S.C. 983(f)(2). The interim regulations also provided guidance to Customs officials in the processing of property seized for forfeiture under the CAFRA.

In addressing these matters, the interim rule added a new subpart H to part 162 of the Customs Regulations (19 CFR part 162, subpart H).

Furthermore, the interim regulations made clear that acceptance of an administrative forfeiture remission does not make the Government liable for fees, costs or interest pursuant to 28 U.S.C. 2465. In this respect, a new § 171.24 was added to the Customs Regulations (19 CFR 171.24) to provide that, in the case of any seizure for forfeiture that is remitted or mitigated under 19 U.S.C. 1618 or 31 U.S.C. 5321, the person who accepts such a remission or mitigation decision will not be considered to have substantially prevailed in a civil forfeiture proceeding for purposes of being able to collect any fees, costs or interest from the Government.

With the exception of the provision in new § 171.24, seizures exempted from the requirements of section 2 of the CAFRA will be processed in accordance with existing regulations.

Lastly, Pub. L. 103–272, 108 Stat. 745, dated July 5, 1994, reenacted and recodified the provisions of title 49, United States Code. To this end, the interim rule removed the reference to 49 U.S.C. App. appearing in part 171, subpart F, of the Customs Regulations (19 CFR part 171, subpart F), and added in its place a reference to 49 U.S.C. 80303, in accordance with the recodification of the statutory provision specifically made by section 1(e) of Pub. L. 103–272.

Before adopting the interim regulations as a final rule, Customs solicited comments from the public. Three commenters responded to the interim rule. A description of the issues that were raised by the commenters together with Customs response to these issues is set forth below.

Discussion of Comments

Comment: One commenter declares that currently, at international airports, there are signs warning passengers to declare the currency they are carrying if it exceeds $10,000. The commenter recommends that information be added to this warning that if currency is seized for nonreporting, the person whose money is seized has a right to file a claim and to be represented by an attorney, even if the person cannot afford an attorney. The claimant indicates that section 983(b) of title 18 specifies the right to legal representation.

Customs Response: The informational content of warnings posted at airports notifying passengers of the obligation to file monetary instrument reports falls outside the scope of this regulation.

Comment: One commenter states that clarification is required of the meaning of 18 U.S.C. 981(d) of the CAFRA. In particular, the commenter notes that administrative proceedings for violation of the Customs laws are inconsistent with section 981.

Customs Response: Customs disagrees. Administrative proceedings for processing seizures made for violation of the Customs laws are governed by the statutory provisions of 19 U.S.C. 1602 through 1619. Further, the provisions of 19 U.S.C. 1600 state that these procedures will apply to seizures of any property effected by Customs officers under any law enforced or administered by the Customs Service unless such law specifies different procedures. Because section 981 specifically authorizes the application of the Customs laws to these seizures, we find no inconsistencies.

Comment: One commenter asks why the interim regulations refer to ''calendar days'' when the statute only refers to ''days.''

Customs Response: Customs used the term ''calendar days'' in the interim rule for purposes of clarity.

Comment: One commenter observes that § 162.92(a) in the interim rule states that Customs will send a written notice of seizure ''as soon as practicable'' yet an existing regulatory provision (19 CFR 162.21(a)) states that a receipt for seized property shall be given at the time of seizure to the person from whom the property was seized. The commenter suggests that these provisions are clearly in conflict. The commenter avers that immediate notification of seizure must occur, because extending the time for issuance of a receipt creates a situation where none of the parties directly involved with the shipment, *i.e.,* shipper, consignee or carrier, would know the disposition for an extended period of time. It is asserted that seizure of a shipment with no notice from Customs for 60 days or more does not allow the importer to conduct his normal business and will cause the carrier to expend needless time and effort in searching for the seized articles.

Customs Response: There is no conflict presented between §§ 162.21 and 162.92. Further, Customs believes that adequate safeguards regarding notices of seizure already exist.

The commenter incorrectly equates providing a receipt for seized property, which is merely an indication that the Government has taken possession of the property, with issuance of a formal notice of seizure, which explains the rights, both administrative and judicial, that a claimant to that property has with regard to challenging the forfeiture. The issuance of a notice of seizure is already governed by the provisions of § 162.31 of the Customs Regulations (19 CFR 162.31). Those requirements of notice have not changed. In fact, the regulation with which the commenter takes issue, § 162.92, specifically references the requirements of § 162.31 governing information to be included in a notice of seizure. By contrast, the provisions of § 162.21 only speak to the responsibilities and authority of the Customs officer actually making a seizure. Section 162.21 does not deal with the notification of seizure and explanation of the forfeiture processes as do the notices of seizure.

Comment: One commenter notes that, as a carrier, delay in notification of seizures under § 162.92(a) can result in claims being made against the carrier for ''lost'' merchandise which has, in fact, been seized by Customs.

The commenter suggests numerous possible procedures that Customs could implement by regulation to assist carriers when claims are filed due to seizure. Specifically, these procedures include: (1) The provision by Customs of a list of all shipments seized from a carrier's custody not more than 60 days following seizure, without exception so as to allow the carrier to process claims; (2) the review by Customs, every 30 days, of a list of all claims submitted to the carrier for loss in order to allow the carrier to determine which shipments

have been seized by Customs; (3) the empowerment of the carrier to require any party filing a claim against the carrier to obtain from Customs written confirmation that the shipment was not seized in order to perfect that claim; and (4) the empowerment of the carrier to require the party filing a claim to assign ownership of the shipment to the carrier should it be found to have been seized and then released by Customs.

Customs Response: Customs disagrees that any changes as proposed by the commenter are needed under the circumstances. The provisions of § 162.31 already require Customs to provide written notice of any liability to forfeiture to each party that the facts of record indicate has an interest in the claim or seized property. To this effect, as stated above, § 162.92(a) in the interim rule specifically references the requirements of § 162.31 governing information to be included in a notice of seizure.

It is not the responsibility of Customs to match each notice of seizure provided to a carrier with any claims of loss that have been filed against the carrier. Nor is it the province of the Customs Regulations to include provisions regarding business practices of a carrier or to empower that carrier to require information from its clients under the authority of federal regulation. The requirements of CAFRA require notification to known parties-in-interest as provided in the interim regulations and as adopted in these final regulations.

Comment: One commenter states, in connection with § 162.92(d), that only the Assistant Commissioner, Office of Investigations, may extend the period for sending notices, not his designee. It is claimed that 18 U.S.C. 983 makes no provision for designees.

Customs Response: The provisions of 18 U.S.C. 983(a)(1)(B) require the decision as to any extension to be made by a supervisory official in the Headquarters office of the seizing agency. Section 162.92(d) in the interim rule complies with this statutory requirement. There is no statutory prohibition on allowing a designee of a supervisory official from making this decision.

Comment: One commenter notes, with respect to § 162.93, that if notice of seizure is not provided timely under CAFRA, and the seized property must be returned to the person from whom the property was seized, the interim regulations provide no audit or check to assure that return of the property occurs. It is averred that no party other than Customs will know that the seizure occurred because no notice has been issued. Accordingly, the commenter suggests that articles should be returned to the owner within 60 days, the same time period as originally required to issue the notice.

Customs Response: Customs disagrees. The provisions of § 162.93 in the interim rule require Customs to return property to any person from whom property is seized if the notice of seizure is not sent within the time period prescribed in § 162.92. Also, the provisions of § 162.21 of the Customs Regulations (19 CFR 162.21) require Customs to provide a receipt for seized property to the party from whom the property has been seized. Contrary to the commenter's assertion, the party from whom the property is seized will know of the seizure based upon regulatory requirements that predate the CAFRA regulations which are the subject of this document.

Comment: One commenter states, in relation to filing a claim for seized property under § 162.94, that 18 U.S.C. 983(a)(2)(D) requires Customs to make claim forms generally available upon request. The commenter also indicates that the provisions of section 983(a)(2)(E) should make clear that a claim can be filed without the posting of a bond. Thus, the commenter implies that this language should be included in § 162.94.

Customs Response: Customs agrees. Section 162.94(c) in the interim rule is revised in this final rule to include a provision that Customs will make claim forms generally available upon request. Also, § 162.94 in the interim rule is amended in this final rule by adding a new paragraph (e) to make clear that a claim may be filed without the posting of a bond. Section 162.94(e) in the interim rule is redesignated as § 162.94(f) in this final rule.

Comment: One commenter states that Customs field offices need guidance on what is meant by the phrase ''legitimate business'' as it appears in § 162.95(b)(1) in the interim rule, which states that immediate release of seized property for hardship purposes will not apply if the seized property is currency or monetary instruments or electronic funds unless such property comprises the assets of a legitimate business. To this end, the commenter states that if a person from whom currency or negotiable instruments have been seized can demonstrate that the money had just been withdrawn from a bank account or can provide sales slips for merchandise sold, that seized property should be returned on site.

Customs Response: Customs disagrees that § 162.95(b)(1) in the interim rule needs any change as suggested by the commenter.

The commenter asks that Customs in effect expand the statute to include situations that are not contained in the statute. The statute allows for the immediate return of seized property to a claimant if continuing possession of the seized property by Customs, pending the final disposition of the forfeiture proceedings, would cause substantial hardship and that likely hardship outweighs the risk that the property will be lost, concealed or transferred if it is returned to the claimant during the pendency of the proceeding. See 18 U.S.C. 983(f)(1).

However, the statute excepts from immediate release, as provided above, currency, or other monetary instruments, or electronic funds *unless* that currency, other monetary instruments or electronic funds constitute the assets of a legitimate business which has been seized. If the claimant to property can show that the seized currency or monetary instruments are the assets of a legitimate business that has been seized, he would still need to show under the statute that he has a possessory interest in the property, that he has sufficient ties to the community, and that continuing possession by Customs would cause substantial hardship.

Against this backdrop, the providing of ''slips showing sale of merchandise'' hardly rises to the level of proof needed in order for the Government to allow the immediate release of the seized property, as described by the commenter.

Nevertheless, in one sense § 162.95(b)(1) in the interim rule does not accurately reflect the statute. It states that immediate release of seized property for hardship purposes will not apply if the seized property is currency or monetary instruments or electronic funds unless such property comprises the assets of a legitimate business. In fact, the statute at 18 U.S.C. 983(f)(8) states that the provision governing the release of seized property will not apply if the seized property is contraband, currency, or other monetary instrument, or electronic funds unless such currency or other monetary instrument or electronic funds constitutes the assets of a legitimate business *which has been seized.* Accordingly, § 162.95(b)(1) in the interim rule is amended in this final rule to more accurately reflect the statute in this respect.

Additional Changes

As previously noted, Public Law 107–56, enacted on October 26, 2001, and known as the Uniting and Strengthening

America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001, exempted from the requirements of CAFRA the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1701 *et seq.*). Section 162.91 in this final rule document is revised to reflect this statutory change.

Also, section 3 of Public Law 106–561, enacted on December 21, 2000, and known as The Paul Coverdell National Forensic Sciences Improvement Act of 2000, amended 18 U.S.C. 983(a)(2)(C)(ii) by eliminating the requirement that a party filing a CAFRA claim provide customary documentary evidence of an interest in the property, if such evidence is available; and by eliminating the requirement that the party state that the claim is not frivolous. Thus, § 162.94(d)(2) in the interim rule, which contained both of these requirements, is amended to reflect the change.

Conclusion

After careful consideration of the comments received and further review of the matter, Customs has concluded that the interim rule amending parts 162, 171 and 178, Customs Regulations (19 CFR parts 162, 171 and 178) that was published in the **Federal Register** (65 FR 78090) on December 14, 2000, as T.D. 00–88, should be adopted as a final rule with the modifications discussed above.

Regulatory Flexibility Act, Executive Order 12866 and Inapplicability of Delayed Effective Date

This final rule document does not impose any additional requirements upon the public. Rather, the regulations are intended both to confer certain additional rights on property owners or interested parties, and to provide clear guidance to Customs officials in the processing of property seized for forfeiture under the CAFRA. Accordingly, it has been determined, pursuant to 5 U.S.C. 553(d)(3), that a delayed effective date is not required. Because no notice of proposed rulemaking was required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. This final rule does not result in a ''significant regulatory action'' as specified in E.O. 12866.

Paperwork Reduction Act

The collection of information involved in this final rule document has already been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) and assigned OMB Control Number 1515–0052 (Petition for remission or mitigation of forfeitures and penalties incurred). This collection encompasses a claim for seized property in a non-judicial civil forfeiture proceeding. This rule does not present any material change to the existing approved information collection. An agency may not conduct, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number assigned by OMB.

To this end, part 178, Customs Regulations (19 CFR part 178), containing the list of approved information collections, was previously revised by the interim rule to make appropriate reference to OMB Control Number 1515–0052.

List of Subjects

19 CFR Part 162

Administrative practice and procedure, Customs duties and inspection, Drug traffic control, Imports, Inspection, Law enforcement, Penalties, Prohibited merchandise, Reporting and recordkeeping requirements, Seizures and forfeitures.

19 CFR Part 171

Administrative practice and procedure, Customs duties and inspection, Law enforcement, Penalties, Seizures and forfeitures.

19 CFR Part 178

Administrative practice and procedure, Collections of information, Imports, Paperwork requirements, Reporting and recordkeeping requirements.

Amendments to the Regulations

Accordingly, the interim rule amending parts 162, 171 and 178, Customs Regulations (19 CFR parts 162, 171 and 178), which was published at 65 FR 78090 on December 14, 2000, is adopted as a final rule with the following changes to part 162:

PART 162—INSPECTION, SEARCH, AND SEIZURE

1. The general authority and relevant specific authority citations for part 162 continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1592, 1593a, 1624.

* * * * *

Sections 162.91 through 162.96 also issued under 18 U.S.C. 983.

2. Section 162.91 is revised to read as follows:

§ 162.91 Exemptions.

The provisions of this subpart will apply to all seizures of property for civil forfeiture made by Customs officers except for those seizures of property to be forfeited under the following statutes: The Tariff Act of 1930 or any other provision of law codified in title19, United States Code; the Internal Revenue Code of 1986 (26 U.S.C. 1 *et seq.*); the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 *et seq.*); the Trading with the Enemy Act (50 U.S.C. App. 1 *et seq.*); the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1701 *et seq.*); and section 1 of title VI of the Act of June 15, 1917 (40 Stat. 233; 22 U.S.C. 401).

3. Section 162.94 is amended by adding a sentence at the end of paragraph (c) and by revising paragraph (d)(2) to read as set forth below; by redesignating existing paragraph (e) as paragraph (f); and by adding a new paragraph (e) to read as set forth below:

§ 162.94 Filing of a claim for seized property.

* * * * *

(c) *Form of claim.* * * * Claim forms will be made generally available upon request.

(d) *Content of claim.* * * *

(2) State the claimant's interest in the property; and

* * * * *

(e) *No bond required.* Any person may make a claim under this section without posting a bond.

* * * * *

4. Section 162.95 is amended by revising paragraph (b)(1) to read as follows:

§ 162.95 Release of seized property.

* * * * *

(b) *Exceptions.* * * *

(1) Is contraband, currency or other monetary instrument, or electronic funds, unless, in the case of currency, other monetary instrument or electronic funds, such property comprises the assets of a legitimate business which has been seized;

* * * * *

Robert C. Bonner,

Commissioner of Customs.

Approved: February 25, 2002.

Timothy E. Skud,

Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 02–4746 Filed 2–27–02; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF–473; Re: Notice No. 916]

RIN 1512–AAO7

Rockpile Viticultural Area (2000R–436P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Treasury decision, final rule.

SUMMARY: This Treasury decision establishes the Rockpile viticultural area in northwestern Sonoma County, CA. The Bureau of Alcohol, Tobacco and Firearms believes the establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising help consumers identify the wines they may purchase. This also allows wineries to better designate the specific grape-growing area in which the grapes used in their wine were grown.

EFFECTIVE DATE: Effective April 29, 2002.

FOR FURTHER INFORMATION CONTACT: Nancy Sutton, Specialist, Regulations Division (San Francisco, CA), Bureau of Alcohol, Tobacco and Firearms, 221 Main Street, 11th Floor, San Francisco, CA 94105, telephone (415) 947–5192.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

What Is ATF's Authority To Establish a Viticultural Area?

The Federal Alcohol Administration Act (FAA Act) at 27 U.S.C. 205(e) requires that alcohol beverage labels provide the consumer with adequate information regarding a product's identity and prohibits the use of deceptive information on such labels. The FAA Act also authorizes the Bureau of Alcohol, Tobacco and Firearms (ATF) to issue regulations to carry out the Act's provisions. Regulations in 27 CFR part 4, Labeling and Advertising of Wine, allow the establishment of definitive viticultural areas. The regulations allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. A list of approved viticultural areas is contained in 27 CFR part 9, American Viticultural Areas.

What Is the Definition of an American Viticultural Area?

An American viticultural area is a delimited grape-growing region distinguishable by geographic features. Viticultural features such as soil, climate, elevation, topography, etc., distinguish it from surrounding areas.

What Is Required To Establish a Viticultural Area?

Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

- Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;
- Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;
- Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;
- A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and
- A copy (or copies) of the appropriate U.S.G.S. map(s) with the boundaries prominently marked.

Rulemaking Proceeding

Rockpile Petition

ATF received a petition from Jack Florence, chairman of the Rockpile Appellation Committee, proposing to establish the ''Rockpile'' viticultural area in northwestern Sonoma County, California. This viticultural area is located entirely within Sonoma County and the established North Coast viticultural area as described in 27 CFR 9.30. The Rockpile viticultural area encompasses 15,400 acres at or above the 800-foot contour line and includes eleven vineyards with approximately 160 acres of planted wine grapes. The area's shape is an irregular east-to-west rectangle with Rockpile Road running through its length. The eastern portion of the area abuts the western edge of the Lake Sonoma Recreational Area and the Warm Springs Dam area. Continuing in a west-northwesterly direction, Rockpile Peak and Rockpile Ranch #3 anchor the viticultural area's west side.

Approximately 2,500 acres of Rockpile's eastern end overlaps the northwest corner of the established Dry Creek Valley viticultural area (27 CFR 9.64). This overlapping area, comprising 3% of the Dry Creek Valley viticultural area, 16% of the Rockpile viticultural area, and found on the U.S.G.S. Warm Springs Dam Quadrangle map, is flanked by Dry Creek to the north and Warm Springs Creek to the south.

Notice of Proposed Rulemaking

A Notice of Proposed Rulemaking, Notice No. 916, requesting comments by July 2, 2001, from all interested persons concerning the establishment of this viticultural area, was published in the **Federal Register** on May 1, 2001 (66 FR 21709). ATF received requests from three commenters.

Comments from Peter Beall of Tombs Creek Vineyards and Art Viramontes of Sonoma Royale Vineyard requested that several vineyards south of the proposed viticultural area be included within the Rockpile boundaries. After the close of the comment period, Mr. Beall determined that he had misread the written description of Rockpile's south boundary on the Tombs Creek U.S.G.S. map. He realized that including the Tombs Creek Vineyards and Sonoma Royale Vineyard would necessitate an extensive realignment of the proposed south boundary line, pushing it beyond what is commonly recognized as the Rockpile area. In a July 10, 2001, letter, Mr. Beall retracted his and Mr. Viramontes' comment letters, withdrew their requests for the boundary realignment, and offered support for the Rockpile petition and its original boundaries.

A comment from Gary Branham requested that his vineyard, Branham's Rockpile, located northwest of the proposed viticultural area, be included within the Rockpile boundaries. As shown on the U.S.G.S. Big Foot Mountain map, the 1,400 acre area in question is above the 800-foot contour line on Rockpile Road in Sonoma County and is considered a part of the original Rockpile Ranch. Its climate, soil and geography are similar to the proposed viticultural area. The Rockpile Appellation Committee concurred with this 1,400-acre northwest expansion of their originally proposed boundaries. ATF agrees that the proposed Rockpile viticultural area's expansion is consistent with the original petition and meets regulatory criteria for an American viticultural area. This final rule has been modified accordingly.

Evidence That the Name of the Area Is Locally or Nationally Known

The Rockpile name in Sonoma County dates to 1858 and the start of cattle-raising operations at the ''Rock Pile Ranch. This name was used in a newspaper article (Sonoma Democrat, Santa Rosa, California) on October 28, 1882. According to the petitioner, and as researched by historian Cathy Parks, an investment partnership purchased

about 21,000 acres of property in this area in 1911, naming it ''La Roca Monte Rancho,'' Spanish for ''the Rocky Peak Ranch.'' The property soon became known by its English name of Rockpile Ranch.

The Rockpile name is noted on the current U.S.G.S. Warm Springs Dam, Cloverdale, and Big Foot Mountain Quadrangle maps, all parts of the petition. The most recent AAA Mendocino and Sonoma Coast Region map shows Rockpile Road within the proposed viticultural area.

Historical or Current Evidence That the Boundaries of the Viticultural Area Are as Specified in the Petition

The viticultural area's boundaries are based on those of the historical Rockpile Ranch and on the area's higher elevation. The Rockpile Ranch, as noted above, stems from a 1911 investment partnership that purchased land in the petitioned area. Acquisitions included the 19th century Rock Pile Ranch, Rockpile Peak, and several surrounding areas. To manage this vast sheep-raising and hunting property, the area was eventually divided into Rockpile #1, Rockpile #2, and Rockpile #3 ranches. During the Great Depression some of the property was sold, but 18,000 acres of the Rockpile Ranch #3 were preserved as a working sheep ranch. By the 1930's the area became locally known as Rockpile, and the winding road to the ranch headquarters was named Rockpile Road. U.S.G.S. and AAA maps identify the area and road as Rockpile.

Rockpile's predominant geographic feature is the 800 foot and above elevation of the entire petitioned area. This elevation makes it higher than other grape-growing areas in the surrounding region.

Evidence Relating to the Geographical Features (Climate, Soil, Elevation, Physical Features, Etc.) Which Distinguish Viticultural Features of the Proposed Area From Surrounding Areas

The petition noted several geographic factors that distinguish the Rockpile viticultural area from surrounding grape-growing regions. The elevation of the Rockpile area, as shown on the U.S.G.S. maps, ranges from 800 feet to approximately 1,900 feet. According to the petition, the 800-foot elevation line delineates the area's eastern and northern boundaries, while the southern and western boundary lines average close to 1,800 feet in elevation. The elevation of the area's established vineyards ranges from 800 feet to 1,800 feet, with approximately 95% of the planted area above the 1,000-foot elevation. This higher elevation provides different climatic influences than found in nearby valleys.

Spring daytime temperatures in the Rockpile area run five to ten degrees cooler than the Healdsburg area, approximately ten miles southeast, according to the petition. In the absence of a marine inversion layer, or fog, the temperature decreases about six degrees Fahrenheit for each additional 1,000 feet of elevation. The cool, prevailing northwesterly spring breezes, which are not as prevalent at the lower elevations of the protected valley floors, increase the cooling effect. According to the petition, the viticultural effect of this cooling creates a delayed bud break and slower growth, resulting in delayed bloom and fruit set.

Summer weather in the Rockpile area, according to the petition, is slightly warmer than the nearby valleys due to less fog and more clear weather, resulting in increased sunshine and warmer temperatures. On days when the marine inversion is shallower than 1,000 feet, the Rockpile area is above the fog.

Fall night temperatures, as stated in the petition, are warmer than in the surrounding areas, with less fog at 800 feet and above than at lower elevations. The crucial grape ripening period of September and early October is generally warmer and drier in the Rockpile locality than in surrounding viticultural areas.

The Rockpile viticultural area's soils, according to the petition, differ from neighboring valley viticultural areas in the relative absence of silt and sand, the higher oxidized iron properties (red color), and the greater clay content of the subsoil. The topsoil, generally loam to clay loam with a red to brown color, is twelve to twenty-four inches in depth in the better viticultural locations. There are areas of small rocks and gravel mixed in the topsoil, some with outcroppings of larger rock. The topsoil depth and amounts of clay, rock, and organic matter vary within the area. The topsoil is acidic to very acidic, and the subsoil is more clay-like in texture. However, areas of weathered shale and sandstone, in addition to the topography, contribute to well-drained vineyard conditions.

Regulatory Analyses and Notices

Does the Paperwork Reduction Act Apply to This Final Rule?

The provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this rule because no requirement to collect information is imposed.

How Does the Regulatory Flexibility Act Apply to This Final Rule?

This regulation will not have a significant economic impact on a substantial number of small entities or otherwise cause a significant increase in reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. No new requirements are imposed. ATF approval of a viticultural area is not an endorsement of the wine produced in the area. The approval of this viticultural area petition merely allows the wineries in the area to more accurately describe the origin of their wines to consumers and helps consumers identify the wines they purchase. Thus, any benefit derived from the use and reputation of a viticultural area name is the result of a proprietor's own efforts and consumer acceptance of wines from that area. Accordingly, a regulatory flexibility analysis is not required.

Is This a Significant Regulatory Action as Defined by Executive Order 12866?

It has been determined that this regulation is not a significant regulatory action as defined by Executive Order 12866. Therefore, a regulatory assessment is not required.

Drafting Information

The principal author of this document is Nancy Sutton, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Wine.

Authority and Issuance

Title 27, Code of Federal Regulations, part 9, American Viticultural Areas, is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

PARAGRAPH 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

Par. 2. Subpart C is amended by adding § 9.173 to read as follows:

§ 9.173 Rockpile

(a) *Name.* The name of the viticultural area described in this section is ''Rockpile''.

(b) *Approved Maps.* The appropriate maps for determining the boundary of

the Rockpile viticultural area are four 1:24,000 Scale U.S.G.S. topographic maps. They are titled:

(1) Warm Springs Dam Quadrangle, CA—Sonoma Co. 1978;

(2) Cloverdale Quadrangle, CA 1975;

(3) Tombs Creek Quadrangle, CA—Sonoma Co. 1978; and

(4) Big Foot Mountain Quadrangle, CA 1991.

(c) *Boundary.* The Rockpile viticultural area is located in northwestern Sonoma County, California. The boundary encircles the Rockpile Ranch area, located west of Lake Sonoma. The point of beginning is the intersection of Rockpile Road and the Section 15 east boundary line, T 10 N, R 11 W (Warm Springs Dam Quadrangle);

(1) Then proceed straight north to the 800-foot contour line, Section 10, T 10 N, R 11 W (Warm Springs Dam Quadrangle);

(2) Then proceed west along the 800-foot contour line through Sections 10, 9, 4, 5, and 32 to the Section 31 east boundary line, T 11 N, R 11 W (Warm Springs Dam and Cloverdale Quadrangles);

(3) Then proceed west along the 800-foot contour line in Section 31, following the line as it reverses from the west to the east direction, returning to the east boundary of Section 31, T 11 N, R 11 W (Cloverdale and Big Foot Mountain Quadrangles);

(4) Then proceed along the 800-foot contour line east through Section 32 and northwest through Sections 33, 32, 29, 30, 25, 24, 23, 14, 15, 22, 21, and 20 to the east boundary line of Section 19, T 11 N, R 12 W (Cloverdale and Big Foot Mountain Quadrangles);

(5) Then proceed west, north, south and east along the meandering 800-foot contour line, in a loop, crossing the southwest and northwest headwaters of Galloway Creek, and returning to the east boundary line of Section 19, T 11 N, R 12 W (Big Foot Mountain Quadrangle);

(6) Then proceed straight north to the Mendocino-Sonoma county boundary line, then follow the county line straight west to the R 13 and 12 W line, and continue straight south to the 1,600-foot contour line in the Section 19 southwest corner, T 11 N, R 12 W (Big Foot Mountain Quadrangle);

(7) Then proceed southeast along the meandering 1,600-foot contour line to the Section 29 west boundary line, and continue straight south to the T 11 and 10 N boundary line, R 12 W (Big Foot Mountain Quadrangle);

(8) Then proceed east along the T 11 and 10 N boundary line to the Section 1 west boundary line, R 12 W (Big Foot Mountain Quadrangle);

(9) Then proceed south along the Section 1 west boundary line, turning east at the Section 1 south boundary and continue east to the northwest corner of Section 8, T 10 N, R 11 W (Big Foot Mountain, Tombs Creek and Warm Springs Dam Quadrangles);

(10) Then proceed south along the west boundary of Section 8, turning east at its southwest corner, and continue east to the 876-foot elevation marker, T 10 N, R 11 W (Warm Springs Dam Quadrangle);

(11) Then proceed straight south approximately 2,000 feet to the 800-foot contour line, T 10 N, R 11 W (Warm Springs Dam Quadrangle);

(12) Then follow the 800-foot contour line as it meanders west, southeast, southwest, and east to the Section 14 west boundary, and then straight north, returning to the point of beginning at Rockpile Road, T 10 N, R 11 W (Warm Springs Dam Quadrangle).

Signed: January 15, 2002.

Bradley A. Buckles,

Director.

Approved: January 31, 2002.

Timothy E. Skud,

Acting Deputy Assistant Secretary, (Regulatory, Tariff & Trade Enforcement).

[FR Doc. 02–4768 Filed 2–27–02; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100 and 165

[USCG–2002–11544]

Safety Zones, Security Zones, and Special Local Regulations

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary rules issued.

SUMMARY: This document provides required notice of substantive rules issued by the Coast Guard and temporarily effective between July 1, 2001 and December 31, 2001, which were nob published in the **Federal Register**. This quarterly notice lists temporary local regulations, security zones, and safety zones of limited duration and for which timely publication in the **Federal Register** was not possible.

DATES: This notice lists temporary Coast Guard regulations that became effective and were terminated between July 1, 2001 and December 31, 2001.

ADDRESSES: The Docket Management Facility maintains the public docket for this notice. Documents indicated in this notice will be available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, Room PL–401, 400 Seventh Street SW., Washington, DC 20593–0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. You may electronically access the public docket for this notice on the Internet at *http://dms.dot.gov*.

FOR FURTHER INFORMATION CONTACT: For questions on this notice, contact Christena Green, Office of Regulations and Administration Law, telephone (202) 267–0133. For questions on viewing, or on submitting material to the docket, contact Dorothy Beard, Chief, Dockets, Department of Transportation (202) 366–5149.

SUPPLEMENTARY INFORMATION: District Commanders and Captains of the Port (COTP) must be immediately responsive to the safety and security needs of the waters within their jurisdiction; therefore, District Commanders and COTPs have been delegated the authority to issue certain local regulations. Safety zones may be established for safety or environmental purposes. A safety zone may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion. Security zones limit access to vessels, ports, or waterfront facilities to prevent injury or damage. Special local regulations are issued to enhance the safety of participants and spectators at regattas and other marine events. Timely publication of these regulations in the **Federal Register** is often precluded when a regulation responds to an emergency, or when an event occurs without sufficient advance notice. The affected public is, however, informed of these regulations through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is provided by Coast Guard patrol vessels enforcing the restrictions imposed by the regulation. Because **Federal Register** publication was not possible before the beginning of the effective period, mariners were personally notified of the contents of these special local regulations, security zones, or safety zones by Coast Guard officials on-scene prior to enforcement action. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To meet this obligation without imposing undue expense on the public, the Coast Guard periodically publishes a list of these temporary special local regulations, security zones,

and safety zones. Permanent regulations are not included in this list because they are published in their entirety in the **Federal Register**. Temporary regulations may also be published in their entirety if sufficient time is available to do so before they are placed in effect or terminated. The safety zones, special local regulations and security zones listed in this notice have been exempted from review under Executive Order 12866 because of their emergency nature, or limited scope and temporary effectiveness.

The following regulations were placed in effect temporarily during the period from July 1, 2001 through December 31, 2001, unless otherwise indicated. This notice also includes regulations that were not received in time to be included on the quarterly notice for the first and second quarter of 2001.

Dated: February 25, 2002.

S.G. Venckus,

Chief, Office of Regulations and Administrative Law.

COTP QUARTERLY REPORT FOR 3RD QUARTER

COTP docket	Location	Type	Effective date
CHARLESTON 01–079	CHARLESTON, SC	SAFETY ZONE	08/09/2001
CORPUS CHRISTI 01–001	PORT ISABEL, TX	SAFETY ZONE	09/15/2001
HUNTINGTON 01–001	OHIO RIVER, M. 356 TO 356.6	SAFETY ZONE	08/24/2001
JACKSONVILLE 01–061	ATLANTIC OCEAN, COCOA BEACH, FL	SAFETY ZONE	07/04/2001
JACKSONVILLE 01–062	FERNANDINA BEACH, FL	SAFETY ZONE	07/04/2001
JACKSONVILLE 01–064	INTRACOASTAL WATERWAY, MELBOURNE	SAFETY ZONE	07/04/2001
JACKSONVILLE 01–065	ST. JOHNS RIVER, ORANGE PARK, FL	SAFETY ZONE	07/04/2001
JACKSONVILLE 01–066	ORMOND BEACH, FL	SAFETY ZONE	07/04/2001
JACKSONVILLE 01–067	MATANZAS RIVER, ST. AUGUSTINE, FL	SAFETY ZONE	07/04/2001
JACKSONVILLE 01–068	JACKSONVILLE, FL	SAFETY ZONE	07/04/2001
JACKSONVILLE 01–069	INDIAN RIVER, TITUSVILLE, FL	SAFETY ZONE	07/04/2001
JACKSONVILLE 01–070	AMELIA ISLAND PLANATATION, AMELIA IS	SAFETY ZONE	07/04/2001
JACKSONVILLE 01–071	4TH OF JULY CELEBRATION, COCAO, FL	SAFETY ZONE	07/04/2001
JACKSONVILLE 01–072	ATLANTIC OCEAN, DAYTONA BEACH, FL	SAFETY ZONE	07/04/2001
JACKSONVILLE 01–102	JACKSONVILLE, FL	SAFETY ZONE	09/18/2001
JACKSONVILLE 01–111	JACKSONVILLE, FL	SAFETY ZONE	09/23/2001
JACKSONVILLE 01–113	JACKSONVILLE, FL	SAFETY ZONE	09/30/2001
LA/LONG BEACH 01–004	HUNTINGTON BEACH, CA	SAFETY ZONE	08/19/2001
LA/LONG BEACH 01–006	PURISIMA POINT, CA	SAFETY ZONE	07/14/2001
LOUISVILLE 01–004	OHIO RIVER, M. 603 TO 604	SAFETY ZONE	07/03/2001
LOUISVILLE 01–005	CINCINNATI, OHIO	SAFETY ZONE	07/01/2001
LOUISVILLE 01–006	OHIO RIVER, M. 791.5 TO 792.5	SAFETY ZONE	07/04/2001
LOUISVILLE 01–008	OHIO RIVER, M. 529.5 TO 530.5	SAFETY ZONE	07/04/2001
LOUISVILLE 01–010	CINCINNATI, OH	SAFETY ZONE	09/02/2001
LOUISVILLE 01–011	NEWPORT, KY	SAFETY ZONE	09/29/2001
MEMPHIS 01–008	MISSISSIPPI RIVER, M. 595 TO 618	SAFETY ZONE	08/20/2001
MEMPHIS 01–009	MEMPHIS, TN	SAFETY ZONE	08/11/2001
MEMPHIS 01–010	LWR MISSISSIPPI RIVER, M. 507 TO 882.7	SECURITY ZONE	09/11/2001
MEMPHIS 01–011	LWR MISSISSIPPI RIVER, M. 507 TO 882.7	SAFETY ZONE	09/12/2001
MIAMI 01–075	KEY BISCAYNE, FLORIDA	SAFETY ZONE	07/13/2001
MIAMI 01–076	BISCAYNE NATIONAL PARK, FLORIDA	SAFETY ZONE	07/17/2001
MIAMI 01–081	HALLANDALE BEACH, FLORIDA	SAFETY ZONE	08/14/2001
MIAMI 01–093	VARIOIUS FLORIDA ZONES	SECURITY ZONE	09/11/2001
MIAMI 01–106	FLORIDA CITY, FL	SECURITY ZONE	090/21/2001
MOBILE 01–006	PENSACOLA SHIP CHANNEL AND BAY	SAFETY ZONE	07/23/2001
MOBILE 01–007	MOBILE RIVER	SECURITY ZONE	07/03/2001
MOBILE 01–008	PORTS PENSACOLA & PANAMA CITY	SAFETY ZONE	08/05/2001
MOBILE 01–009	MOUTH OF PASCAGOULA RIVER	SECURITY ZONE	09/11/2001
MOBILE 01–010	MOBILE RIVER, BENDER SHIPYARD	SECURITY ZONE	09/11/2001
MOBILE 01–011	MOBILE, AL	SAFETY ZONE	09/11/2001
MORGAN CITY 01–002	MORGAN CITY, LOUISIANA	SAFETY ZONE	09/13/2001
NEW ORLEANS 01–011	LAKE PONTCHARTRAIN, LA	SAFETY ZONE	08/11/2001
NEW ORLEANS 01–013	LWR MISSISSIPPI RIVER, M. 137 TO 139	SAFETY ZONE	07/03/2001
NEW ORLEANS 01–014	LWR MISSISSIPPI RIVER, M. 120 TO 122	SAFETY ZONE	07/03/2001
NEW ORLEANS 01–015	LWR MISSISSIPPI RIVER, M. 174.5 TO 176.5	SAFETY ZONE	07/03/2001
NEW ORLEANS 01–016	LWR MISSISSIPPI RIVER, M. 228.5 TO 230.5	SAFETY ZONE	07/04/2001
NEW ORLEANS 01–017	LWR MISSISSIPPI RIVER, M. 362 TO 264	SAFETY ZONE	07/04/2001
NEW ORLEANS 01–018	RED RIVER, M. 226.5 TO 228.5	SAFETY ZONE	07/04/2001
NEW ORLEANS 01–021	MISSISSIPPI RIVER, M. 430 TO GULF OF ME	SAFETY ZONE	08/19/2001
NEW ORLEANS 01–024	LWR MISSISSIPPI RIVER, M. 93.5 to 92.5	SECURITY ZONE	09/14/2001
PADUCAH 01–002	UPPER MISSISSIPPI RIVER, M. 52 TO 53	SAFETY ZONE	07/04/2001
PADUCAH 01–003	METROPOLIS, IL	SAFETY ZONE	09/29/2001
PORT ARTHUR 01–008	SABINE-NECHES CANAL, PORT ARTHUR, T	SAFETY ZONE	07/04/2001
PORT ARTHUR 01–009	PORT ARTHUR, TX	SAFETY ZONE	08/06/2001
PORT ARTHUR 01–010	TRANSIT OF USNS SHUGHART, BEAUMONT	SAFETY ZONE	09/11/2001
PORT ARTHUR 01–011	PORT ARTHUR, TX	SAFETY ZONE	09/13/2001
PORT ARTHUR 01–012	TRANSIT OF M/V GENT, BEAUMONT, TX	SAFETY ZONE	09/21/2001
SAN DIEGO 01–017	CORONADO BRIDGE JUMP, SAN DIEGO, CA	SAFETY ZONE	08/27/2001
SAN DIEGO 01–018	MISSION BAY, SAN DIEGO, CA	SAFETY ZONE	09/14/2001
SAN JUAN 01–087	SAN JUAN AND ARECIBO, PUERTO RICO	SAFETY ZONE	08/22/2001
WESTERN ALASKA 01–002	KODIAK ISLAND, AK	SAFETY ZONE	09/24/2001

COTP QUARTERLY REPORT FOR 3RD QUARTER—Continued

COTP docket	Location	Type	Effective date
WESTERN ALASKA 01–004	PIER, NIKISKI, AK	SECURITY ZONE	09/20/2001
WESTERN ALASKA 01–005	NIKISKI, AK	SECURITY ZONE	09/30/2001
01–01–068	MARBLEHEAD, MA	SAFETY ZONE	07/08/2001
01–01–092	FIREWORKS DISPLAY, NEW BEDFOR, MA	SAFETY ZONE	07/08/2001
01–01–101	ST. PETER'S FIESTA FIREWORKS, GLOUCESTER, MA	SAFETY ZONE	07/01/2001
01–01–111	HINGHAM 4TH OF JULY FIREWORKS, HINGHAM, MA	SAFETY ZONE	07/01/2001
01–01–112	HULL CHAMBER OF COMMERCE FIREWORKS, HULL, MA	SAFETY ZONE	07/07/2001
01–01–113	NEW JERSEY PIERHEAD CHANNEL AND KILL VAN KULL	SAFETY ZONE	07/04/2001
01–01–114	4TH OF JULY FIREWORKS, GLOUCESTER, MA	SAFETY ZONE	07/03/2001
01–01–117	PRESIDENTIAL VISIT, PORT OF NY/NJ	SECURITY ZONE	07/10/2001
01–01–120	NEWTON CREEK, NEW YORK	SAFETY ZONE	07/15/2001
01–01–122	EDS ATLANTIC CHALLENGE, BOSTON, MA	SAFETY ZONE	08/11/2001
01–01–123	SALEM HERITAGE DAYS FIREWORKS, SALEM, MA	SAFETY ZONE	08/18/2001
01–01–124	BOSTON LIGHT SWIM/10 NM, BOSTON, MA	SAFETY ZONE	08/18/2001
01–01–126	GLOUCESTER, MA	SAFETY ZONE	09/01/2001
01–01–127	BOSTON, MASSACHUSETTS	SAFETY ZONE	08/04/2001
01–01–128	GLOUCESTER, MASSACHUSETTS	SAFETY ZONE	08/04/2001
01–01–130	NEWPORT, RHODE ISLAND	SAFETY ZONE	08/06/2001
01–01–132	SWIM BUZZARDS BAY, NEW BEDFORD, MA	SAFETY ZONE	08/18/2001
01–01–134	ROCKLAND HARBOR, ROCKLAND, ME	SECURITY ZONE	08/02/2001
01–01–136	GLOUCESTER, MA	SAFETY ZONE	08/07/2001
01–01–138	BOSTON, MA	SAFETY ZONE	08/13/2001
01–01–140	USS BARRY PORT VISIT, WINTER HARBOR, MAINE	SECURITY ZONE	08/09/2001
01–01–141	USS BARRY PORT VISIT, BAR HARBOR, ME	SECURITY ZONE	08/10/2001
01–01–143	NEW JERSEY PIER HEAD CHANNEL AND KILL VAN KUL	SAFETY ZONE	08/19/2001
01–01–145	USS CARR PORT VISIT, BOSTON, MASSACHUSETTS	SAFETY ZONE	08/04/2001
01–01–149	USS CARR PORT VISIT, GLOUCESTER, MA	SAFETY ZONE	08/31/2001
01–01–150	USS BARRY PORT VISIT, BAR HARBOR, ME	SAFETY ZONE	08/09/2001
01–01–159	BOSTON, MASSACHUSETTS	SAFETY ZONE	09/07/2001
01–01–160	BOSTON INNER HARBOR, MASSACHUSETTS	SECURITY ZONE	09/14/2001
01–01–179	LNG GAS CARRIER TRANSITS, BOSTON, MA	SECURITY ZONE	09/25/2001
05–01–035	POINT PLEASANT BEACH, NEW JERSEY	SPECIAL LOCAL	07/19/2001
05–01–037	CHESTER RIVER, CHESTERTOWN, MARYLAND	SAFETY ZONE	07/14/2001
05–01–042	ST. MARYS RIVER, PATUXENT RIVER, MARYLAND	SAFETY ZONE	07/28/2001
05–01–043	NORTHWEST AND INNER HARBORS, BALTIMORE, MD	SAFETY ZONE	09/07/2001
05–01–044	CHESAPEAKE BAY, HAMPTON, VA	SAFETY ZONE	08/02/2001
05–01–061	BALTIMORE HARBOR, BALTIMORE, MD	SECURITY ZONE	09/11/2001
05–01–062	ARLINGTON AND FAIRFAX COUNTIES, VA	SECURITY ZONE	09/11/2001
05–01–063	CHESAPEAKE BAY	SECURITY ZONE	09/13/2001
05–01–064	ARLINGTON AND FAIRFAX COUNTIES, VA	SECURITY ZONE	09/18/2001
07–01–074	FORT LAUDERDALE, FLORIDA	SAFETY ZONE	07/31/2001
07–01–084	SAVANNAH RIVER, SAVANNAH, GA	SPECIAL LOCAL	08/25/2001
07–01–085	CHARLESTON HARBOR, CHARLESTON, SC	SPECIAL LOCAL	09/06/2001
09–01–012	LAKE ERIE, BUFFALO, NEW YORK	SAFETY ZONE	07/04/2001
09–01–020	NIAGARA RIVER, TONAWANDA, NEW YORK	SAFETY ZONE	07/04/2001
09–01–037	KALAMAZOO LAKE, SAUGATUCK, MI	SAFETY ZONE	07/28/2001
09–01–041	LAKE MICHIGAN, PENTWATER, MI	SAFETY ZONE	07/03/2001
09–01–044	MILWAUKEE HARBOR, MILWAUKEE, WI	SAFETY ZONE	08/19/2001
09–01–045	ALGOMA HARBOR, WISCONSIN	SAFETY ZONE	08/12/2001
09–01–062	LAKE ONTARIO, OSWEGO, NEW YORK	SAFETY ZONE	07/01/2001
09–01–065	LAKE KALAMAZOO, SAUGATUCK, MI	SAFETY ZONE	07/04/2001
09–01–066	LAKE MICHIGAN, MANISTEE, MI	SAFETY ZONE	07/04/2001
09–01–069	LAKE MICHIGAN, CHICAGO, IL	SAFETY ZONE	07/03/2001
09–01–079	LAKE MICHIGAN, GARY, IN	SAFETY ZONE	07/06/2001
09–01–085	LAKE MICHIGAN, MICHIGAN CITY, IN	SAFETY ZONE	07/15/2001
09–01–086	LAKE MICHIGAN, ST. JOSEPH, MI	SAFETY ZONE	07/19/2001
09–01–091	MILWAUKEE HARBOR	SAFETY ZONE	07/13/2001
09–01–093	LAKE MICHIGAN, CHICAGO, IL	SAFETY ZONE	07/14/2001
09–01–095	LAKE MICHIGAN, FERRYSBURG, MI	SAFETY ZONE	07/21/2001
09–01–096	GRAND RIVER, GRAND HAVEN, MI	SAFETY ZONE	08/02/2001
09–01–098	BAY CITY, SAGINAW RIVER, MI	SAFETY ZONE	07/28/2001
09–01–100	TRENTON CHANNEL AND DETROIT RIVER, MI	SAFETY ZONE	07/14/2001
09–01–102	DETROIT RIVER, MI	SAFETY ZONE	07/20/2001
09–01–105	OSWEGO HARBOR, OSWEGO, NY	SAFETY ZONE	07/29/2001
09–01–106	GRAND RIVER, GRAND HAVEN, MI	SAFETY ZONE	07/30/2001
09–01–108	LAKE MICHIGAN, NEW BUFFALO, MI	SAFETY ZONE	08/04/2001
09–01–109	GRAND RIVER, GRAND HAVEN, MI	SAFETY ZONE	08/14/2001
09–01–113	MILWAUKEE, WISCONSIN	SAFETY ZONE	08/05/2001
09–01–120	CITY OF RIVER ROUGE, DETROIT RIVER, MI	SAFETY ZONE	08/31/2001
11–01–012	LONG BEACH, CA	SPECIAL LOCAL	07/28/2001
13–01–013	MOVEMENT OF DRYDOCK NUMBER FOUR, OREGON	SAFETY ZONE	07/02/2001
13–01–017	LAKE WASHINGTON, WA	SAFETY ZONE	07/13/2001

COTP QUARTERLY REPORT FOR 3RD QUARTER—Continued

COTP docket	Location	Type	Effective date
13–01–026	PUGET SOUND, WA	SECURITY ZONE	09/12/2001

COTP QUARTERLY REPORT FOR 4TH QUARTER

COTP docket	Location	Type	Effective date
CHARLESTON 01–124	COOPER RIVER, SOUTH CAROLINA	SECURITY ZONE	10/17/2001
HONOLULU 01–060	KAILUA-KONA HAWAII COUNTY	SAFETY ZONE	10/06/2001
HONOLULU 01–061	SOUTH SHORES OF THE ISLAND OF OAHU	SAFETY ZONE	11/24/2001
JACKSONVILLE 01–134	ATLANTIC OCEAN, DAYTONA BEACH, FL	SAFETY ZONE	11/09/2001
JACKSONVILLE 01–138	ST. JOHNS RIVER, JACKSONVILLE, FL	SAFETY ZONE	11/24/2001
LA/LONG BEACH 01–007	PIERPOINT BAY, VENTURA, CA	SAFETY ZONE	10/14/2001
LA/LONG BEACH 01–012	LONG BEACH, CA	SAFETY ZONE	12/01/2001
MIAMI 01–140	PORT OF MIAMI, MIAMI BEACH, FL	SAFETY ZONE	12/31/2001
NEW ORLEANS 01–026	MISSISSIPPI RIVER, M. 99 TO 96	SAFETY ZONE	10/06/2001
NEW ORLEANS 01–027	MISSISSIPPI RIVER, M. 229 TO 231	SAFETY ZONE	10/14/2001
NEW ORLEANS 01/028	MISSISSIPPI RIVER, M. 363 TO 365	SAFETY ZONE	10/20/2001
NEW ORLEANS 01–029	MISSISSIPPI RIVER, M. 104 TO 108	SAFETY ZONE	12/02/2001
NEW ORLEANS 01–030	LAKE PONTCHARTRAIN, LA	SAFETY ZONE	12/08/2001
SAN DIEGO 01–023	SAN CLEMENTE ISLAND	SECURITY ZONE	11/20/2001
SAN DIEGO 01–024	THANKSGIVING REGATTA	SAFETY ZONE	11/23/2001
ST LOUIS 01–002	MISSISSIPPI RIVER, M 797 T0 802	SECURITY ZONE	10/30/2001
WESTERN ALASKA 01–006	KIKISKI, AK	SECURITY ZONE	10/09/2001
WESTERN ALASKA 01–009	LNG PIER, NIKISKI, AK	SECURITY ZONE	10/29/2001
WESTERN ALASKA 01–011	COOK INLET, AK	SECURITY ZONE	11/28/2001
WESTERN ALASKA 01–013	COOK INLET, AK	SECURITY ZONE	12/18/2001
WESTERN ALASKA 01–014	COOK INLET, AK	SECURITY ZONE	12/28/2001

DISTRICT QUARTERLY REPORT FOR 4TH QUARTER

District docket	Location	Type	Effective date
01–01–186	BOSTON, MA	SAFETY ZONE	10/08/2001
01–01–189	EAST BOSTON, MA	SAFETY ZONE	10/09/2001
01–01–190	HULL, MA	SAFETY ZONE	10/20/2001
01–01–191	BOSTON, MA	SAFETY ZONE	10/22/2001
01–01–194	BOSTON HARBOR, BOSTON, MA	SAFETY ZONE	11/03/2001
01–01–199	GLOUCHESTER, MA	SAFETY ZONE	11/09/2001
01–01–201	PILGRIM NUCLEAR POWER PLANT, PLYMOUTH, MA	SAFETY ZONE	11/05/2001
01–01–208	JAMAICA BY, NY	SECURITY ZONE	11/07/2001
01–01–209	EAST RIVER, NY	SECURITY ZONE	11/10/2001
01–01–221	CHELSEA RIVER, BOSTON, MA	SAFETY ZONE	12/11/2001
01–01–224	BOSTON, MA	SECURITY ZONE	12/10/2001
05–01–059	JAMES RIVER, WILLIAMSBURG, VA	SAFETY ZONE	10/02/2001
05–01–067	PORTSMOUTH, VA	SPECIAL LOCAL	10/13/2001
05–01–068	SPA CREEK, ANNAPOLIS, MD	SPECIAL LOCAL	11/03/2001
05–01–073	NORFOLK NAVAL STATION VICINITY	SECURITY ZONE	11/10/2001
05–01–074	ELIZABETH RIVER, VA	SECURITY ZONE	11/11/2001
05–01–077	NORFOLK REACH AND VICINITY	SECURITY ZONE	11/21/2001
05–01–079	HAMPTON ROADS, VA	SECURITY ZONE	12/07/2001
07–01–086	CHARLESTON HARBOR, CHARLESTON, SC	SPECIAL LOCAL	10/12/2001
07–01–104	MIAMI, FL	SPECIAL LOCAL	10/06/2001
07–01–109	TAMPA BAY, ST PETERSBURG, FL	SPECIAL LOCAL	10/05/2001
07–01–118	AUGUSTA, GA	SPECIAL LOCAL	10/12/2001
07–01–125	ST. CROIX, USVI	SECURITY ZONE	10/16/2001
09–01–141	CHICAGO, IL	SAFETY ZONE	10/13/2001
09–01–144	MAUMEE RIVER, TOLEDO, OH	SAFETY ZONE	10/17/2001
09–01–146	MARINETTE, WI	SECURITY ZONE	10/27/2001
09–01–150	LAKE ERIE, MAUMEE RIVER, OH	SAFETY ZONE	12/31/2001
09–01–152	DETROIT, DETROIT RIVER, MI	SAFETY ZONE	12/15/2001

REGULATIONS NOT ON PREVIOUS 1ST AND 2ND QUARTERLY REPORT

District/COTP	Location	Type	Effective date
COTP REGULATIONS FOR 1ST QUARTER			
HOUSTON-GALVESTON 01–003	HOUSTON, TX	SAFETY ZONE	03/12/01

REGULATIONS NOT ON PREVIOUS 1ST AND 2ND QUARTERLY REPORT—Continued

District/COTP	Location	Type	Effective date
HOUSTON-GALVESTON 01–004	HOUSTON, TX	SAFETY ZONE	03/21/01
HOUSTON-GALVESTON 01–005	HOUSTON, TX	SAFETY ZONE	03/29/01
PORT ARTHUR 01–001	PORT OF PORT ARTHUR/ORANGE, TX	SAFETY ZONE	01/24/01
PORT ARTHUR 01–002	PORT OF PORT ARTHUR/ORANGE, TX	SAFETY ZONE	01/26/01
COTP REGULATIONS FOR 2ND QUARTER			
MOBILE 01–005	GULF INTRACOASTAL WATERWAY	SAFETY ZONE	04/17/01

[FR Doc. 02–4848 Filed 2–27–02; 8:45 am]
BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–02–012]

RIN 2115–AE47

Drawbridge Operation Regulations: Jamaica Bay and Connecting Waterways, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary final rule governing the operation of the Marine Parkway Bridge, at mile 3.0, across Rockaway Inlet in New York. This temporary final rule allows the bridge owner to open this vertical lift bridge to a maximum of 105 feet for vessel traffic from March 1, 2002 through May 31, 2002. This action is necessary to facilitate maintenance at the bridge.

DATES: This temporary final rule is effective from March 1, 2002 through May 31, 2002.

ADDRESSES: The public docket and all documents referred to in this notice are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Schmied, Project Officer, First Coast Guard District, (212) 668–7165.

SUPPLEMENTARY INFORMATION:

Regulatory Information

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing a NPRM and making it effective in less than 30 days after publication in the **Federal Register**. No vessels known to use this waterway would be precluded from transiting the bridge as a result of the reduction in vertical opening capability from 152 feet to 105 feet because the bridge has not opened beyond 105 feet during the past four years. Additionally, conclusive information from the bridge owner confirming the start date for this bridge maintenance was not provided to the Coast Guard until January 16, 2002. As a result, it was impracticable to draft or publish a NPRM in advance of the requested start date for this necessary maintenance. Any delay encountered in this regulation's effective date would be contrary to the public interest because these repairs are necessary to insure public safety and insure continued operation of the bridge.

Background

The Marine Parkway Bridge, at mile 3.0, across Rockaway Inlet has a vertical clearance of 152 feet at mean high water and 156 feet at mean low water in the full open position. The existing regulations are listed at 33 CFR 117.795(a).

The bridge owner, the Metropolitan Transit Administration (MTA) Bridges and Tunnels, requested that the bridge be allowed to open no greater than 105 feet above mean high water to facilitate repairs at the bridge. The Coast Guard has determined that the bridge has not opened greater than 105 feet during the past four years.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). This conclusion is based on the fact that the bridge will still continue to open for navigation.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This conclusion is based on the fact that the bridge will continue to open for navigation.

Collection of Information

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

Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those unfunded mandate costs. This rule will not impose an unfunded mandate.

Taking of Private Property

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

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to

minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

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

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (32)(e) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found to not have a significant effect on the environment. A written ''Categorical Exclusion Determination'' is not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

2. From March 1, 2002 through May 31, 2002, § 117.795 is temporarily amended by suspending paragraph (a) and adding a new paragraph (e) to read as follows:

§ 117.795 Jamaica Bay and connecting waterways.

* * * * *

(e) The draw of the Marine Parkway Bridge, mile 3.0, over Rockaway Inlet, shall open on signal, to a maximum vertical height of 105 feet above mean high water, Monday through Friday from 8 a.m. to 4 p.m. At all other times, the draw shall open on signal, to a maximum vertical height of 105 feet above mean high water, if at least an eight-hour notice is given; however, the draw shall open on signal if at least one-hour notice is given for the passage of U.S. Navy or National Oceanic and Atmospheric Administration vessels.

Dated: February 12, 2002.

G.N. Naccara,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 02–4711 Filed 2–27–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD07–02–011]

Drawbridge Operation Regulations: Spanish River Boulevard (N.E. 40th Street) Drawbridge, Atlantic Intracoastal Waterway, Boca Raton, FL

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Seventh Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the Spanish River Boulevard (N.E. 40th Street) Drawbridge across the Atlantic Intracoastal Waterway, mile 1045, Boca Raton, Florida. This deviation allows the bridge owner to only open a single leaf of the bridge from March 11, 2002 until March 25, 2002. Double leaf openings shall be provided with a twelve-hour advance notice to the contractor at (321) 229–3222. This temporary deviation is required to allow the bridge owner to safely complete repairs to the bridge decking.

DATES: This deviation is effective from 12:01 a.m. on March 11, 2002 until 11:30 p.m. on March 25, 2002.

ADDRESSES: Material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 S.E. 1st Avenue, Miami, FL 33131 between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Dragon, Chief, Operations Section, Seventh Coast Guard District, Bridge Section at (305) 415–6743.

SUPPLEMENTARY INFORMATION: The Spanish River Boulevard (N.E. 40th Street) Drawbridge across the Atlantic Intracoastal Waterway at Boca Raton, Florida, is a double leaf bridge with a vertical clearance of 21 feet above mean high water (MHW) measured at the fenders in the closed position with a horizontal clearance of 90 feet. The current operating regulation in 33 CFR 117.5 requires both draws of the bridge to open on signal.

On February 1, 2002, the drawbridge owner requested a deviation from the current operating regulations to allow the owner to complete repairs to the decking.

The District Commander has granted a temporary deviation from the operating requirements listed in 33 CFR 117.5 for the purpose of completing these repairs. Under this deviation, the Spanish River Boulevard (N.E. 40th Street) need only open a single leaf of the bridge from 12:01 a.m. on March 11, 2002 until 11:30 p.m. on March 25, 2002. Double leaf openings shall be provided with twelve hours advance notice to the contractor.

Dated: February 20, 2002.

Greg E. Shapley,

Chief, Bridge Administration, Seventh Coast Guard District.

[FR Doc. 02–4712 Filed 2–27–02; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–02–017]

Drawbridge Operation Regulations: Norwalk River, CT

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations for the Washington Street S136 Bridge, mile 0.0, across the Norwalk River at Norwalk, Connecticut. This temporary deviation will allow the bridge to open only one of the two draw spans for bridge openings from 8 a.m. February 26, 2002 through 4 p.m. February 28, 2002. This temporary deviation is necessary to facilitate mechanical repairs at the bridge.

DATES: This deviation is effective from February 26, 2002 through February 28, 2002.

FOR FURTHER INFORMATION CONTACT: Joseph Schmied, Project Officer, First Coast Guard District, at (212) 668–7195.

SUPPLEMENTARY INFORMATION:

The Washington Street S136 Bridge has a vertical clearance in the closed position of 9 feet at mean high water and 16 feet at mean low water. The existing regulations are listed at 33 CFR 117.217.

The bridge owner, Connecticut Department of Transportation (CONNDOT), has requested a temporary deviation from the drawbridge operating regulations to facilitate necessary mechanical maintenance, speed reducer repairs on the east lift span, at the bridge. The nature of the required repairs will require one of the two opening spans (east span) to remain in the closed position during the mechanical repairs.

During this deviation the bridge will open only one span (west span) for bridge openings from 8 a.m. on February 26, 2002 through 4 p.m. on February 28, 2002.

This deviation from the operating regulations is authorized under 33 CFR 117.35, and will be performed with all due speed in order to return the bridge to normal operation as soon as possible.

Dated: February 15, 2002.

G.N. Naccara,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 02–4713 Filed 2–27–02; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–02–011]

RIN 2115–AE47

Drawbridge Operation Regulations: Jamaica Bay and Connecting Waterways, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary final rule governing the operation of the Belt Parkway Bridge, at mile 0.8, across Mill Basin at Brooklyn, New York. This rule allows the bridge owner to require a one-hour advance notice for bridge openings from 10 p.m. through 5 a.m., Sunday through Thursday, from March 1, 2002 through December 31, 2002. This action is necessary to facilitate structural maintenance at the bridge.

DATES: This temporary final rule is effective from March 1, 2002 through December 31, 2002.

ADDRESSES: Material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket (CGD01–02–011) and are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110, 6:30 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Schmied, Project Officer, First Coast Guard District, (212) 668–7165.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard has determined that good cause exists under the Administrative Procedure Act (5 U.S.C. 553) for not publishing a NPRM with comment and for making this regulation effective in less than 30 days after publication in the **Federal Register**. The Coast Guard believes notice and comment are unnecessary because our review of the bridge logs for the past two years shows that there have been no bridge openings requested at night during the time period this rule will be in effect. Making this rule effective less than thirty days after publication is necessary because the bridge owner advised the Coast Guard that emergency structural maintenance must be performed to insure safe operation of the bridge. In view of the historic absence of bridge opening requests at night and the demonstrated need to perform structural maintenance, any delay encountered in this regulation's effective date would be unnecessary and contrary to the public interest.

Background

The Belt Parkway Bridge, at mile 0.8, across the Mill Basin, has a vertical clearance of 34 feet at mean high water, and 39 feet at mean low water in the closed position. The existing drawbridge operating regulations are listed at 33 CFR 117.795(b).

The bridge owner, New York City Department of Transportation (NYCDOT), requested a temporary regulation to facilitate structural maintenance to replace the deteriorated roadway deck at the bridge.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). This conclusion is based on the fact that there have been no requests to open the bridge during the time period the bridge owner has requested an advance notice requirement.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This conclusion is based on the fact that there have been no requests to open the bridge during the time period the bridge owner has requested an advance notice requirement.

Assistance for Small Entities

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

Collection of Information

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

Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those unfunded mandate

costs. This rule will not impose an unfunded mandate.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (32)(e) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found to not have a significant effect on the environment. A written ''Categorical Exclusion Determination'' is not required for the temporary final rule.

Indian Tribal Governments

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

Energy Effects

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

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

2. From March 1, 2002 through December 31, 2002, section 117.795 is temporarily amended by suspending paragraph (b) and adding a new paragraph (d) to read as follows:

§ 117.795 Jamaica Bay and connecting waterways.

* * * * *

(d)(1) The draws of the New York City highway bridge, mile 0.8, across Mill Basin on Belt Parkway, need not be opened for the passage of vessels from noon to 9 p.m. on Sundays from March 1, 2002 to December 31, 2002 and on Labor Day. However, on these days, from two hours before to one hour after predicted high tide, the draw shall open on signal. For the purposes of this section, predicted high tide occurs 15 minutes later than that predicted for Sandy Hook, as given in the tide tables published by the National Oceanic and Atmospheric Administration.

(2) From 10 p.m. to 5 a.m., Sunday through Thursday, from March 1, 2002 through December 31, 2002, the draw shall open on signal after at least a one-hour advance notice is given by calling the number posted at the bridge.

(3) At all times, public vessels of the United States and state or local vessels used for public safety shall be passed as soon as possible.

Dated: February 12, 2002.

G.N. Naccara,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 02–4714 Filed 2–27–02; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Charleston–02–003]

RIN 2115–AA97

Security Zones; Charleston Harbor, Cooper River, South Carolina

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is continuing the temporary fixed security zones for the waters under the Highway 17 bridges over Charleston Harbor and the Don Holt I–526 Bridge over the Cooper River for an additional 5 months. These security zones are needed for national security reasons to protect the public and ports from potential subversive acts. Vessels are prohibited from anchoring, mooring, or loitering within these zones, unless specifically authorized by the Captain of the Port, Charleston, South Carolina or his designated representative.

DATES: This regulation is effective from 12:01 a.m. on January 16, 2002 until 11:59 p.m. June 15, 2002.

ADDRESSES: You may mail comments and related material to Coast Guard Marine Safety Office Charleston, 196 Tradd Street, Charleston, South Carolina 29401. Coast Guard Marine Safety Office Charleston maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket [COTP Charleston–02–003], will become part of this docket and will be available for inspection or copying at Marine Safety Office Charleston, between 7:30 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Paul Dittman at Marine Safety Office Charleston; phone (843) 747–7411.

SUPPLEMENTARY INFORMATION:

Regulatory Information

Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a Notice of Proposed Rulemaking (NPRM). Publishing a NPRM and delaying the effective date of this rule would be contrary to national security interests since immediate action is necessary to protect the public, port, and waterways of the United States.

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that

good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

Background and Purpose

Based on the September 11, 2001, terrorist attack on the World Trade Center in New York and the Pentagon in Arlington, VA there is an increased risk that subversive terrorist activity could be launched by vessels or persons in close proximity to the Port of Charleston, S.C., against bridges within the security zones continued by this rule. If a bridge were damaged or destroyed, the Port of Charleston would be isolated from access to the sea, crippling the local economy and negatively impacting national security. These temporary security zones are necessary to protect the safety of life and property on the navigable waters, prevent potential terrorist threats aimed at the bridges crossing the main shipping channels in the Port of Charleston, S.C. and to ensure the continued unrestricted access to the sea from the Port.

Two minutes after the security zones established October 18, 2001 by a current temporary final rule expire, this rule will continue those security zones for five more months. The current rule (Docket # COTP Charleston–01–124) will expire at 11:59 p.m. on January 15, 2002. [Because its mail delivery to Coast Guard Headquarters was delayed, COTP Charleston–01–124 will be published in the **Federal Register** in a quarterly list of temporary rules issued.]

Regulatory Evaluation

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

We expect the economic impact of this rule to be so minimal so that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The limited geographic area impacted by the security zones will not restrict the movement or routine operation of commercial or recreational vessels through the Port of Charleston. Also, an individual may request a waiver of these regulations from the Coast Guard Captain of the Port of Charleston.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities because the limited geographic area encompassed by the security zones will not restrict the movement or routine operation of commercial or recreational vessels through the Port of Charleston. Also, an individual may request a waiver of these regulations from the Coast Guard Captain of the Port of Charleston.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pubic Law 104–121), we offered to assist small entities in understanding this rule so that they could better evaluate its effects on them and participate in the rulemaking process. If the rule would affect your small business and you have questions concerning its provisions or options for compliance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Small businesses may also send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect

on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

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

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard is amending 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.

2. A new temporary § 165.T07–003 is added to read as follows:

§ 165.T07–003 Security Zones; Charleston Harbor, Cooper River, South Carolina.

(a) *Regulated area.* (1) A temporary fixed security zone is established for the waters around the Highway 17 bridges, to encompass all waters of the Cooper River within a line connecting the following points: 32°48.23′ N, 079°55.3′ W; 32°48.1′ N, 079°54.35′ W; 32°48.34′ N, 079°55.25′ W; 32°48.2′ N, 079°54.35′ W.

(2) Another temporary fixed security zone is established for the waters around the Interstate 526 Bridge spans (Don Holt Bridge) in Charleston Harbor and on the Cooper River and will encompass all waters within a line connecting the following points: 32°53.49′ N, 079°58.05′ W; 32°53.42′ N, 079°57.48′ W; 32°53.53′ N, 079°58.05′ W; 32°53.47′ N, 079°57.47′ W.

(b) *Regulations.* In accordance with the general regulations in § 165.33 of this part, vessels are allowed to transit through these zones but are prohibited from mooring, anchoring, or loitering within these zones unless specifically authorized by the Captain of the Port.

(c) *Authority.* In addition to 33 U.S.C. 1231 and 49 CFR 1.46, the authority for this section includes 33 U.S.C. 1226.

(d) *Effective dates.* This section is effective from 12:01 a.m. on January 16, 2002 until 11:59 p.m. on June 15, 2002.

Dated: January 15, 2002.

G.W. Merrick,

Commander, U.S. Coast Guard, Captain of the Port, Charleston, South Carolina.

[FR Doc. 02–4709 Filed 2–27–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD05–01–071]

RIN 2115–AA97

Security Zone; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, MD

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule; request for comments.

SUMMARY: The Coast Guard is establishing a temporary security zone on the waters of the Chesapeake Bay, Calvert County, Maryland. This zone is necessary to provide for the security of the Calvert Cliffs Nuclear Power Plant in response to potential terrorist acts. The security zone will prohibit vessels from entering a well-defined area around Calvert Cliffs nuclear power plant.

DATES: This rule is effective from 5 p.m. on January 9, 2002, to 5 p.m. on June 15, 2002. Comments and related material must reach the Coast Guard on or before April 29, 2002.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD05–01–071 and are available for inspection or copying at Commander, Coast Guard Activities Baltimore, 2401 Hawkins Point Road, Baltimore, Maryland 21226–1791, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LT Charles A. Roskam II, Port Safety and Security, Activities Baltimore, 2401 Hawkins Point Road, Building 70, Baltimore, Maryland, 21226–1791, telephone number (410) 576–2676.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a NPRM. Publishing an NPRM, which would incorporate a comment period before a final rule was issued, would be contrary to the public interest since immediate action is needed to protect the public, ports and waterways of the United States. For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

Request for Comments

Although the Coast Guard has good cause to implement this regulation without engaging in the notice of proposed rulemaking process, we want to afford the maritime community the opportunity to participate in this rulemaking by submitting comments and related material regarding the size, scope and duration of the Regulated Navigation Areas, safety zones and security zones in order to minimize unnecessary burdens on waterway users. If you do so, please include your name and address, identify the docket number for this rulemaking [CGD05–01–071], indicate the specific section of this document to which each comment applies, and give the reason for each comment.

Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this temporary final rule in view of them.

Background and Purpose

Based on the September 11, 2001, terrorist attacks on the World Trade Center buildings in New York and the Pentagon in Virginia, there is an increased risk that subversive activity could be launched by vessels or persons in close proximity to Calvert Cliffs Nuclear Power Plant. On October 3, 2001, Constellation Nuclear—Calvert Cliffs Nuclear Power Plant requested this rule to reduce the potential threat that may be posed by vessels that approach the power plant.

Entry into the security zone is prohibited, unless specifically authorized by the Captain of the Port, Baltimore, MD. Federal, state, and local agencies may assist the Coast Guard in the enforcement of this rule.

Regulatory Evaluation

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

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This regulation is of limited duration to handle the emergency situation and vessels may transit around the zone.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard considered whether this rule would have a significant economic effect upon a substantial number of small entities. ''Small entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. Because of a good cause exception, this rule was not preceded by a general notice of proposed rulemaking and, therefore, is exempt from the requirements of the Regulatory Flexibility Act. (5 U.S.C. 603). Although this rule is exempt, we have reviewed it for potential economic impact on small entities and the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

Most charter fishing activity on the Chesapeake Bay takes place outside of the affected area. Approximately 15 charter-fishing vessels per day operate within the area encompassed by the security zone. These charter-fishing vessels will be excluded from further fishing within this zone, and will be forced to seek fishing opportunities in other areas. The added time and expense necessary to seek out, and travel to other fishing areas will result in a loss of revenue to the charter fishing vessel operators. Localized impact notwithstanding, the overall impact of this regulation on the Chesapeake Bay charter fishing fleet is expected to be minor.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule will have a significant economic impact on it, please submit a comment to the office listed under **ADDRESSES**. In your comment, explain why you think it qualified and how and to what degree this rule would economically affect it.

Assistance for Small Entities

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Environment

We have considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (34)(g), of Commandant Instruction M16475.lD, this rule is categorically excluded from further environmental documentation. This regulation establishes a security zone. A ''Categorical Exclusion Determination'' is available in the docket for inspection

or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways;

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.

2. Add § 165.T05–071 to read as follows:

§ 165.T05–071 Security Zone; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, MD.

(a) *Location.* The following area is a security zone: the waters of the Chesapeake Bay in the vicinity of the Calvert Cliffs Nuclear Power Plant bounded by a line drawn from a point located at 38°26′06″ N, 076°26′18″ W to 38°26′10″ N, 076°26′12″ W, thence to 38°26′21″ N, 076°26′28″ W, thence back to shore at 38°26′14″ N, 076°26′33″ W. All coordinates reference Datum: NAD 1983.

(b) *Regulations.* (1) In accordance with the general regulations in § 165.33, entry into the security zone described in § 165.T05–071 is prohibited except as authorized by the Captain of the Port or his designated representative.

(2) Persons or vessels requiring entry into or passage within the zone must request authorization from the Captain of the Port or his designated representative by telephone at (410) 576–2693 or by radio on VHF–FM channel 16.

(3) The operator of any vessel within the security zone shall:

(i) Stop the vessel immediately upon being directed to do so by the Coast Guard Captain of the port or his designated representative; and

(ii) Proceed as directed by the Coast Guard Captain of the Port or his designated representative.

(c) *Definitions.* The designated representative of the Captain of the Port is any Coast Guard Commissioned, Warrant, or Petty Officer who has been authorized by the Captain of the Port, Baltimore to act on his behalf.

(d) *Effective period.* This section is effective from 5 p.m. on January 9, 2002 to 5 p.m. on June 15, 2002.

(e) *Enforcement.* The COTP may enlist the cooperation of Federal, state, county, municipal, and private agencies to assist in the enforcement of these regulations.

(f) Authority. This section is promulgated under 33 U.S.C. 1226.

Dated: January 9, 2002.

R.B. Peoples,

Commander, U.S. Coast Guard, Captain of the Port, Baltimore, Maryland.

[FR Doc. 02–4710 Filed 2–27–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP San Francisco Bay–01–010]

RIN 2115–AA97

Security Zone; San Francisco Bay, San Francisco, CA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone in the navigable waters of the United States adjacent to Yerba Buena Island. The need for this security zone is based on recent terrorist actions against the United States. The security zone will prohibit all persons and vessels from entering, transiting through or anchoring within a portion of the San Francisco Bay surrounding United States Coast Guard property on Yerba Buena Island, San Francisco, California unless authorized by the Captain of the Port, or his designated representative.

DATES: This security zone will be in effect from 5 p.m. (PDT) on October 9, 2001 to 4:59 p.m. (PDT) June 9, 2002.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket COTP San Francisco Bay–01–010, and are available for inspection or copying at U.S. Coast Guard Marine Safety Office, San Francisco Bay, Coast Guard Island, Alameda, CA 94501 between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Ross Sargent, U.S. Coast Guard Marine Safety Office San Francisco Bay, at (510) 437–3073.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. In keeping with the requirements of 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. In keeping with the requirements of 5 U.S.C. 553 (d)(3), the Coast Guard also finds that good cause exists for making this regulation effective less than 30 days after publication in the **Federal Register**.

Due to the recent terrorist attack on the United States, a heightened level of security has been established concerning all vessels entering navigable waters of the United States. As a result, this security zone is needed to protect the United States and more specifically the people, ports, waterways, and properties of the San Francisco Bay area. The incidents necessitating this security zone did not allow a 30-day period for publication prior to the issuance of this temporary regulation. Publishing an NPRM and delaying the effective date would be contrary to national security.

Background and Purpose

On September 11, 2001, terrorists launched attacks on civilian and military targets within the United States killing large numbers of people and damaging properties of national significance. Vessels operating near the United States Coast Guard property on Yerba Buena Island, San Francisco, California present possible hindrances or dangers to government emergency response resources.

As part of the Diplomatic Security and Antiterrorism Act of 1986 (Pub. L. 99–399), Congress amended The Ports and Waterways Safety Act (PWSA) to allow the Coast Guard to take actions, including the establishment of security and safety zones, to prevent or respond to acts of terrorism against individuals, vessels, or public or commercial structures. 33 U.S.C. 1226. The terrorist acts against the United States on September 11, 2001 have increased the need for safety and security measures on U.S. ports and waterways. In response to these terrorist acts, and in order to prevent similar occurrences, the Coast Guard is establishing a temporary security zone in the navigable waters of the United States surrounding the United States Coast Guard property on Yerba Buena Island, San Francisco, California. The zone will be in effect from 5:00 p.m. (PDT) on October 9, 2001 to 4:59 p.m. (PDT) on June 9, 2002.

This temporary security zone is necessary to provide for the safety and security of the United States of America and the people, ports, waterways and properties within the San Francisco Bay area. The security zone will be enforced

by Coast Guard patrol craft or any patrol craft enlisted by the COTP.

Persons and vessels are prohibited from entering into or transiting through this security zone unless authorized by the Captain of the Port, or his designated representative. Each person and vessel in a security zone shall obey any direction or order of the COTP. The COTP may remove any person, vessel, article, or thing from a security zone. No person may board, or take or place any article or thing on board, any vessel in a security zone without the permission of the COTP.

Any violation of either security zone described herein, is punishable by, among other things, civil penalties (not to exceed $27,500 per violation, where each day of a continuing violation is a separate violation), criminal penalties (imprisonment for not more than 12 years and a fine of not more than $250,000), in rem liability against the offending vessel, and license sanctions.

Regulatory Evaluation

This temporary final rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6 (a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). Due to the recent terrorist actions against the United States the implementation of this security zone is necessary for the protection of the United States and its people. Vessels will receive authorization to transit into San Francisco Bay by the Captain of the Port on a case-by-case basis. As a result, full regulatory evaluation under paragraph 10 (e) of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

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

This security zone will not have a significant impact on a substantial number of small entities because although the security zone will occupy the entire entrance of San Francisco Bay, vessels will receive authorization to transit into San Francisco Bay by the Captain of the Port on a case-by-case basis. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this temporary final rule will not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard offers to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact Lieutenant Ross Sargent, U.S. Coast Guard Marine Office San Francisco Bay at (510) 437–3073.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This temporary final rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Environment

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

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.

2. Add new temporary § 165.T11–096 to read as follows:

§ 165.T11–096 Security Zone; Navigable Waters of the United States Surrounding United States Coast Guard property on Yerba Buena Island, San Francisco, CA.

(a) *Location.* The security zone will encompass navigable waters surrounding United States Coast Guard property on Yerba Buena Island, San Francisco, California, bounded by the following coordinates: latitude 37° 48.464′N and longitude 122° 21.870′W; thence to 37° 48.413′N and longitude 122° 21.873′W; thence to 37° 48.384′N and longitude 122° 21.723′W; thence to 37° 48.463′N and longitude 122° 21.607′W; thence to 37° 48.664′N and longitude 122° 21.555′W; thence to 37° 48.820′N and longitude 122° 21.559′W, and along the shoreline back to the beginning point.

(b) *Effective dates.* This section will be in effect from 5 p.m. (PDT) on October 9, 2001 to 4:59 p.m. (PDT) on June 9, 2002. If the need for the security zone ends before the scheduled termination time, the Captain of the Port will cease enforcement of this security zone and will also announce that fact via Broadcast Notice to Mariners.

(c) *Regulations.* In accordance with the general regulations in § 165.33 of this part, no person or vessel may enter or remain in the security zone established by this temporary regulation, unless authorized by the Captain of the Port, or his designated representative. All other general regulations of § 165.33 of this part apply in the security zone established by this temporary regulation.

Dated: October 9, 2001.

L.L. Hereth,

Captain, U.S. Coast Guard, Captain of the Port, San Francisco Bay, California.

[FR Doc. 02–4847 Filed 2–27–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP St. Louis–02–003]

RIN 2115–AA97

Security Zone; Upper Mississippi River, Mile Marker 507.3 to 506.3, Left Descending Bank, Cordova, IL

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone encompassing all water extending 300 feet from the shoreline of the left descending bank on the Upper Mississippi River, beginning from mile marker 506.9 to 506.7. This security zone is necessary to protect the Exelon Quad Cities Nuclear Power Plant in Cordova, Illinois from any and all subversive actions from any groups or individuals whose objective is to cause disruption to the daily operations of the Exelon Quad Cities Nuclear Power Plant.

DATES: This rule is effective from 8 a.m. January 14, 2002 through 8 a.m. June 15, 2002.

ADDRESSES: Documents indicated in this preamble as being available in the docket, are part of docket [COTP St. Louis–02–003] and are available for inspection or copying at Marine Safety Office St. Louis, 1222 Spruce St., Rm. 8.104E, St. Louis, Missouri 63103–2835, between 8 a.m. and 4 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: LT David Webb, Marine Safety Detachment Quad Cities, Rock Island, IL at (309) 782–0627.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM, and, under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The catastrophic nature of, and resulting devastation from, the September 11, 2001 attacks on the World Trade Center towers in New York City and the Pentagon in Washington DC, makes this rulemaking necessary for the protection of national security interests. National security and intelligence officials warn that future terrorist attacks against United States interests are likely. Any delay in making this regulation effective would be contrary to the public interest because immediate action is necessary to protect against the possible loss of life, injury, or damage to property.

Background and Purpose

On September 11, 2001, both towers of the World Trade Center and the Pentagon were attacked by terrorists. In response to these terrorist acts, heightened awareness and security of our ports and harbors is necessary. To enhance that security the Captain of the Port (COTP), St. Louis is establishing a temporary security zone.

This security zone includes all water extending 300 feet from the shoreline of the left descending bank on the Upper Mississippi River beginning from mile marker 506.9 and ending at mile marker 506.7. This security zone is necessary to protect the public, facilities, and surrounding area from possible acts of sabotage or other subversive acts at the Quad Cities Generating Station. All vessels and persons are prohibited from entering the zone without the permission of the Captain of the Port St. Louis or his designated representative.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, l979).

The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

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

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

This security zone will not have an impact on a substantial number of small entities because this rule will not obstruct the regular flow of vessel traffic and will allow vessel traffic to pass safely around the security zone. If you are a small business entity and are significantly affected by this regulation please contact LT Dave Webb, U.S. Coast Guard Marine Safety Detachment Quad Cities, Rock Island Arsenal Bldg 218, Rock Island, IL 61299–0627 at (309) 782–0627.

Assistance for Small Entities

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Environment

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

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.

2. A new temporary § 165.T08–003 is added to read as follows:

§ 165.T08–003 Security Zone; Upper Mississippi River Miles 507.3 to 506.3, Left Descending Bank, Cordova, IL

(a) *Location.* The following area is a security zone: The waters of the Upper Mississippi River from mile marker 507.3 to mile marker 506.3, left descending bank, extending out 300 feet from the shoreline.

(b) *Effective date.* This section is effective from 8 a.m. January 14, 2002 through 8 a.m. June 15, 2002.

(c) *Authority.* The authority for this section is 33 U.S.C. 1226, 33 U.S.C. 1231, 33 CFR 1.05–1(g), and 49 CFR 1.46.

(d) *Regulations.* (1) Entry of vessels into this security zone is prohibited unless authorized by the Coast Guard Captain of the Port St. Louis or his designated representative.

(2) Persons or vessels requiring entry into or passage through the zone must request permission from the Captain of the Port St. Louis, or his designated representative. They may be contacted via VHF Channel 16 or via telephone at (309) 782–0627 or (314) 539–3091, ext. 540.

(3) All persons and vessels shall comply with the instructions of the Captain of the Port St. Louis and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

Dated: January 14, 2002.

E.A. Washburn,

Commander, Coast Guard, Captain of the Port St. Louis.

[FR Doc. 02–4708 Filed 2–27–02; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AK84

Exclusion from Countable Income of Expenses Paid for Veteran's Last Illness Subsequent to Veteran's Death but Prior to Date of Death Pension Entitlement

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs (VA) adjudication regulations governing exclusion of expenses of the veteran's last illness, burial, and just debts from countable income for death pension purposes. This amendment eliminates the prohibition against reducing countable income by the amount of these expenses that the surviving spouse paid after the date of death but prior to the date of his or her entitlement. The intended effect of this amendment is to bring the regulations into conformance with the governing statute as interpreted by VA's General Counsel.

DATES: *Effective Date:* February 28, 2002.

FOR FURTHER INFORMATION CONTACT: Beth McCoy, Consultant, Regulations Staff, Compensation and Pension Service (211A), Department of Veterans Affairs, 575 N. Pennsylvania St., Suite 309, Indianapolis, IN 46237, (317) 226–5209 extension 3058.

SUPPLEMENTARY INFORMATION: VA death pension is a needs-based benefit available to surviving spouses and unmarried children of deceased veterans with qualifying wartime service. In order for an individual to be eligible for death pension, his or her income from all sources must be less than the maximum annual pension rate established by law. The annual benefit is reduced, dollar for dollar, by the amount of the beneficiary's countable income. All income from any source is counted unless specifically excluded by statute or regulation.

Section 1503(a)(3) of 38 U.S.C. provides for certain exclusions from countable income for death pension entitlement, including an amount equal to the expenses of the veteran's last illness, burial and just debts paid by the spouse or by the surviving spouse or child of a deceased veteran. VA implemented the provisions of 38 U.S.C. 1503(a)(3) at 38 CFR 3.272(h). The last sentence of § 3.272 (h) provides that the amount of expenses of the veteran's last illness, burial, and just debts ''paid subsequent to death but prior to date of entitlement are not deductible.''

In a precedent opinion dated March 28, 2000 (VAOPGCPREC 1–2000), VA's General Counsel held that the last sentence of § 3.272(h) is inconsistent with 38 U.S.C. 1503(a)(3) because the statute does not limit the period in which expenses of a veteran's last illness may be deducted in calculating the surviving spouse's death pension entitlement. The General Counsel determined that VA may not deny a death pension claim or reduce the amount of benefits payable based on the last sentence of § 3.272(h) and that VA must revise § 3.272(h) to eliminate the prohibition against reducing the surviving spouse's countable income by the amount of expenses of the veteran's last illness, just debts and burial when paid after the veteran's death but before the date of the surviving spouse's entitlement to death pension. Pursuant to 38 CFR 14.507, a General Counsel precedent opinion is binding on VA. Accordingly, we are amending § 3.272(h) to make it consistent with that General Counsel opinion.

This final rule brings the regulations into conformance with the governing statute as interpreted by VA's General Counsel in a precedent opinion that under 38 CFR 14.507 is binding on VA and the public. Accordingly, since there is no discretion in this matter, there is a basis for dispensing with prior notice and comment and delayed effective date provisions of 5 U.S.C. 552 and 553.

Paperwork Reduction Act

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501–3520).

Executive Order 12866

This document has been reviewed by the Office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

Because no notice of proposed rule making was required in connection with the adoption of this final rule, no regulatory flexibility analysis is required under the Regulatory Flexibility Act (5 U.S.C. 601–612). Even so, the Secretary hereby certifies that this regulatory amendment will not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final flexibility analysis requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance numbers are 64.101 and 64.105.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Radioactive materials, Veterans, Vietnam.

Approved: November 19, 2001.

Anthony J. Principi,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 3 is amended as follows:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

§ 3.272 [Amended]

2. Section 3.272 is amended by removing the last sentence of paragraph (h) introductory text.

[FR Doc. 02–4687 Filed 2–27–02; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 169–0323; FRL–7148–8]

Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing a limited approval and limited disapproval of revisions to the San Joaquin Valley Unified Air Pollution Control District portion of the California State Implementation Plan (SIP). This action was proposed in the **Federal Register** on September 14, 1998 and concerns oxides of nitrogen (NO_X) emissions from internal combustion engines; stationary gas turbines; and from boilers, steam generators, and process heaters. Under authority of the Clean Air Act as amended in 1990 (CAA or the Act), this action simultaneously approves local rules that regulate these emission sources and directs California to correct rule deficiencies.

EFFECTIVE DATE: This rule is effective on April 1, 2002.

ADDRESSES: You can inspect copies of the administrative record for this action

at EPA's Region IX office during normal business hours. You can inspect copies of the submitted SIP revisions at the following locations:

Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Environmental Protection Agency, Air Docket (6102), Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington D.C. 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 ''I'' Street, Sacramento, CA 95814.

San Joaquin Valley Unified Air Pollution Control District, 1990 East Gettysburg Avenue, Fresno, California 93726–0244

FOR FURTHER INFORMATION CONTACT: Thomas C. Canaday, Rulemaking Office (AIR–4), U.S. Environmental Protection Agency, Region IX, (415) 947–4121.

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

I. Proposed Action

On September 14, 1998 (63 FR 49053), EPA proposed a limited approval and limited disapproval of the following rules that were submitted for incorporation into the California SIP.

Local agency	Rule No.	Rule title	Adopted	Submitted
SJVUAPCD	4305	Boilers, Steam Generators, and Process Heaters	12/19/96	03/03/97
SJVUAPCD	4351	Boilers, Steam Generators, and Process Heaters—Reasonably Available Control Technology.	10/19/95	03/26/96
SJVUAPCD	4701	Internal Combustion Engines	12/19/96	03/10/98
SJVUAPCD	4703	Stationary Gas Turbines	10/16/97	03/10/98

We proposed a limited approval because we determined that these rules improve the SIP and are largely consistent with the relevant CAA requirements. We simultaneously proposed a limited disapproval because some rule provisions conflict with section 110 and part D of the Act. These provisions include the following:

1. Exemption from regulation, or exemption from federal enforceability of regulation, of facilities located west of Interstate Highway 5 in Fresno, Kern, or Kings county (the ''West Side Exemption'').
2. Automatic exemption from regulation of emissions which occur during start-up, shutdown, or breakdown conditions.
3. The application of the four rules and the circumstances under which sources might be exempt from the rules.
4. The absence of explicitly stated averaging times for emissions concentration limits.
5. The absence of interim parametric monitoring in instances of deferred source testing.
6. The overly lenient use of representative testing to fulfill monitoring requirements.
7. The lack of a requirement for a 10% additional reduction of emissions beyond established baselines as an environmental benefit when sources meet rule requirements via an alternative emission control plan.
8. The failure to require physical modification of an exempted unit to assure its operation at or below the rule application capacity threshold when the unit's nameplate capacity exceeds this threshold.
9. The failure to require source tests to be performed on units using each fuel which is allowed to be burned in that unit.
10. The lack of source test requirements for certain units through May 31, 1999.
11. The lack of specificity as to what information is required to be recorded and maintained as part of recordkeeping requirements.
12. The frequency of required compliance testing for internal combustion engines under Rule 4701.
13. The lack of specificity as to what operating records and support documentation are to be maintained by owners claiming exemption to the requirements of Rule 4701.
14. The allowance until May 31, 2001 for Reasonably Available Control Technology (''RACT'') compliance for certain internal combustion engines under Rule 4701.
15. Use of 14 day averaging to determine compliance under the alternative emission control plan provisions of Rule 4701.
16. Excessive director's discretion in specifying what method is to be used to determine the applicable conversion factor from fuel use to engine emissions in the alternative emission control plan provisions of Rule 4701.
17. The inclusion of the factor AE_{Motor} to account for emissions avoided by replacing internal combustion engines with electric motors.
18. The lack of reference to continuous emission monitoring system requirements and reporting requirements of 40 CFR part 60.

Our proposed action contains more information on the basis for this rulemaking and on our evaluation of the submittals.

II. Public Comments and EPA Responses

EPA's proposed action provided a 30-day public comment period. The comment period was subsequently extended for an additional 30 days. During and after the 60-day comment period, we received comments from the following parties.

1. Mark Boese, San Joaquin Valley Unified Air Pollution Control District (''SJVUAPCD'' or ''the District''); letter dated November 10, 1998.
2. Marc Chytilo, Environmental Defense Center (''EDC''); letter dated November 13, 1998.
3. William A. Brommelsiek, Chevron USA Production Company (''CUPC''); letter dated November 13, 1998.
4. Malcolm C. Weiss, McClintock, Weston, Benshoof, Rochefort, Rubalcava, & MacCuish LLP (''MWB''); letter dated November 12, 1998.
5. David R. Farabee, Pillsbury, Madison, & Sutro LLP (''PMS''); letter dated November 13, 1998.
6. Bruce Nilles, Earthjustice, email dated November 14, 2001.

The letter from EDC expressed unequivocal support for our proposed action. The letter from CUPC concurred with and incorporated by reference the comments submitted by MWB. The email from Earthjustice noted the exemption in Rule 4701 for engines used in agricultural production and requested that this exemption be added to the rule provisions determined by EPA to be deficient. Since this comment was received well after the close of the comment period, EPA simply acknowledges it in the present rulemaking and will defer any determination of whether the agricultural exemption fails to implement CAA requirements until such time as the State of California submits a revised version of this rule. The remainder of the comments and our responses are summarized below.

Comment: SJVUAPCD commented on a number of instances where EPA found that the rules should be made applicable to more sources. These instances include sections 4.1.5 and 5.2 of Rule 4305; and section 3.11 of Rule 4701. SJVUAPCD objected to our findings by referring to their cost effectiveness analyses which they performed while developing these rules. These analyses were based on a cost effectiveness threshold of $9700 per ton of NO_X reduced, and SJVUAPCD objected to our proposed requirement that their rules be made applicable to additional sources on the grounds that to do so would incur costs to sources that exceed SJVUAPCD's threshold.

Response: SJVUAPCD provided no information on how and when they selected $9,700 per ton NO_X reduced as a cost effectiveness threshold for the subject rules. We believe this figure may have been generated originally by the South Coast Air Quality Management District in the 1980s and has no link to applicable RACT or attainment requirements. In evaluating RACT, we have reviewed analogous requirements contained in other District, state and federal rules and guidance including RACT determinations developed by the California Air Resources Board (CARB). Relevant CARB RACT determinations, for example, incorporate cost effectiveness thresholds as high as $24,000/ton. We retain the specified deficiencies as proposed, but acknowledge that SJVUAPCD may be able to correct them by demonstrating local circumstances that justify alternative RACT limits.

Comment: SJVUAPCD commented on EPA's finding that the emission limits in section 5.1.3 of Rule 4701 should be made more stringent. Again SJVUAPCD's objection was based on their cost effectiveness threshold of $9700 per ton of NO_X reduced.

Response: Again, we have reviewed analogous requirements contained in other District, state and federal rules and guidance including RACT determinations developed by CARB and compared these to the limits in section 5.1.3. We retain the specified deficiencies as proposed, but acknowledge that SJVUAPCD may be able to correct them by demonstrating local circumstances that justify alternative RACT limits.

Comment: SJVUAPCD objected to our requirement that an alternate emissions limit be applicable during natural gas curtailment on the grounds that this would necessitate additional emissions testing. Also SJVUAPCD stated that gas curtailments can last longer than the 168 hours allowed by EPA.

Response: EPA does not intend that additional source testing be required and withdraws our comment to this effect in regard to section 6.3 of Rule 4351. However, if gas curtailment extends beyond 168 hours of operation per year EPA does require that the standard emissions limitations for non-gaseous fuel firing be met.

Comment: SJVUAPCD objected to our disallowance of their exemption of sources that operate only during winter months.

Response: The CAA requires that RACT level of controls be implemented at major sources of NO_X year-round. This requirement of the CAA is addressed in a March 30, 1994 memorandum ''Nitrogen Oxides Questions from the Ohio EPA,'' U.S. EPA, Ozone/Carbon Monoxide Programs Branch. The EPA's RACT guidance for volatile organic compounds (VOC) states that seasonal controls are generally not allowed (EPA clarification to Appendix D of the November 24, 1987 **Federal Register**, ''Issues Relating to VOC Regulations Cutpoints, Deficiencies, and Deviations,'' revised January 1, 1990). As stated in the NO_X Supplement to the General Preamble (57 FR 55625, November 25, 1992), the VOC RACT guidance is generally applicable to NO_X RACT. Thus the limitation on seasonal controls also applies to NO_X RACT.

Comment: SJVUAPCD objected to our requirement that averaging times for emissions measurements be explicitly stated in the rules.

Response: EPA believes that an explicit averaging time is necessary in order that emissions limits be enforceable on a continuous basis. This is consistent with the CARB RACT determination as well as other SIP-approved rules for these source categories.

Comment: SJVUAPCD commented that the excess emissions provisions in section 5.5.2 of Rule 4305 are consistent with EPA policy.

Response: On September 20, 1999, EPA issued a policy guidance document entitled ''State Implementation Plans: Policy Regarding Excess Emissions During Malfunctions, Startup, and Shutdown,'' U.S. EPA, Office of Air Quality Planning and Standards. This guidance document is intended to assist states in drafting excess emissions provisions into SIPs that are consistent with the requirements of the federal Clean Air Act. Generally speaking, automatic exemptions from emissions limits are allowed during start-up and shutdown only insofar as control technologies or strategies are shown to be technically infeasible during these periods and are not allowed during malfunctions. The existing exemptions in Rule 4305 apply during malfunction and are not time-limited during start-up and shutdown and thus do not meet the requirements of the Act as interpreted by EPA policy.

Comment: SJVUAPCD expressed concern that EPA's requirement for equipment tune-ups between source tests may result in setting operating parameters at different levels than were established during source tests.

Response: EPA believes that equipment tune-ups, properly conducted, will result in decreased emissions. See, for example, the procedures described in Attachment 1 to the CARB Determination of Reasonably Available Control Technology for Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters dated July 18, 1991.

Comment: SJVUAPCD expressed concern that requiring source tests for each fuel burned would be impractical since some fuels are burned only as a back-up during natural gas curtailment and then only for a limited period of time.

Response: EPA agrees with SJVUAPCD's concern and withdraws this requirement for section 6.3 of Rule 4351.

Comment: SJVUAPCD objected to EPA's disallowance of representative testing for internal combustion engines.

Response: EPA continues to disapprove of representative testing for internal combustion engines due to the inherently high variability of emissions from units within this source category. This is consistent with other rulemakings EPA has promulgated for this source category.

Comment: SJVUAPCD stated that 14-day averaging is appropriate for evaluating compliance with an Alternative Emissions Compliance Plan (''AECP'') as opposed to a shorter averaging time as would be required for a standard compliance determination.

Response: EPA's interpretation of CAA requirements with respect to long-term (greater than 24 hours) averaging of emissions is contained in section 16.13 of our January 2001 Economic Incentive Program guidance as well as in the January 20, 1984 memorandum ''Averaging Times for Compliance with VOC Emission Limits—SIP Revision Policy'', U.S. EPA Office of Air Quality Planning and Standards. Any State that wishes to allow long-term averaging for compliance evaluation for RACT limits must include in the SIP submittal a justification that the long-term average is needed and demonstrate that

averaging will not interfere with attainment or other requirements of the Act. Since the submittal for Rule 4701 does not contain this information, EPA cannot approve the long-term averaging provisions in section 8.0 of Rule 4701.

Comment: SJVUAPCD explained that the emission factor EF_i in section 8.3.2 of Rule 4701 is the actual NO_X emissions as determined by the most recent source test and not a general emission factor as was EPA's concern.

Response: EPA agrees and withdraws our previous comment concerning section 8.3.2 of Rule 4701.

Comment: SJVUAPCD stated that emissions reductions obtained when engines are replaced with an electric motor should be allowed to be included in an AECP so long as the engines are not being replaced solely to comply with RACT limits.

Response: EPA agrees and withdraws our previous comment concerning section 8.4 of Rule 4701.

Comment: MWB and PMS assert that the EPA's determination that NO_X sources may contribute significantly to PM–10 levels which exceed the standard in the area and that, therefore, Reasonably Available Control Measures (''RACM'') are required at West Side sources is contrary to documentation provided by the SJVUAPCD.

Response: The SJVUAPCD presented their PM–10 Attainment Demonstration Plan Progress Report 1997–1999 (''Progress Report'') to a hearing of their Governing Board on June 15, 2000. The Progress Report states that during winter months secondary ammonium nitrate is the largest contributor to PM mass and that the core sites were found to be ammonia rich with the formation of secondary ammonium nitrate limited by the amount of NO_X rather than ammonia. This finding is consistent with our September 14, 1998 Proposed Rulemaking. RACM is required for the West Side NO_X sources because section 189(a)(1)(C) and section 189(e) of the Act require RACM at major stationary sources of PM–10 precursors in PM–10 nonattainment areas independent of separate ozone attainment requirements. The SJVUAPCD has not demonstrated to EPA that the West Side sources do not contribute significantly to PM–10 levels which exceed the standard in the area.

Comment: MWB asserts that the West Side Exemption is required under state law since emissions from that area do not impact other portions of the SJVUAPCD.

Response: Without commenting on the provisions of California state law, EPA notes that our interpretation of the CAA requirements applicable to the subject Rules does not rest on any finding regarding transport of pollutants within the SJVUAPCD.

Comment: MWB asserts that EPA does not have authority under the CAA to grant limited approval and simultaneous limited disapproval of a Rule. MWB further expresses confusion over the effect of such an action.

Response: While the Act does not expressly provide for limited approvals, EPA is using its ''gap-filling'' authority under section 301(a) of the Act in conjunction with the section 110(k)(3) approval provision to interpret the Act to provide for this type of approval action. EPA routinely publishes limited approval/limited disapproval actions (e.g. we did so for nine different rules in the SJVUAPCD in the year 2000 alone). Under this action EPA approves and can enforce the entire rule as submitted, even those portions that prohibit full approval. For example, upon the effective date of this final rulemaking, the West Side Exemption becomes part of the SIP and will remain in the SIP until such time as EPA approves a SIP revision removing the exemption or EPA promulgates a FIP. The disapproval only applies to whether the submittal meets specific requirements of the Act and does not affect incorporation of the rule into the approved, federally enforceable SIP.

Comment: MWB and PMS assert that since the Rules were submitted to EPA as part of the ozone SIP, EPA lacks the authority to consider whether the provisions of the Rules are sufficient to meet requirements of the CAA related to PM–10 and that, further, this is not the proper time to consider CAA requirements related to PM–10.

Response: As stated in the September 14, 1998 Notice of Proposed Rulemaking, section 189(a)(1)(C) of the Act requires that RACM for the control of PM–10 be implemented in moderate nonattainment areas (including the SJVUAPCD) by December 10, 1993. These control requirements also apply to major stationary sources of PM–10 precursors (including NO_X) under section 189(e) of the Act unless the EPA determines that such sources do not contribute significantly to PM–10 levels which exceed the standard in the area. Section 172(c)(1) provides that RACM shall include, at a minimum, those reductions in emissions from existing sources as may be obtained through the adoption of RACT. The four subject Rules contain provisions waiving RACT requirements under the SIP for facilities on the West Side. This constitutes a failure to implement RACM at these facilities as required under section 189(a)(1)(C) of the Act. Section 110(l) of the Act forbids EPA from approving SIP revisions which would interfere with any applicable requirement, including section 189(a)(1)(C). For this reason EPA must disapprove the West Side Exemption.

Comment: MWB asserts that EPA has inappropriately concluded that Best Available Retrofit Control Technology (''BARCT''), as required under state law, is the same as RACT.

Response: EPA has determined that the control requirements waived under the West Side Exemption are reasonably available. This determination was made by comparing these requirements with those implemented elsewhere in the SJVUAPCD and the State of California, as well as by referring to applicable Determinations of Reasonably Available Control Technology published by the California Air Resources Board. We agree with the commentor that states can adopt requirements more stringent than those required by federal RACT. The SJVUAPCD could, theoretically, demonstrate that NO_X emission limits currently applied to the east-side sources are more stringent than RACT, and are therefore not needed to fulfill RACT for the West Side sources. However, some level of control beyond the existing full exemption for the West Side sources is clearly needed to fulfill RACT.

Comment: MWB and PMS noted that EPA objected to certain of the compliance deadlines in Rule 4701. MWB and PMS assert that it would be impractical to accelerate these deadlines.

Response: EPA notes that the deadlines to which the commentors refer have now passed rendering moot this particular objection by EPA.

Comment: MWB and PMS assert that the District has shown, through modeling, that the reduction of NO_X emissions from West Side sources would not contribute to the attainment of the ozone National Ambient Air Quality Standards (''NAAQS'') in the District and that therefore the West Side Exemption is consistent with CAA requirements for ozone.

Response: Since our September 14, 1998 Notice of Proposed Rulemaking, EPA on November 8, 2001 (66 FR 56476), published a final rulemaking action reclassifying the San Joaquin Valley Ozone Nonattainment Area from serious to severe nonattainment because the area was unable to attain the ozone standard by the serious area deadline of 1999. This indicates that the previous control strategy and modeling that supported the West Side Exemption were inadequate to attain the standard by the applicable attainment date and that substantial additional reductions of

ozone precursors (NO_X and/or VOC) will be necessary to achieve attainment of the ozone NAAQS.

III. EPA Action

Two of the rule provisions listed above as being in conflict with the Act included compliance dates that we proposed as deficient for being too far in the future. However, both of those dates have now passed so those issues are moot. The relevant requirements are found in section 6.3 of Rule 4351 and section 7.3 of Rule 4701. As stated in the above responses, there are three specific instances where we agree with SJVUAPCD's comments and therefore withdraw our proposed finding that the subject rule provisions are deficient. These are found in section 6.3 of Rule 4351, and sections 8.3.2 and 8.4 of Rule 4701. For the remainder of the above listed rule provisions, we have concluded that they are in conflict with the Act and are thus grounds for a limited disapproval. Therefore, as authorized in sections 110(k)(3) and 301(a) of the Act, EPA is finalizing a limited approval of the submitted rules. This action incorporates the submitted rules into the California SIP, including those provisions identified as deficient. As authorized under section 110(k)(3), EPA is simultaneously finalizing a limited disapproval of the rules. As a result, sanctions will be imposed unless EPA approves subsequent SIP revisions that correct the rule deficiencies within 18 months of the effective date of this action. These sanctions will be imposed under section 179 of the Act according to 40 CFR 52.31. In addition, EPA must promulgate a Federal implementation plan (FIP) under section 110(c) unless we approve subsequent SIP revisions that correct the rule deficiencies within 24 months. Note that the submitted rules have been adopted by the San Joaquin Valley Unified Air Pollution Control District, and EPA's final limited disapproval does not prevent the local agency from enforcing them.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 13211

This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

C. Executive Order 13045

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

This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13132

Executive Order 13132, entitled Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612, Federalism and 12875, Enhancing the Intergovernmental Partnership. Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely acts on a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

E. Executive Order 13175

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

This final rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply act on requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

EPA's disapproval of the state request under section 110 and subchapter I, part D of the Clean Air Act does not affect any existing requirements applicable to small entities. Any pre-existing federal requirements remain in place after this disapproval. Federal disapproval of the state submittal does not affect state enforceability. Moreover, EPA's disapproval of the submittal does not impose any new Federal requirements. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA,* 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

G. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action acts on pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

H. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

EPA believes that VCS are inapplicable to today's action because it does not require the public to perform activities conducive to the use of VCS.

I. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq*., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a ''major'' rule as defined by 5 U.S.C. 804(2).

J. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 29, 2002. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: January 14, 2002.

Wayne Nastri,

Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(230)(i)(D)(*3*), (244)(i)(E)(*2*) and (254)(i)(A)(*5*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(230) * * *

(i) * * *

(D) * * *

(*3*) Rule 4351 adopted on October 19, 1995.

* * * * *

(244) * * *

(i) * * *

(E) * * *

(*2*) Rule 4305 adopted on December 19, 1996.

* * * * *

(254) * * *

(i) * * *

(A) * * *

(*5*) Rule 4701 adopted on December 19, 1996, and Rule 4703 adopted on October 16, 1997.

* * * * *

[FR Doc. 02–4643 Filed 2–27–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301217; FRL–6822–7]

RIN 2070–AB78

Hydrogen Peroxide; An Amendment to an Exemption from the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an amendment to an exemption from the requirement of a tolerance for residues of the biochemical hydrogen peroxide in or on all post-harvest agricultural food commodities when applied/used at the rate of ≤ 1% hydrogen peroxide per application. Biosafe Systems, Inc. submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act (FQPA) of 1996, requesting an exemption from the requirement of a tolerance. This

regulation eliminates the need to establish a maximum permissible level for residues of hydrogen peroxide.

DATES: This regulation is effective February 28, 2002. Objections and requests for hearings, identified by docket control number OPP–301217, must be received by EPA, on or before April 29, 2002.

ADDRESSES: Written objections and hearing requests may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit IX. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301217 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Diana Hudson, c/o Product Manager (PM) 90, Biopesticides and Pollution Prevention Division (7511C), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8713; and e-mail address: hudson.diana@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS Codes	Examples of Potentially Affected Entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have 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 and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this 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,'' ''Regulations and Proposed Rules,'' 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/. A frequently updated electronic version of 40 CFR part 180 is available at http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180_00.html, a beta site currently under development.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–301217. The official record consists of the documents specifically referenced in this action, 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 in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of November 1, 2001 (66 FR 55175) (FRL–6805–7), EPA issued a notice pursuant to section 408 of the FFDCA, 21 U.S.C. 346a(e), as amended by the FQPA (Public Law 104–170) announcing the filing of a pesticide tolerance petition by Biosafe Systems, Inc., 80 Commerce Street, Glastonbury, CT 06033. This notice included a summary of the petition prepared by the petitioner Biosafe Systems, Inc.. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.1197 be amended by establishing an exemption from the requirement of a tolerance for residues of hydrogen peroxide.

III. Risk Assessment

New section 408(c)(2)(A)(i) of the FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(c)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue....'' Additionally, section 408(b)(2)(D) requires that the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides. Second, EPA examines exposure to the pesticide through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings.

IV. Toxicological Profile

Consistent with section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness, and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Hydrogen peroxide at a concentration of 27.17% has a pH of 1.05 at which concentration EPA assumes a toxicity category I for skin and eye irritation. Biosafe has submitted toxicology information from open literature for aqueous solutions containing 6% hydrogen peroxide and for aqueous solutions containing 50% hydrogen peroxide. The concentrate (27.17%

hydrogen peroxide) will be diluted with water at the rate of 1:50 or 1:100 or 1:300 and thus, the concentration of hydrogen peroxide in the product at the time of application will range from 0.09% to 0.54%. The information from open literature demonstrated that solutions containing 6% hydrogen peroxide have an acute oral $LD_{50} \geq 5,000$ milligrams/kilograms (mg/kg) in rats (toxicity category III), an acute dermal $LD_{50} \geq 10,000$ mg/kg in rabbits (toxicity category IV), and an inhalation LC_{50} of 4 milligram/liter (mg/L) (toxicity category IV). The 6% hydrogen peroxide solutions are mild irritants to rabbit skin and cause severe irreversible corneal injury in half of the exposed rabbits (toxicity category I). Toxicology information from open literature demonstrated that solutions which contained 50% hydrogen peroxide have an acute oral $LD_{50} < 500$ mg/kg in rats (toxicity category II), and an acute dermal $LD_{50} < 1,000$ mg/kg in rabbits (toxicity category II). No deaths resulted after an 8–hour exposure of rats to saturated vapors of 90% hydrogen peroxide, $LC_{50} = 4$ mg/L (2,000 ppm). Solutions which contain 50% hydrogen peroxide also are extremely irritating (corrosive) to rabbit eyes (toxicity category I).

EPA has concluded that for food use at an application rate of ≤ 1% hydrogen peroxide has no apparent acute toxicity and subchronic toxicity end points exist to suggest a significant toxicity. An RfD (chronic toxicity) for hydrogen peroxide has not been estimated because of its short half-life in the environment and lack of any residues of toxicological concern. For similar reasons, an additional safety factor was not judged necessary to protect the safety of infants and children. Additionally, hydrogen peroxide is listed by the Food and Drug Administration as Generally Recognized As Safe (GRAS). Additionally, hydrogen peroxide is used to treat food at a maximum level of 0.05% in milk used in cheesemaking, 0.04% in whey, 0.15% in starch and corn syrup, and 1.25% in emulsifiers containing fatty acid esters as bleaching agents (21 CFR 184.1366). As a GRAS substance, hydrogen peroxide may be used in washing or to assist in the lye peeling of fruits and vegetables (21 CFR 173.315).

V. Aggregate Exposures

In examining aggregate exposure, FFDCA section 408 directs EPA to consider available information concerning exposures from the pesticide residue in food and all other non-occupational exposures, including drinking water from ground water or surface water and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

A. Dietary Exposure

1. *Food.* For the proposed uses the concentrate of hydrogen peroxide will be diluted with water at the rate of 1:50, 1:100 or 1:300 corresponding to a low concentration of hydrogen peroxide in the product at the time of application (0.09–0.54%). The solution, having a low concentration of hydrogen peroxide, reacts on contact with the surface on which it is sprayed and degrades rapidly to oxygen and water. Therefore, residues in or on treated post-harvest food commodities of the algaecide/fungicide/bactericide hydrogen peroxide are expected to be negligible. Additional sources of the GRAS substance hydrogen peroxide in concentrations range from 0.04% to 1.25% in various foods as cited above (21 CFR 184.1366).

2. *Drinking water exposure.* At the proposed application rates, the use of hydrogen peroxide as an algaecide, fungicide, and bactericide to treat all post-harvest agricultural food commodities could result in a minimal transfer of residues to potential drinking water sources. This is due to the low application rate and the rapid chemical degradation of hydrogen peroxide into oxygen and water neither of which is of toxicological concern.

B. Other Non-Occupational Exposure

There may be minimal amounts of non-dietary exposure to hydrogen peroxide in homes through the infrequent and short topical use of the substance in treating minor skin injuries and in its use in oral mouthwashes. Exposure is expected to be minimal also because of the rapid chemical degradation of hydrogen peroxide into oxygen and water.

VI. Cumulative Effects

Because of the low use rates of hydrogen peroxide, its low toxicity and rapid degradation, EPA does not believe that there is any concern regarding the potential for cumulative effects of hydrogen peroxide with other substances due to a common mechanism of action. Because hydrogen peroxide is not known to have a common toxic metabolite with other substances, EPA has not assumed that hydrogen peroxide has a common mechanism of toxicity with other substances.

VII. Determination of Safety for U.S. Population, Infants and Children

Because hydrogen peroxide is of low toxicity, the proposed uses employ low concentrations of hydrogen peroxide, and hydrogen peroxide degrades rapidly following application, EPA concludes that this exemption from the requirement of a tolerance in or on all post-harvest food commodities for hydrogen peroxide when applied at ≤ 1% will not pose a dietary risk under reasonably foreseeable circumstances. Further, the EPA Office of Water has stated that it has seen no new data that contradict the assessment previously given, which is that low concentrations of hydrogen peroxide do not typically persist in drinking water at levels that pose a health risk. Accordingly, EPA concludes that there is a reasonable certainty of no harm to consumers, including infants and children, from aggregate exposure to hydrogen peroxide.

VIII. Other Considerations

A. Endocrine Disruptors

There is no evidence to suggest that hydrogen peroxide in the proposed concentrations will adversely affect the endocrine system.

B. Analytical Method(s)

An analytical method for the detection of residues of hydrogen peroxide is not applicable to this tolerance exemption because of the low concentration of hydrogen peroxide in the product at the time of application (≤ 1%) and its rapid degradation to water and oxygen on contact with crops.

C. Codex Maximum Residue Level

There are no Codex Maximum Residue Levels established for residues on hydrogen peroxide.

IX. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to ''object'' to a regulation for an exemption from the requirement of a

tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301217 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before April 29, 2002.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential 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. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it ''Tolerance Petition Fees.''

EPA is authorized to waive any fee requirement ''when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection.'' For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit IX.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket number OPP–301217, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

Request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

X. Regulatory Assessment Requirements

This final rule establishes an exemption from the tolerance requirement under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866 due to its lack of significance, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on 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, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the

development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). For these same reasons, the Agency has determined that this rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications '' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.'' This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

XI. Submission to Congress and the Comptroller General

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

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 20, 2002.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 371.

2. Section 180.1197 is revised to read as follows:

§ 180.1197 Hydrogen peroxide; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of hydrogen peroxide in or on all post-harvest food commodities at the rate of ≤ 1% hydrogen peroxide per application.

[FR Doc. 02–4791 Filed 2–27–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–7150–6]

North Carolina: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: North Carolina has applied to EPA for Final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has determined that these changes satisfy all requirements needed to qualify for Final authorization, and is authorizing the State's changes through this immediate final action. EPA is publishing this rule to authorize the changes without a prior proposal because we believe this action is not controversial and do not expect comments that oppose it. Unless we get written comments which oppose this authorization during the comment period, the decision to authorize North Carolina's changes to their hazardous waste program will take effect. If we get comments that oppose this action, we will publish a document in the **Federal Register** withdrawing this rule before it takes effect and a separate document in the proposed rules section of this **Federal Register** will serve as a proposal to authorize the changes.

DATES: This Final authorization will become effective on April 29, 2002 unless EPA receives adverse written comment by April 1, 2002. If EPA receives such comment, it will publish a timely withdrawal of this immediate final rule in the **Federal Register** and inform the public that this authorization will not take effect.

ADDRESSES: Send written comments to Narindar Kumar, Chief RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street, SW Atlanta, GA, 30303–3104; (404) 562–8440. You can view and copy North Carolina's application from 9 a.m. to 4 p.m. at the following addresses: North Carolina Department of Environment, Health and Natural Resources, P.O. Box 27687, Raleigh, North Carolina 29201, (919) 733–2178; and EPA Region 4, Atlanta Federal Center, Library, 61 Forsyth Street, SW., Atlanta, Georgia 30303; (404) 562–8190.

FOR FURTHER INFORMATION CONTACT: Narindar Kumar, Chief RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, GA, 30303–3104; (404) 562–8440.

SUPPLEMENTARY INFORMATION:

A. Why Are Revisions to State Programs Necessary?

States which have received final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, States must change their programs and ask EPA to authorize the changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

B. What Decisions Have We Made in This Rule?

We conclude that North Carolina's application to revise its authorized

program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we grant North Carolina Final authorization to operate its hazardous waste program with the changes described in the authorization application. North Carolina has responsibility for permitting Treatment, Storage, and Disposal Facilities (TSDFs) within its borders (except in Indian Country) and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New federal requirements and prohibitions imposed by Federal regulations that EPA promulgates under the authority of HSWA take effect in authorized States before they are authorized for the requirements. Thus, EPA will implement those requirements and prohibitions in North Carolina, including issuing permits, until the State is granted authorization to do so.

C. What Is the Effect of Today's Authorization Decision?

The effect of this decision is that a facility in North Carolina subject to RCRA will now have to comply with the authorized State requirements instead of the equivalent federal requirements in order to comply with RCRA. North Carolina has enforcement responsibilities under its state hazardous waste program for violations of such program, but EPA retains its authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others, authority to:

- Do inspections, and require monitoring, tests, analyses or reports.
- Enforce RCRA requirements and suspend or revoke permits.
- Take enforcement actions regardless of whether the State has taken its own actions.

This action does not impose additional requirements on the regulated community because the regulations for which North Carolina is being authorized by today's action are already effective, and are not changed by today's action.

D. Why Wasn't There a Proposed Rule Before Today's Rule?

EPA did not publish a proposal before today's rule because we view this as a routine program change and do not expect comments that oppose this approval. We are providing an opportunity for public comment now. In addition to this rule, in the proposed rules section of today's **Federal Register** we are publishing a separate document that proposes to authorize the state program changes.

E. What Happens if EPA Receives Comments That Oppose This Action?

If EPA receives comments that oppose this authorization, we will withdraw this rule by publishing a document in the **Federal Register** before the rule becomes effective. EPA will base any further decision on the authorization of the state program changes on the proposal mentioned in the previous paragraph. We will then address all public comments in a later final rule. You may not have another opportunity to comment. If you want to comment on this authorization, you must do so at this time.

If we receive comments that oppose only the authorization of a particular change to the State hazardous waste program, we will withdraw that part of this rule but the authorization of the program changes that the comments do not oppose will become effective on the date specified above. The **Federal Register** withdrawal document will specify which part of the authorization will become effective, and which part is being withdrawn.

F. What Has North Carolina Previously Been Authorized for?

North Carolina initially received final authorization on December 14, 1984, effective December 31, 1984 (49 FR 48694) to implement its base hazardous waste management program. We granted authorization for changes on March 25, 1986 (51 FR 10211) effective April 8, 1986, August 5, 1988 (53 FR 1988) effective October 4, 1988, February 9, 1989 (54 FR 6290) effective April 10, 1989, September 22, 1989 (54 FR 38993) effective November 21, 1989, January 18, 1991 (56 FR 1929) effective March 19, 1991, April 10, 1991 (56 FR 14474) effective June 9, 1991, July 19, 1991 (56 FR 33206) effective September 17, 1991, April 27, 1992 (57 FR 15254) effective June 26, 1992, December 12, 1992 (57 FR 59825) effective February 16, 1993, June 3, 1993 (58 FR 31474) effective June 3, 1993, January 27, 1994 (59 FR 3792) effective March 28, 1994, April 4, 1994 (59 FR 15633) effective June 3, 1994, June 23, 1994 (59 FR 32378) effective August 22, 1994, November 10, 1994 (59 FR 56000) effective January 9, 1995, September 27, 1995 (60 FR 49800) effective November 27, 1995, April 25, 1996 (61 FR 18284) effective June 24, 1996, October 23, 1998 (63 FR 56834) effective December 22, 1998. North Carolina most recently received authorization for revisions to its program on August 25, 1999 (64 FR 46298) effective October 25, 1999.

G. What Changes Are We Authorizing With Today's Action?

On April 05, 2000, North Carolina submitted a final complete program revision application, seeking authorization of their changes in accordance with 40 CFR 271.21. We now make an immediate final decision, subject to receipt of written comments that oppose this action, that North Carolina's hazardous waste program revision satisfies all of the requirements necessary to qualify for Final authorization. Therefore, we grant North Carolina Final authorization for the following program changes:

Federal requirement	**Federal Register**	Analogous state authority [1]
Military Munitions Rule: Hazardous Waste Identification and Management; Explosive Emergencies; Manifest Exemptions for Transport of Hazardous Waste on Right-of-Ways on Contiguous Properties Checklist 156.	02/12/1997 ..... 62 *FR* 6622	NCGS §130A–294(c)(1), NCGS §130A–294(c)(2),NCGS §130A–294(c)(5),NCGS §130A–294(c)(6), NCGS §130A–294(c)(7),NCGS §130A–294(c)(14),NCGS §130A–294(c)(15),NCGS §130A–294(d),NCGS §150B–21.6,15A NCAC 13A.0102(b), 15A NCAC 13A.0106(a), 15A NCAC 13A.0107(a), 15A NCAC 13A.0107(b), 15A NCAC 13A.0108(a), 15A NCAC 13A.0109(b), 15A NCAC 13A.0109(f), 15A NCAC 13A.0109(z),15A NCAC 13A.0110(a),15A NCAC 13A.0110(e),15A NCAC 13A.0110(w),15A NCAC 13A.0111(e),15A NCAC 13A.0113(a),15A NCAC 13A.0113(g).
Land Disposal Restrictions Phase III Emergency Extension of the K088 National Variance, Amendment Checklist 160.	07/14/1997 ..... 52 *FR* 37699	15A NCAC 13A.0112(b).

Federal requirement	**Federal Register**	Analogous state authority [1]
Emergency Revision of the Carbamate Land Disposal Restrictions Checklist 161.	08/28/1997 ..... 62 *FR* 45568	15A NCAC 13A.0112(c).
Clarification of Standards for Hazardous Waste LDR Treatment Variances; Checklist 162.	12/05/1997 ..... 62 *FR* 64504	15A NCAC 13A.0112(c).
Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers; Clarification and Technical Amendment; Checklist 163.	12/08/1997 ..... 62 *FR* 64636	15A NCAC 13A.0109(c),15A NCAC 13A.0109(f),15A NCAC 13A.0109(v),15A NCAC 13A.0109(w),15A NCAC 13A.0109(x),15A NCAC 13A.0110(b),15A NCAC 13A.0110(e),15A NCAC 13A.0110(s),15A NCAC 13A.0110(t),15A NCAC 13A.0110(u),15A NCAC 13A.0113(b).
Kraft Mill Steam Stripper Condensate Exclusion; Checklist 164.	04/15/1998 ..... 63 *FR* 18504	15A NCAC 13A.0106(a).
Recycled Used Oil Management Standards; Technical Corrections and Clarification; Checklist 166.	05/06/1998 ..... 63 *FR* 24963	15A NCAC 13A.0106(a),15A NCAC 13A.0118(b),15A NCAC 13A.0118(c),15A NCAC 13A.0118(e),15A NCAC 13A.0118(f),15A NCAC 13A.0118(g),15A NCAC 13A.0118(h).
Land Disposal Restrictions Phase IV Treatment Standards for Metal Wastes and Mineral Processing Wastes; Checklist 167A.	05/26/1998 ..... 63 *FR* 28556	NCGS § 130A–294(c)(7), NCGS § 130A–294(c)(15),NCGS § 130A–294(h)(2),NCGS § 150B–21.6,15A NCAC 13A.0112(a),15A NCAC 13A.0112(b),15A NCAC 13A.0112(c).
Land Disposal Restrictions Phase IV Corrections; Checklist 167C.	05/26/1998 ..... 63 *FR* 28556	NCGS § 130A–294(c)(7),NCGS § 130A–294(c)(15),NCGS § 130A–294(h)(2),NCGS § 150B–21.6,15A NCAC 13A.0112(a),15A NCAC 13A.0112(c),15A NCAC 13A.0112(e).
Mineral Processing Secondary Materials Exclusion; Checklist 167D.	05/26/1998 ..... 63 *FR* 28556	NCGS § 130A–294(c)(1),CGS § 130A–294(c)(15), NCGS § 150B–21.6,15A NCAC 13A.0106(a).
Bevill Exclusion Revisions and Clarifications; Checklist 167E.	05/26/1998 ..... 63 *FR* 28556	NCGS § 130A–294(c)(1),NCGS § 130A–294(c)(15),NCGS § 150B–21.6,15A NCAC 13A.0106(a).
Exclusion of Recycled Wood Preserving Wastewaters	05/26/1998 ..... 63 *FR* 28556	NCGS § 130A–294(c)(1),NCGS § 130A–294(c)(15),NCGS § 150B–21.6,15A NCAC 13A.0106(a).

[1] The North Carolina provisions are from the North Carolina Hazardous Waste Management Rules, 15A NCAC 13A, April 1, 1999, unless otherwise stated.

H. Who Handles Permits After the Authorization Takes Effect?

North Carolina will issue permits for all the provisions for which it is authorized and will administer the permits it issues. EPA will continue to administer any RCRA hazardous waste permits or portions of permits which we issued prior to the effective date of this authorization. At the time the State Program is approved in the new areas, EPA will suspend issuance of Federal permits in the State and terminate those Federal permits issued pursuant to 40 CFR 124.5 and 271.8 upon effectiveness of equivalent state permit conditions. EPA will also transfer any pending permit applications, completed permits, or pertinent file information to the State within thirty (30) days of the approval of the State Program in conformance with the conditions of this agreement. We will not issue any more new permits or new portions of permits for the provisions listed in the Table above after the effective date of this authorization. EPA will continue to implement and issue permits for HSWA requirements for which North Carolina is not yet authorized.

I. What Is Codification and Is EPA Codifying North Carolina's Hazardous Waste Program as Authorized in This Rule?

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. We do this by referencing the authorized State rules in 40 CFR part 272. We reserve the amendment of 40 CFR part 272, subpart PP for this authorization of North Carolina's program until a later date.

J. How Does Today's Action Affect Indian Country (18 U.S.C. 115) in North Carolina?

North Carolina has not requested authorization to carry out its hazardous waste program in Indian Country within the State, which includes the Cherokee Indian Nation, and therefore is not authorized to carry out its hazardous waste program in Indian Country within the State. As a result, this action has no effect on Indian Country. EPA will continue to implement and administer the RCRA program in these lands.

K. Administrative Requirements

The Office of Management and Budget has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993), and therefore this action is not subject to review by OMB. This action authorizes State requirements for the purpose of RCRA 3006 and imposes no additional requirements beyond those imposed by State law. Accordingly, I certify that this action 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 action authorizes pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). For the same reason, this action does not have tribal implications within the meaning of Executive Order 13175 (65 FR 67249, November 6, 2000). It does not have substantial direct effects on tribal governments, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order

13175. This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

Under RCRA 3006(b), EPA grants a State's application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this document 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 in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This action will be effective April 29, 2002.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: September 18, 2001.

A. Stanley Meiburg,

Acting Regional Administrator, Region IV.

[FR Doc. 02–4644 Filed 2–27–02; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 32

[CC Docket Nos. 00–199, 97–212, and 80–286; FCC 01–305]

2000 Biennial Regulatory Review—Comprehensive Review of the Accounting Requirements and ARMIS Reporting Requirements for Incumbent Local Exchange Carriers: Phase 2

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: On February 6, 2002, the Commission published a final rule document which consolidated and streamlined Class A accounting requirements; relaxed certain aspects of the affiliate transactions rules; significantly reduced the accounting and reporting rules for mid-sized carriers; and reduced the ARMIS reporting requirements for both large and mid-sized incumbent local exchange carriers (LECs). This document corrects that rule by redesignating the paragraphs of § 32.5200.

DATES: Effective February 28, 2002.

ADDRESSES: Federal Communications Commission, 445 12th Street, TW–A325, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Tim Peterson, Deputy Division Chief, Accounting Safeguards Division, Common Carrier Bureau, at (202) 418–1575 or Mika Savir, Accounting Safeguards Division, Common Carrier Bureau, Legal Branch, at (202) 418–0384. For additional information concerning the information collections in this document, contact Judy Boley at (202) 418–0214, or via the Internet at *jboley@fcc.gov.*

SUPPLEMENTARY INFORMATION: On February 6, 2001 the **Federal Register** published a summary of the Commission's Report and Order adopted October 11, 2001 and released November 5, 2001, along with final rules adopted by the Commission. In § 32.5200 of the final rules, paragraphs (j), (k), and (l) were incorrectly listed as (k), (l), and (m). This document corrects that error by redesignating those pargraphs as (j), (k), and (l).

The rule published on February 6, 2002 at 67 FR 5670, is corrected as follows:

On page 5693, in the third column, in § 32.5200, redesignate paragraphs (k), (l), and (m) as paragraphs (j), (k), and (l).

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 02–4861 Filed 2–27–02; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 67, No. 40
Thursday, February 28, 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

Agricultural Marketing Service

7 CFR Part 915

[Docket No. FV02–915–1]

Avocados Grown in South Florida; Continuance Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum order.

SUMMARY: This document directs that a referendum be conducted among eligible growers of Florida avocados to determine whether they favor continuance of the marketing order regulating the handling of avocados grown in the production area.

DATES: The referendum will be conducted from June 3, through June 14, 2002. To vote in this referendum, growers must have been producing Florida avocados during the period April 1, 2001, through March 31, 2002.

ADDRESSES: Copies of the marketing order may obtained from the office of the referendum agent at 799 Overlook Drive, Suite A, Winter Haven, Florida, 33884, or the Office of the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, Agricultural Marketing Service (AMS), U.S. Department of Agriculture (USDA), 1400 Independence Avenue SW., Stop 0237, Washington, DC 20250–0237.

FOR FURTHER INFORMATION CONTACT: Doris Jamieson, Southeast Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 799 Overlook Drive, Suite A, Winter Haven, Florida, 33884; telephone (863) 324–3375; or Kathleen Finn, Marketing Order Administration Branch, Fruit & Vegetable Programs, AMS, USDA, 1400 Independence Ave SW., Stop 0237, Washington, DC 20250–0237; telephone (202) 720–2491.

SUPPLEMENTARY INFORMATION: Pursuant to Marketing Order No. 915 (7 CFR part 915), hereinafter referred to as the ''order'' and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act,'' it is hereby directed that a referendum be conducted to ascertain whether continuance of the order is favored by growers. The referendum shall be conducted during the period June 3, through June 14, 2002, among Florida avocado growers in the production area. Only growers that were engaged in the production of Florida avocados during the period of April 1, 2001, through March 31, 2002, may participate in the continuance referendum.

The USDA has determined that continuance referenda are an effective means for ascertaining whether growers favor continuation of marketing order programs. The USDA would consider termination of the order if less than two-thirds of the growers voting in the referendum and growers of less than two-thirds of the volume of Florida avocados represented in the referendum favor continuance. In evaluating the merits of continuance versus termination, the USDA will consider the results of the referendum and other relevant information regarding operation of the order. The USDA will evaluate the order's relative benefits and disadvantages to growers, handlers, and consumers to determine whether continuing the order would tend to effectuate the declared policy of the Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the ballot materials used in the referendum herein ordered have been submitted to and approved by the Office of Management and Budget (OMB) and have been assigned OMB No. 0581–0189 for Florida avocados. It has been estimated that it will take an average of 20 minutes for each of the approximately 150 growers of Florida avocados to cast a ballot. Participation is voluntary. Ballots postmarked after June 14, 2002, will not be included in the vote tabulation.

Doris Jamieson and Chris Nissen of the Southeast Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, are hereby designated as the referendum agents of the USDA to conduct such referendum. The procedure applicable to the referendum shall be the ''Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended'' (7 CFR 900.400 *et seq.*).

Ballots will be mailed to all growers of record and may also be obtained from the referendum agents and from their appointees.

List of Subjects in 7 CFR Part 915

Avocados, Marketing agreements, Reporting and Recordkeeping requirements.

Authority: 7 U.S.C. 601–674.

Dated: February 22, 2002.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 02–4705 Filed 2–27–02; 8:45 am]

BILLING CODE 3410–02–P

NATIONAL INDIAN GAMING COMMISSION

25 CFR Part 542

RIN 3141–AA24

Minimum Internal Control Standards

AGENCY: National Indian Gaming Commission.

ACTION: Proposed rule: Notice of extension of time.

SUMMARY: On December 26, 2001, the National Indian Gaming Commission (Commission) issued a Proposed Rule proposing revisions to its Minimum Internal Control Standards. Upon several requests from affected Tribes, the date for filing comments is being extended.

DATES: Comments shall be filed on or before March 4, 2002.

ADDRESSES: Send comments by mail, facsimile, or hand delivery to: Minimum Internal Control Standards, Revision Comments, National Indian Gaming Commission, Suite 9100, 1441 L Street, NW., Washington, DC 20005. Fax number: 202–632–7066 (not a toll-free number). Public comments may be delivered or inspected from 9 a.m. until noon and from 2 p.m. to 5 p.m. Monday through Friday.

FOR FURTHER INFORMATION, CONTACT: Michele F. Mitchell at 202–632–7003 or, by fax, at 202–632–7066 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act (''IGRA'' or ''Act'') 25 U.S.C. 2701–2721, enacted on October 17, 1988, established the National Indian Gaming Commission (Commission). On January 5, 1999, the Commission established Minimum Internal Control Standards (MICS) for gaming operations by regulation. 25 CFR part 542. On November 27, 2000, the Commission solicited comments regarding revisions to the MICS. As a result of the comments, the Commission set up an Advisory Committee to assist in addressing the comments received and drafting proposed revisions. The resulting proposed revisions were published in the **Federal Register** on December 26, 2001 (66 FR 66500), with a 60-day comment period, as corrected on January 24, 2002 (67 FR 3537). A public hearing was held on February 5, 2002. Because of several requests from tribes affected by the revisions, the Commission has decided to extend the comment period by one week. The public comment period will now end on Monday, March 4, 2002.

Dated: February 22, 2002.

Elizabeth L. Homer,

Vice-Chair.

Teresa E. Poust,

Commissioner, National Indian Gaming Commission.

[FR Doc. 02–4797 Filed 2–27–02; 8:45 am]

BILLING CODE 7565–01–P

DEPARTMENT OF EDUCATION

34 CFR Chapter II

Office of Elementary and Secondary Education; Title I of the Elementary and Secondary Education Act of 1965, as Amended (ESEA); Improving the Academic Achievement of the Disadvantaged

AGENCY: Department of Education.

ACTION: Notice of meetings to conduct a negotiated rulemaking process.

SUMMARY: The Assistant Secretary for Elementary and Secondary Education (Assistant Secretary) of the U.S. Department of Education (Department) will convene a negotiating group—including Federal, State, and local education administrators, parents, teachers, and members of local boards of education—to participate in a negotiated rulemaking process prior to publishing proposed regulations to implement part A of Title I, Improving Basic Programs Operated by Local Educational Agencies, of the Elementary and Secondary Education Act of 1965, as recently amended by the No Child Left Behind Act of 2001. Title I is designed to help disadvantaged children meet high academic standards. The negotiating committee will review draft proposed regulations developed on statutory provisions involving standards and assessments.

DATES: We will hold five meetings of the negotiating group. The dates and times of the meetings are in the Schedule of Negotiations.

ADDRESSES: The five meetings to conduct the negotiated rulemaking process will be held at the U.S. Department of Education, Barnard Auditorium, 400 Maryland Avenue, SW., Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Susan Wilhelm, Compensatory Education Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3W202, Washington, DC 20202–6132. Telephone (202) 260–0826.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

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 person listed in the preceding paragraph.

The meeting site is accessible to individuals with disabilities. If you need an auxiliary aid or service to participate in the meeting (e.g., interpreting service, assistive listening device, or materials in alternative format), notify the contact person listed in this notice in advance of the scheduled meeting date. We will make every effort to meet any request we receive.

The meetings are open to the public for individuals who wish to observe the process. The Department anticipates publishing a Notice of Proposed Rulemaking no later than May 1, 2002.

SUPPLEMENTARY INFORMATION:

Schedule of Negotiations

We will hold five meetings of the negotiating group to review the draft proposed regulations:

1. March 11, 2002, 9 a.m. to 5 p.m.
2. March 12, 2002, 9 a.m. to 5 p.m.
3. March 13, 2002, 9 a.m. to 5 p.m.
4. March 19, 2002, 9 a.m. to 5 p.m.
5. March 20, 2002, 9 a.m. to 5 p.m.

Background

On January 8, 2002, the President signed Pub. L. 107–110, the No Child Left Behind (NCLB) Act of 2001, amending the Elementary and Secondary Education Act of 1965 (ESEA). Among other things, the NCLB Act reauthorizes—for a six-year period—programs under Title I of the ESEA designed to help disadvantaged children reach high academic standards.

Section 1901 of Title I requires that, before publishing any proposed regulations to implement programs under Title I, the Department obtain the advice and recommendations of representatives of State and local administrators, parents, teachers and paraprofessionals, members of local school boards, and other organizations involved with the implementation and operation of Title I programs. On January 18, 2002, the U.S. Secretary of Education published a notice in the **Federal Register** (67 FR 2770) requesting advice and recommendations on regulatory issues under Title I. In response to that notice, the Assistant Secretary received comments from more than 100 individuals and organizations. Section 1901 also requires the Department, after obtaining advice and recommendations and before publishing proposed regulations, to establish a negotiated rulemaking process on, at a minimum, issues relating to standards and assessments under Title I, Part A. The statute requires that the negotiators represent all geographic regions of the United States and an equitable balance between representatives of parents and students and representatives of educators and education officials. To convene a diverse negotiating group that represents a wide range of interests, the Assistant Secretary asked more than 70 organizations to submit nominations with their comments on regulatory issues. In addition, the Department received nominations from individuals and organizations that participated in focus groups held to solicit advice or who commented independently in response to the Federal Register notice.

The Assistant Secretary has selected individuals to participate in the negotiated rulemaking process from among the individuals and organizations providing advice and recommendations in response to the **Federal Register** notice, including representation form all geographic regions of the United States and an equitable balance between representatives of parents and students and representatives of educators and education officials. The Assistant Secretary has also considered negotiators who would contribute to the diversity and expertise of the group. The following are the individuals who will participate in negotiated rulemaking and the interests they represent:

Representing State Administrators and State Boards of Education

Judy Catchpole, Superintendent of Public Instruction, Wyoming Department of Education Jim Horne, Secretary of Education, Florida Department of Education Dr. Bob Harmon, Assistant State Superintendent for Special Programs, Washington Department of Public Instruction Rodney Watson, Assistant Superintendent, Office of Student and School Standards, Louisiana Department of Education Lou Fabrizio, Director, Division of Accountability Services, North Carolina Department of Education Rae Belisle, Chief Counsel, California State Board of Education

Representing Local Administrators and Local School Boards

Charlotte Harris, Senior Director of Program Development, Boston (MA) Public Schools, J. Alvin Wilbanks, Superintendent, Gwinnett County (GA), Public Schools, Beverly Carroll, Alachua County (FL) School Board, Nelson Smith, charter schools, Washington, DC.

Representing Principals and Teachers

Avis Cotton, Principal, Dardanelle (AR) Middle School, Enedelia Scholfield, Principal, W.L. Henry Elementary School, Hillsboro (OR), Patricia Fisher, Title I teacher, Hooker Public Schools (OK).

Representing Students (Including At-risk Students, Migrant Students, Limited-English-Proficient Students, Students With Disabilities, and Private School Students):

Tasha Tillman, parent, Colorado Springs (CO).

Minnie Pearce, parent, Detroit (MI).

Arturo Abarca, teacher, Helitrope Elementary School, Los Angeles Unified School District (CA).

Maria Seidner, Director, Bilingual Education, Texas Education Agency.

Dr. Alexa Pochowski, Associate Commissioner, Kansas Department of Education.

Myrna Toney, Director of Migrant Education, Wisconsin Department of Education.

John R. Clark, Assistant Superintendent, Department of Education, Diocese of Allentown (PA).

Representing Business Interests

John Stevens, Director, Texas Business and Education Coalition.

Representing the U.S. Department of Education

Susan B. Neuman, Ed.D., Assistant Secretary for Elementary and Secondary Education.

Dr. Joseph F. Johnson, Director, Compensatory Education Programs.

If an individual feels that his or her interests are not adequately represented by this diverse group, the individual may petition, at the initial meeting on March 11, to be seated as a negotiator. The negotiating group will determine whether that individual should be added to the group. The negotiating group will make that decision based on factors such as whether the individual—

(1) Would be substantially affected by the rule;

(2) Has interests not already adequately represented by the group; and

(3) Meets the requirements of section 1901 of the ESEA.

Topics Selected for Negotiation

The issues selected for negotiated rulemaking are the Title I, Part A requirements pertaining to standards and assessments. As the January 18 notice indicated, the Department also considered including in the negotiations issues pertaining to adequate yearly progress. Based on significant concerns raised during the public comment period, and given the statutory time constraints discussed in the section on ''Regional Meetings'' below, however, the Department is not subjecting it to negotiated rulemaking. That issue, as well as other Title I issues, will be addressed through the regular rulemaking process (including the regional meetings discussed below). The draft of the proposed regulations that the negotiators will review is available on the Department's Web site at *www.ed.gov/nelb/.*

Facilitator

The Department has retained the services of an assessment expert and a facilitator for the negotitated rulemaking process. The assessment expert will be available as a resource to the negotiators on assessments issues. The facilitator will serve as a neutral convenor for the negotiations. Neither the assessment expert nor the facilitator will be involved with the substantive development of the regulations. The facilitator's role is to—

(1) Chair negotiating sessions;

(2) Help the negotiating process run smoothly and

(3) Help participants define issues and reach consensus.

The facilitator will keep a record of the negotiated rulemaking meetings, which will be placed in the Department's rulemaking docket for this regulatory action.

Regional Meetings

The Department has developed this process and scheduled negotiated rulemaking very expeditiously, since the NCLB Act was enacted on January 8, and the Department hopes to issue these regulations on a timely basis so that they will be in place as early as possible this year, and issued in accordance with the requirements of section 1908 of the Act. That section requires that regulations to implement sections 1111 and 1116 of this Act be issued within six months of enactment. Recognizing that many interested parties may not yet have an opportunity to provide input or may not be able to attend the negotiated rulemaking meetings, the Department intends to convene four regional meetings during the public comment period after publishing proposed regulations in accordance with section 1901 of the Act. At these meetings, interested parties can provide input regarding the proposed regulations. The Department will announce these meetings in a notice in the **Federal Register** in the near future.

Electronic Access to This Document

You may view this document, in Text or Abobe Portable Document Format (PDF), on the Internet at the following site: *http://www.ed.gov/legislation/FedRegister*

To use the 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 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*

(Catalog of Federal Domestic Assistance Number: 84.010, Improving Programs Operated by Local Educational Agencies)

Program Authority: Public Law 107–110.

Dated: February 25, 2002.

Susan B. Neuman,

Assistant Secretary for Elementary and Secondary, Education.

[FR Doc. 02–4862 Filed 2–27–02; 8:45 am]

BILLING CODE 4001–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–7150–7]

North Carolina: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: North Carolina has applied to EPA for Final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA proposes to grant final authorization to North Carolina. In the ''Rules and Regulations'' section of this **Federal Register**, EPA is authorizing the changes by an immediate final rule. EPA did not make a proposal prior to the immediate final rule because we believe this action is not controversial and do not expect comments that oppose it. We have explained the reasons for this authorization in the preamble to the immediate final rule. Unless we get written comments which oppose this authorization during the comment period, the immediate final rule will become effective on the date it establishes, and we will not take further action on this proposal. If we get comments that oppose this action, we will withdraw the immediate final rule and it will not take effect. We will then respond to public comments in a later final rule based on this proposal. You may not have another opportunity for comment. If you want to comment on this action, you must do so at this time.

DATES: Send your written comments by April 1, 2002.

ADDRESSES: Send written comments to Narindar Kumar, Chief RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street, SW Atlanta, GA, 30303–3104; (404) 562–8440. You can examine copies of the materials submitted by North Carolina during normal business hours at the following locations: EPA Region IV Library, Atlanta Federal Center, Library, 61 Forsyth Street, S.W., Atlanta, Georgia 30303; phone number: (404) 562–8190, or the North Carolina Department of Environment, Health and Natural Resources, P.O. Box 27687, Raleigh, North Carolina 29201, (919) 733–2178.

FOR FURTHER INFORMATION CONTACT: Narindar Kumar, Chief RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, 61 Forsyth Street, SW Atlanta, GA, 30303–3104; (404) 562–8440.

SUPPLEMENTARY INFORMATION: For additional information, please see the immediate final rule published in the ''Rules and Regulations'' section of this **Federal Register**.

Dated: September 18, 2001.

A. Stanley Meiburg,

Acting Regional Administrator, Region IV.

[FR Doc. 02–4645 Filed 2–27–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–7151–3]

Michigan: Proposed Authorization of State Hazardous WasteManagement Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Michigan has applied to EPA for final authorization of certain changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed Michigan's application and has determined that these changes satisfy all requirements needed to qualify for final authorization, and is proposing to authorize the State's changes.

DATES: If you have comments on Michigan's application for authorization for changes to its hazardous waste management program, you must submit them by April 15, 2002.

ADDRESSES: Send written comments to Ms. Judy Feigler, Michigan Regulatory Specialist, U.S. Environmental Protection Agency, Waste, Pesticides and Toxics Division (DM–7J), 77 W. Jackson Blvd., Chicago, Illinois 60604. You can view and copy Michigan's application during normal business hours at the following addresses: EPA Region 5, 77 W. Jackson Blvd., Chicago, Illinois, contact: Ms. Judy Feigler, phone number: (312) 886–4179; or Michigan Department of Environmental Quality, 608 W. Allegan, Hannah Building, Lansing, Michigan, contact: Ms. Kimberly Tyson, phone number: (517) 373–2487.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Feigler, Michigan Regulatory Specialist, U.S. Environmental Protection Agency, Waste, Pesticides and Toxics Division (DM–7J), 77 W. Jackson Blvd., Chicago, Illinois 60604, phone number: (312) 886–4179; or Ms. Kimberly Tyson, Michigan Department of Environmental Quality, 608 W. Allegan, Hannah Building, Lansing, Michigan, phone number: (517) 373–2487.

SUPPLEMENTARY INFORMATION:

A. Why Are Revisions to State Programs Necessary?

States which have received final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the federal program. As the federal program changes, states must change their programs and ask EPA to authorize the changes. Changes to state programs may be necessary when federal or state statutory or regulatory authority is modified or when certain other changes occur. Most commonly, states must change their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

B. What Decisions Have We Made in This Rule?

EPA has determined that Michigan's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we are proposing to grant Michigan final authorization to operate its hazardous waste program with the changes described in the authorization application. Michigan will have responsibility for permitting Treatment, Storage, and Disposal Facilities (TSDFs) within its borders (except in Indian country) and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New federal requirements and prohibitions imposed by federal regulations that EPA promulgates under the authority of HSWA take effect in authorized states before the states are authorized for the requirements. Thus, EPA will implement those requirements and prohibitions in Michigan, including issuing permits, until the State is granted authorization to do so.

C. What Will Be the Effect if Michigan Is Authorized for These Changes?

If Michigan is authorized for these changes, a facility in Michigan subject to RCRA will have to comply with the authorized State requirements in lieu of the corresponding federal requirements in order to comply with RCRA.

Additionally, such persons will have to comply with any applicable federally-issued requirements, such as, for example, HSWA regulations issued by EPA for which the State has not received authorization, and RCRA requirements that are not supplanted by authorized State-issued requirements. Michigan continues to have enforcement responsibilities under its State law to pursue violations of its hazardous waste management program. EPA continues to have independent authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others, the authority to:

- Do inspections, and require monitoring, tests, analyses or reports,
- Enforce RCRA requirements (including State-issued statutes and regulations that are authorized by EPA and any applicable federally-issued statutes and regulations) and suspend or revoke permits, and
- Take enforcement actions regardless of whether the State has taken its own actions.

The action to approve these revisions would not impose additional requirements on the regulated community because the regulations for which Michigan will be authorized are already effective under State law and are not changed by the act of authorization.

D. What Happens if EPA Receives Comments That Oppose This Action?

If EPA receives comments that oppose this authorization, we will address those comments in a later final rule. You may not have another opportunity to comment. If you want to comment on this authorization, you must do so at this time.

E. What Has Michigan Previously Been Authorized for?

Michigan initially received final authorization on October 16, 1986, effective October 30, 1986 (51 FR 36804–36805) to implement the RCRA hazardous waste management program. We granted authorization for changes to Michigan's program effective January 23, 1990 (54 FR 48608, November 24, 1989); effective June 24, 1991 (56 FR 18517, January 24, 1991); effective November 30, 1993 (58 FR 51244, October 1, 1993); effective January 13, 1995 (60 FR 3095, January 13, 1995); effective April 8, 1996 (61 FR 4742, February 8, 1996); effective November 14, 1997 (62 FR 61775, November 14, 1997); and effective June 1, 1999 (64 FR 10111, March 2, 1999).

F. What Changes Are We Proposing?

On March 3, 2000, and April 3, 2001, Michigan submitted complete program revision applications, seeking authorization of its changes in accordance with 40 CFR 271.21. We have determined that Michigan's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization.

Michigan's program revisions are based on changes to the federal program and modifications initiated by the State. The federal and analogous State provisions involved in this proposed decision and the relevant corresponding checklists (if applicable) are listed in the following tables:

PROGRAM REVISIONS BASED ON FEDERAL RCRA CHANGES

Federal requirement	Analogous state authority		
	Check #	Federal Register citation and date	Description of state authority [1] and effective date
99	Amendments to interim status standards for downgradient ground-water monitoring well locations at hazardous waste facilities.	56 FR 66365, December 23, 1991.	R 299.9601(3) and (9); and R 299.11003(1)(p) and (2).
140	Carbamate production identification and listing of hazardous waste; and CERCLA hazardous substance designation and reportable quantities; correction.	60 FR 19165, April 17, 1995, as amended at 60 FR 25619, May 12, 1995.	R 299.9224; R 299.9225; and R299.11003(1)(j) and (2).
154	Organic air emission standards for tanks, surface impoundments, and containers.	59 FR 62896, December 6, 1994; as amended at 60 FR 26828, May 19, 1995; 60 FR 50426, September 29, 1995; 60 FR 56952, November 13, 1995; 61 FR 4903, February 9, 1996; 61 FR 28508, June 5, 1996; and 61 FR 59932, November 25, 1996.	R 299.9206(1)(b); R 299.9306(1)(a)(i) and (ii) and (7); R 299.9502(2)(a); R 299.9504(1)(c), (2), (3), (6)(a), (16) and (20); R 299.9508(1)(b); R 299.9516(6), effective October 15, 1996; R 299.9601(1)–(3) and (9); R 299.9605(1) and (4); R 299.9609(1)(a) and (5), effective November 19, 1991; R 299.9614, effective December 28, 1985; R 299.9615 and R 299.9616(1) and (4), effective September 22, 1998; R 299.9628(1) and (4), effective November 19, 1991; R 299.9630 and R 299.9631, effective June 21, 1994; R 299.9634, effective September 22, 1998; R 299.11001(1)(p), (2) and (5); and R 299.11003(1)(a), and (m), (n), (p), (q) and (v) and (2).
148	RCRA expanded public participation.	60 FR 63417, December 11, 1995.	R 299.9103(f); R 299.9501(3)(c); R 299.9504(1)(c), (4)(a) and (b), (15), (19) and (20); R 299.9508(1)(b); R 299.9511(1)–(7), effective September 22, 1998; R 299.9521(1)(a) and (6), effective October 15, 1996; R 299.9626(1), (2), (4), (5), (6), and (8); R 299.9808(7) and (9); R 299.11003(1)(c), (1)(v) and (2).

PROGRAM REVISIONS BASED ON FEDERAL RCRA CHANGES—Continued

Federal requirement	Analogous state authority		
	Check #	Federal Register citation and date	Description of state authority [1] and effective date
151	Land disposal restrictions phase III; decharacterized wastewaters, carbamate wastes, and spent potliners.	61 FR 15565, April 8, 1996; as amended at 61 FR 15660 April 8, 1996; 61 FR 19117, April 30, 1996; 61 FR 33680, June 28, 1996; 61 FR 36419, July 10, 1996; 61 FR 43923, August 26, 1996; and 62 FR 7502, February 19, 1997.	R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).
152	Imports and exports of hazardous waste: implementation of OECD Council Decision.	61 FR 16290, Apri 12, 1996	Michigan Compiled Laws, § 324,11151, effective March 23, 1999. R 299.9204(3)(b); R 299.9206(6); R 299.9228(4)(a), (5)(b), (6)(a), (10), (10)(e), and (11); R 299.9301(5) and (7); R 299.9309(1) and (5), effective April 20, 1988; R 299.9312(1), (2), and (3), effective September 22, 1998; R 299.9401(1), (5), (6), and (9); R 299.9409(1) and (5); R 299.9503(1)(c), October 15, 1996; R 299.9601(1), (2)(c), (3), and (9); R 299.9605(1) and (4); R 299.9608(6); R 299.9803(2)(c), (d), and (e); and R 299.11003(1)(k), (l), (m), (p), and (w) and (2).
153	Conditionally exempt small quantity generator disposal options under Subtitle D.	61 FR 34252, July 1, 1996	R 299.9205(2)(b), (2)(b)(i)–(iv), and (vi)–(xi), effective September 22, 1998.
155	Land disposal restrictions phase III—emergency extension of the K088 capacity variance.	62 FR 1992, January 14, 1997	R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).
156	Military munitions rule: hazardous waste identification and management; explosives emergencies; manifest exemption for transport of hazardous waste on right-of-ways on contiguous properties.	62 FR 6622, February 12, 1997	R 299.9101(n); R 299.9102(e) and (v); R 299.9103(n), (o), and (p); R 299.9104(n); R 299.9105(m), (n), and (o); R 299.9109(c); R 299.9202(1)(c); R 299.9301(8); R 299.9304(8); R 299.9401(7); R 299.9502(11); R 299.9503(1) and (2); R 299.9601(2), (3), and (6); R 299.9608(7); R 299.9637; R 299.9817; R 299.9818; R 299.9819; R 299.9820; R299.9821; and R 299.11003(1)(m) and (s) and (2).
157	Land disposal restrictions—phase IV: treatment standards for wood preserving wastes, paperwork reduction and streamlining, exceptions from RCRA for certain processed materials, and miscellaneous hazardous waste provisions.	62 FR 25998, May 12, 1997	R 299.9103(j); R 299.9104(i); R 299.9106(s) and (u); R 299.9202(2)(c); R 299.9204(1)(p) and (q); R 299.9206(3)(b); R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).
158	Hazardous waste management system; testing and monitoring activities.	62 FR 32452, June 13, 1997	R 299.9601(1), (3) and (9); R 299.9612(2); R 299.9630, effective June 21, 1994; R 299.9808(7) and (9); R 299.11001(1)(a), (k), (l), (m), (p), (r), (v), (w) and (x); R 299.11001(3) and (4); R 299 11002(1); R 299 11003(1)(m), (p) and (t) and (2); and R 299.11005.
159	Hazardous waste management system; carbamate production, identification and listing of hazardous waste; land disposal restrictions.	62 FR 32974, June 17, 1997	R 299.9216, effective April 20, 1988; R 299.9222; R299.9225; and R 299.11003(1)(j) and (2).
160	Land disposal restrictions Phase III—emergency extension of the K088 national capacity variance, amendment.	62 FR 37694, July 14, 1997	R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).
161	Emergency revision of the carbamate land disposal restrictions.	62 FR 45568, August 28, 1997.	R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).
162	Clarification of standards for hazardous waste land disposal restriction treatment variances.	62 FR 64504, December 5, 1997.	R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).

PROGRAM REVISIONS BASED ON FEDERAL RCRA CHANGES—Continued

Federal requirement	Analogous state authority		
	Check #	Federal Register citation and date	Description of state authority [1] and effective date
163	Organic air emission standards for tanks surfce impoundments and containers; clarification and technical amendment.	62 FR 64636, December 8, 1997.	R 299.9504(1)(c) and (20); R 299.9508(1)(b); R 299.9601(2)(d), (3) and (9); R 299.9605(1) and (3); R 299.9609(1)(a) and (5), effective November 19, 1991; R 299.9630 and R 299.9631, effective June 21, 1994; R 299.9634, effective September 22, 1998; and R 299.11003(1)(n), (p), (q) and (v) and (2).
164	Kraft Mill steam stripper condensate exclusion.	63 FR 18504, April 15, 1998	R299.9204(1)(r).
166	Recycled used oil management standards; technical correction and clarification.	63 FR 24963, May 6, 1998; as amended at 63 FR 37780, July 14, 1998.	R 299.9206(3)(d)–(f); R 299.9809(1)(h); R 299.9810(3) and (5), R 299.9812(3) and (7), R 299.9813(3) and (7), R 299.9814(4) and (8), and R 299.9815(3)(f), effective October 15, 1996; and R 299.11003(1)(x) and (2).
167A	Land disposal restrictions phase IV—Treatment standards for metal wastes and mineral processing wastes.	63 FR 28556, May 26, 1998	R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).
167B	Land disposal restrictions phase IV—Hazardous soil treatment standards and exclusions.	63 FR 28556, May 26, 1998	R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).
167C	Land disposal restrictions phase IV—Corrections.	63 FR 28556, May 26, 1998; as amended at 63 FR 31266, June 8, 1998.	R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).
167E	Bevill exclusion revisions and clarifications.	63 FR 28556, May 26, 1998	R 299.9204(2)(h).
167F	Exclusion of recycled wood preserving wastewaters.	63 FR 28556, May 26, 1998	R 299.9204(1)(u)
168	Hazardous waste combusters, revised standards.	63 FR 33782, June 19, 1998	R 299.9204(1)(w); R 299.9230; R 299.9519(5)(j)(v); and R 299.11003(1)(i) and (2).
169	Petroleum refining process wastes.	63 FR 42110, August 6, 1998, as amended at 63 FR 54356, October 22, 1998.	R 299.9101(s); R 299.9106(l); R 299.9203(1)(c)(iii)(A)–(E), (4)(b), (4)(e)(i) and (ii); R 299.9204(1)(l), (m), (s), (t); R 299.9206(3)(f); R 299.9220; R 299.9222; R 299.9311; R 299.9413; R 299.9627; R 299.9808(2)(c); and R 299.11003(1)(j) and (u) and (2).
170	Land disposal restrictions phase IV—Zinc micronutrient fertilizers, amendment.	63 FR 46332, August 31, 1998.	R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).
171	Emergency revision of the land disposal restrictions treatment standards for listed hazardous wastes from carbamate production.	63 FR 47409, September 4, 1998.	R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).
172	Land disposal restrictions phase IV—Extension of compliance date for characteristic slags.		R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).
173	Land disposal restrictions, treatment standards for spent potliners from primary aluminum reduction (K088).	63 FR 51254, September 24, 1998.	R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).
174	Post-closure permit requirement and closure process.	63 FR 46710, October 22, 1998.	R 299.9103(d); R 299.9502(12); R 299.9508(1), (3) and (4); R 299.9601(1), (3) and (9); R 299.9612(1) and (2); R 299.9613(1) and (7); R 299.9703(8); R 299.9710(17); and R 299.11003(1)(m) and (p) and (2).

PROGRAM REVISIONS BASED ON FEDERAL RCRA CHANGES—Continued

Federal requirement	Analogous state authority		
	Check #	Federal Register citation and date	Description of state authority [1] and effective date
175	Hazardous Remediation Waste Management Requirements (HWIR-media).	63 FR 65874, November 30, 1998.	Michigan Combined Laws §§ 324.1101, 24.291 and 24.292, as amended effective January 1, 1997. R 299.9102(q); R 299.9103(q); R 299.9105(q); R 299.9107(j); R 299.9107(i), (k) and (aa); R 299.9204(12); R 299.9311; R 299.9413; R 299.9501; R 299.9502; R 299.9504(17) and (20); R 299.9515, effective April 20, 1988; R 299.9516, effective October 15, 1996; R 299.9517, effective September 22, 1998; R 299.9519; R 299.9520, effective September 22, 1998; R 299.9524; R 299.9601(1) and (2)(k), (l) and (n); R 299.9605(1), (3) and (4); R 299.9606(1) and (2); R 299.9607(1), (3) and (4); R 299.9609(1)(a) and (5), effective November 19, 1991; R 299.9613(1), (3) and (7); R 299.9627; R 299.9629(1) and (11); R 299.9635(1), (8) and (9); R 299.9636(1), R 299.9638(1), (3), (4) and (8); and R 299.11003(1)(n), (p), (u) and (v) and (2).
176	Universal waste rule—technical amendments.	63 FR 71225, December 24, 1998.	R 299.9109(j); and R 299.9804.
177	Organic air emission standards: clarification technical amendments.	64 FR 3382, January 21, 1999.	R 299.9306(1)(a)(i) and (ii); R 299.9601(3) and (9); R 299.9630, effective June 21, 1994; R 299.9634, effective September 22, 1998; and R 299.11003(1)(m) and (p) and (2).
178	Petroleum refining process wastes—leachate exemption.	64 FR 6806, February 11, 1999.	R 299.9204(2)(o)(i)-(v).
179	Land disposal restrictions phase IV—technical corrections and clarifications to treatment standards.	64 FR 25408, May 11, 1999	R 299.9202(1)(b)(iii) and (3); R 299.9204(1)(v), (1)(v)(v), (2)(h)(iii) and (2)(h)(iii)(A); R 299.9306(4)(e); R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).
180	Test procedures for the analysis of oil and grease and non-polar material.	64 FR 26315, May 14, 1999	R 299.11005(1), (2) and (6).
181	Universal waste rule	64 FR 36466, July 6, 1999	R 299.9103(a); R 299.9109(g), (i) and (j); R 299.9228; R 299.9229(2)(e)(i), effective October 15, 1996; R 299.9311; R 299.9413; R 299.9503(1)(j); R 299.9601(6); R 299.9627; and R 299.11003(1)(u) and (2).
182	Hazardous air pollutant standards for combusters.	64 FR 52828, September 30, 1999, as amended at 64 FR 63209, November 19, 1999.	R 299.9102(v); R 299.9108(c); R 299.9230(1)(a)(iii) and (3); R 299.9504(4), (15) and (20); R 299.9508(1)(b); R 299.9515(5)(a)(viii) and (j)(v), effective April 20, 1988; R 299.9601(1), (2), (3), (7) and (9); R 299.9623(2); R 299.9626(7); R 299.9628(1) and (4); R 299.9808; and R 299.11003(1)(i), (m), (p), (r), (t) and (v) and (2).
183	Land disposal restrictions phase IV—technical corrections.	64 FR 56469, October 20, 1999.	R 299.9222; R 299.9306(1)(d); R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).

[1] The Michigan provisions are from the Michigan Administrative Code, effective September 11, 2000, unless otherwise stated.

STATE-INITIATED MODIFICATIONS

State citation and action	Effective date	Federal analog
R 299.9101(c) (definition of ''Act 138'' added) and (c)–(i) renumbered as (d)–(j).	September 11, 2000	40 CFR 260.10 (no federal analog to R 299.9101(c)).
R 299.9204(1)(n) (more stringent State provision removed).	September 11, 2000	None.
R 299.9206(5) (more stringent State provision removed).	September 22, 1998	None.
R 299.9209(2)(a) (broader in scope State provision removed).	September 11, 2000	None.
R 299.9212(4) and (6)(a) (more stringent State provision amended).	September 22, 1998	None.
R 299.9218 (more stringent State provision rescinded).	September 22, 1998	None.
R 299.9220 (rule title amended)	September 22, 1998	40 CFR 261.31(a).
R 299.9226 (broader in scope State provision—rule title amended).	September 11, 2000	None.
R 299.9228(4)(c)(iv) (amended)	September 11, 2000	40 CFR 273.14(e).
R 299.9228(4)(d) and (5)(e) (added)	September 22, 1998	40 CFR 262.20.

STATE-INITIATED MODIFICATIONS—Continued

State citation and action	Effective date	Federal analog
R 299.9304(1)(c) and (d) (amended), (4)(f), and (7) (added).	September 11, 2000	40 CFR 262.20.
R 299.9306(2) (amended)	September 22, 1998	40 CFR 262.34(b).
R 299.9308(1) (amended)	September 22, 1998, and September 11, 2000.	40 CFR 262.41(a).
R 299.9401(1), (5), and (6) (removed)	September 11, 2000	40 CFR 263.10.
R 299.9403(1) (more stringent State provision amended) and (2)–(7) (more stringent State provision removed).	September 11, 2000	None.
R 299.9404(2)(b) (amended)	September 22, 1998	40 CFR 263.12.
R 299.9405(3)(b) and (b)(iv) (broader in scope State provisions amended).	September 22, 1998	None.
R 299.9406(1), (2)–(4), and (7) (more stringent State provisions amended).	September 11, 2000	None.
R 299.9407(1)–(3) (more stringent State provisions amended).	September 11, 2000	None.
R 299.9408(1) (more stringent State provisions amended) and (2) (more stringent State provisions removed).	September 11, 2000	None.
R 299.9409(1)–(3) (amended)	September 11, 2000	40 CFR 263.21.
R 299.9410(2) (amended)	September 11, 2000	40 CFR 263.30(b).
R 299.9411 (more stringent State provisions rescinded).	September 11, 2000	None.
R 299.9412 (more stringent State provisions rescinded).	September 11, 2000	None.
R 299.9503(4)(c) (more stringent State provisions amended).	September 11, 2000	None.
R 299.9504(1) (amended)	September 22, 1998	40 CFR 270.13 and 270.14(b) and (d).
R 299.9505(1)(a)(ii), (b)(v) and (vi), (d)(iii), (e)(i), (v) and (vi), and (f) (amended).	September 11, 2000	40 CFR 270.17(b), 270.18(b), and 270.21(b).
R 299.9506(2)(a)(v) and (b) (more stringent State provisions amended).	September 11, 2000	None.
R 299.9512 (amended)	September 22, 1998	40 CFR 124.8.
R 299.9525 (more stringent State provisions added).	September 11, 2000	None.
R 299.9601(3)(b) (amended) and R 299.9701(2) (removed).	September 11, 2000	40 CFR 270.70.
R 299.9608(5) (more stringent State provisions added).	September 11, 2000	None.
R 299.9610(1) and (1)(a)–(i) (amended)	September 11, 2000	40 CFR 264.75(a)–(j).
R 299.9612(1)(b) (more stringent State provisions amended).	September 11, 2000	None.
R 299.9613(6) (more stringent State provisions added).	September 11, 2000	40 CFR Part 264 Subpart G.
R 299.9619(4), (4)(a), and (6)(a), (a)(ii) and (iv), and (b) (more stringent State provisions amended).	September 11, 2000	None.
R 299.9620(3)(c) (amended), (4) (amended), and (5) (added).	September 11, 2000	40 CFR 264.221, 264.251, and 264.301.
R 299.9621(1)(a)(i); (1)(c)(iv), (v), and (vii); (1)(d)(i)(D) and (3) (more stringent State provisions amended).	September 11, 2000	None.
R 299.9626(2)(a), (b), and (d) (amended)	September 22, 1998	40 CFR 270.62(b)(2) and (d).
R 299.9629(6) (amended)	September 11, 2000	40 CFR 264.100(d).
R 299.9703(7) (amended)	September 22, 1998	40 CFR 264.148(b).
R 299.9706(2) (removed) and (3) (amended)	September 11, 2000	40 CFR 264.143(d)(4) and (6) and 264.145(d)(4) and (6).
R 299.9708(3), (3)(a)–(c), and (9)(a) (amended).	September 11, 2000	40 CFR 264.143(e)(1) and (8).
R 299.9709(1)(a)(ii) and (iv), (1)(b)(i), (ii), and (iv), (2) and (3)(c) (amended); (3)(c)(i) and (ii) (removed), and (10)(d) (added).	September 11, 2000	40 CFR 264.143(f)(1)(i)(B) and (D), (f)(1)(ii)(A), (B), and (D), (f)(3)(iii); and 264.145(f)(1)(i)(B) and (D), (f)(1)(ii)(A), (B), and (D), (f)(3)(iii).
R 299.9709(9)(a) and (b) (amended)	September 22, 1998	40 CFR 264.143(f)(9)(i) and (ii) and 264.145(f)(10)(i) and (ii).
R 299.9710(8)(a)(i)–(iv) (amended)	September 11, 2000	40 CFR 264.147(a)(2) and (b)(2).
R 299.9711 (more stringent State provisions amended).	September 11, 2000	None.
R 299.9803(2)(b) (more stringent State provisions amended).	September 11, 2000	None.
R 299.11001 (amended)	September 11, 2000	40 CFR 260.11(a)(1)–(9) and (11)–(16).
R 299.11002(2) (amended)	September 11, 2000	40 CFR 260.11(a)(10).

STATE-INITIATED MODIFICATIONS—Continued

State citation and action	Effective date	Federal analog
R 299.11005(2) (amended)	September 11, 2000	40 CFR 260.11(11).

G. Where Are the Revised State Rules Different From the Federal Rules?

The following table lists the program revisions (which are based on federal RCRA program changes) for which the State is seeking authorization which are more stringent than similar federal requirements:

State citation	Federal citation	Topic
R 299.9306(2)	40 CFR 262.34(c)(1)	Generator satellite accumulation.
R 299.9404(2)(b)	40 CFR 263.12	Transfer facility requirements.
R 299.9405(3)(b)	Not applicable	Consolidation and commingling of hazardous waste.
R 299.9403, R 299.9406, R 299.9407, R 299.9408, and R 299.9410.	Not applicable	Transporter permitting and registration.
R 299.9505(1)(d)(iii), (e)(1)(v) and (vi), and (f)	40 CFR 270.17(b), 270.18(c), and 270.21(b)	Information to be included in an engineering report.
R 299.9525(1) and (2)	Not applicable	Deed notices.
R 299.9619(6)(a)(iv) and (v)	40 CFR 264.310(a)	Final cover specifications.
R 299.9619(6)(b)	40 CFR 264.310(a) and (b)(1)	Soil erosion limits for final cover.
R 299.9621(1)(c)(vii)	40 CFR 264.310(a) and (b)(1)	Liner thickness and subgrade slope verification.
R 299.9635(6)(d)(ii)	40 CFR 264.552(e)(4)(ii)(B)	Minimum flexible membrane liner thickness.
R 299.9708(3)(c)	40 CFR 264.143(e)(1), 264.145(e)(1), 265.143(d)(1), and 265.145(d)(1).	Captive insurers.
R 299.9709(1)(a)(ii) and (iv) and (b)(ii) and (2)	40 CFR 264.143(f)(1) and (2), 264.145(f)(1) and (2), 265.143(e)(1) and (2), and 265.145(e)(1) and (2).	Obligations covered by a financial test.

These requirements are part of Michigan's authorized program and are federally enforceable.

H. Who Handles Permits After the Authorization Takes Effect?

Michigan will issue permits for all the provisions for which it is authorized and will administer the permits it issues. All permits issued by EPA prior to EPA authorizing Michigan for these revisions will continue in force until the effective date of the State's issuance or denial of a State RCRA permit, or the permit otherwise expires or is revoked. Michigan will administer any RCRA hazardous waste permits or portions of permits which EPA issued prior to the effective date of this authorization until such time as Michigan has issued a corresponding State permit. EPA will not issue any more new permits or new portions of permits for provisions for which Michigan is authorized after the effective date of this authorization. EPA will retain responsibility to issue permits needed for HSWA requirements for which Michigan is not yet authorized.

I. What Is Codification and Is EPA Codifying Michigan's Hazardous Waste Program as Authorized in This Rule?

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. We do this by referencing the authorized State rules in 40 CFR part 272. We reserve the amendment of 40 CFR part 272, subpart P for this authorization of Michigan's program changes until a later date.

J. How Would Authorizing Michigan for These Revisions Affect Indian Country (18 U.S.C. 115) in Michigan?

Michigan is not authorized to carry out its hazardous waste program in Indian country within the State, as defined in 18 U.S.C. 1151. This includes:

1. All lands within the exterior boundaries of Indian reservations within or abutting the State of Michigan;

2. Any land held in trust by the U.S. for an Indian tribe; and

3. Any other land, whether on or off an Indian reservation that qualifies as Indian country.

Therefore, this action has no effect on Indian country. EPA will continue to implement and administer the RCRA program in Indian country. It is EPA's long-standing position that the term ''Indian lands'' used in past Michigan hazardous waste approvals is synonymous with the term ''Indian country.'' *Washington Department of Ecology* v. *EPA,* 752 F.2d 1465, 1467, n.1 (9th Cir. 1985). *See* 40 CFR 144.3 and 258.2.

K. Administrative Requirements

The Office of Management and Budget has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993), and therefore this action is not subject to review by OMB. This action authorizes State requirements for the purpose of RCRA 3006 and imposes no additional requirements beyond those imposed by State law. Accordingly, I certify that this action 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 action authorizes pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). For the same reason, this action also does not significantly or uniquely affect the communities of Tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action will not have substantial direct effects on the states, on the relationship between the national government and

the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Signifiantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

Under RCRA 3006(b), EPA grants a state's application for authorization as long as the state meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a state authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings' issued under the executive order.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and record keeping requirements.

Authority: This proposed action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: February 7, 2002.

Elissa Speizman,

Acting Regional Administrator, Region 5.

[FR Doc. 02–4788 Filed 2–27–02; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 51

[CC Docket No. 02–33, CC Docket No. 95–20, CC Docket No. 98–10; FCC 02–42]

Appropriate Framework for Broadband Access to the Internet Over Wireline Facilities

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document initiates a thorough examination of the appropriate legal and policy framework under the Communications Act of 1934, as amended (the Act), for broadband access to the Internet provided over domestic wireline facilities. In particular, it seeks comment on the appropriate statutory classification and regulatory framework for wireline broadband Internet access services. It also seeks comment on whether facilities-based providers of broadband Internet access services provided over wireline and other platforms, including cable, wireless and satellite, should be required to contribute to universal service. For purposes of this Notice of Proposed Rulemaking, the Commission uses the term ''facilities-based'' to refer to providers of broadband Internet access services that furnish their own last-mile connection, irrespective of transmission medium, to the customer. Through this proceeding, the Commission intends to further its goals of encouraging the ubiquitous availability of broadband to all Americans, promoting the development and deployment of multiple broadband platforms, fostering investment and innovation in a competitive broadband market, and developing an analytical framework for regulating broadband that is consistent, to the extent possible, across multiple platforms.

DATES: Comments are due April 15, 2002 and reply comments are due May 14, 2002.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (NPRM) in CC Docket Nos. 02–33, 95–20 and 98–10, FCC 02–42, adopted February 14, 2002, and released February 15, 2002. The complete text of this NPRM is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.* It is also available on the Commission's website at *http://www.fcc.gov.*

Synopsis of the Notice of Proposed Rulemaking (NPRM)

1. *Background.* In this proceeding, the Commission initiates an examination of the legal and policy framework under the Act for broadband access to the Internet provided over domestic wireline facilities. The widespread deployment of broadband infrastructure has become a central communications policy objective and it is believed that widespread ubiquitous broadband deployment will bring valuable new services to consumers, stimulate economic activity and advance economic opportunity. The Commission has also initiated three other proceedings that focus on the regulatory treatment of broadband. These proceedings, together with this NPRM, build the foundation for a comprehensive and consistent national broadband policy. First, near the end of 2000, the Commission launched the *Cable Modem NOI.* (65 FR 60441, October 11, 2000) This considers, among other issues, the appropriate regulatory classification for cable modem service, which is used to provide high-speed Internet access. Second, in the *Incumbent LEC Broadband Notice,* (67 FR 1945, January 15, 2002) the Commission examines whether incumbent local exchange carriers (LECs) that are dominant in the provision of traditional local exchange and exchange access service should also be considered dominant when they provide broadband telecommunications services. Third, in the *Triennial UNE Review Notice,* (67 FR 1947, January 15, 2002) the Commission addresses, among other things, the incumbent LECs' wholesale obligations under section 251 of the Act to make their facilities available as unbundled network elements to competitive LECs for the provision of broadband services. These latter two proceedings thus investigate how Title II regulation under the Act applies to broadband service provided as telecommunications services and whether facilities that can be used to provide broadband services should be

subject to Title II unbundling obligations. By contrast, this NPRM addresses the fundamental definitional and classification questions for wireline broadband Internet access services. Because the instant inquiry overlaps with the Commission's pending *Computer III Further Remand,* (60 FR 12529, March 7, 1995) the Commission incorporates the *Computer III Further Remand* proceeding by reference insofar as it relates to the Bell Operating Companies' (BOCs) access obligations with respect to broadband services.

2. This proceeding specifically addresses questions regarding classifying Internet access service that were raised in two Commission proceedings, the 1998 Report to Congress on Universal Service, *Federal—State Joint Board on Universal Service,* CC Docket No. 96–45, Report to Congress, 13 FCC Rcd 11501 (rel Apr. 10, 1998), (63 FR 43088, August 12, 1998) and the *Missouri/Arkansas 271 Order. See Joint Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region, InterLATA Services in Arkansas and Missouri,* CC Docket No. 01–194, Memorandum Opinion and Order, 16 FCC Rcd 20719, 20759–60, paras. 81–82 (2001). (66 FR 59249, November 27, 2001)

3. *Application of Statutory Classifications to Wireline Broadband Internet Access Services.* The NPRM discusses the appropriate classification of wireline broadband Internet access services. The Commission tentative concludes that, as a matter of statutory interpretation, the provision of wireline broadband internet access service is an information service. The Commission tentatively concludes that when an entity provides wireline broadband Internet access service over its own transmission facilities, this service, too, is an information service under the Act. In addition, the Commission tentatively concludes that the transmission component of retail wireline broadband Internet access service provided over an entity's own facilities is ''telecommunications'' and not a ''telecommunications service'' as defined in section 3 of the Act.

4. Applying the statutory framework in the Act, the Commission tentatively concludes that providers of wireline broadband Internet access service offer more than a transparent transmission path to end-users and offer enhanced capabilities. Thus, it tentatively concludes that this service is properly classified as an ''information service'' under section 3 of the Act. The Commission bases this tentative conclusion on the fact that providers of wireline broadband Internet access provide subscribers with the ability to run a variety of applications that fit under the characteristics stated in the ''information service'' definition in section 3 of the Act. The Commission seeks comment on these tentative conclusions and the supporting statutory analysis asks additional questions with regard to the proper classification of wireline broadband Internet access service, including asking parties to offer any factual evidence that would suggest a contrary application of the statute.

5. The NPRM also analyzes whether wireline broadband Internet access service provided over the provider's own facilities is an information service, a telecommunications service, or both. As an initial matter, the Commission tentatively concludes that nothing about the nature of wireline broadband Internet access services offered over a provider's own facilities changes the fact that the end-user service is an information service. Consistent with the statutory analysis described previously, a provider of end-user wireline broadband Internet access service delivered over its own facilities provides the end-user the ''capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications.'' The Commission believes that the end user is receiving an integrated package of transmission and information processing capabilities from the provider. It believes that the fact that the provider owns the transmission does nothing to change the nature of the service to the end-user. Accordingly, the Commission tentatively concludes that wireline broadband Internet access service provided over a provider's own facilities is an information service.

6. Additionally, as a logical extension of the determination that the provision of wireline broadband Internet access service over a provider's own facilities is an information service, the Commission tentatively concludes that the transmission component of the end-user wireline Internet access service provided over those facilities is ''telecommunications'' and not a ''telecommunications service.'' As stated previously, an entity provides ''telecommunications'' (as opposed to merely using telecommunications) when it both provides a transparent transmission path and it does not change the form or content of the information. The provision of telecommunications rises to the level of a ''telecommunications service'' under the Act when it is offered ''for a fee directly to the public.'' It seems as if a provider offering the service over its own facilities does not offer ''telecommunications'' to anyone, it merely uses telecommunications to provide end-users with wireline broadband Internet access services, which, for the reasons discussed previously, the Commission believes is an information service. Therefore, the Commission tentatively concludes that in the case where an entity combines transmission over its own facilities with its offering of wireline Internet access service, the classification of that input is telecommunications, and not a telecommunications service. It seeks comment on these tentative conclusions and the statutory analysis underlying them.

7. The Commission also seeks comment on the prior conclusion in the *Deployment of Wireline Services Offering Advanced Telecommunications Capability,* CC Docket No. 98–147, Memorandum Opinion and Order and Notice of Proposed Rulemaking, 13 FCC Rcd 24012, 24029, para. 35 (1998)(63 FR 45140, August 24, 1998) that an entity is providing a ''telecommunications service'' to the extent that such entity provides only broadband transmission on a stand-alone basis, without a broadband Internet access service. Commenters should address what the appropriate statutory classification of broadband transmission should be when it is not coupled with the Internet access component. Commenters should also address whether the provision of wholesale xDSL transmission should be considered ''telecommunications'' or ''telecommunications service'' under the Act. If xDSL is being offered on a wholesale basis as an input to ISPs' information services, is it being offered ''directly to the public''? In this regard, commenters should discuss how judicial and Commission definitions of common carriage might apply, and address whether ISPs—as a class—might be interpreted as the ''public'' under the statutory definition of ''telecommunications service.'' Commenters should also discuss the circumstances under which owners of transmission facilities offer broadband transmission on a private carriage basis. Specifically, the Commission seeks comment on whether and how the Commission might regulate incumbent LEC provision of broadband to third-party ISPs as private carriage. Further, to the extent that a carrier continued to

offer xDSL transmission under tariff, would *all* xDSL transmission services offered by that carrier be deemed ''telecommunications services,'' or could certain xDSL services be concurrently offered through individually negotiated contracts as private carriage? Commenters should discuss both statutory and policy rationales in support of their suggested classification.

8. Although the Commission tentatively concludes that wireline broadband Internet access service is an information service, it asks parties to comment on whether it should be classified as something other than an information service. For example, is there anything about the self-provision of this service that alters the function provided to the end user such that the service should be classified as a telecommunications service? Alternatively, should it be classified as two separate services, both an information service and a telecommunications service? Should it instead be classified as a new kind of hybrid communications service, neither an information service nor a telecommunications service?

9. The Commission is also considering concurrently with this proceeding in the *Incumbent LEC Broadband Notice* (67 FR 1945, January 15, 2002) whether incumbent LECs that are dominant in the provision of local exchange and exchange access service should also be considered dominant when they provide broadband telecommunications services. In order to consider broadband issues in a consistent manner, the Commission asks parties to comment on whether issues raised in that proceeding have an impact on the statutory classifications considered in this proceeding.

10. The Commission also notes that the 1996 Act uses and defines the term ''advanced telecommunications capability'' in section 706. To date, the Commission has utilized this term for purposes of collecting data to measure the deployment of advanced telecommunications. It seeks comment on whether wireline broadband Internet access services should be classified as an ''advanced telecommunications capability.'' It seeks comment on the relevance, if any, that section 706 has to the issues raised in this proceeding.

11. *Regulatory Framework for Wireline Broadband Internet Access Services.* The NPRM also addresses the appropriate regulatory framework for wireline broadband Internet access services. The Commission seeks comment on what regulations, if any, should apply in the future if these broadband offerings are found to be information services subject to Title I of the Act. It also asks what regulatory requirements, if any, should attach to the transmission component of the information service. Specifically, the Commission seeks comment on the relevance of access and non-access obligations to providers of self-provisioned wireline broadband Internet access services and on how classifying wireline broadband Internet access services as Title I service will affect public safety and welfare obligations. In addition, the Commission seeks comment generally on the role of the states with respect to regulating wireline broadband Internet access services.

12. Access Safeguards. The Commission seeks comment on whether the *Computer Inquiry* requirements that are applicable to the transmission component of information services should be modified or eliminated, and whether such requirements are overly broad or under inclusive as applied to the nascent broadband market. Specifically, the NPRM contains specific questions addressing the necessity and usefulness of these requirements as applied to self-provisioned wireline broadband Internet access service, and seeks comment on whether it may be appropriate to impose alternative requirements to better address the technology and market characteristics of these services.

13. In responding to the questions raised in this part of the Notice, the Commission asks parties to comment with specificity upon whether the various goals articulated in the *Computer II* and *Computer III* inquiries are equally valid today. Parties should explain the basis for their conclusions, and also explain what other goals should be taken into account, given the significant changes in the technological and competitive landscapes. Further, it seeks comment on the analyses employed in the *Computer Inquiries,* including the factors the Commission relied upon in promulgating the *Computer II* and *III* regimes. Are those factors still relevant today? Should they be modified, or given less weight? Are there additional factors that should be taken into account today by the Commission as it considers whether to modify the Computer *II* and *III* regimes?

14. To the extent the Commission decides that none of the existing *Computer II/III* nondiscriminatory access obligations should apply to carriers providing wireline broadband Internet access services, it seeks comment on whether alternative access obligations should be applied. It notes that Internet Service Providers (ISPs) currently purchase transmission services under tariff to provide their own information services. Commenters should address how entities have used means other than those provided through the *Computer II/III* access requirements to acquire the transmission necessary to provide their information service offerings, including reliance on negotiated contractual arrangements. In addition, it seeks comment on how any proposed alternative regulatory or contractual access obligations might be priced in the context of a minimal regulatory Title I regime. For example, commenters should consider whether, under a new regulatory approach, self-provisioning wireline broadband providers should be required to do no more than make transmission available to competitors at market-based prices, or whether they should be required to make transmission available to competitors at commercially reasonable rates. Or, is some alternative set of pricing regulations preferable?

15. If a regulatory framework is necessary, parties should comment on how such a framework could reduce the regulatory burdens on wireline broadband providers while promoting the availability of broadband to both competitors and consumers. Such an approach might encourage market participants to deploy broadband networks more expeditiously and increase facilities-based competition. The Commission seeks comment on the benefits and costs, as well as concrete details of market-based approaches to broadband regulation, and encourages interested parties to offer other proposals designed to encourage the deployment of broadband. It also asks parties to comment on what the appropriate classification would be of any broadband transmission services required to be offered to independent ISPs. It also seeks comment on the applicability of sections 201 and 202 of the Act to any such stand-alone broadband offerings, and how those sections should inform any determination we may make about the pricing of broadband transmission provided to third parties.

16. The Commission asks parties to comment specifically on the incentives that the Commission would create were it to impose requirements other than the *Computer II/III* requirements on the provision of wireline broadband Internet access service. For example, were the Commission to modify or eliminate the requirements that the underlying transmission be made available to other ISPs on a nondiscriminatory basis, how would

this affect the deployment of broadband? How would competing ISPs that do not own transmission facilities obtain the inputs they need to provide competing broadband Internet access services? Would the removal of all unbundling requirements motivate incumbent LECs, including BOCs, to only provide broadband transmission as part of integrated information services in order to restrict its availability, or would there be countervailing reasons why carriers would still choose to provide high-speed transmission to other entities on a stand-alone basis? Will these incentives be affected to the extent that these broadband Internet access services begin replacing traditional telecommunications services? Commenters arguing that removal of the requirements will lead to a significant reduction in the availability of high-speed transmission to non-facilities-based ISPs should address with specificity why this situation cannot be addressed through private, unregulated contractual arrangements or other marketplace solutions. Alternatively, if the Commission were to continue to impose unbundling requirements only on incumbent LECs or BOCs, how would this affect their incentive to continue deploying new and innovative broadband information services?

17. Other Obligations. The Commission seeks comment on the extent to which other obligations might be affected by classifying wireline broadband Internet-access services as information services. It asks questions about the relevance of three basic public protection obligations of telecommunications service providers—(i) national security, (ii) network reliability, and (iii) consumer protection—to wireline broadband Internet-access services. It also asks how this classification may affect unbundling obligations pursuant to sections 251 and 252 of the Act.

18. It asks commenters to discuss how our tentative conclusion that wireline broadband Internet access service is an information service will affect the scope of the CALEA assistance capabilities that telecommunications carriers must offer to law enforcement authorities. *See Communications Assistance for Law Enforcement Act,* Report and Order, CC Docket No. 97–213, 14 FCC Rcd 16794, 16795–96, paras. 2–3 (1999). (64 FR 14834, March 29, 1999) Commenters should address what effect, if any, the USA PATRIOT Act of 2001 may have on an entity that provides information services. *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001,* Pub. L. No. 107–56, 115 Stat. 272 (2001) (USA PATRIOT Act) (codified in scattered sections of 18 U.S.C., 47 U.S.C., 50 U.S.C.). (66 FR 63620, December 7, 2001) While section 222 of the USA PATRIOT Act states that ''nothing in this Act shall impose any additional technical obligation or requirement on a provider of wire or electronic communication service or other person to furnish facilities or technical assistance,'' commenters may wish to discuss how the expansion of surveillance authority to electronic communications under various provision of the USA PATRIOT Act might affect providers of wireline broadband Internet access service if these services were classified as information services. More generally, the Commission asks for comment on how designating wireline broadband Internet access service as an information service may affect other national security or emergency preparedness obligations applicable to service providers and their networks.

a. Second, commenters should discuss what role, if any, the Commission or its designees should have in ensuring the network reliability and interoperability of wireline broadband Internet access services. For telecommunications service providers, the Commission has found that network reliability is of paramount importance in any number of settings and, in particular, has directed the Network Reliability and Interoperability Council (NRIC) to explore and recommend measures that would enhance network reliability and interconnectivity. Commenters should address the costs and benefits of authorizing NRIC to make technical interconnectivity and interoperability recommendations with respect to wireline broadband Internet access service.

19. Third, commenters should address how classification of wireline broadband Internet access as an information service would affect existing consumer protection requirements. For instance, section 214 of the Communications Act limits the ability of a telecommunications carrier to unilaterally discontinue telecommunications service to customers. Commenters should address the extent to which it is appropriate or necessary to apply such a requirement to the provision of wireline broadband Internet access service if we classify such services as information services. Consistent with the Communications Act, the Commission restricts how telecommunications carriers use, disclose, and access customer proprietary network information derived from the provision of a telecommunications service (CPNI). Section 258 of the Act prohibits telecommunications carriers from changing consumers' carriers without prior consent. The Commission has also adopted truth-in-billing principles and guidelines to ensure that telephone bills provide consumers with information they may use to protect themselves from fraud and make informed choices in the competitive telecommunications marketplace. How would classification of wireline broadband Internet access service as an information service affect the applicability of these requirements? In addition, section 255 of the Act requires a provider of telecommunications service to ensure the service is accessible and usable by individuals with disabilities, if that is readily achievable. How would classification of wireline broadband Internet access service as an information service affect the applicability of such requirements? Similarly, section 201 of the Act contains obligations applicable to the furnishing of service and charges for ''communication service'' and section 202 makes it unlawful for a common carrier to unreasonably discriminate with regard to like ''communications service.'' How would our classification affect these obligations? Commenters should refer to specific sections of the Act when they are addressing these issues. Commenters should address whether these requirements are needed to protect the interests of consumers in the context of a minimally intrusive regulatory regime for wireline broadband Internet access service, and discuss whether, through intermodal competition for broadband services, there are adequate incentives absent additional regulation for providers of wireline broadband Internet access to protect consumers' varied interests.

20. Finally, the Commission seeks comment on the implications of its tentative conclusions for incumbent LECs' obligations to provide access to network elements under sections 251 and 252 of the Act. Because ''network element'' is defined under the Act as a ''facility or equipment used in the provision of a telecommunications service,'' how could an incumbent LEC provider of wireline broadband Internet access service over its own facilities be required to provide access to those facilities as ''network elements'' if those facilities are used by the incumbent LEC exclusively to provide information services? For example, what would be the implications for the Commission's line sharing and line splitting rules? See

47 CFR 51.319(h); *Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996,* Third Report and Order in CC Docket No. 98–147 and Fourth Report and Order in CC Docket No. 96–98, 14 FCC Rcd 20912 (1999). (65 FR 1331, January 10, 2000) If an incumbent LEC provider of wireline broadband Internet access service over its own facilities uses certain facilities to provide both information services and telecommunications services, to what extent would the LEC be required to provide access to such shared-use facilities as ''network elements?'' The Commission seeks comment on whether the Commission could compel the unbundling of network elements used in the provision of information services, pursuant to Title I or some other statutory authority. Does the Commission's Title I authority allow it to limit such obligations to certain types of providers, such as incumbent LECs, or would the Commission be required to adopt rules of general applicability under Title I? In addition, because section 251(c)(3) allows a requesting carrier to request access to network elements ''for the provision of a telecommunications service,'' would a provider be prohibited from using network elements pursuant to section 251 to provide wireline broadband Internet access service?

21. Impact on Federal and State Responsibilities. The Commission seeks comment generally on the role of the states with respect to wireline broadband Internet access services if the Commission were to find it to be appropriately classified as an information service under Title I of the Act. The Commission has previously found that when xDSL transmission is used to provide Internet access services, these services are interstate and, thus, subject to Commission jurisdiction. *See GTE Telephone Operating Cos., GTOC Tariff No. 1, GTE Transmittal No. 1148,* CC Docket No. 98–79, Memorandum Opinion and Order, 13 FCC Rcd 22466 (1998). It thus seeks comment on whether, and if so how, classification of wireline broadband Internet access service as an information service would affect the balance of responsibilities between the Commission and the states. It asks parties to comment on what they consider an appropriate role for the states in this area, taking into account both policy considerations and legal constraints, including any applicable limitations on delegations of authority to the states under Title I of the Act. Additionally, parties should comment on whether current state regulations, if any, should be preempted to any extent if the Commission were to find that wireline broadband Internet access service is appropriately classified under Title I of the Act. Parties should be specific in identifying such state regulations and in explaining how such regulations would interfere with the Commission's oversight under Title I. In addition, the NPRM notes that the Ninth Circuit Court of Appeals affirmed the Commission's authority to preempt state regulation of jurisdictionally mixed enhanced services. *California* v. *FCC,* 39 F.3d 919, 931–33 (9th Cir. 1994). Parties should address whether any such existing state laws are in fact subject to preemption under that decision.

Commenters should also address how the dual state-federal ratemaking framework might be affected by the regulatory classification of wireline broadband Internet access service as an information service. For instance, if wireline broadband Internet access service is an information service, how should joint and common costs of facilities used to provide both those services and telecommunications services be allocated under part 64.901 of the Commission's rules, 47 CFR 64.901? Should the Commission modify its current cost allocation rules, and, if so, how? Commenters should also address the implications for jurisdictional separations of the issues addressed in this proceeding. It specifically encourages state members of the Federal-State Joint Board on Separations (Separations Joint Board) to submit comments on the issues addressed previously.

21a. *Universal Service Obligations of All Providers of Broadband Internet Access.* The NPRM seeks comment on whether providers of broadband Internet access services provided over wireline and other platforms, including cable, wireless and satellite, should be required to contribute to universal service. In this proceeding, the Commission will continue to pursue and protect the core objectives of universal service, as reflected in our statutory mandates and in many of our precedents. It recognizes, however, that the manner in which it preserves and advances universal service will, of necessity, change as the market, technology and consumers needs and priorities change.

22. Universal service has historically been based on the assumption that consumers use the network for traditional voice-related services and that those voice services are provided over circuit-switched networks. As traditional services migrate to broadband platforms, the Commission needs to assess the implications for funding universal service and ask commenters to discuss how to sustain universal service in an evolving communications market. Any analysis must take into account the Commission's overarching objectives of preserving and advancing universal service, as directed by Congress. At the same time, however, it seeks to avoid policies that may skew the marketplace or overburden new service providers, so that they can continue to innovate and have incentives to deploy broadband infrastructure. The Commission seeks to further these objectives by exploring the following fundamental question: in an evolving telecommunications marketplace, should facilities-based broadband Internet access providers be required to contribute to support universal service and, if so, on what legal basis? This Notice explores this question by seeking comment on what universal service contribution obligations such providers of broadband Internet access should have as the telecommunications market evolves, and how any such obligations can be administered in an equitable and non-discriminatory manner.

23. This fundamental question is intertwined with issues raised in the separate *Universal Service Contribution Methodology* proceeding, which explores possible ways to reform our current methodology for assessing universal service contributions, and in particular whether to modify our present requirement that carriers be assessed based on end-user telecommunications revenues. *Federal-State Joint Board on Universal Service,* CC Docket Nos. 96–45, 98–171, 90–571, 92–237, 99–200, 95–116, Notice of Proposed Rulemaking, FCC 01–145 (rel. May 8, 2001) (*Universal Service Contribution Methodology*). (66 Fr 28718) Among other possible reforms, the Commission is considering assessing contributions based upon connections to a public network. *FCC Takes Next Step To Reform Universal Service Fund Contribution System,* CC Dockets Nos. 96–45, 98–171, 90–571, 92–237, 99–200, 95–116, News Release, FCC 02–43 (rel. Feb. 14, 2002) (Contribution Methodology Further Notice). Although it seeks comment in this proceeding on the ways in which reform of the current contribution methodology might alter the analysis of the fundamental question described previously, the Commission leaves questions of whether to make

such a reform to the separate *Contribution Methodology* proceeding.

24. As discussed in greater detail further, this NPRM builds on the foundation established in the *Report to Congress* and seeks comment on how the Commission can continue to meet the goals of universal service in a changing marketplace where competing providers are deploying broadband Internet access. It specifically encourages state members of the Federal-State Joint Board on Universal Service to submit comments on the issues addressed further.

25. Section 254 of the Act codified the Commission's historic commitment to advancing universal service by ensuring the affordability and availability of telecommunications services for all Americans. Specifically, section 254 of the Act directed the Commission to reform its universal service systems by making them explicit and workable in an increasingly competitive market. Section 254 also instructed the Commission to collect contributions for the explicit universal service support mechanisms from telecommunications carriers that provide interstate telecommunications services and, if in the public interest, other providers of interstate telecommunications. Based on this statutory language, the Commission determined that universal service would be funded through contributions based on the interstate end-user telecommunications revenues of telecommunications carriers and certain other providers of telecommunications. Section 254(d) of the Act states ''[e]very telecommunications carrier that provides interstate telecommunications services shall contribute'' to universal service. As noted previously, section 3 of the Act defines a telecommunications carrier as ''any provider of telecommunications services * * *,'' and ''telecommunications service'' as the ''offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.'' In contrast, section 3 of the Act defines mere ''telecommunications'' as ''transmission, between or among points specified by the user, of information of the user's choosing without change in the form or content of the information as sent and received.'' In the *First Report and Order,* the Commission interpreted this statutory language as imposing a mandatory contribution requirement on all telecommunications carriers that provide interstate telecommunications services.

Although section 254 falls within Title II of the Act, which generally applies to telecommunications carriers, the Commission has interpreted its reach to extend beyond telecommunications carriers. Specifically, section 254(d) of the Act provides the Commission the permissive authority to require ''[a]ny other provider of interstate telecommunications'' to contribute to universal service if required by the public interest. In the *First Report and Order,* the Commission exercised its permissive authority over certain other providers of interstate telecommunications under section 254(d). The Commission required entities that provide interstate telecommunications to end-users for a fee and payphone aggregators to contribute to universal service. This category of providers would include entities that lease excess telecommunications capacity to end-users on a private contractual basis. The Commission concluded that these providers, like telecommunications carriers, ''have built their businesses or part of their businesses on access to the [public switched telephone network], provide telecommunications in competition with common carriers, and their non-common carrier status results solely from the manner in which they have chosen to structure their operations.'' The Commission declined at that time to exercise its permissive authority over entities that provide telecommunications solely to meet their internal needs, because telecommunications ''do not comprise the core of [a self-provider's] business.'' The Commission noted that private network operators that serve only their internal needs do not lease excess capacity to end-users and do not charge end-users for use of their network.

26. Under existing rules and policies, telecommunications carriers providing telecommunications services, including broadband transmission services, are subject to contribution requirements. In particular, with respect to wireline telecommunications carriers, such carriers must contribute to the extent they provide broadband transmission services or other telecommunications services on a stand-alone basis to affiliated or unaffiliated Internet service providers (ISPs) or to end-users. Accordingly, those carriers must contribute based on the revenues associated with the telecommunications services. The Commission also has concluded that if a wireline telecommunications carrier offers wireline broadband Internet access to end-users for a single price, it must also contribute to universal service. In the *CPE/Enhanced Service Bundling Order,* the Commission addressed the question of ''how to allocate revenues when telecommunications services and CPE/enhanced services are offered as a bundled package, for purposes of calculating a carrier's universal service contribution.'' *Policy and Rules Concerning the Interstate, Interexchange Marketplace; Implementation of Section 254(g) of the Communications Act of 1934, as amended; 1998 Biennial Regulatory Review—Review of Customer Premises Equipment and Enhanced Services Unbundling Rules in the Interexchange, Exchange Access and Local Exchange Markets,* CC Docket Nos. 96–61 and 98–183, Report and Order, 16 FCC Rcd 7418, 7445–46, para. 46 (2001). (66 FR 19398, April 16, 2001) The Commission concluded that, for universal service contribution purposes, the carrier may elect to report revenues from the bundle based on the unbundled telecommunications service or, if it cannot distinguish telecommunications service revenue from non-telecommunications service revenue, all revenues from the bundled offering. The Commission seeks comment on whether these requirements and their basis in our rules and precedents are appropriate and consistent with the tentative conclusions regarding the statutory classification of wireline broadband Internet access.

27. The Commission emphasizes that this proceeding does not change the mandatory obligations of telecommunications carriers that are currently required to contribute to universal service based on their provision of broadband services to affiliated or unaffiliated ISPs or end-users. To avoid any disruption to universal service funding during the pendency of this proceeding, the Commission continues to require all such carriers to make universal service contributions in the same manner required today, pending the effective date of a final Commission decision regarding the status of wireline broadband Internet access. It finds that the public interest is served by maintaining the status quo and ensuring that universal service contributions continue to be assessed and collected under current law without disruption.

28. ISPs that own no telecommunications facilities and lease transmission, such as T1 lines, from telecommunications carriers to transmit their information services, do not contribute directly to universal service, but they make indirect contributions through charges paid to the underlying telecommunications carrier providing

the leased telecommunications services. As discussed previously, the Commission concluded in the *Report to Congress* that facilities-based ISPs that provide no stand-alone telecommunications services could be required to contribute to universal service under its permissive authority, but the Commission declined to exercise its permissive authority at that time. Given the anticipated growth of broadband Internet access, and the growth of broadband Internet access provided by ISPs, the Commission believes it is now the appropriate occasion to investigate, among other things, the questions that remain unanswered by the *Report to Congress.* Specifically, it asks whether broadband Internet access providers that supply last-mile connectivity over their own facilities should be required to contribute to universal service based upon their self-provisioning of telecommunications.

29. In this NPRM, the Commission tentatively concludes that wireline broadband Internet access should be classified as an ''information service'' and that the transmission aspect of that service is ''telecommunications'' when the same entity provides the telecommunications input. Accordingly, it must examine how the regulatory status of wireline broadband Internet access might impact the current system of assessments and contributions to universal service. It invites commenters to discuss how this tentative conclusion will impact contributions to universal service under current revenues-based system. It also seeks comment on whether the Commission's current treatment of such services as bundled offerings of telecommunications services and information services for universal service contribution purposes continues to be appropriate or should be modified in some fashion. It also seeks comment on the impact on universal service implementation if it concludes instead that the transmission input is a telecommunications service, separate services (information service and telecommunications service), or a new hybrid communications service that is neither an information or telecommunications service. In addition, it asks commenters whether and under what circumstances the public interest would require it to exercise its permissive authority over wireline broadband Internet access providers that utilize their own transmission facilities to provide a broadband Internet access service if such a service were an information service with a telecommunications input. Commenters should identify the factors that the Commission should consider when deciding whether the public interest requires exercise of its permissive authority under section 254(d) over wireline broadband Internet access providers. Assuming the public interest supports exercise of permissive authority, the Commission's contribution policies must also be equitable and nondiscriminatory. Therefore, the Commission requests that commenters describe the competitive impact of contribution requirements in an evolving communications marketplace. It asks commenters generally to discuss whether either outcome, assessing or not assessing facilities-based wireline broadband Internet access providers, would be consistent with the requirement of section 254 that contributions be assessed on an equitable and nondiscriminatory basis. For example, should all facilities-based wireline broadband Internet access providers—both wireline telecommunications carriers and ISPs—be subject to the same contribution requirements? If wireline broadband Internet access providers that self-provision telecommunications inputs are required to contribute, would that be consistent with the goal suggested in the companion *Universal Service Contribution Methodology* proceeding of ensuring that relevant services are assessed only once for universal service purposes? Whenever possible, commenters should explain how the Commission may minimize the incentives/distortions created solely by the contribution requirements.

If the Commission chooses to revisit its conclusion that wireline broadband Internet access should be viewed, for universal service contribution purposes, as a bundled offering of a telecommunications service and an information service, should it decline to exercise its permissive authority over facilities-based providers of wireline broadband Internet access or simply modify the basis on which such providers contribute to universal service? For example, should facilities-based wireline broadband Internet access providers contribute based on all of their wireline broadband Internet access revenues, some fraction of those revenues, or some other amount? Commenters advocating that such providers of wireline broadband Internet access should contribute to universal service should discuss how to allocate revenues separately associated with the telecommunications or telecommunications service input from revenues associated with Internet access. As noted previously, in a separate proceeding, the Commission is seeking comment on a proposal to assess universal service contributions based on connections, rather than revenue. If the Commission were to adopt such a reform, how should it be implemented with respect to wireline broadband Internet access providers? In addition, how would the Commission implement such a reform if the Commission were to adopt a connection-based assessment methodology?

30. Broadband Internet access services may also be provided over other platforms, e.g., wireless, cable, and satellite. Those other platforms may be utilized to provide broadband Internet access services in direct competition with wireline broadband Internet access services. Thus, while this proceeding largely seeks comment on the classification and regulatory implications of wireline broadband Internet access, we also undertake a comprehensive review of the effects of the growth of broadband Internet access on universal service, regardless of platform. It therefore asks whether other facilities-based providers of broadband Internet access services may, as a legal matter, or should, as a policy matter, be required to contribute. For example, if other broadband Internet access services are determined in other proceedings to be information services with a telecommunications input, would the public interest require exercise of our permissive authority? The Commission requests that commenters identify factors that should be considered when deciding whether the public interest would be served by requiring other facilities-based providers of broadband Internet access to contribute. Commenters should discuss whether these factors differ from or are the same as those relevant for wireline broadband Internet access providers. It also seeks comment on what contribution obligations, if any, should apply if other broadband Internet access services are classified as something other than information services with a telecommunications input. Finally, it seeks comment on the implications for each commenter's analysis of a change in the assessment system from a revenue-based system to some other basis for assessment, such as a per-connection charge.

31. As the Commission stated in the *First Report and Order,* contribution policies should ''reduce[] the possibility that carriers with universal service obligations will compete directly with carriers without such obligations.''

Accordingly, commenters should address the competitive impact across broadband platforms, if any, created by the contribution requirements. Based on the Commission's understanding of today's communications market, wireline broadband Internet access providers may compete directly with cable, wireless and satellite operators that provide broadband Internet access services for end-user customers. Therefore, the Commission seeks comment on whether all facilities-based broadband Internet access providers should be subject to the same contribution obligations. What are the advantages and disadvantages of such an approach? In particular, to what extent is such broad assessment of universal service contributions on facilities-based broadband Internet access providers necessary to ensure that universal service mechanisms will satisfy the objectives of section 254? In addition, if the Commission were to adopt a connection-based assessment methodology, commenters should address how such a reform would be implemented.

32. Because section 254 of the Act requires the Commission to preserve and advance universal service to the extent possible, it must strive to understand changes in technology and the marketplace and anticipate their implications for universal service. The Commission asks commenters to describe how the growth of broadband Internet access services will impact current the universal service system and the Commission's ability to support universal service. For example, if broadband Internet access service providers increasingly provide broadband Internet access services over their own facilities, will that result in lost contribution revenues, and if so, how much? It also seeks comment on the implications of such developments if the Commission were to move to a per-connection-based assessment. Commenters should discuss the impact, if any, on the expected growth of broadband Internet access services if contributions were assessed on a per-connection or some other non-revenue-based system. Additionally, commenters should discuss whether they expect voice traffic to migrate to broadband Internet platforms. If so, commenters should address the potential impact of such migration on the Commission's ability to support universal service. Specifically, if voice traffic over broadband Internet platforms increases and traditional circuit-switched voice traffic decreases, how, if at all, will that impact the Commission's ability to support universal service in an equitable and non-discriminatory manner? Will migration lower or raise the cost of providing service? What, if any, will be the impact on the level of high-cost universal service support needed as voice traffic migrates from traditional circuit switched networks to broadband Internet platforms? For example, will costs of providing supported services in high-cost areas increase or decrease as migration occurs?

33. Section 254(k) of the Act prohibits telecommunications carriers from using services that are not competitive to subsidize services that are subject to competition. The Commission seeks comment on how this provision should be implemented for wireline broadband Internet access. Section 254(k) also requires that services supported by universal service bear no more than a reasonable share of joint and common costs of the facilities used to provide these services. Because information services do not currently fall within the definition of services supported by universal service, deeming wireline broadband Internet access to be an information service would mean that the Commission would have to ensure that the costs of the network are properly allocated between regulated Title II services and Title I information services to comply with this statutory mandate. It seeks comment on how it may ensure that services supported by universal service bear no more than a reasonable portion of the costs associated with facilities used to provide both supported services and unsupported Internet access. Specifically, the Commission invites commenters to address the general sufficiency of existing allocation rules and policies in a broadband environment and whether those rules should be modified in order to meet the requirements of section 254(k).

Initial Regulatory Flexibility Analysis

34. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared the present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in this NPRM. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the NPRM provided previously in Section V.B. The Commission will send a copy of the NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. In addition, the NPRM and IRFA (or summaries thereof) will be published in the **Federal Register**.

Need for, and Objectives of, the Proposed Rules

35. In this proceeding, the Commission seeks comment on the appropriate classification and regulatory framework for wireline broadband Internet access services. It tentatively concludes that wireline broadband Internet access services—whether provided over a third party's facilities or self-provisioned facilities—are information services subject to regulation under Title I of the Act, and asks for comment on this tentative conclusion. The Commission has already sought comment on the regulatory classification for cable modem service, and this issue will be resolved in a separate proceeding. The Commission also addresses the appropriate regulatory framework for wireline broadband Internet access services. It seeks comment on what regulations should apply in the future if these broadband offerings are found to be information services subject to Title I of the Act. Specifically, the Commission examines implications of Title I classification for wireline broadband offerings for non-discriminatory access and other core communications policy objectives. In light of these objectives, it seeks comment on whether to modify or eliminate existing access obligations on providers of self-provisioned wireline broadband Internet access services. The Commission seeks comment on how this regulatory classification may impact other obligations, such as those associated with public safety and welfare. In addition, the Commission seeks comment generally on the role of the states with respect to regulating wireline broadband Internet access services. Finally, the Commission seeks comment broadly on whether facilities-based providers of broadband Internet access services provided over wireline and other platforms, including cable, wireless and satellite, should be required to contribute to universal service. For purposes of this NPRM, the Commission uses the term ''facilities-based'' to refer to providers of broadband Internet access services that furnish their own last-mile connection, irrespective of the transmission medium, to the customer.

Legal Basis

36. The legal basis for any action that may be taken pursuant to the NPRM is contained in sections 4, 10, 201–202,

251, 252, 254, 271, 303 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154, 201–202, 251, 252, 254, 271, 303, and 403, section 706 of the Telecommunications Act of 1996, and sections 1.1, 1.48, 1.411, 1.412, 1.415, 1.419, and 1.1200–1.1216, of the Commission's rules, 47 CFR 1.1, 1.48, 1.411, 1.412, 1.415, 1.419, and 1.1200–1.1216.

Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

37. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that will be affected by the proposed rules. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). Consistent with SBA's Office of Advocacy's view, we have included small incumbent LECs in this present RFA analysis. We emphasize, however, that this RFA action has no effect on Commission analyses and determinations in other, non-RFA contexts.

38. *Total Number of Telephone Companies Affected.* The United States Bureau of the Census (''the Census Bureau'') reports that, at the end of 1992, there were 3,497 firms engaged in providing telephone services, as defined therein, for at least one year. This number contains a variety of different categories of carriers, including local exchange carriers, interexchange carriers, competitive access providers, cellular carriers, mobile service carriers, operator service providers, pay telephone operators, PCS providers, covered SMR providers, and resellers. It seems certain that some of those 3,497 telephone service firms may not qualify as small entities or small incumbent LECs because they are not ''independently owned and operated.'' For example, a PCS provider that is affiliated with an interexchange carrier having more than 1,500 employees would not meet the definition of a small business. It seems reasonable to conclude, therefore, that fewer than 3,497 telephone service firms are small entity telephone service firms or small incumbent LECs that may be affected by the decisions and rules adopted in this NPRM.

39. Local Exchange Carriers, Interexchange Carriers, Competitive Access Providers, Operator Service Providers, Payphone Providers, and Resellers. Neither the Commission nor SBA has developed a definition particular to small local exchange carriers (LECs), interexchange carriers (IXCs), competitive access providers (CAPs), operator service providers (OSPs), payphone providers or resellers. The closest applicable definition for these carrier-types under SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. The most reliable source of information regarding the number of these carriers nationwide of which we are aware appears to be the data that we collect annually on the Form 499–A. According to the Commission's most recent data, there are 1,335 incumbent LECs, 349 CAPs, 204 IXCs, 21 OSPs, 758 payphone providers and 541 resellers. Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees, we are unable at this time to estimate with greater precision the number of these carriers that would qualify as small business concerns under SBA's definition. Consequently, the Commission estimates that there are fewer than 1,335 incumbent LECs, 349 CAPs, 204 IXCs, 21 OSPs, 758 payphone providers, and 541 resellers that may be affected by the decisions and rules adopted in this NPRM.

40. *Small Local Exchange Carriers.* We have included small incumbent local exchange carriers in this present RFA analysis. A ''small business'' under the RFA is one that, *inter alia*, meets the pertinent small business size standard (*e.g.*, a telephone communications business having 1,500 or fewer employees), and ''is not dominant in its field of operation.'' The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent local exchange carriers are not dominant in their field of operation because any such dominance is not ''national'' in scope. The Commission has therefore included small incumbent local exchange carriers in this RFA analysis, although it emphasizes that this RFA action has no effect on Commission analyses and determinations in other, non-RFA contexts.

41. *Internet Service Providers.* Under the new NAICS codes, SBA has developed a small business size standard for ''On-line Information Services,'' NAICS Code 514191. According to SBA regulations, a small business under this category is one having annual receipts of $18 million or less. According to SBA's most recent data, there are a total of 2,829 firms with annual receipts of $9,999,999 or less, and an additional 111 firms with annual receipts of $10,000,000 or more. Thus, the number of On-line Information Services firms that are small under the SBA's $18 million size standard is between 2,829 and 2,940. Further, some of these Internet Service Providers (ISPs) might not be independently owned and operated. Consequently, we estimate that there are fewer than 2,940 small entity ISPs that may be affected by the decisions and rules of the present action.

42. *Satellite Service Carriers.* The SBA has developed a definition for small businesses within the category of Satellite Telecommunications. Under that SBA definition, such a business is small if it has 1,500 or fewer employees. According to the Commission's most recent Telephone Trends Report data, 21 carriers reported that they were engaged in the provision of satellite services. Of these 21 carriers, 16 reported that they have 1,500 or fewer employees and five reported that, alone or in combination with affiliates, they have more than 1,500 employees. The Commission does not have data specifying the number of these carriers that are not independently owned and operated, and thus is unable at this time to estimate with greater precision the number of satellite service carriers that would qualify as small business concerns under the SBA's definition. Consequently, the Commission estimates that there are 21 or fewer satellite service carriers that may be affected by the rules.

43. *Wireless Service Providers.* The SBA has developed a definition for small businesses within the two separate categories of Cellular and Other Wireless Telecommunications or Paging. Under that SBA definition, such a business is small if it has 1,500 or fewer employees. According to the Commission's most recent Telephone Trends Report data, 1,495 companies reported that they were engaged in the provision of wireless service. Of these 1,495 companies, 989 reported that they have 1,500 or fewer employees and 506 reported that, alone or in combination with affiliates, they have more than 1,500 employees. The Commission does not have data specifying the number of these carriers that are not independently owned and operated, and thus are unable at this time to estimate with greater precision the number of wireless service providers that would qualify as small business concerns under the

SBA's definition. Consequently, it estimates that there are 989 or fewer small wireless service providers that may be affected by the rules.

44. *Cable Systems.* The Commission has developed, with SBA's approval, its own definition of small cable system operators. Under the Commission's rules, a ''small cable company'' is one serving fewer than 400,000 subscribers nationwide. Based on our most recent information, we estimate that there were 1,439 cable operators that qualified as small cable companies at the end of 1995. Since then, some of those companies may have grown to serve over 400,000 subscribers, and others may have been involved in transactions that caused them to be combined with other cable operators. Consequently, the Commission estimates that there are fewer than 1,439 small entity cable system operators that may be affected by the proposals.

45. The Communications Act also contains a definition of a small cable system operator, which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1% of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenue in the aggregate exceeds $250,000,000.'' The Commission has determined that there are 67,700,000 subscribers in the United States. Therefore, the Commission found that an operator serving fewer than 677,000 subscribers shall be deemed a small operator, if its annual revenues, when combined with the total annual revenues of all of its affiliates, do not exceed $250 million in the aggregate. Based on available data, the Commission finds that the number of cable operators serving 677,000 subscribers or less totals approximately 1,450. Although it seems certain that some of these cable system operators are affiliated with entities whose gross annual revenues exceed $250,000,000, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

46. Should the Commission decide that broadband Internet access services are information services with a telecommunications component and should the Commission decide to exercise its permissive contribution authority over certain facilities-based providers of such services, the associated rule changes potentially could modify the reporting and recordkeeping requirements of certain providers of interstate telecommunications regulated under the Communications Act. The Commission could potentially impose contribution requirements on certain facilities-based providers of interstate telecommunications that are not currently required to contribute. Accordingly, such entities would be required to comply with the relevant universal service reporting requirements. Any such reporting requirements potentially could require the use of professional skills, including legal and accounting expertise. Without more data, the Commission cannot accurately estimate the cost of compliance by small providers of interstate telecommunications. In this NPRM we do not seek comment on the actual reporting requirements of entities required to contribute to universal service. Rather, we seek comment on whether specific entities should be required to contribute. In the related *Contribution Methodology Further Notice*, however, the Commission seeks comment on the frequency with which carriers should submit reports to the Universal Service Administrative Company (USAC), the types of burdens carriers will face in periodically submitting reports to USAC, and whether the costs of such reporting are outweighed by the potential benefits of the possible reforms. Entities, especially small businesses, are encouraged to quantify the costs and benefits of the reporting requirement proposals in that proceeding.

Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

47. The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

48. The overall objective of this proceeding is to establish an appropriate classification and regulatory framework for wireline broadband Internet access service. The Commission tentatively concludes that wireline broadband Internet access services are information services under the Act. If it classifies and regulates this service as an information service, providers of this service, including those providers that own transmission facilities, could be subject to minimal and/or reduced regulatory requirements. The Commission believes that this would have a positive economic impact on small entities to the extent that it avoids placing restrictions on their operations. The Commission also tentatively concludes that the transmission aspect of wireline broadband Internet access service is ''telecommunications'' under the Act as opposed to ''telecommunications service.'' As part of the regulatory framework we are examining, the Commission seeks comment on what regulatory requirements, if any, should attach to this telecommunications input. It asks whether the Commission should modify or eliminate the requirements in the Computer Inquiry framework for access to the telecommunications input. The Commission also explores the implications for other regulatory requirements, including public safety and welfare, if it were to modify the access obligations.

49. The Commission notes that the *Computer Inquiry* requirements are only applicable to the BOCs, which are not small entities, but that ISPs, including small ISP entities, may obtain access to the BOCs' network to provide broadband Internet access service pursuant to these requirements. Indeed, the Commission notes in the NPRM that ISPs currently purchase transmission services under tariff to provide their own information services. The NPRM asks parties to comment on alternative ways in which ISPs could acquire transmission necessary to provide their information service offerings if the Commission modifies or eliminates the current access requirements. Specifically, the Commission asks whether they can rely on negotiated contractual arrangements and how such arrangements could be priced. For purposes of this IRFA, we specifically seek comment from small entities on these issues, in particular, on the extent to which the use of alternative access arrangements could impact them economically. Similarly, the Commission also specifically seeks comment from all affected small entities regarding the incumbent LECs' obligations to provide access to network elements under sections 251 and 252 of the Act if it determines that the

provision of wireline broadband Internet access service over a provider's own facilities is an information service and that the transmission input is telecommunications and not a telecommunications service, including the extent to which these determinations would economically impact them. In addition, the Commission generally asks small entities to comment on these and any other issues that could have an economic impact on them.

As discussed previously, this NPRM does not seek comment on the reporting requirements or assessment methodology for contributors to universal service. However, the *Contribution Methodology Further Notice* seeks comment on how to streamline and reform both the manner in which the Commission assesses carrier contributions to the universal service fund and the manner in which carriers may recover those costs from their customers. Wherever possible, the *Contribution Methodology Further Notice* seeks comment on how to reduce the administrative burden and cost of compliance for small telecommunications service providers. If certain facilities-based providers of interstate telecommunications are required to contribute to universal service and are not currently contributing, such requirements will result in a financial impact. The impact to small entities, however, is mitigated by the Commission's *de minimis* contribution exemption.

Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

50. None.

Ordering Clauses

51. Accordingly, pursuant to the authority contained in sections 2, 4(i)–4(j), 201, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 152, 154(i)–4(j), 201, 303(r), this NPRM IS *Adopted*.

52. The Commission's Consumer Information Bureau, Reference Information Center, *shall send* a copy of this NPRM, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 02–4679 Filed 2–27–02; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

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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

Agricultural Marketing Service

7 CFR Part 915

[Docket No. FV02–915–1]

Avocados Grown in South Florida; Continuance Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum order.

SUMMARY: This document directs that a referendum be conducted among eligible growers of Florida avocados to determine whether they favor continuance of the marketing order regulating the handling of avocados grown in the production area.

DATES: The referendum will be conducted from June 3, through June 14, 2002. To vote in this referendum, growers must have been producing Florida avocados during the period April 1, 2001, through March 31, 2002.

ADDRESSES: Copies of the marketing order may obtained from the office of the referendum agent at 799 Overlook Drive, Suite A, Winter Haven, Florida, 33884, or the Office of the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, Agricultural Marketing Service (AMS), U.S. Department of Agriculture (USDA), 1400 Independence Avenue SW., Stop 0237, Washington, DC 20250–0237.

FOR FURTHER INFORMATION CONTACT: Doris Jamieson, Southeast Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 799 Overlook Drive, Suite A, Winter Haven, Florida, 33884; telephone (863) 324–3375; or Kathleen Finn, Marketing Order Administration Branch, Fruit & Vegetable Programs, AMS, USDA, 1400 Independence Ave SW., Stop 0237, Washington, DC 20250–0237; telephone (202) 720–2491.

SUPPLEMENTARY INFORMATION: Pursuant to Marketing Order No. 915 (7 CFR part 915), hereinafter referred to as the ''order'' and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act,'' it is hereby directed that a referendum be conducted to ascertain whether continuance of the order is favored by growers. The referendum shall be conducted during the period June 3, through June 14, 2002, among Florida avocado growers in the production area. Only growers that were engaged in the production of Florida avocados during the period of April 1, 2001, through March 31, 2002, may participate in the continuance referendum.

The USDA has determined that continuance referenda are an effective means for ascertaining whether growers favor continuation of marketing order programs. The USDA would consider termination of the order if less than two-thirds of the growers voting in the referendum and growers of less than two-thirds of the volume of Florida avocados represented in the referendum favor continuance. In evaluating the merits of continuance versus termination, the USDA will consider the results of the referendum and other relevant information regarding operation of the order. The USDA will evaluate the order's relative benefits and disadvantages to growers, handlers, and consumers to determine whether continuing the order would tend to effectuate the declared policy of the Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the ballot materials used in the referendum herein ordered have been submitted to and approved by the Office of Management and Budget (OMB) and have been assigned OMB No. 0581–0189 for Florida avocados. It has been estimated that it will take an average of 20 minutes for each of the approximately 150 growers of Florida avocados to cast a ballot. Participation is voluntary. Ballots postmarked after June 14, 2002, will not be included in the vote tabulation.

Doris Jamieson and Chris Nissen of the Southeast Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, are hereby designated as the referendum agents of the USDA to conduct such referendum. The procedure applicable to the referendum shall be the ''Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended'' (7 CFR 900.400 *et seq.*).

Ballots will be mailed to all growers of record and may also be obtained from the referendum agents and from their appointees.

List of Subjects in 7 CFR Part 915

Avocados, Marketing agreements, Reporting and Recordkeeping requirements.

Authority: 7 U.S.C. 601–674.

Dated: February 22, 2002.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 02–4705 Filed 2–27–02; 8:45 am]

BILLING CODE 3410–02–P

NATIONAL INDIAN GAMING COMMISSION

25 CFR Part 542

RIN 3141–AA24

Minimum Internal Control Standards

AGENCY: National Indian Gaming Commission.

ACTION: Proposed rule: Notice of extension of time.

SUMMARY: On December 26, 2001, the National Indian Gaming Commission (Commission) issued a Proposed Rule proposing revisions to its Minimum Internal Control Standards. Upon several requests from affected Tribes, the date for filing comments is being extended.

DATES: Comments shall be filed on or before March 4, 2002.

ADDRESSES: Send comments by mail, facsimile, or hand delivery to: Minimum Internal Control Standards, Revision Comments, National Indian Gaming Commission, Suite 9100, 1441 L Street, NW., Washington, DC 20005. Fax number: 202–632–7066 (not a toll-free number). Public comments may be delivered or inspected from 9 a.m. until noon and from 2 p.m. to 5 p.m. Monday through Friday.

FOR FURTHER INFORMATION, CONTACT: Michele F. Mitchell at 202–632–7003 or, by fax, at 202–632–7066 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act (''IGRA'' or ''Act'') 25 U.S.C. 2701–2721, enacted on October 17, 1988, established the National Indian Gaming Commission (Commission). On January 5, 1999, the Commission established Minimum Internal Control Standards (MICS) for gaming operations by regulation. 25 CFR part 542. On November 27, 2000, the Commission solicited comments regarding revisions to the MICS. As a result of the comments, the Commission set up an Advisory Committee to assist in addressing the comments received and drafting proposed revisions. The resulting proposed revisions were published in the **Federal Register** on December 26, 2001 (66 FR 66500), with a 60-day comment period, as corrected on January 24, 2002 (67 FR 3537). A public hearing was held on February 5, 2002. Because of several requests from tribes affected by the revisions, the Commission has decided to extend the comment period by one week. The public comment period will now end on Monday, March 4, 2002.

Dated: February 22, 2002.

Elizabeth L. Homer,

Vice-Chair.

Teresa E. Poust,

Commissioner, National Indian Gaming Commission.

[FR Doc. 02–4797 Filed 2–27–02; 8:45 am]

BILLING CODE 7565–01–P

DEPARTMENT OF EDUCATION

34 CFR Chapter II

Office of Elementary and Secondary Education; Title I of the Elementary and Secondary Education Act of 1965, as Amended (ESEA); Improving the Academic Achievement of the Disadvantaged

AGENCY: Department of Education.

ACTION: Notice of meetings to conduct a negotiated rulemaking process.

SUMMARY: The Assistant Secretary for Elementary and Secondary Education (Assistant Secretary) of the U.S. Department of Education (Department) will convene a negotiating group—including Federal, State, and local education administrators, parents, teachers, and members of local boards of education—to participate in a negotiated rulemaking process prior to publishing proposed regulations to implement part A of Title I, Improving Basic Programs Operated by Local Educational Agencies, of the Elementary and Secondary Education Act of 1965, as recently amended by the No Child Left Behind Act of 2001. Title I is designed to help disadvantaged children meet high academic standards. The negotiating committee will review draft proposed regulations developed on statutory provisions involving standards and assessments.

DATES: We will hold five meetings of the negotiating group. The dates and times of the meetings are in the Schedule of Negotiations.

ADDRESSES: The five meetings to conduct the negotiated rulemaking process will be held at the U.S. Department of Education, Barnard Auditorium, 400 Maryland Avenue, SW., Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Susan Wilhelm, Compensatory Education Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3W202, Washington, DC 20202–6132. Telephone (202) 260–0826.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

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 person listed in the preceding paragraph.

The meeting site is accessible to individuals with disabilities. If you need an auxiliary aid or service to participate in the meeting (e.g., interpreting service, assistive listening device, or materials in alternative format), notify the contact person listed in this notice in advance of the scheduled meeting date. We will make every effort to meet any request we receive.

The meetings are open to the public for individuals who wish to observe the process. The Department anticipates publishing a Notice of Proposed Rulemaking no later than May 1, 2002.

SUPPLEMENTARY INFORMATION:

Schedule of Negotiations

We will hold five meetings of the negotiating group to review the draft proposed regulations:

1. March 11, 2002, 9 a.m. to 5 p.m.
2. March 12, 2002, 9 a.m. to 5 p.m.
3. March 13, 2002, 9 a.m. to 5 p.m.
4. March 19, 2002, 9 a.m. to 5 p.m.
5. March 20, 2002, 9 a.m. to 5 p.m.

Background

On January 8, 2002, the President signed Pub. L. 107–110, the No Child Left Behind (NCLB) Act of 2001, amending the Elementary and Secondary Education Act of 1965 (ESEA). Among other things, the NCLB Act reauthorizes—for a six-year period—programs under Title I of the ESEA designed to help disadvantaged children reach high academic standards.

Section 1901 of Title I requires that, before publishing any proposed regulations to implement programs under Title I, the Department obtain the advice and recommendations of representatives of State and local administrators, parents, teachers and paraprofessionals, members of local school boards, and other organizations involved with the implementation and operation of Title I programs. On January 18, 2002, the U.S. Secretary of Education published a notice in the **Federal Register** (67 FR 2770) requesting advice and recommendations on regulatory issues under Title I. In response to that notice, the Assistant Secretary received comments from more than 100 individuals and organizations. Section 1901 also requires the Department, after obtaining advice and recommendations and before publishing proposed regulations, to establish a negotiated rulemaking process on, at a minimum, issues relating to standards and assessments under Title I, Part A. The statute requires that the negotiators represent all geographic regions of the United States and an equitable balance between representatives of parents and students and representatives of educators and education officials. To convene a diverse negotiating group that represents a wide range of interests, the Assistant Secretary asked more than 70 organizations to submit nominations with their comments on regulatory issues. In addition, the Department received nominations from individuals and organizations that participated in focus groups held to solicit advice or who commented independently in response to the Federal Register notice.

The Assistant Secretary has selected individuals to participate in the negotiated rulemaking process from among the individuals and organizations providing advice and recommendations in response to the **Federal Register** notice, including representation form all geographic regions of the United States and an equitable balance between representatives of parents and students and representatives of educators and education officials. The Assistant Secretary has also considered negotiators who would contribute to the diversity and expertise of the group. The following are the individuals who will participate in negotiated rulemaking and the interests they represent:

Representing State Administrators and State Boards of Education

Judy Catchpole, Superintendent of Public Instruction, Wyoming Department of Education Jim Horne, Secretary of Education, Florida Department of Education Dr. Bob Harmon, Assistant State Superintendent for Special Programs, Washington Department of Public Instruction Rodney Watson, Assistant Superintendent, Office of Student and School Standards, Louisiana Department of Education Lou Fabrizio, Director, Division of Accountability Services, North Carolina Department of Education Rae Belisle, Chief Counsel, California State Board of Education

Representing Local Administrators and Local School Boards

Charlotte Harris, Senior Director of Program Development, Boston (MA) Public Schools, J. Alvin Wilbanks, Superintendent, Gwinnett County (GA), Public Schools, Beverly Carroll, Alachua County (FL) School Board, Nelson Smith, charter schools, Washington, DC.

Representing Principals and Teachers

Avis Cotton, Principal, Dardanelle (AR) Middle School, Enedelia Scholfield, Principal, W.L. Henry Elementary School, Hillsboro (OR), Patricia Fisher, Title I teacher, Hooker Public Schools (OK).

Representing Students (Including At-risk Students, Migrant Students, Limited-English-Proficient Students, Students With Disabilities, and Private School Students):

Tasha Tillman, parent, Colorado Springs (CO).

Minnie Pearce, parent, Detroit (MI).

Arturo Abarca, teacher, Helitrope Elementary School, Los Angeles Unified School District (CA).

Maria Seidner, Director, Bilingual Education, Texas Education Agency.

Dr. Alexa Pochowski, Associate Commissioner, Kansas Department of Education.

Myrna Toney, Director of Migrant Education, Wisconsin Department of Education.

John R. Clark, Assistant Superintendent, Department of Education, Diocese of Allentown (PA).

Representing Business Interests

John Stevens, Director, Texas Business and Education Coalition.

Representing the U.S. Department of Education

Susan B. Neuman, Ed.D., Assistant Secretary for Elementary and Secondary Education.

Dr. Joseph F. Johnson, Director, Compensatory Education Programs.

If an individual feels that his or her interests are not adequately represented by this diverse group, the individual may petition, at the initial meeting on March 11, to be seated as a negotiator. The negotiating group will determine whether that individual should be added to the group. The negotiating group will make that decision based on factors such as whether the individual—

(1) Would be substantially affected by the rule;

(2) Has interests not already adequately represented by the group; and

(3) Meets the requirements of section 1901 of the ESEA.

Topics Selected for Negotiation

The issues selected for negotiated rulemaking are the Title I, Part A requirements pertaining to standards and assessments. As the January 18 notice indicated, the Department also considered including in the negotiations issues pertaining to adequate yearly progress. Based on significant concerns raised during the public comment period, and given the statutory time constraints discussed in the section on ''Regional Meetings'' below, however, the Department is not subjecting it to negotiated rulemaking. That issue, as well as other Title I issues, will be addressed through the regular rulemaking process (including the regional meetings discussed below). The draft of the proposed regulations that the negotiators will review is available on the Department's Web site at *www.ed.gov/nelb/.*

Facilitator

The Department has retained the services of an assessment expert and a facilitator for the negotitated rulemaking process. The assessment expert will be available as a resource to the negotiators on assessments issues. The facilitator will serve as a neutral convenor for the negotiations. Neither the assessment expert nor the facilitator will be involved with the substantive development of the regulations. The facilitator's role is to—

(1) Chair negotiating sessions;

(2) Help the negotiating process run smoothly and

(3) Help participants define issues and reach consensus.

The facilitator will keep a record of the negotiated rulemaking meetings, which will be placed in the Department's rulemaking docket for this regulatory action.

Regional Meetings

The Department has developed this process and scheduled negotiated rulemaking very expeditiously, since the NCLB Act was enacted on January 8, and the Department hopes to issue these regulations on a timely basis so that they will be in place as early as possible this year, and issued in accordance with the requirements of section 1908 of the Act. That section requires that regulations to implement sections 1111 and 1116 of this Act be issued within six months of enactment. Recognizing that many interested parties may not yet have an opportunity to provide input or may not be able to attend the negotiated rulemaking meetings, the Department intends to convene four regional meetings during the public comment period after publishing proposed regulations in accordance with section 1901 of the Act. At these meetings, interested parties can provide input regarding the proposed regulations. The Department will announce these meetings in a notice in the **Federal Register** in the near future.

Electronic Access to This Document

You may view this document, in Text or Abobe Portable Document Format (PDF), on the Internet at the following site: *http://www.ed.gov/legislation/FedRegister*

To use the 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 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*

(Catalog of Federal Domestic Assistance Number: 84.010, Improving Programs Operated by Local Educational Agencies)

Program Authority: Public Law 107–110.

Dated: February 25, 2002.

Susan B. Neuman,

Assistant Secretary for Elementary and Secondary, Education.

[FR Doc. 02–4862 Filed 2–27–02; 8:45 am]

BILLING CODE 4001–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–7150–7]

North Carolina: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: North Carolina has applied to EPA for Final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA proposes to grant final authorization to North Carolina. In the ''Rules and Regulations'' section of this **Federal Register**, EPA is authorizing the changes by an immediate final rule. EPA did not make a proposal prior to the immediate final rule because we believe this action is not controversial and do not expect comments that oppose it. We have explained the reasons for this authorization in the preamble to the immediate final rule. Unless we get written comments which oppose this authorization during the comment period, the immediate final rule will become effective on the date it establishes, and we will not take further action on this proposal. If we get comments that oppose this action, we will withdraw the immediate final rule and it will not take effect. We will then respond to public comments in a later final rule based on this proposal. You may not have another opportunity for comment. If you want to comment on this action, you must do so at this time.

DATES: Send your written comments by April 1, 2002.

ADDRESSES: Send written comments to Narindar Kumar, Chief RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street, SW Atlanta, GA, 30303–3104; (404) 562–8440. You can examine copies of the materials submitted by North Carolina during normal business hours at the following locations: EPA Region IV Library, Atlanta Federal Center, Library, 61 Forsyth Street, S.W., Atlanta, Georgia 30303; phone number: (404) 562–8190, or the North Carolina Department of Environment, Health and Natural Resources, P.O. Box 27687, Raleigh, North Carolina 29201, (919) 733–2178.

FOR FURTHER INFORMATION CONTACT: Narindar Kumar, Chief RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, 61 Forsyth Street, SW Atlanta, GA, 30303–3104; (404) 562–8440.

SUPPLEMENTARY INFORMATION: For additional information, please see the immediate final rule published in the ''Rules and Regulations'' section of this **Federal Register**.

Dated: September 18, 2001.

A. Stanley Meiburg,

Acting Regional Administrator, Region IV.

[FR Doc. 02–4645 Filed 2–27–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–7151–3]

Michigan: Proposed Authorization of State Hazardous WasteManagement Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Michigan has applied to EPA for final authorization of certain changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed Michigan's application and has determined that these changes satisfy all requirements needed to qualify for final authorization, and is proposing to authorize the State's changes.

DATES: If you have comments on Michigan's application for authorization for changes to its hazardous waste management program, you must submit them by April 15, 2002.

ADDRESSES: Send written comments to Ms. Judy Feigler, Michigan Regulatory Specialist, U.S. Environmental Protection Agency, Waste, Pesticides and Toxics Division (DM–7J), 77 W. Jackson Blvd., Chicago, Illinois 60604. You can view and copy Michigan's application during normal business hours at the following addresses: EPA Region 5, 77 W. Jackson Blvd., Chicago, Illinois, contact: Ms. Judy Feigler, phone number: (312) 886–4179; or Michigan Department of Environmental Quality, 608 W. Allegan, Hannah Building, Lansing, Michigan, contact: Ms. Kimberly Tyson, phone number: (517) 373–2487.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Feigler, Michigan Regulatory Specialist, U.S. Environmental Protection Agency, Waste, Pesticides and Toxics Division (DM–7J), 77 W. Jackson Blvd., Chicago, Illinois 60604, phone number: (312) 886–4179; or Ms. Kimberly Tyson, Michigan Department of Environmental Quality, 608 W. Allegan, Hannah Building, Lansing, Michigan, phone number: (517) 373–2487.

SUPPLEMENTARY INFORMATION:

A. Why Are Revisions to State Programs Necessary?

States which have received final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the federal program. As the federal program changes, states must change their programs and ask EPA to authorize the changes. Changes to state programs may be necessary when federal or state statutory or regulatory authority is modified or when certain other changes occur. Most commonly, states must change their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

B. What Decisions Have We Made in This Rule?

EPA has determined that Michigan's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we are proposing to grant Michigan final authorization to operate its hazardous waste program with the changes described in the authorization application. Michigan will have responsibility for permitting Treatment, Storage, and Disposal Facilities (TSDFs) within its borders (except in Indian country) and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New federal requirements and prohibitions imposed by federal regulations that EPA promulgates under the authority of HSWA take effect in authorized states before the states are authorized for the requirements. Thus, EPA will implement those requirements and prohibitions in Michigan, including issuing permits, until the State is granted authorization to do so.

C. What Will Be the Effect if Michigan Is Authorized for These Changes?

If Michigan is authorized for these changes, a facility in Michigan subject to RCRA will have to comply with the authorized State requirements in lieu of the corresponding federal requirements in order to comply with RCRA.

Additionally, such persons will have to comply with any applicable federally-issued requirements, such as, for example, HSWA regulations issued by EPA for which the State has not received authorization, and RCRA requirements that are not supplanted by authorized State-issued requirements. Michigan continues to have enforcement responsibilities under its State law to pursue violations of its hazardous waste management program. EPA continues to have independent authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others, the authority to:

- Do inspections, and require monitoring, tests, analyses or reports,
- Enforce RCRA requirements (including State-issued statutes and regulations that are authorized by EPA and any applicable federally-issued statutes and regulations) and suspend or revoke permits, and
- Take enforcement actions regardless of whether the State has taken its own actions.

The action to approve these revisions would not impose additional requirements on the regulated community because the regulations for which Michigan will be authorized are already effective under State law and are not changed by the act of authorization.

D. What Happens if EPA Receives Comments That Oppose This Action?

If EPA receives comments that oppose this authorization, we will address those comments in a later final rule. You may not have another opportunity to comment. If you want to comment on this authorization, you must do so at this time.

E. What Has Michigan Previously Been Authorized for?

Michigan initially received final authorization on October 16, 1986, effective October 30, 1986 (51 FR 36804–36805) to implement the RCRA hazardous waste management program. We granted authorization for changes to Michigan's program effective January 23, 1990 (54 FR 48608, November 24, 1989); effective June 24, 1991 (56 FR 18517, January 24, 1991); effective November 30, 1993 (58 FR 51244, October 1, 1993); effective January 13, 1995 (60 FR 3095, January 13, 1995); effective April 8, 1996 (61 FR 4742, February 8, 1996); effective November 14, 1997 (62 FR 61775, November 14, 1997); and effective June 1, 1999 (64 FR 10111, March 2, 1999).

F. What Changes Are We Proposing?

On March 3, 2000, and April 3, 2001, Michigan submitted complete program revision applications, seeking authorization of its changes in accordance with 40 CFR 271.21. We have determined that Michigan's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization.

Michigan's program revisions are based on changes to the federal program and modifications initiated by the State. The federal and analogous State provisions involved in this proposed decision and the relevant corresponding checklists (if applicable) are listed in the following tables:

PROGRAM REVISIONS BASED ON FEDERAL RCRA CHANGES

Federal requirement	Analogous state authority		
	Check #	Federal Register citation and date	Description of state authority [1] and effective date
99	Amendments to interim status standards for downgradient ground-water monitoring well locations at hazardous waste facilities.	56 FR 66365, December 23, 1991.	R 299.9601(3) and (9); and R 299.11003(1)(p) and (2).
140	Carbamate production identification and listing of hazardous waste; and CERCLA hazardous substance designation and reportable quantities; correction.	60 FR 19165, April 17, 1995, as amended at 60 FR 25619, May 12, 1995.	R 299.9224; R 299.9225; and R299.11003(1)(j) and (2).
154	Organic air emission standards for tanks, surface impoundments, and containers.	59 FR 62896, December 6, 1994; as amended at 60 FR 26828, May 19, 1995; 60 FR 50426, September 29, 1995; 60 FR 56952, November 13, 1995; 61 FR 4903, February 9, 1996; 61 FR 28508, June 5, 1996; and 61 FR 59932, November 25, 1996.	R 299.9206(1)(b); R 299.9306(1)(a)(i) and (ii) and (7); R 299.9502(2)(a); R 299.9504(1)(c), (2), (3), (6)(a), (16) and (20); R 299.9508(1)(b); R 299.9516(6), effective October 15, 1996; R 299.9601(1)–(3) and (9); R 299.9605(1) and (4); R 299.9609(1)(a) and (5), effective November 19, 1991; R 299.9614, effective December 28, 1985; R 299.9615 and R 299.9616(1) and (4), effective September 22, 1998; R 299.9628(1) and (4), effective November 19, 1991; R 299.9630 and R 299.9631, effective June 21, 1994; R 299.9634, effective September 22, 1998; R 299.11001(1)(p), (2) and (5); and R 299.11003(1)(a), and (m), (n), (p), (q) and (v) and (2).
148	RCRA expanded public participation.	60 FR 63417, December 11, 1995.	R 299.9103(f); R 299.9501(3)(c); R 299.9504(1)(c), (4)(a) and (b), (15), (19) and (20); R 299.9508(1)(b); R 299.9511(1)–(7), effective September 22, 1998; R 299.9521(1)(a) and (6), effective October 15, 1996; R 299.9626(1), (2), (4), (5), (6), and (8); R 299.9808(7) and (9); R 299.11003(1)(c), (1)(v) and (2).

PROGRAM REVISIONS BASED ON FEDERAL RCRA CHANGES—Continued

Federal requirement	Analogous state authority		
	Check #	Federal Register citation and date	Description of state authority [1] and effective date
151	Land disposal restrictions phase III; decharacterized wastewaters, carbamate wastes, and spent potliners.	61 FR 15565, April 8, 1996; as amended at 61 FR 15660 April 8, 1996; 61 FR 19117, April 30, 1996; 61 FR 33680, June 28, 1996; 61 FR 36419, July 10, 1996; 61 FR 43923, August 26, 1996; and 62 FR 7502, February 19, 1997.	R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).
152	Imports and exports of hazardous waste: implementation of OECD Council Decision.	61 FR 16290, Apri 12, 1996	Michigan Compiled Laws, § 324,11151, effective March 23, 1999. R 299.9204(3)(b); R 299.9206(6); R 299.9228(4)(a), (5)(b), (6)(a), (10), (10)(e), and (11); R 299.9301(5) and (7); R 299.9309(1) and (5), effective April 20, 1988; R 299.9312(1), (2), and (3), effective September 22, 1998; R 299.9401(1), (5), (6), and (9); R 299.9409(1) and (5); R 299.9503(1)(c), October 15, 1996; R 299.9601(1), (2)(c), (3), and (9); R 299.9605(1) and (4); R 299.9608(6); R 299.9803(2)(c), (d), and (e); and R 299.11003(1)(k), (l), (m), (p), and (w) and (2).
153	Conditionally exempt small quantity generator disposal options under Subtitle D.	61 FR 34252, July 1, 1996	R 299.9205(2)(b), (2)(b)(i)–(iv), and (vi)–(xi), effective September 22, 1998.
155	Land disposal restrictions phase III—emergency extension of the K088 capacity variance.	62 FR 1992, January 14, 1997	R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).
156	Military munitions rule: hazardous waste identification and management; explosives emergencies; manifest exemption for transport of hazardous waste on right-of-ways on contiguous properties.	62 FR 6622, February 12, 1997	R 299.9101(n); R 299.9102(e) and (v); R 299.9103(n), (o), and (p); R 299.9104(n); R 299.9105(m), (n), and (o); R 299.9109(c); R 299.9202(1)(c); R 299.9301(8); R 299.9304(8); R 299.9401(7); R 299.9502(11); R 299.9503(1) and (2); R 299.9601(2), (3), and (6); R 299.9608(7); R 299.9637; R 299.9817; R 299.9818; R 299.9819; R 299.9820; R299.9821; and R 299.11003(1)(m) and (s) and (2).
157	Land disposal restrictions—phase IV: treatment standards for wood preserving wastes, paperwork reduction and streamlining, exceptions from RCRA for certain processed materials, and miscellaneous hazardous waste provisions.	62 FR 25998, May 12, 1997	R 299.9103(j); R 299.9104(i); R 299.9106(s) and (u); R 299.9202(2)(c); R 299.9204(1)(p) and (q); R 299.9206(3)(b); R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).
158	Hazardous waste management system; testing and monitoring activities.	62 FR 32452, June 13, 1997	R 299.9601(1), (3) and (9); R 299.9612(2); R 299.9630, effective June 21, 1994; R 299.9808(7) and (9); R 299.11001(1)(a), (k), (l), (m), (p), (r), (v), (w) and (x); R 299.11001(3) and (4); R 299 11002(1); R 299 11003(1)(m), (p) and (t) and (2); and R 299.11005.
159	Hazardous waste management system; carbamate production, identification and listing of hazardous waste; land disposal restrictions.	62 FR 32974, June 17, 1997	R 299.9216, effective April 20, 1988; R 299.9222; R299.9225; and R 299.11003(1)(j) and (2).
160	Land disposal restrictions Phase III—emergency extension of the K088 national capacity variance, amendment.	62 FR 37694, July 14, 1997	R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).
161	Emergency revision of the carbamate land disposal restrictions.	62 FR 45568, August 28, 1997.	R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).
162	Clarification of standards for hazardous waste land disposal restriction treatment variances.	62 FR 64504, December 5, 1997.	R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).

PROGRAM REVISIONS BASED ON FEDERAL RCRA CHANGES—Continued

Federal requirement	Analogous state authority		
	Check #	Federal Register citation and date	Description of state authority [1] and effective date
163	Organic air emission standards for tanks surfce impoundments and containers; clarification and technical amendment.	62 FR 64636, December 8, 1997.	R 299.9504(1)(c) and (20); R 299.9508(1)(b); R 299.9601(2)(d), (3) and (9); R 299.9605(1) and (3); R 299.9609(1)(a) and (5), effective November 19, 1991; R 299.9630 and R 299.9631, effective June 21, 1994; R 299.9634, effective September 22, 1998; and R 299.11003(1)(n), (p), (q) and (v) and (2).
164	Kraft Mill steam stripper condensate exclusion.	63 FR 18504, April 15, 1998	R299.9204(1)(r).
166	Recycled used oil management standards; technical correction and clarification.	63 FR 24963, May 6, 1998; as amended at 63 FR 37780, July 14, 1998.	R 299.9206(3)(d)–(f); R 299.9809(1)(h); R 299.9810(3) and (5), R 299.9812(3) and (7), R 299.9813(3) and (7), R 299.9814(4) and (8), and R 299.9815(3)(f), effective October 15, 1996; and R 299.11003(1)(x) and (2).
167A	Land disposal restrictions phase IV—Treatment standards for metal wastes and mineral processing wastes.	63 FR 28556, May 26, 1998	R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).
167B	Land disposal restrictions phase IV—Hazardous soil treatment standards and exclusions.	63 FR 28556, May 26, 1998	R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).
167C	Land disposal restrictions phase IV—Corrections.	63 FR 28556, May 26, 1998; as amended at 63 FR 31266, June 8, 1998.	R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).
167E	Bevill exclusion revisions and clarifications.	63 FR 28556, May 26, 1998	R 299.9204(2)(h).
167F	Exclusion of recycled wood preserving wastewaters.	63 FR 28556, May 26, 1998	R 299.9204(1)(u)
168	Hazardous waste combusters, revised standards.	63 FR 33782, June 19, 1998	R 299.9204(1)(w); R 299.9230; R 299.9519(5)(j)(v); and R 299.11003(1)(i) and (2).
169	Petroleum refining process wastes.	63 FR 42110, August 6, 1998, as amended at 63 FR 54356, October 22, 1998.	R 299.9101(s); R 299.9106(l); R 299.9203(1)(c)(iii)(A)–(E), (4)(b), (4)(e)(i) and (ii); R 299.9204(1)(l), (m), (s), (t); R 299.9206(3)(f); R 299.9220; R 299.9222; R 299.9311; R 299.9413; R 299.9627; R 299.9808(2)(c); and R 299.11003(1)(j) and (u) and (2).
170	Land disposal restrictions phase IV—Zinc micronutrient fertilizers, amendment.	63 FR 46332, August 31, 1998.	R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).
171	Emergency revision of the land disposal restrictions treatment standards for listed hazardous wastes from carbamate production.	63 FR 47409, September 4, 1998.	R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).
172	Land disposal restrictions phase IV—Extension of compliance date for characteristic slags.		R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).
173	Land disposal restrictions, treatment standards for spent potliners from primary aluminum reduction (K088).	63 FR 51254, September 24, 1998.	R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).
174	Post-closure permit requirement and closure process.	63 FR 46710, October 22, 1998.	R 299.9103(d); R 299.9502(12); R 299.9508(1), (3) and (4); R 299.9601(1), (3) and (9); R 299.9612(1) and (2); R 299.9613(1) and (7); R 299.9703(8); R 299.9710(17); and R 299.11003(1)(m) and (p) and (2).

PROGRAM REVISIONS BASED ON FEDERAL RCRA CHANGES—Continued

Federal requirement	Analogous state authority		
	Check #	Federal Register citation and date	Description of state authority [1] and effective date
175	Hazardous Remediation Waste Management Requirements (HWIR-media).	63 FR 65874, November 30, 1998.	Michigan Combined Laws §§ 324.1101, 24.291 and 24.292, as amended effective January 1, 1997. R 299.9102(q); R 299.9103(q); R 299.9105(q); R 299.9107(j); R 299.9107(i), (k) and (aa); R 299.9204(12); R 299.9311; R 299.9413; R 299.9501; R 299.9502; R 299.9504(17) and (20); R 299.9515, effective April 20, 1988; R 299.9516, effective October 15, 1996; R 299.9517, effective September 22, 1998; R 299.9519; R 299.9520, effective September 22, 1998; R 299.9524; R 299.9601(1) and (2)(k), (l) and (n); R 299.9605(1), (3) and (4); R 299.9606(1) and (2); R 299.9607(1), (3) and (4); R 299.9609(1)(a) and (5), effective November 19, 1991; R 299.9613(1), (3) and (7); R 299.9627; R 299.9629(1) and (11); R 299.9635(1), (8) and (9); R 299.9636(1), R 299.9638(1), (3), (4) and (8); and R 299.11003(1)(n), (p), (u) and (v) and (2).
176	Universal waste rule—technical amendments.	63 FR 71225, December 24, 1998.	R 299.9109(j); and R 299.9804.
177	Organic air emission standards: clarification technical amendments.	64 FR 3382, January 21, 1999.	R 299.9306(1)(a)(i) and (ii); R 299.9601(3) and (9); R 299.9630, effective June 21, 1994; R 299.9634, effective September 22, 1998; and R 299.11003(1)(m) and (p) and (2).
178	Petroleum refining process wastes—leachate exemption.	64 FR 6806, February 11, 1999.	R 299.9204(2)(o)(i)-(v).
179	Land disposal restrictions phase IV—technical corrections and clarifications to treatment standards.	64 FR 25408, May 11, 1999	R 299.9202(1)(b)(iii) and (3); R 299.9204(1)(v), (1)(v)(v), (2)(h)(iii) and (2)(h)(iii)(A); R 299.9306(4)(e); R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).
180	Test procedures for the analysis of oil and grease and non-polar material.	64 FR 26315, May 14, 1999	R 299.11005(1), (2) and (6).
181	Universal waste rule	64 FR 36466, July 6, 1999	R 299.9103(a); R 299.9109(g), (i) and (j); R 299.9228; R 299.9229(2)(e)(i), effective October 15, 1996; R 299.9311; R 299.9413; R 299.9503(1)(j); R 299.9601(6); R 299.9627; and R 299.11003(1)(u) and (2).
182	Hazardous air pollutant standards for combusters.	64 FR 52828, September 30, 1999, as amended at 64 FR 63209, November 19, 1999.	R 299.9102(v); R 299.9108(c); R 299.9230(1)(a)(iii) and (3); R 299.9504(4), (15) and (20); R 299.9508(1)(b); R 299.9515(5)(a)(viii) and (j)(v), effective April 20, 1988; R 299.9601(1), (2), (3), (7) and (9); R 299.9623(2); R 299.9626(7); R 299.9628(1) and (4); R 299.9808; and R 299.11003(1)(i), (m), (p), (r), (t) and (v) and (2).
183	Land disposal restrictions phase IV—technical corrections.	64 FR 56469, October 20, 1999.	R 299.9222; R 299.9306(1)(d); R 299.9311; R 299.9413; R 299.9627; and R 299.11003(1)(u) and (2).

[1] The Michigan provisions are from the Michigan Administrative Code, effective September 11, 2000, unless otherwise stated.

STATE-INITIATED MODIFICATIONS

State citation and action	Effective date	Federal analog
R 299.9101(c) (definition of ''Act 138'' added) and (c)–(i) renumbered as (d)–(j).	September 11, 2000	40 CFR 260.10 (no federal analog to R 299.9101(c)).
R 299.9204(1)(n) (more stringent State provision removed).	September 11, 2000	None.
R 299.9206(5) (more stringent State provision removed).	September 22, 1998	None.
R 299.9209(2)(a) (broader in scope State provision removed).	September 11, 2000	None.
R 299.9212(4) and (6)(a) (more stringent State provision amended).	September 22, 1998	None.
R 299.9218 (more stringent State provision rescinded).	September 22, 1998	None.
R 299.9220 (rule title amended)	September 22, 1998	40 CFR 261.31(a).
R 299.9226 (broader in scope State provision—rule title amended).	September 11, 2000	None.
R 299.9228(4)(c)(iv) (amended)	September 11, 2000	40 CFR 273.14(e).
R 299.9228(4)(d) and (5)(e) (added)	September 22, 1998	40 CFR 262.20.

STATE-INITIATED MODIFICATIONS—Continued

State citation and action	Effective date	Federal analog
R 299.9304(1)(c) and (d) (amended), (4)(f), and (7) (added).	September 11, 2000	40 CFR 262.20.
R 299.9306(2) (amended)	September 22, 1998	40 CFR 262.34(b).
R 299.9308(1) (amended)	September 22, 1998, and September 11, 2000.	40 CFR 262.41(a).
R 299.9401(1), (5), and (6) (removed)	September 11, 2000	40 CFR 263.10.
R 299.9403(1) (more stringent State provision amended) and (2)–(7) (more stringent State provision removed).	September 11, 2000	None.
R 299.9404(2)(b) (amended)	September 22, 1998	40 CFR 263.12.
R 299.9405(3)(b) and (b)(iv) (broader in scope State provisions amended).	September 22, 1998	None.
R 299.9406(1), (2)–(4), and (7) (more stringent State provisions amended).	September 11, 2000	None.
R 299.9407(1)–(3) (more stringent State provisions amended).	September 11, 2000	None.
R 299.9408(1) (more stringent State provisions amended) and (2) (more stringent State provisions removed).	September 11, 2000	None.
R 299.9409(1)–(3) (amended)	September 11, 2000	40 CFR 263.21.
R 299.9410(2) (amended)	September 11, 2000	40 CFR 263.30(b).
R 299.9411 (more stringent State provisions rescinded).	September 11, 2000	None.
R 299.9412 (more stringent State provisions rescinded).	September 11, 2000	None.
R 299.9503(4)(c) (more stringent State provisions amended).	September 11, 2000	None.
R 299.9504(1) (amended)	September 22, 1998	40 CFR 270.13 and 270.14(b) and (d).
R 299.9505(1)(a)(ii), (b)(v) and (vi), (d)(iii), (e)(i), (v) and (vi), and (f) (amended).	September 11, 2000	40 CFR 270.17(b), 270.18(b), and 270.21(b).
R 299.9506(2)(a)(v) and (b) (more stringent State provisions amended).	September 11, 2000	None.
R 299.9512 (amended)	September 22, 1998	40 CFR 124.8.
R 299.9525 (more stringent State provisions added).	September 11, 2000	None.
R 299.9601(3)(b) (amended) and R 299.9701(2) (removed).	September 11, 2000	40 CFR 270.70.
R 299.9608(5) (more stringent State provisions added).	September 11, 2000	None.
R 299.9610(1) and (1)(a)–(i) (amended)	September 11, 2000	40 CFR 264.75(a)–(j).
R 299.9612(1)(b) (more stringent State provisions amended).	September 11, 2000	None.
R 299.9613(6) (more stringent State provisions added).	September 11, 2000	40 CFR Part 264 Subpart G.
R 299.9619(4), (4)(a), and (6)(a), (a)(ii) and (iv), and (b) (more stringent State provisions amended).	September 11, 2000	None.
R 299.9620(3)(c) (amended), (4) (amended), and (5) (added).	September 11, 2000	40 CFR 264.221, 264.251, and 264.301.
R 299.9621(1)(a)(i); (1)(c)(iv), (v), and (vii); (1)(d)(i)(D) and (3) (more stringent State provisions amended).	September 11, 2000	None.
R 299.9626(2)(a), (b), and (d) (amended)	September 22, 1998	40 CFR 270.62(b)(2) and (d).
R 299.9629(6) (amended)	September 11, 2000	40 CFR 264.100(d).
R 299.9703(7) (amended)	September 22, 1998	40 CFR 264.148(b).
R 299.9706(2) (removed) and (3) (amended)	September 11, 2000	40 CFR 264.143(d)(4) and (6) and 264.145(d)(4) and (6).
R 299.9708(3), (3)(a)–(c), and (9)(a) (amended).	September 11, 2000	40 CFR 264.143(e)(1) and (8).
R 299.9709(1)(a)(ii) and (iv), (1)(b)(i), (ii), and (iv), (2) and (3)(c) (amended); (3)(c)(i) and (ii) (removed), and (10)(d) (added).	September 11, 2000	40 CFR 264.143(f)(1)(i)(B) and (D), (f)(1)(ii)(A), (B), and (D), (f)(3)(iii); and 264.145(f)(1)(i)(B) and (D), (f)(1)(ii)(A), (B), and (D), (f)(3)(iii).
R 299.9709(9)(a) and (b) (amended)	September 22, 1998	40 CFR 264.143(f)(9)(i) and (ii) and 264.145(f)(10)(i) and (ii).
R 299.9710(8)(a)(i)–(iv) (amended)	September 11, 2000	40 CFR 264.147(a)(2) and (b)(2).
R 299.9711 (more stringent State provisions amended).	September 11, 2000	None.
R 299.9803(2)(b) (more stringent State provisions amended).	September 11, 2000	None.
R 299.11001 (amended)	September 11, 2000	40 CFR 260.11(a)(1)–(9) and (11)–(16).
R 299.11002(2) (amended)	September 11, 2000	40 CFR 260.11(a)(10).

STATE-INITIATED MODIFICATIONS—Continued

State citation and action	Effective date	Federal analog
R 299.11005(2) (amended)	September 11, 2000	40 CFR 260.11(11).

G. Where Are the Revised State Rules Different From the Federal Rules?

The following table lists the program revisions (which are based on federal RCRA program changes) for which the State is seeking authorization which are more stringent than similar federal requirements:

State citation	Federal citation	Topic
R 299.9306(2)	40 CFR 262.34(c)(1)	Generator satellite accumulation.
R 299.9404(2)(b)	40 CFR 263.12	Transfer facility requirements.
R 299.9405(3)(b)	Not applicable	Consolidation and commingling of hazardous waste.
R 299.9403, R 299.9406, R 299.9407, R 299.9408, and R 299.9410.	Not applicable	Transporter permitting and registration.
R 299.9505(1)(d)(iii), (e)(1)(v) and (vi), and (f)	40 CFR 270.17(b), 270.18(c), and 270.21(b)	Information to be included in an engineering report.
R 299.9525(1) and (2)	Not applicable	Deed notices.
R 299.9619(6)(a)(iv) and (v)	40 CFR 264.310(a)	Final cover specifications.
R 299.9619(6)(b)	40 CFR 264.310(a) and (b)(1)	Soil erosion limits for final cover.
R 299.9621(1)(c)(vii)	40 CFR 264.310(a) and (b)(1)	Liner thickness and subgrade slope verification.
R 299.9635(6)(d)(ii)	40 CFR 264.552(e)(4)(ii)(B)	Minimum flexible membrane liner thickness.
R 299.9708(3)(c)	40 CFR 264.143(e)(1), 264.145(e)(1), 265.143(d)(1), and 265.145(d)(1).	Captive insurers.
R 299.9709(1)(a)(ii) and (iv) and (b)(ii) and (2)	40 CFR 264.143(f)(1) and (2), 264.145(f)(1) and (2), 265.143(e)(1) and (2), and 265.145(e)(1) and (2).	Obligations covered by a financial test.

These requirements are part of Michigan's authorized program and are federally enforceable.

H. Who Handles Permits After the Authorization Takes Effect?

Michigan will issue permits for all the provisions for which it is authorized and will administer the permits it issues. All permits issued by EPA prior to EPA authorizing Michigan for these revisions will continue in force until the effective date of the State's issuance or denial of a State RCRA permit, or the permit otherwise expires or is revoked. Michigan will administer any RCRA hazardous waste permits or portions of permits which EPA issued prior to the effective date of this authorization until such time as Michigan has issued a corresponding State permit. EPA will not issue any more new permits or new portions of permits for provisions for which Michigan is authorized after the effective date of this authorization. EPA will retain responsibility to issue permits needed for HSWA requirements for which Michigan is not yet authorized.

I. What Is Codification and Is EPA Codifying Michigan's Hazardous Waste Program as Authorized in This Rule?

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. We do this by referencing the authorized State rules in 40 CFR part 272. We reserve the amendment of 40 CFR part 272, subpart P for this authorization of Michigan's program changes until a later date.

J. How Would Authorizing Michigan for These Revisions Affect Indian Country (18 U.S.C. 115) in Michigan?

Michigan is not authorized to carry out its hazardous waste program in Indian country within the State, as defined in 18 U.S.C. 1151. This includes:

1. All lands within the exterior boundaries of Indian reservations within or abutting the State of Michigan;

2. Any land held in trust by the U.S. for an Indian tribe; and

3. Any other land, whether on or off an Indian reservation that qualifies as Indian country.

Therefore, this action has no effect on Indian country. EPA will continue to implement and administer the RCRA program in Indian country. It is EPA's long-standing position that the term ''Indian lands'' used in past Michigan hazardous waste approvals is synonymous with the term ''Indian country.'' *Washington Department of Ecology* v. *EPA,* 752 F.2d 1465, 1467, n.1 (9th Cir. 1985). *See* 40 CFR 144.3 and 258.2.

K. Administrative Requirements

The Office of Management and Budget has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993), and therefore this action is not subject to review by OMB. This action authorizes State requirements for the purpose of RCRA 3006 and imposes no additional requirements beyond those imposed by State law. Accordingly, I certify that this action 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 action authorizes pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). For the same reason, this action also does not significantly or uniquely affect the communities of Tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action will not have substantial direct effects on the states, on the relationship between the national government and

the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Signifiantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

Under RCRA 3006(b), EPA grants a state's application for authorization as long as the state meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a state authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings' issued under the executive order.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and record keeping requirements.

Authority: This proposed action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: February 7, 2002.

Elissa Speizman,

Acting Regional Administrator, Region 5.

[FR Doc. 02–4788 Filed 2–27–02; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 51

[CC Docket No. 02–33, CC Docket No. 95–20, CC Docket No. 98–10; FCC 02–42]

Appropriate Framework for Broadband Access to the Internet Over Wireline Facilities

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document initiates a thorough examination of the appropriate legal and policy framework under the Communications Act of 1934, as amended (the Act), for broadband access to the Internet provided over domestic wireline facilities. In particular, it seeks comment on the appropriate statutory classification and regulatory framework for wireline broadband Internet access services. It also seeks comment on whether facilities-based providers of broadband Internet access services provided over wireline and other platforms, including cable, wireless and satellite, should be required to contribute to universal service. For purposes of this Notice of Proposed Rulemaking, the Commission uses the term ''facilities-based'' to refer to providers of broadband Internet access services that furnish their own last-mile connection, irrespective of transmission medium, to the customer. Through this proceeding, the Commission intends to further its goals of encouraging the ubiquitous availability of broadband to all Americans, promoting the development and deployment of multiple broadband platforms, fostering investment and innovation in a competitive broadband market, and developing an analytical framework for regulating broadband that is consistent, to the extent possible, across multiple platforms.

DATES: Comments are due April 15, 2002 and reply comments are due May 14, 2002.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (NPRM) in CC Docket Nos. 02–33, 95–20 and 98–10, FCC 02–42, adopted February 14, 2002, and released February 15, 2002. The complete text of this NPRM is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.* It is also available on the Commission's website at *http://www.fcc.gov.*

Synopsis of the Notice of Proposed Rulemaking (NPRM)

1. *Background.* In this proceeding, the Commission initiates an examination of the legal and policy framework under the Act for broadband access to the Internet provided over domestic wireline facilities. The widespread deployment of broadband infrastructure has become a central communications policy objective and it is believed that widespread ubiquitous broadband deployment will bring valuable new services to consumers, stimulate economic activity and advance economic opportunity. The Commission has also initiated three other proceedings that focus on the regulatory treatment of broadband. These proceedings, together with this NPRM, build the foundation for a comprehensive and consistent national broadband policy. First, near the end of 2000, the Commission launched the *Cable Modem NOI.* (65 FR 60441, October 11, 2000) This considers, among other issues, the appropriate regulatory classification for cable modem service, which is used to provide high-speed Internet access. Second, in the *Incumbent LEC Broadband Notice,* (67 FR 1945, January 15, 2002) the Commission examines whether incumbent local exchange carriers (LECs) that are dominant in the provision of traditional local exchange and exchange access service should also be considered dominant when they provide broadband telecommunications services. Third, in the *Triennial UNE Review Notice,* (67 FR 1947, January 15, 2002) the Commission addresses, among other things, the incumbent LECs' wholesale obligations under section 251 of the Act to make their facilities available as unbundled network elements to competitive LECs for the provision of broadband services. These latter two proceedings thus investigate how Title II regulation under the Act applies to broadband service provided as telecommunications services and whether facilities that can be used to provide broadband services should be

subject to Title II unbundling obligations. By contrast, this NPRM addresses the fundamental definitional and classification questions for wireline broadband Internet access services. Because the instant inquiry overlaps with the Commission's pending *Computer III Further Remand,* (60 FR 12529, March 7, 1995) the Commission incorporates the *Computer III Further Remand* proceeding by reference insofar as it relates to the Bell Operating Companies' (BOCs) access obligations with respect to broadband services.

2. This proceeding specifically addresses questions regarding classifying Internet access service that were raised in two Commission proceedings, the 1998 Report to Congress on Universal Service, *Federal—State Joint Board on Universal Service,* CC Docket No. 96–45, Report to Congress, 13 FCC Rcd 11501 (rel Apr. 10, 1998), (63 FR 43088, August 12, 1998) and the *Missouri/Arkansas 271 Order. See Joint Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region, InterLATA Services in Arkansas and Missouri,* CC Docket No. 01–194, Memorandum Opinion and Order, 16 FCC Rcd 20719, 20759–60, paras. 81–82 (2001). (66 FR 59249, November 27, 2001)

3. *Application of Statutory Classifications to Wireline Broadband Internet Access Services.* The NPRM discusses the appropriate classification of wireline broadband Internet access services. The Commission tentative concludes that, as a matter of statutory interpretation, the provision of wireline broadband internet access service is an information service. The Commission tentatively concludes that when an entity provides wireline broadband Internet access service over its own transmission facilities, this service, too, is an information service under the Act. In addition, the Commission tentatively concludes that the transmission component of retail wireline broadband Internet access service provided over an entity's own facilities is ''telecommunications'' and not a ''telecommunications service'' as defined in section 3 of the Act.

4. Applying the statutory framework in the Act, the Commission tentatively concludes that providers of wireline broadband Internet access service offer more than a transparent transmission path to end-users and offer enhanced capabilities. Thus, it tentatively concludes that this service is properly classified as an ''information service'' under section 3 of the Act. The Commission bases this tentative conclusion on the fact that providers of wireline broadband Internet access provide subscribers with the ability to run a variety of applications that fit under the characteristics stated in the ''information service'' definition in section 3 of the Act. The Commission seeks comment on these tentative conclusions and the supporting statutory analysis asks additional questions with regard to the proper classification of wireline broadband Internet access service, including asking parties to offer any factual evidence that would suggest a contrary application of the statute.

5. The NPRM also analyzes whether wireline broadband Internet access service provided over the provider's own facilities is an information service, a telecommunications service, or both. As an initial matter, the Commission tentatively concludes that nothing about the nature of wireline broadband Internet access services offered over a provider's own facilities changes the fact that the end-user service is an information service. Consistent with the statutory analysis described previously, a provider of end-user wireline broadband Internet access service delivered over its own facilities provides the end-user the ''capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications.'' The Commission believes that the end user is receiving an integrated package of transmission and information processing capabilities from the provider. It believes that the fact that the provider owns the transmission does nothing to change the nature of the service to the end-user. Accordingly, the Commission tentatively concludes that wireline broadband Internet access service provided over a provider's own facilities is an information service.

6. Additionally, as a logical extension of the determination that the provision of wireline broadband Internet access service over a provider's own facilities is an information service, the Commission tentatively concludes that the transmission component of the end-user wireline Internet access service provided over those facilities is ''telecommunications'' and not a ''telecommunications service.'' As stated previously, an entity provides ''telecommunications'' (as opposed to merely using telecommunications) when it both provides a transparent transmission path and it does not change the form or content of the information. The provision of telecommunications rises to the level of a ''telecommunications service'' under the Act when it is offered ''for a fee directly to the public.'' It seems as if a provider offering the service over its own facilities does not offer ''telecommunications'' to anyone, it merely uses telecommunications to provide end-users with wireline broadband Internet access services, which, for the reasons discussed previously, the Commission believes is an information service. Therefore, the Commission tentatively concludes that in the case where an entity combines transmission over its own facilities with its offering of wireline Internet access service, the classification of that input is telecommunications, and not a telecommunications service. It seeks comment on these tentative conclusions and the statutory analysis underlying them.

7. The Commission also seeks comment on the prior conclusion in the *Deployment of Wireline Services Offering Advanced Telecommunications Capability,* CC Docket No. 98–147, Memorandum Opinion and Order and Notice of Proposed Rulemaking, 13 FCC Rcd 24012, 24029, para. 35 (1998)(63 FR 45140, August 24, 1998) that an entity is providing a ''telecommunications service'' to the extent that such entity provides only broadband transmission on a stand-alone basis, without a broadband Internet access service. Commenters should address what the appropriate statutory classification of broadband transmission should be when it is not coupled with the Internet access component. Commenters should also address whether the provision of wholesale xDSL transmission should be considered ''telecommunications'' or ''telecommunications service'' under the Act. If xDSL is being offered on a wholesale basis as an input to ISPs' information services, is it being offered ''directly to the public''? In this regard, commenters should discuss how judicial and Commission definitions of common carriage might apply, and address whether ISPs—as a class—might be interpreted as the ''public'' under the statutory definition of ''telecommunications service.'' Commenters should also discuss the circumstances under which owners of transmission facilities offer broadband transmission on a private carriage basis. Specifically, the Commission seeks comment on whether and how the Commission might regulate incumbent LEC provision of broadband to third-party ISPs as private carriage. Further, to the extent that a carrier continued to

offer xDSL transmission under tariff, would *all* xDSL transmission services offered by that carrier be deemed ''telecommunications services,'' or could certain xDSL services be concurrently offered through individually negotiated contracts as private carriage? Commenters should discuss both statutory and policy rationales in support of their suggested classification.

8. Although the Commission tentatively concludes that wireline broadband Internet access service is an information service, it asks parties to comment on whether it should be classified as something other than an information service. For example, is there anything about the self-provision of this service that alters the function provided to the end user such that the service should be classified as a telecommunications service? Alternatively, should it be classified as two separate services, both an information service and a telecommunications service? Should it instead be classified as a new kind of hybrid communications service, neither an information service nor a telecommunications service?

9. The Commission is also considering concurrently with this proceeding in the *Incumbent LEC Broadband Notice* (67 FR 1945, January 15, 2002) whether incumbent LECs that are dominant in the provision of local exchange and exchange access service should also be considered dominant when they provide broadband telecommunications services. In order to consider broadband issues in a consistent manner, the Commission asks parties to comment on whether issues raised in that proceeding have an impact on the statutory classifications considered in this proceeding.

10. The Commission also notes that the 1996 Act uses and defines the term ''advanced telecommunications capability'' in section 706. To date, the Commission has utilized this term for purposes of collecting data to measure the deployment of advanced telecommunications. It seeks comment on whether wireline broadband Internet access services should be classified as an ''advanced telecommunications capability.'' It seeks comment on the relevance, if any, that section 706 has to the issues raised in this proceeding.

11. *Regulatory Framework for Wireline Broadband Internet Access Services.* The NPRM also addresses the appropriate regulatory framework for wireline broadband Internet access services. The Commission seeks comment on what regulations, if any, should apply in the future if these broadband offerings are found to be information services subject to Title I of the Act. It also asks what regulatory requirements, if any, should attach to the transmission component of the information service. Specifically, the Commission seeks comment on the relevance of access and non-access obligations to providers of self-provisioned wireline broadband Internet access services and on how classifying wireline broadband Internet access services as Title I service will affect public safety and welfare obligations. In addition, the Commission seeks comment generally on the role of the states with respect to regulating wireline broadband Internet access services.

12. Access Safeguards. The Commission seeks comment on whether the *Computer Inquiry* requirements that are applicable to the transmission component of information services should be modified or eliminated, and whether such requirements are overly broad or under inclusive as applied to the nascent broadband market. Specifically, the NPRM contains specific questions addressing the necessity and usefulness of these requirements as applied to self-provisioned wireline broadband Internet access service, and seeks comment on whether it may be appropriate to impose alternative requirements to better address the technology and market characteristics of these services.

13. In responding to the questions raised in this part of the Notice, the Commission asks parties to comment with specificity upon whether the various goals articulated in the *Computer II* and *Computer III* inquiries are equally valid today. Parties should explain the basis for their conclusions, and also explain what other goals should be taken into account, given the significant changes in the technological and competitive landscapes. Further, it seeks comment on the analyses employed in the *Computer Inquiries,* including the factors the Commission relied upon in promulgating the *Computer II* and *III* regimes. Are those factors still relevant today? Should they be modified, or given less weight? Are there additional factors that should be taken into account today by the Commission as it considers whether to modify the Computer *II* and *III* regimes?

14. To the extent the Commission decides that none of the existing *Computer II/III* nondiscriminatory access obligations should apply to carriers providing wireline broadband Internet access services, it seeks comment on whether alternative access obligations should be applied. It notes that Internet Service Providers (ISPs) currently purchase transmission services under tariff to provide their own information services. Commenters should address how entities have used means other than those provided through the *Computer II/III* access requirements to acquire the transmission necessary to provide their information service offerings, including reliance on negotiated contractual arrangements. In addition, it seeks comment on how any proposed alternative regulatory or contractual access obligations might be priced in the context of a minimal regulatory Title I regime. For example, commenters should consider whether, under a new regulatory approach, self-provisioning wireline broadband providers should be required to do no more than make transmission available to competitors at market-based prices, or whether they should be required to make transmission available to competitors at commercially reasonable rates. Or, is some alternative set of pricing regulations preferable?

15. If a regulatory framework is necessary, parties should comment on how such a framework could reduce the regulatory burdens on wireline broadband providers while promoting the availability of broadband to both competitors and consumers. Such an approach might encourage market participants to deploy broadband networks more expeditiously and increase facilities-based competition. The Commission seeks comment on the benefits and costs, as well as concrete details of market-based approaches to broadband regulation, and encourages interested parties to offer other proposals designed to encourage the deployment of broadband. It also asks parties to comment on what the appropriate classification would be of any broadband transmission services required to be offered to independent ISPs. It also seeks comment on the applicability of sections 201 and 202 of the Act to any such stand-alone broadband offerings, and how those sections should inform any determination we may make about the pricing of broadband transmission provided to third parties.

16. The Commission asks parties to comment specifically on the incentives that the Commission would create were it to impose requirements other than the *Computer II/III* requirements on the provision of wireline broadband Internet access service. For example, were the Commission to modify or eliminate the requirements that the underlying transmission be made available to other ISPs on a nondiscriminatory basis, how would

this affect the deployment of broadband? How would competing ISPs that do not own transmission facilities obtain the inputs they need to provide competing broadband Internet access services? Would the removal of all unbundling requirements motivate incumbent LECs, including BOCs, to only provide broadband transmission as part of integrated information services in order to restrict its availability, or would there be countervailing reasons why carriers would still choose to provide high-speed transmission to other entities on a stand-alone basis? Will these incentives be affected to the extent that these broadband Internet access services begin replacing traditional telecommunications services? Commenters arguing that removal of the requirements will lead to a significant reduction in the availability of high-speed transmission to non-facilities-based ISPs should address with specificity why this situation cannot be addressed through private, unregulated contractual arrangements or other marketplace solutions. Alternatively, if the Commission were to continue to impose unbundling requirements only on incumbent LECs or BOCs, how would this affect their incentive to continue deploying new and innovative broadband information services?

17. Other Obligations. The Commission seeks comment on the extent to which other obligations might be affected by classifying wireline broadband Internet-access services as information services. It asks questions about the relevance of three basic public protection obligations of telecommunications service providers—(i) national security, (ii) network reliability, and (iii) consumer protection—to wireline broadband Internet-access services. It also asks how this classification may affect unbundling obligations pursuant to sections 251 and 252 of the Act.

18. It asks commenters to discuss how our tentative conclusion that wireline broadband Internet access service is an information service will affect the scope of the CALEA assistance capabilities that telecommunications carriers must offer to law enforcement authorities. *See Communications Assistance for Law Enforcement Act,* Report and Order, CC Docket No. 97–213, 14 FCC Rcd 16794, 16795–96, paras. 2–3 (1999). (64 FR 14834, March 29, 1999) Commenters should address what effect, if any, the USA PATRIOT Act of 2001 may have on an entity that provides information services. *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001,* Pub. L. No. 107–56, 115 Stat. 272 (2001) (USA PATRIOT Act) (codified in scattered sections of 18 U.S.C., 47 U.S.C., 50 U.S.C.). (66 FR 63620, December 7, 2001) While section 222 of the USA PATRIOT Act states that ''nothing in this Act shall impose any additional technical obligation or requirement on a provider of wire or electronic communication service or other person to furnish facilities or technical assistance,'' commenters may wish to discuss how the expansion of surveillance authority to electronic communications under various provision of the USA PATRIOT Act might affect providers of wireline broadband Internet access service if these services were classified as information services. More generally, the Commission asks for comment on how designating wireline broadband Internet access service as an information service may affect other national security or emergency preparedness obligations applicable to service providers and their networks.

a. Second, commenters should discuss what role, if any, the Commission or its designees should have in ensuring the network reliability and interoperability of wireline broadband Internet access services. For telecommunications service providers, the Commission has found that network reliability is of paramount importance in any number of settings and, in particular, has directed the Network Reliability and Interoperability Council (NRIC) to explore and recommend measures that would enhance network reliability and interconnectivity. Commenters should address the costs and benefits of authorizing NRIC to make technical interconnectivity and interoperability recommendations with respect to wireline broadband Internet access service.

19. Third, commenters should address how classification of wireline broadband Internet access as an information service would affect existing consumer protection requirements. For instance, section 214 of the Communications Act limits the ability of a telecommunications carrier to unilaterally discontinue telecommunications service to customers. Commenters should address the extent to which it is appropriate or necessary to apply such a requirement to the provision of wireline broadband Internet access service if we classify such services as information services. Consistent with the Communications Act, the Commission restricts how telecommunications carriers use, disclose, and access customer proprietary network information derived from the provision of a telecommunications service (CPNI). Section 258 of the Act prohibits telecommunications carriers from changing consumers' carriers without prior consent. The Commission has also adopted truth-in-billing principles and guidelines to ensure that telephone bills provide consumers with information they may use to protect themselves from fraud and make informed choices in the competitive telecommunications marketplace. How would classification of wireline broadband Internet access service as an information service affect the applicability of these requirements? In addition, section 255 of the Act requires a provider of telecommunications service to ensure the service is accessible and usable by individuals with disabilities, if that is readily achievable. How would classification of wireline broadband Internet access service as an information service affect the applicability of such requirements? Similarly, section 201 of the Act contains obligations applicable to the furnishing of service and charges for ''communication service'' and section 202 makes it unlawful for a common carrier to unreasonably discriminate with regard to like ''communications service.'' How would our classification affect these obligations? Commenters should refer to specific sections of the Act when they are addressing these issues. Commenters should address whether these requirements are needed to protect the interests of consumers in the context of a minimally intrusive regulatory regime for wireline broadband Internet access service, and discuss whether, through intermodal competition for broadband services, there are adequate incentives absent additional regulation for providers of wireline broadband Internet access to protect consumers' varied interests.

20. Finally, the Commission seeks comment on the implications of its tentative conclusions for incumbent LECs' obligations to provide access to network elements under sections 251 and 252 of the Act. Because ''network element'' is defined under the Act as a ''facility or equipment used in the provision of a telecommunications service,'' how could an incumbent LEC provider of wireline broadband Internet access service over its own facilities be required to provide access to those facilities as ''network elements'' if those facilities are used by the incumbent LEC exclusively to provide information services? For example, what would be the implications for the Commission's line sharing and line splitting rules? See

47 CFR 51.319(h); *Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996,* Third Report and Order in CC Docket No. 98–147 and Fourth Report and Order in CC Docket No. 96–98, 14 FCC Rcd 20912 (1999). (65 FR 1331, January 10, 2000) If an incumbent LEC provider of wireline broadband Internet access service over its own facilities uses certain facilities to provide both information services and telecommunications services, to what extent would the LEC be required to provide access to such shared-use facilities as ''network elements?'' The Commission seeks comment on whether the Commission could compel the unbundling of network elements used in the provision of information services, pursuant to Title I or some other statutory authority. Does the Commission's Title I authority allow it to limit such obligations to certain types of providers, such as incumbent LECs, or would the Commission be required to adopt rules of general applicability under Title I? In addition, because section 251(c)(3) allows a requesting carrier to request access to network elements ''for the provision of a telecommunications service,'' would a provider be prohibited from using network elements pursuant to section 251 to provide wireline broadband Internet access service?

21. Impact on Federal and State Responsibilities. The Commission seeks comment generally on the role of the states with respect to wireline broadband Internet access services if the Commission were to find it to be appropriately classified as an information service under Title I of the Act. The Commission has previously found that when xDSL transmission is used to provide Internet access services, these services are interstate and, thus, subject to Commission jurisdiction. *See GTE Telephone Operating Cos., GTOC Tariff No. 1, GTE Transmittal No. 1148,* CC Docket No. 98–79, Memorandum Opinion and Order, 13 FCC Rcd 22466 (1998). It thus seeks comment on whether, and if so how, classification of wireline broadband Internet access service as an information service would affect the balance of responsibilities between the Commission and the states. It asks parties to comment on what they consider an appropriate role for the states in this area, taking into account both policy considerations and legal constraints, including any applicable limitations on delegations of authority to the states under Title I of the Act. Additionally, parties should comment on whether current state regulations, if any, should be preempted to any extent if the Commission were to find that wireline broadband Internet access service is appropriately classified under Title I of the Act. Parties should be specific in identifying such state regulations and in explaining how such regulations would interfere with the Commission's oversight under Title I. In addition, the NPRM notes that the Ninth Circuit Court of Appeals affirmed the Commission's authority to preempt state regulation of jurisdictionally mixed enhanced services. *California* v. *FCC,* 39 F.3d 919, 931–33 (9th Cir. 1994). Parties should address whether any such existing state laws are in fact subject to preemption under that decision.

Commenters should also address how the dual state-federal ratemaking framework might be affected by the regulatory classification of wireline broadband Internet access service as an information service. For instance, if wireline broadband Internet access service is an information service, how should joint and common costs of facilities used to provide both those services and telecommunications services be allocated under part 64.901 of the Commission's rules, 47 CFR 64.901? Should the Commission modify its current cost allocation rules, and, if so, how? Commenters should also address the implications for jurisdictional separations of the issues addressed in this proceeding. It specifically encourages state members of the Federal-State Joint Board on Separations (Separations Joint Board) to submit comments on the issues addressed previously.

21a. *Universal Service Obligations of All Providers of Broadband Internet Access.* The NPRM seeks comment on whether providers of broadband Internet access services provided over wireline and other platforms, including cable, wireless and satellite, should be required to contribute to universal service. In this proceeding, the Commission will continue to pursue and protect the core objectives of universal service, as reflected in our statutory mandates and in many of our precedents. It recognizes, however, that the manner in which it preserves and advances universal service will, of necessity, change as the market, technology and consumers needs and priorities change.

22. Universal service has historically been based on the assumption that consumers use the network for traditional voice-related services and that those voice services are provided over circuit-switched networks. As traditional services migrate to broadband platforms, the Commission needs to assess the implications for funding universal service and ask commenters to discuss how to sustain universal service in an evolving communications market. Any analysis must take into account the Commission's overarching objectives of preserving and advancing universal service, as directed by Congress. At the same time, however, it seeks to avoid policies that may skew the marketplace or overburden new service providers, so that they can continue to innovate and have incentives to deploy broadband infrastructure. The Commission seeks to further these objectives by exploring the following fundamental question: in an evolving telecommunications marketplace, should facilities-based broadband Internet access providers be required to contribute to support universal service and, if so, on what legal basis? This Notice explores this question by seeking comment on what universal service contribution obligations such providers of broadband Internet access should have as the telecommunications market evolves, and how any such obligations can be administered in an equitable and non-discriminatory manner.

23. This fundamental question is intertwined with issues raised in the separate *Universal Service Contribution Methodology* proceeding, which explores possible ways to reform our current methodology for assessing universal service contributions, and in particular whether to modify our present requirement that carriers be assessed based on end-user telecommunications revenues. *Federal-State Joint Board on Universal Service,* CC Docket Nos. 96–45, 98–171, 90–571, 92–237, 99–200, 95–116, Notice of Proposed Rulemaking, FCC 01–145 (rel. May 8, 2001) (*Universal Service Contribution Methodology*). (66 Fr 28718) Among other possible reforms, the Commission is considering assessing contributions based upon connections to a public network. *FCC Takes Next Step To Reform Universal Service Fund Contribution System,* CC Dockets Nos. 96–45, 98–171, 90–571, 92–237, 99–200, 95–116, News Release, FCC 02–43 (rel. Feb. 14, 2002) (Contribution Methodology Further Notice). Although it seeks comment in this proceeding on the ways in which reform of the current contribution methodology might alter the analysis of the fundamental question described previously, the Commission leaves questions of whether to make

such a reform to the separate *Contribution Methodology* proceeding.

24. As discussed in greater detail further, this NPRM builds on the foundation established in the *Report to Congress* and seeks comment on how the Commission can continue to meet the goals of universal service in a changing marketplace where competing providers are deploying broadband Internet access. It specifically encourages state members of the Federal-State Joint Board on Universal Service to submit comments on the issues addressed further.

25. Section 254 of the Act codified the Commission's historic commitment to advancing universal service by ensuring the affordability and availability of telecommunications services for all Americans. Specifically, section 254 of the Act directed the Commission to reform its universal service systems by making them explicit and workable in an increasingly competitive market. Section 254 also instructed the Commission to collect contributions for the explicit universal service support mechanisms from telecommunications carriers that provide interstate telecommunications services and, if in the public interest, other providers of interstate telecommunications. Based on this statutory language, the Commission determined that universal service would be funded through contributions based on the interstate end-user telecommunications revenues of telecommunications carriers and certain other providers of telecommunications. Section 254(d) of the Act states ''[e]very telecommunications carrier that provides interstate telecommunications services shall contribute'' to universal service. As noted previously, section 3 of the Act defines a telecommunications carrier as ''any provider of telecommunications services * * *,'' and ''telecommunications service'' as the ''offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.'' In contrast, section 3 of the Act defines mere ''telecommunications'' as ''transmission, between or among points specified by the user, of information of the user's choosing without change in the form or content of the information as sent and received.'' In the *First Report and Order,* the Commission interpreted this statutory language as imposing a mandatory contribution requirement on all telecommunications carriers that provide interstate telecommunications services.

Although section 254 falls within Title II of the Act, which generally applies to telecommunications carriers, the Commission has interpreted its reach to extend beyond telecommunications carriers. Specifically, section 254(d) of the Act provides the Commission the permissive authority to require ''[a]ny other provider of interstate telecommunications'' to contribute to universal service if required by the public interest. In the *First Report and Order,* the Commission exercised its permissive authority over certain other providers of interstate telecommunications under section 254(d). The Commission required entities that provide interstate telecommunications to end-users for a fee and payphone aggregators to contribute to universal service. This category of providers would include entities that lease excess telecommunications capacity to end-users on a private contractual basis. The Commission concluded that these providers, like telecommunications carriers, ''have built their businesses or part of their businesses on access to the [public switched telephone network], provide telecommunications in competition with common carriers, and their non-common carrier status results solely from the manner in which they have chosen to structure their operations.'' The Commission declined at that time to exercise its permissive authority over entities that provide telecommunications solely to meet their internal needs, because telecommunications ''do not comprise the core of [a self-provider's] business.'' The Commission noted that private network operators that serve only their internal needs do not lease excess capacity to end-users and do not charge end-users for use of their network.

26. Under existing rules and policies, telecommunications carriers providing telecommunications services, including broadband transmission services, are subject to contribution requirements. In particular, with respect to wireline telecommunications carriers, such carriers must contribute to the extent they provide broadband transmission services or other telecommunications services on a stand-alone basis to affiliated or unaffiliated Internet service providers (ISPs) or to end-users. Accordingly, those carriers must contribute based on the revenues associated with the telecommunications services. The Commission also has concluded that if a wireline telecommunications carrier offers wireline broadband Internet access to end-users for a single price, it must also contribute to universal service. In the *CPE/Enhanced Service Bundling Order,* the Commission addressed the question of ''how to allocate revenues when telecommunications services and CPE/enhanced services are offered as a bundled package, for purposes of calculating a carrier's universal service contribution.'' *Policy and Rules Concerning the Interstate, Interexchange Marketplace; Implementation of Section 254(g) of the Communications Act of 1934, as amended; 1998 Biennial Regulatory Review—Review of Customer Premises Equipment and Enhanced Services Unbundling Rules in the Interexchange, Exchange Access and Local Exchange Markets,* CC Docket Nos. 96–61 and 98–183, Report and Order, 16 FCC Rcd 7418, 7445–46, para. 46 (2001). (66 FR 19398, April 16, 2001) The Commission concluded that, for universal service contribution purposes, the carrier may elect to report revenues from the bundle based on the unbundled telecommunications service or, if it cannot distinguish telecommunications service revenue from non-telecommunications service revenue, all revenues from the bundled offering. The Commission seeks comment on whether these requirements and their basis in our rules and precedents are appropriate and consistent with the tentative conclusions regarding the statutory classification of wireline broadband Internet access.

27. The Commission emphasizes that this proceeding does not change the mandatory obligations of telecommunications carriers that are currently required to contribute to universal service based on their provision of broadband services to affiliated or unaffiliated ISPs or end-users. To avoid any disruption to universal service funding during the pendency of this proceeding, the Commission continues to require all such carriers to make universal service contributions in the same manner required today, pending the effective date of a final Commission decision regarding the status of wireline broadband Internet access. It finds that the public interest is served by maintaining the status quo and ensuring that universal service contributions continue to be assessed and collected under current law without disruption.

28. ISPs that own no telecommunications facilities and lease transmission, such as T1 lines, from telecommunications carriers to transmit their information services, do not contribute directly to universal service, but they make indirect contributions through charges paid to the underlying telecommunications carrier providing

the leased telecommunications services. As discussed previously, the Commission concluded in the *Report to Congress* that facilities-based ISPs that provide no stand-alone telecommunications services could be required to contribute to universal service under its permissive authority, but the Commission declined to exercise its permissive authority at that time. Given the anticipated growth of broadband Internet access, and the growth of broadband Internet access provided by ISPs, the Commission believes it is now the appropriate occasion to investigate, among other things, the questions that remain unanswered by the *Report to Congress.* Specifically, it asks whether broadband Internet access providers that supply last-mile connectivity over their own facilities should be required to contribute to universal service based upon their self-provisioning of telecommunications.

29. In this NPRM, the Commission tentatively concludes that wireline broadband Internet access should be classified as an ''information service'' and that the transmission aspect of that service is ''telecommunications'' when the same entity provides the telecommunications input. Accordingly, it must examine how the regulatory status of wireline broadband Internet access might impact the current system of assessments and contributions to universal service. It invites commenters to discuss how this tentative conclusion will impact contributions to universal service under current revenues-based system. It also seeks comment on whether the Commission's current treatment of such services as bundled offerings of telecommunications services and information services for universal service contribution purposes continues to be appropriate or should be modified in some fashion. It also seeks comment on the impact on universal service implementation if it concludes instead that the transmission input is a telecommunications service, separate services (information service and telecommunications service), or a new hybrid communications service that is neither an information or telecommunications service. In addition, it asks commenters whether and under what circumstances the public interest would require it to exercise its permissive authority over wireline broadband Internet access providers that utilize their own transmission facilities to provide a broadband Internet access service if such a service were an information service with a telecommunications input. Commenters should identify the factors that the Commission should consider when deciding whether the public interest requires exercise of its permissive authority under section 254(d) over wireline broadband Internet access providers. Assuming the public interest supports exercise of permissive authority, the Commission's contribution policies must also be equitable and nondiscriminatory. Therefore, the Commission requests that commenters describe the competitive impact of contribution requirements in an evolving communications marketplace. It asks commenters generally to discuss whether either outcome, assessing or not assessing facilities-based wireline broadband Internet access providers, would be consistent with the requirement of section 254 that contributions be assessed on an equitable and nondiscriminatory basis. For example, should all facilities-based wireline broadband Internet access providers—both wireline telecommunications carriers and ISPs—be subject to the same contribution requirements? If wireline broadband Internet access providers that self-provision telecommunications inputs are required to contribute, would that be consistent with the goal suggested in the companion *Universal Service Contribution Methodology* proceeding of ensuring that relevant services are assessed only once for universal service purposes? Whenever possible, commenters should explain how the Commission may minimize the incentives/distortions created solely by the contribution requirements.

If the Commission chooses to revisit its conclusion that wireline broadband Internet access should be viewed, for universal service contribution purposes, as a bundled offering of a telecommunications service and an information service, should it decline to exercise its permissive authority over facilities-based providers of wireline broadband Internet access or simply modify the basis on which such providers contribute to universal service? For example, should facilities-based wireline broadband Internet access providers contribute based on all of their wireline broadband Internet access revenues, some fraction of those revenues, or some other amount? Commenters advocating that such providers of wireline broadband Internet access should contribute to universal service should discuss how to allocate revenues separately associated with the telecommunications or telecommunications service input from revenues associated with Internet access. As noted previously, in a separate proceeding, the Commission is seeking comment on a proposal to assess universal service contributions based on connections, rather than revenue. If the Commission were to adopt such a reform, how should it be implemented with respect to wireline broadband Internet access providers? In addition, how would the Commission implement such a reform if the Commission were to adopt a connection-based assessment methodology?

30. Broadband Internet access services may also be provided over other platforms, e.g., wireless, cable, and satellite. Those other platforms may be utilized to provide broadband Internet access services in direct competition with wireline broadband Internet access services. Thus, while this proceeding largely seeks comment on the classification and regulatory implications of wireline broadband Internet access, we also undertake a comprehensive review of the effects of the growth of broadband Internet access on universal service, regardless of platform. It therefore asks whether other facilities-based providers of broadband Internet access services may, as a legal matter, or should, as a policy matter, be required to contribute. For example, if other broadband Internet access services are determined in other proceedings to be information services with a telecommunications input, would the public interest require exercise of our permissive authority? The Commission requests that commenters identify factors that should be considered when deciding whether the public interest would be served by requiring other facilities-based providers of broadband Internet access to contribute. Commenters should discuss whether these factors differ from or are the same as those relevant for wireline broadband Internet access providers. It also seeks comment on what contribution obligations, if any, should apply if other broadband Internet access services are classified as something other than information services with a telecommunications input. Finally, it seeks comment on the implications for each commenter's analysis of a change in the assessment system from a revenue-based system to some other basis for assessment, such as a per-connection charge.

31. As the Commission stated in the *First Report and Order,* contribution policies should ''reduce[] the possibility that carriers with universal service obligations will compete directly with carriers without such obligations.''

Accordingly, commenters should address the competitive impact across broadband platforms, if any, created by the contribution requirements. Based on the Commission's understanding of today's communications market, wireline broadband Internet access providers may compete directly with cable, wireless and satellite operators that provide broadband Internet access services for end-user customers. Therefore, the Commission seeks comment on whether all facilities-based broadband Internet access providers should be subject to the same contribution obligations. What are the advantages and disadvantages of such an approach? In particular, to what extent is such broad assessment of universal service contributions on facilities-based broadband Internet access providers necessary to ensure that universal service mechanisms will satisfy the objectives of section 254? In addition, if the Commission were to adopt a connection-based assessment methodology, commenters should address how such a reform would be implemented.

32. Because section 254 of the Act requires the Commission to preserve and advance universal service to the extent possible, it must strive to understand changes in technology and the marketplace and anticipate their implications for universal service. The Commission asks commenters to describe how the growth of broadband Internet access services will impact current the universal service system and the Commission's ability to support universal service. For example, if broadband Internet access service providers increasingly provide broadband Internet access services over their own facilities, will that result in lost contribution revenues, and if so, how much? It also seeks comment on the implications of such developments if the Commission were to move to a per-connection-based assessment. Commenters should discuss the impact, if any, on the expected growth of broadband Internet access services if contributions were assessed on a per-connection or some other non-revenue-based system. Additionally, commenters should discuss whether they expect voice traffic to migrate to broadband Internet platforms. If so, commenters should address the potential impact of such migration on the Commission's ability to support universal service. Specifically, if voice traffic over broadband Internet platforms increases and traditional circuit-switched voice traffic decreases, how, if at all, will that impact the Commission's ability to support universal service in an equitable and non-discriminatory manner? Will migration lower or raise the cost of providing service? What, if any, will be the impact on the level of high-cost universal service support needed as voice traffic migrates from traditional circuit switched networks to broadband Internet platforms? For example, will costs of providing supported services in high-cost areas increase or decrease as migration occurs?

33. Section 254(k) of the Act prohibits telecommunications carriers from using services that are not competitive to subsidize services that are subject to competition. The Commission seeks comment on how this provision should be implemented for wireline broadband Internet access. Section 254(k) also requires that services supported by universal service bear no more than a reasonable share of joint and common costs of the facilities used to provide these services. Because information services do not currently fall within the definition of services supported by universal service, deeming wireline broadband Internet access to be an information service would mean that the Commission would have to ensure that the costs of the network are properly allocated between regulated Title II services and Title I information services to comply with this statutory mandate. It seeks comment on how it may ensure that services supported by universal service bear no more than a reasonable portion of the costs associated with facilities used to provide both supported services and unsupported Internet access. Specifically, the Commission invites commenters to address the general sufficiency of existing allocation rules and policies in a broadband environment and whether those rules should be modified in order to meet the requirements of section 254(k).

Initial Regulatory Flexibility Analysis

34. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared the present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in this NPRM. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the NPRM provided previously in Section V.B. The Commission will send a copy of the NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. In addition, the NPRM and IRFA (or summaries thereof) will be published in the **Federal Register**.

Need for, and Objectives of, the Proposed Rules

35. In this proceeding, the Commission seeks comment on the appropriate classification and regulatory framework for wireline broadband Internet access services. It tentatively concludes that wireline broadband Internet access services—whether provided over a third party's facilities or self-provisioned facilities—are information services subject to regulation under Title I of the Act, and asks for comment on this tentative conclusion. The Commission has already sought comment on the regulatory classification for cable modem service, and this issue will be resolved in a separate proceeding. The Commission also addresses the appropriate regulatory framework for wireline broadband Internet access services. It seeks comment on what regulations should apply in the future if these broadband offerings are found to be information services subject to Title I of the Act. Specifically, the Commission examines implications of Title I classification for wireline broadband offerings for non-discriminatory access and other core communications policy objectives. In light of these objectives, it seeks comment on whether to modify or eliminate existing access obligations on providers of self-provisioned wireline broadband Internet access services. The Commission seeks comment on how this regulatory classification may impact other obligations, such as those associated with public safety and welfare. In addition, the Commission seeks comment generally on the role of the states with respect to regulating wireline broadband Internet access services. Finally, the Commission seeks comment broadly on whether facilities-based providers of broadband Internet access services provided over wireline and other platforms, including cable, wireless and satellite, should be required to contribute to universal service. For purposes of this NPRM, the Commission uses the term ''facilities-based'' to refer to providers of broadband Internet access services that furnish their own last-mile connection, irrespective of the transmission medium, to the customer.

Legal Basis

36. The legal basis for any action that may be taken pursuant to the NPRM is contained in sections 4, 10, 201–202,

251, 252, 254, 271, 303 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154, 201–202, 251, 252, 254, 271, 303, and 403, section 706 of the Telecommunications Act of 1996, and sections 1.1, 1.48, 1.411, 1.412, 1.415, 1.419, and 1.1200–1.1216, of the Commission's rules, 47 CFR 1.1, 1.48, 1.411, 1.412, 1.415, 1.419, and 1.1200–1.1216.

Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

37. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that will be affected by the proposed rules. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). Consistent with SBA's Office of Advocacy's view, we have included small incumbent LECs in this present RFA analysis. We emphasize, however, that this RFA action has no effect on Commission analyses and determinations in other, non-RFA contexts.

38. *Total Number of Telephone Companies Affected.* The United States Bureau of the Census (''the Census Bureau'') reports that, at the end of 1992, there were 3,497 firms engaged in providing telephone services, as defined therein, for at least one year. This number contains a variety of different categories of carriers, including local exchange carriers, interexchange carriers, competitive access providers, cellular carriers, mobile service carriers, operator service providers, pay telephone operators, PCS providers, covered SMR providers, and resellers. It seems certain that some of those 3,497 telephone service firms may not qualify as small entities or small incumbent LECs because they are not ''independently owned and operated.'' For example, a PCS provider that is affiliated with an interexchange carrier having more than 1,500 employees would not meet the definition of a small business. It seems reasonable to conclude, therefore, that fewer than 3,497 telephone service firms are small entity telephone service firms or small incumbent LECs that may be affected by the decisions and rules adopted in this NPRM.

39. Local Exchange Carriers, Interexchange Carriers, Competitive Access Providers, Operator Service Providers, Payphone Providers, and Resellers. Neither the Commission nor SBA has developed a definition particular to small local exchange carriers (LECs), interexchange carriers (IXCs), competitive access providers (CAPs), operator service providers (OSPs), payphone providers or resellers. The closest applicable definition for these carrier-types under SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. The most reliable source of information regarding the number of these carriers nationwide of which we are aware appears to be the data that we collect annually on the Form 499–A. According to the Commission's most recent data, there are 1,335 incumbent LECs, 349 CAPs, 204 IXCs, 21 OSPs, 758 payphone providers and 541 resellers. Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees, we are unable at this time to estimate with greater precision the number of these carriers that would qualify as small business concerns under SBA's definition. Consequently, the Commission estimates that there are fewer than 1,335 incumbent LECs, 349 CAPs, 204 IXCs, 21 OSPs, 758 payphone providers, and 541 resellers that may be affected by the decisions and rules adopted in this NPRM.

40. *Small Local Exchange Carriers.* We have included small incumbent local exchange carriers in this present RFA analysis. A ''small business'' under the RFA is one that, *inter alia*, meets the pertinent small business size standard (*e.g.*, a telephone communications business having 1,500 or fewer employees), and ''is not dominant in its field of operation.'' The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent local exchange carriers are not dominant in their field of operation because any such dominance is not ''national'' in scope. The Commission has therefore included small incumbent local exchange carriers in this RFA analysis, although it emphasizes that this RFA action has no effect on Commission analyses and determinations in other, non-RFA contexts.

41. *Internet Service Providers.* Under the new NAICS codes, SBA has developed a small business size standard for ''On-line Information Services,'' NAICS Code 514191. According to SBA regulations, a small business under this category is one having annual receipts of $18 million or less. According to SBA's most recent data, there are a total of 2,829 firms with annual receipts of $9,999,999 or less, and an additional 111 firms with annual receipts of $10,000,000 or more. Thus, the number of On-line Information Services firms that are small under the SBA's $18 million size standard is between 2,829 and 2,940. Further, some of these Internet Service Providers (ISPs) might not be independently owned and operated. Consequently, we estimate that there are fewer than 2,940 small entity ISPs that may be affected by the decisions and rules of the present action.

42. *Satellite Service Carriers.* The SBA has developed a definition for small businesses within the category of Satellite Telecommunications. Under that SBA definition, such a business is small if it has 1,500 or fewer employees. According to the Commission's most recent Telephone Trends Report data, 21 carriers reported that they were engaged in the provision of satellite services. Of these 21 carriers, 16 reported that they have 1,500 or fewer employees and five reported that, alone or in combination with affiliates, they have more than 1,500 employees. The Commission does not have data specifying the number of these carriers that are not independently owned and operated, and thus is unable at this time to estimate with greater precision the number of satellite service carriers that would qualify as small business concerns under the SBA's definition. Consequently, the Commission estimates that there are 21 or fewer satellite service carriers that may be affected by the rules.

43. *Wireless Service Providers.* The SBA has developed a definition for small businesses within the two separate categories of Cellular and Other Wireless Telecommunications or Paging. Under that SBA definition, such a business is small if it has 1,500 or fewer employees. According to the Commission's most recent Telephone Trends Report data, 1,495 companies reported that they were engaged in the provision of wireless service. Of these 1,495 companies, 989 reported that they have 1,500 or fewer employees and 506 reported that, alone or in combination with affiliates, they have more than 1,500 employees. The Commission does not have data specifying the number of these carriers that are not independently owned and operated, and thus are unable at this time to estimate with greater precision the number of wireless service providers that would qualify as small business concerns under the

SBA's definition. Consequently, it estimates that there are 989 or fewer small wireless service providers that may be affected by the rules.

44. *Cable Systems.* The Commission has developed, with SBA's approval, its own definition of small cable system operators. Under the Commission's rules, a ''small cable company'' is one serving fewer than 400,000 subscribers nationwide. Based on our most recent information, we estimate that there were 1,439 cable operators that qualified as small cable companies at the end of 1995. Since then, some of those companies may have grown to serve over 400,000 subscribers, and others may have been involved in transactions that caused them to be combined with other cable operators. Consequently, the Commission estimates that there are fewer than 1,439 small entity cable system operators that may be affected by the proposals.

45. The Communications Act also contains a definition of a small cable system operator, which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1% of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenue in the aggregate exceeds $250,000,000.'' The Commission has determined that there are 67,700,000 subscribers in the United States. Therefore, the Commission found that an operator serving fewer than 677,000 subscribers shall be deemed a small operator, if its annual revenues, when combined with the total annual revenues of all of its affiliates, do not exceed $250 million in the aggregate. Based on available data, the Commission finds that the number of cable operators serving 677,000 subscribers or less totals approximately 1,450. Although it seems certain that some of these cable system operators are affiliated with entities whose gross annual revenues exceed $250,000,000, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

46. Should the Commission decide that broadband Internet access services are information services with a telecommunications component and should the Commission decide to exercise its permissive contribution authority over certain facilities-based providers of such services, the associated rule changes potentially could modify the reporting and recordkeeping requirements of certain providers of interstate telecommunications regulated under the Communications Act. The Commission could potentially impose contribution requirements on certain facilities-based providers of interstate telecommunications that are not currently required to contribute. Accordingly, such entities would be required to comply with the relevant universal service reporting requirements. Any such reporting requirements potentially could require the use of professional skills, including legal and accounting expertise. Without more data, the Commission cannot accurately estimate the cost of compliance by small providers of interstate telecommunications. In this NPRM we do not seek comment on the actual reporting requirements of entities required to contribute to universal service. Rather, we seek comment on whether specific entities should be required to contribute. In the related *Contribution Methodology Further Notice*, however, the Commission seeks comment on the frequency with which carriers should submit reports to the Universal Service Administrative Company (USAC), the types of burdens carriers will face in periodically submitting reports to USAC, and whether the costs of such reporting are outweighed by the potential benefits of the possible reforms. Entities, especially small businesses, are encouraged to quantify the costs and benefits of the reporting requirement proposals in that proceeding.

Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

47. The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

48. The overall objective of this proceeding is to establish an appropriate classification and regulatory framework for wireline broadband Internet access service. The Commission tentatively concludes that wireline broadband Internet access services are information services under the Act. If it classifies and regulates this service as an information service, providers of this service, including those providers that own transmission facilities, could be subject to minimal and/or reduced regulatory requirements. The Commission believes that this would have a positive economic impact on small entities to the extent that it avoids placing restrictions on their operations. The Commission also tentatively concludes that the transmission aspect of wireline broadband Internet access service is ''telecommunications'' under the Act as opposed to ''telecommunications service.'' As part of the regulatory framework we are examining, the Commission seeks comment on what regulatory requirements, if any, should attach to this telecommunications input. It asks whether the Commission should modify or eliminate the requirements in the Computer Inquiry framework for access to the telecommunications input. The Commission also explores the implications for other regulatory requirements, including public safety and welfare, if it were to modify the access obligations.

49. The Commission notes that the *Computer Inquiry* requirements are only applicable to the BOCs, which are not small entities, but that ISPs, including small ISP entities, may obtain access to the BOCs' network to provide broadband Internet access service pursuant to these requirements. Indeed, the Commission notes in the NPRM that ISPs currently purchase transmission services under tariff to provide their own information services. The NPRM asks parties to comment on alternative ways in which ISPs could acquire transmission necessary to provide their information service offerings if the Commission modifies or eliminates the current access requirements. Specifically, the Commission asks whether they can rely on negotiated contractual arrangements and how such arrangements could be priced. For purposes of this IRFA, we specifically seek comment from small entities on these issues, in particular, on the extent to which the use of alternative access arrangements could impact them economically. Similarly, the Commission also specifically seeks comment from all affected small entities regarding the incumbent LECs' obligations to provide access to network elements under sections 251 and 252 of the Act if it determines that the

provision of wireline broadband Internet access service over a provider's own facilities is an information service and that the transmission input is telecommunications and not a telecommunications service, including the extent to which these determinations would economically impact them. In addition, the Commission generally asks small entities to comment on these and any other issues that could have an economic impact on them.

As discussed previously, this NPRM does not seek comment on the reporting requirements or assessment methodology for contributors to universal service. However, the *Contribution Methodology Further Notice* seeks comment on how to streamline and reform both the manner in which the Commission assesses carrier contributions to the universal service fund and the manner in which carriers may recover those costs from their customers. Wherever possible, the *Contribution Methodology Further Notice* seeks comment on how to reduce the administrative burden and cost of compliance for small telecommunications service providers. If certain facilities-based providers of interstate telecommunications are required to contribute to universal service and are not currently contributing, such requirements will result in a financial impact. The impact to small entities, however, is mitigated by the Commission's *de minimis* contribution exemption.

Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

50. None.

Ordering Clauses

51. Accordingly, pursuant to the authority contained in sections 2, 4(i)–4(j), 201, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 152, 154(i)–4(j), 201, 303(r), this NPRM IS *Adopted*.

52. The Commission's Consumer Information Bureau, Reference Information Center, *shall send* a copy of this NPRM, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 02–4679 Filed 2–27–02; 8:45 am]

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Notices

Federal Register
Vol. 67, No. 40
Thursday, February 28, 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. 01–129–1]

Notice of Request for Extension of Approval of an Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension 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 an extension of approval of an information collection in support of the Cooperative State-Federal Bovine TuberculosisEradication Program.

DATES: We will consider all comments we receive that are postmarked, delivered, or e-mailed by April 29, 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. 01–129–1, 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. 01–129–1. 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.01–129–1'' 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 andIndependence 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 CooperativeState-Federal Bovine Tuberculosis Eradication Program, contact Dr. Joseph Van Tiem, SeniorStaff Veterinarian, National Animal Health Programs Staff, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231; (301) 734–7716. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS'' Information CollectionCoordinator, at (301) 734–7477.

SUPPLEMENTARY INFORMATION:

Title: Tuberculosis.

OMB Number: 0579–0084.

Type of Request: Extension of approval of an information collection.

Abstract: The Animal and Plant Health Inspection Service (APHIS) of the United StatesDepartment of Agriculture is responsible for, among other things, preventing the spread of serious communicable animal diseases from one State to another, and for eradicating such diseases from the United States when feasible.

In connection with this mission, APHIS participates in the Cooperative State-FederalBovine Tuberculosis Eradication Program, which is a national program to eliminate bovine tuberculosis (a serious disease of livestock) from the United States.

The disease also affects humans through contact with infected animals or their byproducts.

Our program is conducted under the various States' authorities supplemented by Federal regulations on the interstate movement of affected animals. A concerted effort (State andFederal) requires that we conduct epidemiologic investigations to locate the disease and provide an effective means of controlling it. Also, this program includes provisions for the payment of indemnity to owners of animals that must be destroyed because of tuberculosis.

Implementing our Bovine Tuberculosis Eradication Program necessitates the use of a number of information-gathering documents, including various forms needed to properly identify, test, and transport animals that have been infected with tuberculosis, or that may have been exposed to tuberculosis. We also employ national epidemiology forms for the purposes of recording, reporting, and reviewing epidemiological data. Still other documents provide us with the information we need to pay indemnity to the owners of animals destroyed because of tuberculosis.

The information provided by these documents is critical to our ability to locate herds infected with tuberculosis and to prevent the interstate spread of tuberculosis. The collection of this information is therefore crucial to the success of our Bovine Tuberculosis EradicationProgram.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from 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 for 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 0.32 hours per response.

Respondents: State Veterinarians, livestock inspectors, shippers, herd owners, slaughter establishment personnel.

Estimated annual number of respondents: 5,032.

Estimated annual number of responses per respondent: 10.64.

Estimated annual number of responses: 53,540.

Estimated total annual burden on respondents: 17,132.80 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the 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 22nd day of February 2002 .

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–4803 Filed 2–27–02; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 01–130–1]

Notice of Request for Extension of Approval of an Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension 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 an extension of approval of an information collection in support of the regulations for pork and poultry products from Mexico transiting the United States.

DATES: We will consider all comments we receive that are postmarked, delivered, or e-mailed by April 29, 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. 01–130–1, 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. 01–130–1. 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. 01–130–1'' 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 regulations for pork and poultry products from Mexico transiting the United States, contact Dr. Michael David, Chief, Sanitary International Standards Team, VS, APHIS, 4700 River Road Unit 33, Riverdale, MD 20737–1231; (301) 734–3577. 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: Poultry and Pork Products From Mexico Transiting the United States.

OMB Number: 0579–0145.

Type of Request: Extension of approval of an information collection.

Abstract: The Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture is responsible for, among other things, regulating the importation into the United States of certain animals and animal products to prevent the introduction of communicable animal diseases (such as hog cholera or exotic Newcastle disease) into the United States.

The regulations under which we conduct these disease prevention activities are contained in title 9, chapter I, subchapter D, parts 91 through 99 of the Code of Federal Regulations. These regulations govern the importation of animals and animal products.

Under our regulations in 9 CFR 94.15, we allow fresh (chilled or frozen) pork and pork products from specified States in Mexico to transit the United States, under certain conditions, for export to another country. We also allow poultry carcasses, parts, and products (except eggs and egg products) from specified States in Mexico that are not eligible for entry into the UnitedStates to transit the United States, via land ports, for immediate export.

We have determined that fresh pork and pork products, as well as poultry carcasses, parts, and products, from these Mexican States can transit the United States under the conditions set forth in the regulations with minimal risk of introducing hog cholera or exotic Newcastle disease.

Allowing fresh pork and pork products and poultry carcasses, parts, and products from certain Mexican States to transit the United States necessitates the use of several information collection activities, including the completion of an import permit application, the placement of serially numbered seals on product containers, and the forwarding of a pre-arrival notification to APHIS port personnel.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from 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 for 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 0.77 hours per response.

Respondents: Exporters in Mexico and full-time, salaried veterinarians employed by Mexico's Federal Animal Health Protection Service.

Estimated annual number of respondents: 75.

Estimated annual number of responses per respondent: 10.

Estimated annual number of responses: 750.

Estimated total annual burden on respondents: 578 hours. (Due to averaging, the total annual burden hours

may not equal the product of the annual number of responses multiplied by the 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 22nd day of February 2002 .

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–4804 Filed 2–27–02; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 02–013–1]

Notice of Request for Extension of Approval of an Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension 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 an extension of approval of an information collection in support of the specifications for the humane handling, care, treatment, and transportation of marine mammals under the Animal Welfare Act regulations.

DATES: We will consider all comments we receive that are postmarked, delivered, or e-mailed by April 29, 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. 02–013–1, 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. 02–013–1. 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. 02–013–1'' 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 Animal Welfare Act regulations and standards for marine mammals, contact Dr. Barbara Kohn, Senior Staff Veterinarian, Animal Care, APHIS, 4700 River Road Unit 84, Riverdale, MD 20737–1234; (301) 734–7833. 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: Animal Welfare.

OMB Number: 0579–0115.

Type of Request: Extension of approval of an information collection.

Abstract: The Animal Welfare Act standards and regulations have been promulgated to promote and ensure the humane care and treatment of regulated animals. The regulations in 9 CFR part 3, subpart E, address specifications for the humane handling, care, treatment, and transportation of marine mammals. These specifications require facilities to keep certain records and provide certain information that are needed to enforce the Animal Welfare Act and the regulations.

The regulations (9 CFR part 3, subpart E) require facilities to complete many information collection activities, such as written protocols for cleaning, contingency plans, daily records of animal feeding, water quality records, documentation of facility-based employee training, plans for any animals kept in isolation, medical records, a description of the interactive program, and health certificates. These information collection activities do not mandate the use of any official government form and are necessary to enforce regulations intended to ensure the humane care and treatment of marine mammals.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 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 0.5952 hours per response.

Respondents: Employees or attendants of USDA licensed/registered marine mammal facilities.

Estimated annual number of respondents: 3,170.

Estimated annual number of responses per respondent: 8.6208.

Estimated annual number of responses: 27,328.

Estimated total annual burden on respondents: 16,265 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the 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 22nd day of February 2002.

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–4807 Filed 2–27–02; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 02–009–1]

Fruit Fly Cooperative Control Program; Record of Decision Based on Final Environmental Impact Statement—2001

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice advises the public of the Animal and Plant Health Inspection Service's record of decision for the Fruit Fly Cooperative Control Program final environmental impact statement.

ADDRESSES: Copies of the record of decision and the final environmental impact statement on which the record of decision is based are available for public inspection 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 someone is there to help you, please call (202) 690–2817 before coming. The documents may also be viewed on the Internet at *http://www.aphis.usda.gov/ppd/es/ppq/fffeis.pdf.*

Copies of the record of decision and the final environmental impact statement may be obtained from:

Environmental Services, PPD, APHIS, USDA, 4700 River Road Unit 149, Riverdale, MD 20737–1237; (301) 734–6742; Western Regional Office, PPQ, APHIS, USDA, 1629 Blue Spruce, Suite 204, Ft. Collins, CO 80524; or

Eastern Regional Office, PPQ, APHIS, USDA, 920 Main Campus, Suite 200, Raleigh, NC 27606–5202.

FOR FURTHER INFORMATION CONTACT: Mr. Harold Smith, Environmental ProtectionOfficer, Environmental Services, PPD, APHIS, 4700 River Road Unit 149, Riverdale, MD 20737–1237; (301) 734–6742.

SUPPLEMENTARY INFORMATION: This notice advises the public that the Animal and Plant Health Inspection Service (APHIS) has prepared a record of decision based on the Fruit Fly Cooperative Control Program final environmental impact statement. This record of decision has been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (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 1), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

The Agency record of decision is set forth below.

Record of Decision; Fruit Fly Cooperative Control Program; Final Environmental Impact Statement—2001

Decision

The U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS) has prepared a final environmental impact statement (EIS) for its Fruit Fly Cooperative Control Program. The EIS analyzed alternatives for control of various exotic fruit fly pests that threaten United States agricultural and environmental resources. After considering fully the analysis presented in the EIS (including supportive documents cited or incorporated by reference), I have accepted the findings of the EIS.

The selection of alternatives for individual future fruit fly programs will be on an individual basis, made only after site-specific assessment of the individual program areas. The selection of an alternative (and its associated control methods) will consider the findings of the EIS, the site-specific assessment, the public response, and any other relevant information available to APHIS at the time. APHIS will conduct environmental monitoring, and prepare environmental monitoring plans that are specific to each program, which will describe the purpose of the monitoring and the nature of the samples to be collected and analyzed. Also, APHIS will implement an emergency response communication plan for each future program that has been designed to reduce risk to the public. I have determined that this course of action includes all practicable means to avoid or minimize environmental harm from fruit fly control measures that may be employed by APHIS in future fruit fly control programs.

Alternatives Considered

The alternatives considered within the EIS include: No action, a nonchemical program, and an integrated program (the preferred alternative). The integrated program alternative includes both nonchemical and chemical component methods. The alternatives are broad in scope and reflect the major choices that must be made for future programs. In addition to control methods, the action alternatives include exclusion (quarantines and inspections) and detection and prevention (including sterile insect technique) methods. The EIS considered and compared the potential impacts of the alternatives as well as their component control methods.

Decisional Background

In arriving at this decision, I have considered pertinent risk analyses, chemical background statements, information on endangered and threatened species, and other technical documents whose analyses and conclusions were integrated into and summarized within the EIS. I have also considered APHIS' responsibilities under various statutes or regulations, the technological feasibilities of the alternatives and control methods, and public perspectives relative to environmental issues. Although scientific controversy may exist relative to the severity of potential impacts, especially with regard to pesticide impacts, I am satisfied that APHIS has estimated correctly the impacts of alternatives for fruit fly control.

APHIS understands the potential consequences of control methods (especially chemical control methods) used for fruit fly control. Chemical control methods have greater potential for direct adverse environmental consequences than nonchemical control methods. Chemical pesticides have the potential to adversely affect human health, nontarget species, and physical components of the environment. APHIS fully appreciates the dangers pesticides may pose, especially to sensitive members of communities, and consequently has made a significant effort to research and develop the use of newer, less harmful pesticides. One such pesticide, the microbially produced biological insecticide spinosad, shows great promise and will be used as a direct replacement for malathion where possible in future fruit fly programs.

APHIS is committed to the rational use of chemical pesticides and strives to reduce their use wherever possible. However, APHIS has statutory obligations that require it to act decisively to eliminate foreign fruit fly pests that invade our country. Given the current state of control technology, we believe that nonchemical control methods (used exclusively) are not capable of eradicating most fruit fly species. We know too that the net result of a decision not to use chemicals would be that other government entities or commercial growers would be likely to use even more chemicals over a wider area, with correspondingly greater environmental impact. APHIS is convinced that coordinated and well-run government programs that limit the use of pesticides to the minimum necessary to do the job are in the best interests of the public and the environment. APHIS continues to support and favor the use of integrated pest management strategies for control of fruit fly pests.

Final Implementation

In all cases, a site-specific assessment will be made prior to the time a decision is made on the control methods that will be used on a particular program. That

assessment will consider characteristics such as unique and sensitive aspects of the program area, applicable environmental and program documentation, and applicable new developments in environmental science or control technologies. The site-specific assessment will also confirm the adequacy or need for additional program mitigative measures. Site-specific assessments will be made available to the public, and APHIS will consider the public's perspective relative to individual programs.

To avoid or minimize environmental harm, APHIS will implement appropriate risk reduction strategies, as described in chapter VI of the EIS. These strategies are fully described in the EIS and include but are not limited to the following: Pesticide applicat or certification, training and applicator orientation, special pesticide handling, precautions for pesticide application, identification of sensitive sites, public notification procedures, and interagency coordination and consultation.

(The record of decision was signed by Richard L. Dunkle, Deputy Administrator, Plant Protection and Quarantine, APHIS, on February 5, 2002.)

Done in Washington, DC, this 22nd day of February 2002.

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–4806 Filed 2–27–02; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 02–006–1]

Monsanto Co.; Availability of Environmental Assessment for Extension of Determination of Nonregulated Status for Canola Genetically Engineered for Glyphosate Herbicide Tolerance

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that an environmental assessment has been prepared for a proposed decision to extend to one additional canola event our determination that a canola line developed by Monsanto Company, which has been genetically engineered for tolerance to the herbicide glyphosate, is no longer considered a regulated article under our regulations governing the introduction of certain genetically engineered organisms. We are making this environmental assessment available to the public for review and comment.

DATES: We will consider all comments we receive that are postmarked, delivered, or e-mailed by April 1, 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. 02–006–1, 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. 02–006–1. 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. 02–006–1'' on the subject line.

You may read the extension request, the environmental assessment, and any comments 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. James White, Plant Protection and Quarantine, APHIS, Suite 5B05, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 734–5940. To obtain a copy of the extension request or the environmental assessment, contact Ms. Kay Peterson at (301) 734–4885; e-mail: *Kay.Peterson@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered organisms and products are considered ''regulated articles.''

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. Further, the regulations in § 340.6(e)(2) provide that a person may request that APHIS extend a determination of nonregulated status to other organisms. Such a request must include information to establish the similarity of the antecedent organism and the regulated article in question.

Background

On November 20, 2001, APHIS received a request for an extension of a determination of nonregulated status (APHIS No. 01–324–01p) from Monsanto Company (Monsanto) of St. Louis, MO, for a canola (*Brassica napus* L.) transformation event designated as glyphosate-tolerant canola event GT200 (GT200), which has been genetically engineered for tolerance to the herbicide glyphosate. The Monsanto request seeks an extension of a determination of nonregulated status that was issued for Roundup Ready® canola line RT73, the antecedent organism, in response to APHIS petition number 98–216–01p (see 64 FR 5628–5629, Docket No. 98–089–2, published February 4, 1999). Based on the similarity of GT200 to the antecedent organism RT73, Monsanto requests a determination that glyphosate-tolerant canola event GT200 does not present a plant pest risk and, therefore, is not a regulated article under APHIS' regulations in 7 CFR part 340.

Analysis

Like the antecedent organism, canola event GT200 has been genetically engineered to express an enzyme, 5-enolpyruvylshikimate-3-phosphate synthase (EPSPS), from *Agrobacterium* sp. strain CP4, and the glyphosate oxidoreductase (GOX) gene/protein from *Ochrobactrum anthropi* strain LBAA, both of which impart tolerance to the herbicide glyphosate. The subject canola and the antecedent organism were produced through use of the *Agrobacterium tumefaciens* method to transform the parental canola variety Westar. Expression of the added genes in GT200 and the antecedent organism is controlled in part by gene sequences derived from the plant pathogen figwort mosaic virus.

Canola event GT200 and the antecedent organism were genetically

engineered using the same transformation method and contain the same enzymes that make the plants tolerant to the herbicide glyphosate. Accordingly, we have determined that canola event GT200 is similar to the antecedent organism in APHIS petition number 98–216–01p, and we are proposing that canola event GT200 should no longer be regulated under the regulations in 7 CFR part 340.

The subject canola has been considered a regulated article under APHIS' regulations in 7 CFR part 340 because it contains gene sequences derived from plant pathogens. However, GT200 has been approved for commercial use in Canada since 1996, with no subsequent reports of deleterious effects on plants, nontarget organisms, or the environment as a result of its environmental release.

Should APHIS approve Monsanto's request for an extension of a determination of nonregulated status, canola event GT200 would no longer be considered a regulated article under APHIS' regulations in 7 CFR part 340. Therefore, the requirements pertaining to regulated articles under those regulations would no longer apply to the field testing, importation, or interstate movement of the subject canola or its progeny.

National Environmental Policy Act

An environmental assessment (EA) has been prepared to examine any potential environmental impacts associated with this proposed extension of a determination of nonregulated status. The EA was prepared in accordance with: (1) The National Environmental Policy Act of 1969 (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). Copies of Monsanto's extension request and the EA are available upon request from the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Done in Washington, DC, this 22nd day of February 2002.

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–4805 Filed 2–27–02; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 01–108–2]

Public Meeting; Veterinary Biologics

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: This is the second notice to producers and users of veterinary biological products and other interested individuals that we are holding our 11th annual public meeting to discuss regulatory and policy issues related to the manufacture, distribution, and use of veterinary biological products. This notice provides information on the agenda as well as the dates, times, and place of the meeting.

DATES: The public meeting will be held Tuesday, April 2, through Thursday April 4, 2002, from 8 a.m. to approximately 5 p.m. on Tuesday and Wednesday, and from 8 a.m. to approximately noon on Thursday.

ADDRESSES: The public meeting will be held in the Scheman Building at the Iowa State Center, Iowa State University, Ames, IA.

FOR FURTHER INFORMATION CONTACT: For further information concerning registration and agenda topics, contact Ms. Kay Wessman, Center for Veterinary Biologics, Veterinary Services, APHIS, 510 South 17th Street, Suite 104, Ames, IA 50010–8197; phone (515) 232–5785 extension 127; fax (515) 232–7120; or e-mail *Kay.Wessman@aphis.usda.gov*.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** on November 30, 2001 (66 FR 59773–59774, Docket No. 01–108–1), we announced that we will be holding our 11th annual veterinary biologics public meeting and requested that interested persons submit suggestions for agenda topics. Based on the responses and on other considerations, the agenda for the 11th public meeting will include, but is not limited to, the following:

- Veterinary biologics perspectives relating to emergency animal health management, both global and domestic;
- Safeguarding animal health;
- Importation activities;
- Transmissible spongiform encephalopathies;
- Biosecurity;
- The U.S. Department of Agriculture's response to animal health issues;
- International harmonization; and
- Animal care.

In addition, we will provide updates on regulations, aquaculture, reticuloendotheliosis virus, in vitro potency testing, and compliance with the Government Paperwork Elimination Act (including electronic submissions/filing, the Ames Information Management System, summary information format for biotechnology products, and processing labels and outlines of production). During the ''roundtable discussion'' portion of the meeting, participants will have the opportunity to present their views on matters concerning the Animal and Plant Health Inspection Service's veterinary biologics program.

Registration forms, lodging information, and copies of the agenda for the 11th public meeting may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT**. This information is also available on the Internet at *http://www.aphis.usda.gov/vs/cvb*.

The registration deadline is March 19, 2002. A block of hotel rooms has been set aside for this meeting until March 19. Early reservation of rooms is strongly encouraged.

Done in Washington, DC, this 22nd day of February, 2002.

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–4802 Filed 2–27–02; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Forest Service

Lost Granite Squirrel, Colville National Forest, Pend Oreille and Stevens Counties, WA

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service, USDA, will prepare an environmental impact statement (EIS) on a proposal to implement vegetation, riparian and road management projects. The Proposed Action will be in compliance with the 1988 Colville National Forest Land and Resource Management Plan (Forest Plan) as amended, which provides the overall guidance for management of this area. The Proposed Action is within portions of the Lost Creek and Ruby Creek drainages on the Sullivan Lake and Newport Ranger Districts. The project will be located approximately 45 miles north of Newport, Washington. Project implementation is scheduled for fiscal year 2004. The Colville National Forest invites written comments and suggestions on the scope of the analysis.

The agency will give notice of the full environmental analysis and decision-making process so interested and affected people may be able to participate and contribute in the final decision.

DATES: Comments concerning the scope of the analysis should be received by April 1, 2002.

ADDRESSES: Send written comments and suggestions concerning the management of this area to Dan Dallas, District Ranger, 315 North Warren, Newport, Washington 99156. Comments may also be sent by FAX (509–447–7301). Include your name and mailing address with your comments so documents pertaining to this project may be mailed to you.

FOR FURTHER INFORMATION CONTACT: Questions about the Proposed Action and EIS should be directed to Dan Dallas, District Ranger, 315 North Warren, Newport, Washington 99156 (phone 509–447–7300), or to Amy Dillon, Interdisciplinary Team Leader, 12641 Sullivan Lake Road, Metaline Falls, Washington 99153 (phone 509–446–7500).

SUPPLEMENTARY INFORMATION: The Lost Granite Squirrel Planning Area is within the Lost Creek and Ruby Creek drainages on the Newport and Sullivan Lake Ranger Districts. The project would be located approximately 45 miles north of Newport, Washington, in the area south and west of State Route 20. The Proposed Action includes vegetation management on approximately 6,500 acres. This includes commercial treatments on approximately 4,600 acres and precommercial thinning on approximately 1,900 acres. Prescribed fire may be applied on up to 12,000 acres. The road management projects will include local governments and adjacent landowners in a transportation analysis for these drainages. Part of that analysis will consider both building and closing roads. The riparian and wetland management proposals include active stream corridor improvement along Lost Creek and Ruby Creek and using native riparian plants for soil stabilization. The following will also be included as part of this project: review of current dispersed recreation condition and future opportunities (including dispersed camping at Nile and Browns Lakes and winter recreation uses); review of the Ruby and Lost Creek grazing allotments; and analysis of noxious weed populations along Ruby Creek road and all Forest Service system roads within the analysis area.

This analysis will evaluate a range of alternatives for implementation of the project activities. The area being analyzed is approximately 47,500 acres, of which 37,335 acres are National Forest System lands. The other ownership areas are included only for analysis of effects. The project area does not include any wilderness, RARE II, or other inventoried roadless land.

The preliminary issues identified include: water quality and watershed restoration; forest stand density; forest road management and maintenance; lynx habitat management; deer winter range management, grazing allotment management, noxious weed treatments, and reintroduction of prescribed fire. Initial scoping began in February 2001. The scoping process will include the following: Identify and clarify issues; identify key issues to be analyzed in depth; explore alternatives based on themes which will be derived from issues recognized during scoping activities; and identify potential environmental effects of the Proposed Action and alternatives. A range of alternatives will be considered, including a No-Action alternative. The Forest Service is seeking information, comments, and assistance from other agencies, organizations, Indian Tribes, and individuals who may be interested in or affected by the Proposed Action. This input will be used in preparation of the draft EIS. Your comments are appreciated throughout the analysis process.

Comments received in response to this notice, including names and addresses of those who comment, will be considered part of the public record on this Proposed Action and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR part 215. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that under the FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within a specified number of days.

The draft EIS is to be filed with the Environmental Protection Agency (EPA) and to be available for public review by November 2002. The EPA will publish a notice of availability of the draft EIS in the **Federal Register**. The comment period on the draft EIS will be 45 days from the date the EPA notice appears in the **Federal Register**. Copies of the draft EIS will be distributed to interested and affected agencies, organizations, Indian Tribes, and members of the public for their review and comment. It is important that those interested in the management of the Colville National Forest participate at that time.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 533 (1978). Also, environmental objections that could be raised at the draft EIS stage but are not raised until after completion of the final EIS may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 f. 2d 1016, 1022 (9th Cir, 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this Proposed Action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the Proposed Action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft EIS. Comments may also address the adequacy of the draft EIS or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

The final EIS is scheduled to be available by March 2003. In the final EIS, the Forest Service is required to respond to substantive comments received during the comment period for the draft EIS. The Responsible Official is Nora Rasure, Colville National Forest Supervisor. She will decide which, if

any, of the alternatives will be implemented. Her decision and rationale for the decision will be documented in the record of decision, which will be subject to Forest Service Appeal Regulations (36 CFR part 215).

Dated: February 12, 2002.

Nora Rasure,

Forest Supervisor.

[FR Doc. 02–4770 Filed 2–27–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Upper Desolation Vegetation Recovery Projects, Umatilla National Forest, Grant County, OR

AGENCY: Forest Service, USDA.

ACTION: Cancellation notice.

SUMMARY: On February 10, 2000, a Notice of Intent (NOI) to prepare an environmental impact statement for the Upper Desolation Vegetation Recovery Projects, was published in the **Federal Register** (65 FR 6582). Since the project proposed action has been postponed, and conditions on the ground related to fire salvage harvest have changed, the 2000 NOI is hereby rescinded.

FOR FURTHER INFORMATION CONTACT: Janel Lacey, District Planner, North Fork John Day Ranger District, P.O. Box 158, Ukiah, Oregon 97880, telephone 541–427–3231.

Dated: February 11, 2002.

Jeff Blackwood,

Forest Supervisor.

[FR Doc. 02–4769 Filed 2–27–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Siskiyou Resource Advisory Committee (RAC)

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Siskiyou Resource Advisory Committee (RAC) will meet on Thursday, March 28, and Friday, March 29, 2002. Thursday's meeting will begin at 10 a.m. and conclude at approximately 5 p.m. Friday's meeting will begin at 8 a.m. and will conclude at approximately 5 p.m. The meetings will be held at the Anne Basker Auditorium, 600 NW 6th Street, Grants Pass, Oregon. The agenda for March 28 includes: (1) Review of the Title II projects; (2) Agreements of the process for the RAC to recommend projects; (3) Recommendation of projects to be funded; (4) Election of the RAC vice-chairperson; and (5) Public Forum. The public forum will begin at 3 p.m. on Thursday. The time allotted for individual presentations during the public forum segment will be limited to 3–4 minutes (depending on the number of presenters) on both days. The agenda for Friday, March 29 includes: (1) Continuation of the projects to be recommended by the RAC: and (2) Public Forum. The public forum will begin at 11 a.m. on Friday. 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 March 28 and 29 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: February 22, 2002.

Jack E. Williams,

Forest Supervisor, Rogue River and Siskiyou National Forests.

[FR Doc. 02–4771 Filed 2–27–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022202A]

Proposed Information Collection; Comment Request; Alaska License Limitation Program for Groundfish, Crab, and Scallops

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 April 29, 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 Patsy A. Bearden, F/AKR2, P.O. Box 21668, Juneau, AK 99802–1668 (telephone 907–586–7008).

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Oceanic and Atmospheric Administration is seeking renewed Paperwork Reduction Act clearance for requirements currently cleared under OMB Numbers 0648–0420 (scallops) and 0648–0334 (groundfish and crab), but proposes to merge these requirements under the latter number. These two collections of information originally were needed to make eligibility determinations to obtain a License Limitation Permit (LLP) to deploy a harvesting vessel in the king or Tanner crab fisheries in the Bering Sea/Aleutian Islands Management Area (BSAI), in the scallop fisheries, and in the directed groundfish fisheries (except for IFQ sablefish and for demersal shelf rockfish east of 140 degrees West longitude) in the GOA or the BSAI. The LLP has no expiration date; consequently, the application for eligibility was a one-time procedure. This collection now supports LLP transfer activities for crab, scallops, and groundfish, and any appeals resulting from denied actions.

II. Method of Collection

The information is submitted to respond to requirements set forth in regulations at 50 CFR part 679.4. Paper applications are required from participants, and methods of submittal include facsimile transmission or mailing of paper forms.

III. Data

OMB Number: 0648–0334.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Individuals or households, business or other for-profit organizations.

Estimated Number of Respondents: 244.

Estimated Time Per Response: 1 hour for a LLP Transfer Application; and 4 hours for a LLP appeal.

Estimated Total Annual Burden Hours: 544.

Estimated Total Annual Cost to Public: $928.

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: February 21, 2002.

Madeleine Clayton,

Departmental Paperwork Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 02–4835 Filed 2–27–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

[I.D. 022202B]

Submission for OMB Review; Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Coastal Impact Assistance Program: Project Review Checklist.

Form Number(s): None.

OMB Approval Number: 0648–0440.

Type of Request: Regular submission.

Burden Hours: 2,150.

Number of Respondents: 154.

Average Hours Per Response: 5.

Needs and Uses: The Coastal Impact Assistance Program (CIAP) provides funds to seven states and 147 local governments to conduct a variety of projects, including construction and land acquisition. The National Oceanic and Atmospheric Administration (NOAA) must review the projects in accordance with the CIAP legislation before disbursing funds. To expedite review, NOAA developed the CIAP Project Checklist for the construction and land acquisition projects. The Checklist, whose use is voluntary, asks applicants to provide project information to allow NOAA to determine their eligibility under the CIAP as well as eligibility under other relevant statutes (NEPA, etc.).

Affected Public: State, local, or tribal government.

Frequency: One-time.

Respondent's Obligation: Voluntary.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Madeleine Clayton, Departmental Paperwork Clearance Officer, (202) 482–3129, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at MClayton@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503.

Dated: February 21, 2002.

Madeleine Clayton,

Departmental Paperwork Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 02–4836 Filed 2–27–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

Economics and Statistics Administration

Bureau of Economic Analysis Advisory Committee

AGENCY: Bureau of Economic Analysis, DOC.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Public Law 92–463 as amended by Public Law 94–409, Public Law 96–523, and Public Law 97–375), we are giving notice of a meeting of the Bureau of Economic Analysis Advisory Committee. The meeting's agenda is as follows: 1. the National Income and Product Accounts (NIPA) and fiscal policy: the role of the NIPA in the Federal government macroeconomic forecasts, and in the budgets presented by the President and enacted by the Congress; 2. update Advisers on BEA's response to their earlier comments and suggestions; and 3. discussion of topics for future meeting agendas.

DATES: On Friday, May 3, 2002, the meeting will begin at 9:30 a.m. and adjourn at approximately 4 p.m.

ADDRESSES: The meeting will take place at the Bureau of Economic Analysis, 2nd floor, Conference Room A&B, 1441 L Street, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: James F. Plante, Chief, Public Information Office, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; telephone number: (202) 606–9619.

Public Participation: This meeting is open to the public. Because of security procedures, anyone planning to attend the meeting must contact Verna Learnard of BEA at (202) 606–9690 in advance. The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Robert Wehausen at (202) 606–9687.

SUPPLEMENTARY INFORMATION: The Committee was established on September 2, 1999, to advise the Bureau of Economic Analysis (BEA) on matters related to the development and improvement of BEA's national, regional, and international economic accounts. This will be the Committee's fifth meeting.

Dated: February 22, 2002.

Suzette Kern,

Associate Director for Management and Chief Administrative Officer.

[FR Doc. 02–4796 Filed 2–27–02; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No 001102309–2028–02; I.D 010802D

Announcement of Funding Opportunity to Submit Proposals for the Coral Reef Ecosystem Studies (CRES–2002)

AGENCY: Center for Sponsored Coastal Ocean Research/Coastal Ocean Program (CSCOR/COP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of Funding Availability for financial assistance for project grants and cooperative agreements.

SUMMARY: The purpose of this notice is to advise the public that CSCOR/COP is soliciting three to five year proposals to support coral reef ecosystem studies in regions under U.S. jurisdiction where coral reefs occur. Funding is contingent upon the availability of Federal appropriations. It is anticipated that projects funded under this announcement will have an August 1, 2002 start date.

DATES: The deadline for receipt of proposals at the CSCOR/COP office is 3 p.m., e.s.t. April 17, 2002. (Note that late-arriving applications provided to a delivery service on or before April 16, 2002 with delivery guaranteed before 3 p.m., e.s.t. on April 17,2002 will be accepted for review if the applicant candocument that the application was provided to the delivery service with delivery to the address listed below guaranteed prior to the specified closing date and time, and, in any event, the proposals are received in the CSCOR/COP office by 3 p.m., e.s.t., no later than 2 business days following the closing date.)

ADDRESSES: Submit the original and 19 copies of your proposal to Center for Sponsored Coastal Ocean Research/Coastal Ocean Program (N/SCI2), SSMC1 4, 8th Floor, Station 8243, 1305 East-West Highway, Silver Spring, MD 20910. NOAA and Standard Form Applications with instructions are accessible on the following CSCOR/COP Internet Site: http://www.cop.noaa.gov under the COP Grants Information section, Part D, Application Forms for Initial Proposal Submission. Forms may be viewed and, in most cases, filled in by computer. All forms must be printed, completed, and mailed to CSCOR/COP with original signatures. If you are unable to access this information, you may call CSCOR/COP at 301–713–3338 to leave a mailing request.

FOR FURTHER INFORMATION CONTACT: *Technical Information*.Dr. Ruth Kelty, CRES–2002 Program point of contact, CSCOR/COP, 301–713–3020/ext 133, Internet: Ruth.Kelty@noaa.gov.

Business Management Information.Leslie McDonald, CSCOR/COP Grants Administrator, 301–713–3338/ext 155, Internet: Leslie.McDonald@noaa.gov

SUPPLEMENTARY INFORMATION:

Electronic Access

Long-term coral reef ecosystem research addresses one of the priority research needs identified by the Ecosystem Science and Conservation Working Group and is outlined at the Internet site: http://coralreef.gov/wg-reports.html.

University-National Oceanographic Laboratory System (UNOLS) Ship Time Request Form is available in electronic format at: http://www.gso.uri.edu/unols/ship/shiptime.html. UNOLS' vessel requirements are identified later in this document under ''Part I, Section (5) Budget.

Background

Program Description

For complete program description and other requirements criteria for the Center for Sponsored Coastal Ocean Research/Coastal Ocean Program, see the COP General Grant Administration Terms and Conditions annual notification in the **Federal Register** (66 FR 63019, December 4, 2001) and at the CSCOR/COP home page.

Coral reefs and associated seagrass and mangrove communities are among the most complex and diverse ecosystems on earth. They support important fishing and tourism industries, protect coasts from wave and storm damage, build tropical islands, contain an array of potential pharmaceuticals, and provide local communities with a source of food, materials and traditional activities. As shallow-water, near shore communities, coral reef ecosystems are ecologically closely linked to adjacent watersheds and are highly vulnerable to human activity. Anthropogenic stresses include poor water quality from runoff and inadequate sewage treatment, over-harvesting of reef resources, sedimentation, shoreline development, and damage from tourists and divers. Larger-scale changes in global climate also potentially affect coral reef ecosystems through changes in sea temperature, sea level, irradiance, wind and precipitation patterns, and frequency and severity of tropical storms. Natural and human-induced forces act separately and in combination, to degrade coral reef ecosystems. Symptoms of stress include mass bleaching (loss of symbiotic algae) of corals, regional reductions of certain reef framework corals, and disease outbreaks leading to mass mortalities of reef-building corals and associated organisms.

According to the 2000 report by the Global Coral Reef Monitoring Network, the world has lost an estimated 11 percent of coral reefs and a further 16 percent are not fully functional. Significant further reductions in coral reef health, accompanied by major losses in biological diversity, are expected to continue for the next few decades unless coordinated action to manage and conserve these ecosystems is undertaken soon.

The 1998 Executive Order on Coral Reef Protection (E.O. 13089) directs Federal agencies to map, research, monitor, manage, and restore coral reef ecosystems. In response to the Executive Order, a U.S. Coral Reef Task Force established interagency working groups to address six areas: (1) Coastal Uses, (2) Ecosystem Science and Conservation, (3) Mapping and Information Synthesis, (4) Water and Air Quality, (5) International Dimensions, and (6) Education and Outreach. One of the key components of the Task Force Action Plan is long-term regional ecosystem research, which this announcement addresses.

Coral Reef Ecosystem Studies Description

This notice solicits proposals that address causes of regional declines in coral abundance and degradation of coral ecosystems. CSCOR/COP's interest is to provide timely and high-quality scientific results that can be used to develop alternative management strategies to restore and protect coral reef ecosystems. To meet this goal, highest consideration will be given to multi-disciplinary team proposals incorporating hypothesis-driven research involving both the natural and social sciences, which includes participation by the territory, state, or Federal resource management community. Because of the complex relationships among land-based activities, watershed/reef interactions, and local economies and values, the overall research proposal should include a component study that addresses social and economic aspects of the study area, and integrate this research into the study as a whole.

The development of predictive models is encouraged (e.g., bio-physical models to investigate larval transport of reef organisms and their recruitment to reef systems in the context of variable oceanographic conditions; water quality models to investigate the relationship between watershed-based pollutant inputs and effects on reef ecosystems; economic models to investigate the relationship between coral reef health and local economies). Results from such research must be applicable to ecosystem sustainability studies and assessments for alternative management strategies. Scientific information, syntheses, and models from this multi-disciplinary, long-term effort will enable resource managers to make more informed decisions on managing US coral reef ecosystems.

Research should focus on coral reef ecosystems in the Atlantic or Pacific subject to the jurisdiction or control of the United States. CSCOR/COP will select the strongest and most balanced proposal(s) that focuses on one of the following geographic areas of special interest beginning with the highest priority: The (1) Caribbean (includes U.S. Virgin Islands, Puerto Rico, and Navassa Island); (2) Western Pacific

(includes Guam, the Commonwealth of Northern Marinas Islands, Marshall Islands, Federated States of Micronesia, and the Freely Associated States of the Republic of Palau); (3) American Samoa; (4) Hawaiian Islands; and (5) Florida. The specific area of study within these regions will be defined by the selected proposal.

Within a study region, more than one specific area may be included for comparative purposes. Where remote sites are included, ship requirements (ship type, time, and cost) should be identified.

Research Objectives

This solicitation seeks proposals to:

(1) Identify and evaluate factors critical to the decline of coral reefs in the study region and evaluate management approaches to reversing their loss;

(2) Develop tools, such as models and/or data syntheses, to assist resource managers (e.g., assessing impacts of climate change, coastal land-use impacts, recruitment/retention mechanisms).

(3) Understand the social, cultural, and economic context in developing tools and evaluating factors critical to the success of reef management strategies.

Focus of the Research Program

To accomplish the above three objectives, proposals must address the following four research focus areas:

(1) Relationship(s) between watershed-based activities and changes in coral reef ecosystems, for example: the mechanisms by which watershed-based pollutants are transported to and distributed within coral reef ecosystems.

(2) Primary causes of ecological stresses in reef ecosystems of the study region (such as, overfishing, reef destruction and pollution, climate change, disease, invasive species, sedimentation, etc.) and prioritization of these stresses.

(3) The effect of changes in faunal components on the integrity of the reef ecosystem (such as, oceanic and ecological processes that regulate species recruitment, species interactions, population dynamics, and identification of keystone species).

(4) Evaluation of Marine Protected Areas (MPAs) as management tools for improving coral reef structure and function, and identification of important linkages among coral reef ecosystems in the study region.

The duration of the study is anticipated to be three to five years. Typically CSCOR/COP programs of a size and design similar to CRES include five to eight lead researchers along with a management team, and with a management team chair that serves as a main point of contact with the CRES program manager. Management teams typically include three to four individuals from different institutions that, as a group, provide strong leadership and solid partnerships that enable the program to be effectively implemented and produce meaningful results. Management teams can include representatives from Federal laboratories, universities, local governments, and non-governmental organizations. Proposers are strongly encouraged to include MPAs, or potential MPAs in the study design if possible, especially where collaborative research within MPAs would enhance the understanding of regional coral reef ecosystems and human use of these ecosystems. Therefore, priority will be given to funding an omnibus proposal that includes a suite of projects and a collaborative team of multi-institutional, multi-disciplinary lead researchers. See Part II: Further Supplementary Information Section (11) Project Funding Priorities.

Continuation of out year funding will be contingent upon the determination by the awarding agency that the selected project(s) is/are on course to provide both interim and final products that will be useful to improve the condition of coral reefs in the study region.

Expected Products and Outcomes

Long-term multi-disciplinary research will provide a better understanding of the nature, extent, and consequences of anthropogenic and natural stress on coral reef ecosystems. Research results may be used to distinguish anthropogenic factors from natural variability in determining coral reef ecosystem health and potential impacts that may result from climate variability. Project proposals should clearly address a timetable and major program elements that will lead to specific interim and final management deliverables. In order for the study results to be useful to resource managers and decision makers, the study design and implementation should include a clear means to incorporate the information needs of the targeted region. Examples for accomplishing this type of input could include annual workshops and Management and Technical Advisory Committees that include a broad spectrum of regional interests. Proposers are strongly encouraged to develop an approach in the proposal to ensure regional stakeholder input and participation.

A final synthesis report will be required as part of the NOAA ''Decision Analysis Series'' that concisely summarizes the project results and their potential application to improving the condition of degraded reefs, protecting healthy reefs in the study region, and other critical information relevant to reef management. Guidelines for producing this report will be made available to the project management team early in the project cycle.

CRES Products Will Include:

(1) Research data, assessments, publications, synoptic accounts, and any other useful activity or product that will provide resource managers and the public with timely information that is readily understandable;

(2) Syntheses of the research, including specific recommendations for management action, that lead to improved coral reef ecosystem health through novel and/or traditional approaches, particularly with respect to integrated watershed management and MPAs, and;

(3) Predictive tools such as simulation models and data syntheses (including ecological forecasts) that will help managers make informed decisions, and assess alternative management strategies (e.g., watershed and coastal water quality models to assess changes in land inputs and impacts on reefs and related habitats; larval transport and recruitment of reef organisms in the context of variable oceanographic conditions, and information for optimizing site selection for MPAs).

Part I: Schedule and Proposal Submission

This document requests full proposals only. The provisions for proposal preparation provided here are mandatory. Proposals received after the published deadline or proposals that deviate from the prescribed format will be returned to the sender without further consideration. Information regarding this announcement, additional background information, and required Federal forms are available on the CSCOR/COP home page.

Full Proposals

Applications submitted in response to this announcement require an original proposal and 19 proposal copies at time of submission. This includes color or high-resolution graphics, unusually sized materials, or otherwise unusual materials submitted as part of the proposal. For color graphics, submit either color originals or color copies. The stated requirements for the number of proposal copies provide for a timely

review process. Facsimile transmissions and electronic mail submission of full proposals will not be accepted.

Required Elements

All recipients must follow the instructions in the preparation of the CSCOR/COP application forms included in this document in Part II: Further Supplementary Information, (10) Application forms and kit. Each proposal must also include the following seven elements, or will be returned to sender without further consideration:

(1) *Signed Summary title page*. The title page should be signed by the Principal Investigator (PI). The Summary Title page identifies the project's title starting with the acronym: CRES 2002 (Coral Reef Ecosystem Studies), a short title (less than 50 characters); and the PI's name and affiliation, complete address, phone, FAX and E-mail information. The requested budget for each fiscal year should be included on the Summary title page. Multi-institution proposals must include signed Summary title pages from each institution.

(2) *One-page abstract/project summary*. The Project Summary (Abstract) Form, which is to be submitted at time of application, shall include an introduction of the problem, rationale, scientific objectives and/or hypotheses to be tested, and a brief summary of work to be completed. The prescribed CSCOR/COP format for the Project Summary Form can be found on the CSCOR/COP Internet site under the Grants Information section, Part D.

The summary should appear on a separate page, headed with the proposal title, institution(s), investigator(s), total proposed cost and budget period. It should be written in the third person. The summary is used to help compare proposals quickly and allows the respondents to summarize these key points in their own words.

(3) *Statement of work/project description.* The proposed project must be completely described, including identification of the problem, scientific objectives, proposed methodology, relevance to the CRES program goals and objectives. The project description section (including relevant results from prior support) should not exceed 15 pages. Page limits are inclusive of figures and other visual materials, but exclusive of references and milestone chart.

This section should clearly identify project management with a description of the functions of each PI within a team. It should provide a full scientific justification for the research, do not simply reiterate justifications presented in this document. It should also include:

(a) The objective for the period of proposed work and its expected significance;

(b) The relation to the present state of knowledge in the field and relation to previous work and work in progress by the proposing principal investigator(s);

(c) A discussion of how the proposed project lends value to the program goal;

(d) Potential coordination with other investigators; and

(e) References cited.

Reference information is required. Each reference must include the name(s) of all authors in the same sequence in which they appear in the publications, the article title, volume number, page numbers and year of publications. While there is no established page limitation, this section should include bibliographic citations only and should not be used to provide parenthetical information outside the 15–page project description.

(4) *Milestone chart.* Provide time lines of major tasks covering the duration of the proposed project.

(5) *Budget and Application Forms.* Both NOAA and CSCOR/COP-specific application forms may be obtained at the CSCOR/COP Grants website. Forms may be viewed and, in most cases, filled in by computer. All forms must be printed, completed, and mailed to CSCOR/COP; original signatures are required. If applicants are unable to access this information, they may contact the CSCOR/COP grants administrator previously listed in the section **FOR FURTHER INFORMATION CONTACT.**

At time of proposal submission, all applicants must submit the Standard Form, SF–424 (Rev 7–97) Application for Federal Assistance to indicate the total amount of funding proposed for the whole project period. Applicants must also submit a COP Summary Proposal Budget Form for each fiscal year increment. Multi-institution proposals must include a Summary Proposal Budget Form for each institution. Use of this budget form will provide for a detailed annual budget and for the level of detail required by the CSCOR/COP program staff to evaluate the effort to be invested by investigators and staff on a specific project. The COP budget form is compatible with forms in use by other agencies that participate in joint projects with CSCOR/COP and can be found on the CSCOR/COP home page under COP Grants Information, Part D. All applications must include a budget narrative and a justification to support all proposed budget categories. The SF–424A, Budget Information (Non-Construction) Form, will be requested only from those applicants subsequently recommended for award.

Requests for ship time should be identified in the proposal budget. The investigator is responsible for requesting ship time and for meeting all requirements to ensure the availability of requested ship time. Copies of relevant ship time request forms should be included with the proposal. For example, the UNOLS Ship Time Request Form is available in electronic format at the website referenced earlier in this document under the section ''ELECTRONIC ACCESS.'' Paper copies may also be requested from UNOLS, but the electronic version is strongly preferred for ease of information exchange and processing.

(6) Biographical sketch. With each proposal, the following must be included: Abbreviated curriculum vitae, two pages per investigator; a list of up to five publications most closely related to the proposed project and up to five other significant publications; and list of all persons (including their organizational affiliation), in alphabetical order, who have collaborated on a project, book, article, or paper within the last 48 months. If there are no collaborators, this should be so indicated. Students, post-doctoral associates, and graduate and postgraduate advisors of the PI should also be disclosed. This information is used to help identify potential conflicts of interest or bias in the selection of reviewers.

(7) Proposal format and assembly. The original proposal should be clamped in the upper left-hand corner, but left unbound. The 19 additional copies can be stapled in the upper left-hand corner or bound on the left edge. The page margin must be 1 inch (2.5 cm) margins at the top, bottom, left and right, and the typeface standard 12–point size must be clear and easily legible. Proposals should be single spaced.

Part II: FURTHER SUPPLEMENTARY INFORMATION

(1) *Program authorities.* For a list of all program authorities for the Center for Sponsored Coastal Ocean Research/ Coastal Ocean Program, see the General Grant Administration Terms and Conditions of the Coastal Ocean Program published in the **Federal Register** (66 FR 63019, December 4, 2001) and at the CSCOR/COP home page. Specific Authority cited for this announcement is the 16 USC 6401 *et seq.*

(2) *Catalog of Federal Domestic Assistance (CFDA) Number.* The CFDA

number for the Coastal Ocean Program is 11.478.

(3) *Program description.* For complete CSCOR/COP program descriptions, see the General Grant Administration Terms and Conditions of the Coastal Ocean Program published in the **Federal Register** (66 FR 63019, December 4, 2001).

(4) *Funding availability.* It is anticipated that one CRES regional project will be funded at approximately $1,500,000 per year for up to five years, beginning in fiscal year 2002. Actual funding levels will depend upon the final budget appropriations for each fiscal year. Each CSCOR/COP project typically consists of several coordinated investigations, as part of an overall omnibus proposal as described in more detail earlier in this announcement, with separate sub-awards. For this announcement, sub-awards within an omnibus proposal would be expected to range from approximately $50,000 to $500,000. Announcements for additional CRES regional projects in fiscal year 2003 and beyond will depend on availability of funds.

If an application is selected for funding, NOAA has no obligation to provide any additional prospective funding in connection with that award in subsequent years. Renewal of an award to increase funding or to extend the period of performance is based on satisfactory performance and is at the total discretion of the funding agency.

Publication of this notice does not obligate any agency to any specific award or to obligate any part of the entire amount of funds available. Recipients and subrecipients are subject to all Federal laws and agency policies, regulations and procedures applicable to Federal financial assistance awards.

(5) *Matching requirements.* None.

(6) *Type of funding instrument.* Project Grants for non-Federal applicants, interagency transfer agreements, or any other appropriate mechanisms other than project grants or cooperative agreements for Federal applicants.

(7) *Eligibility criteria*: For complete eligibility criteria for the CSCOR/COP, see the COP General Grant Administration Terms and Conditions annual document in the **Federal Register** (66 FR 63019, December 4, 2001) and the CSCOR/COP home page. Eligible applicants are institutions of higher education, not-for-profit institutions, state, local and Indian tribal governments and Federal agencies. CSCOR/COP will accept proposals that include foreign researchers as collaborators with a researcher who is affiliated with a U.S. academic institution, Federal agency, or any other non-profit organization.

Applications from non-Federal and Federal applicants will be competed against each other. Proposals selected for funding from non-Federal applicants will be funded through a project grant or cooperative agreement under the terms of this notice. Proposals selected for funding from NOAA employees shall be effected by an intra-agency fund transfer. Proposals selected for funding from a non-NOAA Federal agency will be funded through an inter-agency transfer.

Note: Before non-NOAA Federal applicants may be funded, they must demonstrate that they have legal authority to receive funds from another Federal agency in excess of their appropriation. Because this announcement is not proposing to procure goods or services from applicants, the Economy Act (31 U.S.C. 1535) is not an appropriate legal basis.

(8) *Award period.* Full Proposals can cover a project period from three to five years. Multi-year project period funding will be funded incrementally on an annual basis. Each annual award shall require an Implementation Plan and statement of work that can be easily divided into annual increments of meaningful work representing solid accomplishments (if prospective funding is not made available, or is discontinued).

(9) *Indirect costs.* If indirect costs are proposed, the total dollar amount of the indirect costs proposed in an application must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award.

(10) *Application forms and kit.* For complete information on application forms for the CSCOR/COP, see the COP General Grant Administration Terms and Conditions annual Document in the **Federal Register** (66 FR 63019, December 4, 2001) at the CSCOR/COP home page; and the information given under Required Elements, paragraph (5) Budget.

(11) *Project funding priorities.* For description of project funding priorities, see the COP General Grant Administration Terms and Conditions annual notification in the **Federal Register** (66 FR 63019, December 4, 2001) and at the CSCOR/COP home page.

(l2) *Evaluation criteria.* For complete information on evaluation criteria, see the COP General Grant Administration Terms and Conditions annual Document in the **Federal Register** (66 FR 63019, December 4, 2001) and at the CSCOR/COP home page.

(13) *Selection procedures.* For complete information on selection procedures, see the COP General Grant Administration Terms and Conditions annual Document in the **Federal Register** (66 FR 63019, December 4, 2001) and at the CSCOR/COP home page. All proposals received under this specific Document will be evaluated and ranked individually in accordance with the assigned weights of the above evaluation criteria by independent peer mail review and/or panel review. No consensus advice will be given by the independent peer mail review or the review panel.

(14) *Other requirements.* (a) For a complete description of other requirements, see the COP General Grant Administration Terms and Conditions annual Document in the **Federal Register** (66 FR 63019, December 4, 2001) and at the CSCOR/COP home page. NOAA has specific requirements that environmental data be submitted to the National Oceanographic Data Center (see Section 16 below). (b) The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the **Federal Register** (66 FR 49917, October 1, 2001) are applicable to this solicitation. However, please note that the Department of Commerce will not implement the requirements of Executive Order 13202 (66 FR 49921), pursuant to guidance issued by the Office of Management and Budget in light of a court opinion which found that the Executive Order was not legally authorized. See Building and Construction Trades Department v. Allbaugh, 172 F. Supp. 2d 138 (D.D.C. 2001). This decision is currently on appeal. When the case has been finally resolved, the Department will provide further information on implementation of Executive Order 13202.

(c) Please note that NOAA is developing a policy on internal overhead charges, NOAA scientists considering submission of proposals should contact the appropriate CSCOR/COP Program Manager for the latest information.

(15) *Intergovernmental review.* Applications under this program are not subject to Executive Order l2372, ''Intergovernmental Review of Federal Programs.'' It has been determined that this notice is not significant for purposes of Executive Order 12866. Because notice and comment are not required under 5 U.S.C. 553, or any other law, for this notice relating to public property, loans, grants benefits or contracts (5U.S.C. 553(a)), a Regulatory Flexibility Analysis is not required and

has not been prepared for this notice, 5 U.S.C. 603(a). It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

(16) *Data archiving.* Any data collected in projects supported by CSCOR/COP must be delivered to a National Data Center (NDC), such as the National Oceanographic Data Center (NODC), in a format to be determined by the institution, the NODC, and Program Officer. It is the responsibility of the institution for the delivery of these data; the DOC will not provide additional support for delivery beyond the award. Additionally, all biological cultures established, molecular probes developed, genetic sequences identified, mathematical models constructed, or other resulting information products established through support provided by CSCOR/COP are encouraged to be made available to the general research community at no or a modest handling charge (to be determined by the institution, Program Officer, and DOC). For more details, refer to COP data policy posted at the CSCOR/COP home page.

(17) This notification involves collection-of-information requirements subject to the Paperwork Reduction Act. The use of Standard Forms 424, 424A, 424B, and SF-LLL has been approved by the Office of Management and Budget (OMB) under control numbers 0348–0043, 0348–0044, 0348–0040 and 0348–0046.

The following requirements have been approved by OMB under control number 0648–0384: a Summary Proposal Budget Form (30 minutes per response), a Project Summary Form (30 minutes per response), a standardized format for the Annual Performance Report (5 hours per response), a standardized format for the Final Report (10 hours per response) and the submission of up to 20 copies of proposals (10 minutes per response). The response estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Leslie.McDonald@noaa.gov. Copies of these forms and formats can be found on the CSCOR/COP home page under Grants Information sections, Parts D and F.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection displays a currently valid OMB control number.

Dated: February 20, 2002.

Jamison S. Hawkins,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 02–4834 Filed 2–27–02; 8:45 am]

BILLING CODE 3510–JS–S

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before April 29, 2002.

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. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: February 22, 2002.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Educational Research and Improvement

Type of Review: Revision.

Title: Public Libraries Survey, 2002–2004.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 56.

Burden Hours: 2,520.

Abstract: Mandated under PL 103–382, this survey collects annual descriptive data on the universe of public libraries in the U.S. and the Outlying Areas. Information such as public service hours per year, circulation of library books, etc., number of librarians, population of legal service area, expenditures for library collection, staff salary data, and access to technology are collected.

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 or to the e-mail address *vivian.reese@ed.gov.* 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 Kathy Axt at (540) 776–7742 or via her internet address *Kathy.Axt@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. 02–4740 Filed 2–27–02; 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 April 1, 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: February 22, 2002.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: New.

Title: Annual Performance Report for Title III and Title V Grantees.

Frequency: Annually.

Affected Public: Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden:

Responses: 631.

Burden Hours: 11,358.

Abstract: Titles III and V of the Higher Education Act (HEA), provide discretionary and formula grant programs that make competitive awards to eligible Institutions of Higher Education and organizations (Title III, Part E) to assist these institutions expand their capacity to serve minority and low-income students. Grantees annually submit a yearly performance report to demonstrate that substantial progress is being made towards meeting the objectives of their project. This request is to implement a new, web-based Annual Performance Report to more effectively elicit program-specific information to be used for program monitoring and Government Performance and Results Act (GPRA) reporting purposes. The Annual Performance Report will be the cornerstone of a new Performance Measurement System tailored to strengthen the Department of Education's program monitoring efforts, streamline our processes, and enhance our customer service.

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 or to the e-mail address *vivian.reese@ed.gov.* 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 SCHUBART at (202) 708–9266. 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. 02–4739 Filed 2–27–02; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Under Review by the Office of Management and Budget

AGENCY: Department of Energy.

ACTION: Submission for Office of Management and Budget review for extension of currently approved collection; comment request.

SUMMARY: The Department of Energy (DOE) intends to extend for three years, a currently approved information collection package with the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. The Information Management collection package, OMB No. 1910–0100, collects the information from the Department's Management and Operating (M&O) contractors concerning the management and administration of their information resources. The collection of this data is critical to the Department. It is used to ensure that the Department's information resources are properly managed. The data collected involves telecommunications and printing management.

DATES AND ADDRESSES: Written comments and recommendations for this collection package must be mailed within April 1, 2002 to the OMB Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the OMB Desk Officer of your intention to make a submission as soon as possible. The Desk Officer maybe telephoned at (202) 395–7318. In addition, please notify the DOE contact listed in this notice.

FOR FURTHER INFORMATION CONTACT: Requests for copies of the Department's Paperwork Reduction Act Submission and other information should be directed to Ms. Susan L. Frey, U.S. Department of Energy, Director, Records Management Division, (IM–11), Office of the Chief Information Officer, Germantown, MD 20874–1290. Ms. Frey can be contacted by telephone at (301) 903–3666 or e-mail at *Susan.Frey@hq.doe.gov*.

SUPPLEMENTARY INFORMATION: This package contains (1) Current OMB No. 1910–0100; (2) Package Title: Information Management; (3) Summary: Request for a three-year extension of a currently approved information collection package with the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995; (4) Purpose: This information is required for management oversight of DOE M&O contracts/contractors and to ensure that the administrative and information management requirements of the contract are managed efficiently and effectively; (5) Type of

Respondents: 438 DOE management and operating contractors; (6) Estimated Number of Burden Hours: 6,814; (7) Number of collections: This package contains eight (8) collections.

Statutory Authority: Sections 3507(h)(1) of the Paperwork Reduction Act of 1995 (Public Law 104–13) (44 U.S.C. 3501 et seq).

Issued in Washington, DC on February 13, 2002.

Susan L. Frey,

Director, Records Management Division, Office of the Chief Information Officer.

[FR Doc. 02–4779 Filed 2–27–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

National Energy Technology Laboratory; Notice of intent to issue a Financial Assistance Solicitation (PS)

AGENCY: National Energy Technology Laboratory (NETL), Department of Energy (DOE).

ACTION: Notice of Intent to Issue a Financial Assistance Solicitation.

SUMMARY: Notice is hereby given of the intent to issue Financial Assistance Solicitation No. DE–PS26–02NT41434 entitled ''Deep Trek Program Solicitation.'' The general goal of this research and development effort is to support development of new and/or innovative technologies that are required to meet the needs of the U.S. natural gas industry in gaining improved access to natural gas resources at depths beyond 20,000 feet. The ''Deep Trek Program Solicitation'' supports the DOE/NETL's Strategic Center for Natural Gas' 2020 Vision of increased benefits to the U.S. public from an affordable supply, reliable delivery, and increased environmental protection from an increase in natural gas usage. Industry input on the solicitation objectives was obtained during a workshop in Houston, Texas on March 20–21, 2001. The objective of this solicitation is to increase the overall effective rate-of-penetration (ROP) for deep drilling, including technologies such as ''Smart'' systems and materials for the hostile environment normally found at depths beyond 20,000 feet.

DATES: The solicitation will be available on the ''Industry Interactive Procurement System'' (IIPS) Web page located at *http://e-center.doe.gov* on or about March 12, 2002. Applicants can obtain access to the solicitation from the address above or through DOE/NETL's Web site at *http://www.netl.doe.gov/business.*

ADDRESSES: The solicitation and any subsequent amendments will be published on the DOE/NETL's Internet address at *http://www.netl.doe.gov/business* and on the IIPS Web page located at *http://e-center.doe.gov.* Comments and/or questions prior to the issuance of the solicitation shall be forwarded to the mailing address or e-mail address provided below.

FOR FURTHER INFORMATION CONTACT: Kelly A. McDonald, MS I07, U.S. Department of Energy, National Energy Technology Laboratory, 3610 Collins Ferry Road, P.O. Box 880, Morgantown, WV 26507–0880. E-mail Address: *kelly.mcdonald@netl.doe.gov.* Telephone Number: (304) 285–4113.

SUPPLEMENTARY INFORMATION: It is anticipated that this action will consist of a single solicitation with multiple closing dates. It is also anticipated that a pre-application process will be used. After consideration of the technical discussion of the pre-application, each applicant will be notified as to whether the applicant can submit a subsequent comprehensive application. The program solicitation will focus on the following two specific topic areas:

1. Improved economics in deep well drilling, including, but not limited to: (1) Innovative drilling hardware concepts to improve rate-of-penetration (ROP) in deep hostile environments, with a focus on material science, electronics, software development and advanced drilling fluid technology advancements; and, (2) Improvements in diagnostic capability during drilling operations.

2. Improved economics in deep well completions, including, but not limited to: Drilling and completion fluid optimization for deep wells.

It is anticipated that the work performed under this action will consist of three (3) phases similar to the following:

Phase I—Feasibility Concept Definition;
Phase II—Prototype Development or Research, Development, and Testing;
Phase III—Field/System Demonstration and Commercialization.

The maximum period of performance for all three (3) phases is estimated at forty-eight (48) months. The goal of this procurement is to work toward a demonstration of concepts at a commercially scalable size. It is recognized that each applicant may propose varying scopes of effort for one or more of the three (3) phases, and consequently, an applicant is not required to perform all Phase I activities if significant work on Phase I type activities has been previously completed. If the applicant proposed to initially proceed to Phase II or III efforts, information must be included in their application which demonstrates the merit of the previous research and reference to the results. For successful applicants proposing to Phase II or III, the cost of work performed by the applicant to satisfy the Phase I or II requirements prior to the execution of the resulting agreement will not be considered when calculating cost share. Due to the nature and objective of this solicitation, it is anticipated that a mixture of applications will be accepted with staggered beginning dates, and it is therefore anticipated that any applicant selected for award shall proceed on it's own schedule, independent of any other application. The schedule will be based on the best estimate of the time it will take the team to complete the three (3)-phase effort and address the solicitation objective.

DOE anticipates multiple cooperative agreement awards under each topic area resulting from this solicitation, and no fee or profit will be paid to a Recipient or Subrecipient under the awards. This particular program is covered by Section 3001 and 3002 of the Energy Policy Act (EPAct), 42 U.S.C. 13542. EPAct 3002 requires a cost-share commitment of at least 20 percent from non-Federal sources for research and development projects and at least 50 percent for demonstration and commercial projects. Depending on the phase and maturation stage of the agreement, cost-share expectations will range from 20 to 50 percent. This particular program is also covered by section 2306 of EPAct, 42 U.S.C. 13525. In order for a company to be eligible for an award under this solicitation, the company's participation must be in the economic interest of the U.S. and the company must either be a U.S.-owned company or incorporated in the U.S. with its parent company incorporated in a country that (i) affords to U.S.-owned companies opportunities, comparable to those afforded to any other company, to participate in any joint venture similar to those authorized under the Act; (ii) affords to U.S-owned companies local investment opportunities comparable to those afforded to any other company; and (iii) affords adequate and effective protection for the intellectual property rights of U.S.-owned companies. This eligibility requirement also applies to all companies participating in any joint venture, ''team'' arrangement, or as a major subcontractor. The solicitation will contain as part of the application package the applicable EPAct representation form(s). In addition to EPAct, applicant's must incur at least 75

percent of the direct labor cost for the project (including subcontractor labor) in the U.S.. At current planning levels, and subject to the availability of funds, DOE expects to provide up to approximately $3,400,000 to support work under this solicitation. Applications which include performance of Federal agencies and agents (i.e. Management and Operations (M&O) contractors and/or National Laboratories) as a team member will be acceptable under this solicitation if the proposed use of any such entities is specifically authorized by the executive Federal agency managing the M&O or National Laboratory, and the work is not otherwise available from the private sector. Such work, if approved, would be accomplished through a direct transfer of funding from the NETL to the M&O contractor and/or National Laboratory. Even though participation of an M&O and/or National Laboratory may be appropriate, their participation cannot exceed thirty-five (35) percent of the applicant's total estimated project cost.

Once released, the solicitation will be available for downloading from the IIPS Internet page. At this Internet site you will also be able to register with IIPS, enabling you to submit an application. If you need technical assistance in registering or for any other IIPS function, call the IIPS Help Desk at (800) 683–0751 or e-mail the Help Desk personnel at *IIPS_HelpDesk@e-center.doe.gov.* The solicitation will only be made available in IIPS, no hard (paper) copies of the solicitation and related documents will be made available.

Prospective applicants who would like to be notified as soon as the solicitation is available should subscribe to the Business Alert Mailing List at *http://www.netl.doe.gov/business.* Once you subscribe, you will receive an announcement by e-mail that the solicitation has been released to the public. Telephone requests, written requests, e-mail requests, or facsimile requests for a copy of the solicitation package will not be accepted and/or honored. Applications must be prepared and submitted in accordance with the instructions and forms contained in the solicitation. The actual solicitation document will allow for requests for explanation and/or interpretation.

Issued in Morgantown, WV, on February 15, 2002.

Randolph L. Kesling,

Director, Acquisition and Assistance Division.

[FR Doc. 02–4778 Filed 2–27–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Fernald

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Fernald. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Saturday, March 16, 2002, 8:30 p.m.–12 p.m.

ADDRESSES: Public Environmental Information Center, 10995 Hamilton-Cleves Highway, Harrison, OH.

FOR FURTHER INFORMATION CONTACT: Doug Sarno, Phoenix Environmental, 6186 Old Franconia Road, Alexandria, VA 22310, at (703) 971–0030 or (513) 648–6478, or e-mail; *djsarno@theperspectivesgroup.com.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

8:30 a.m. Call to Order
8:30–8:45 a.m. Chair's Remarks and Ex Officio Announcements
8:45–9:15 a.m. Current Remediation Issues, Silos, Efficiency Efforts
9:15–10:15 a.m. Ground Water Workshop Statements
10:15–10:30 a.m. Break
10:30–11:30 a.m. Results of the Records Workshop
11:30–11:45 a.m. Planning for Chairs Meeting
11:45–12:00 p.m. Public Comment
12:00 p.m. Adjourn

Public Participation: The meeting is open to the public. Written statements may be filed with the Board chair either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact the Board chair at the address or telephone number listed below. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer, Gary Stegner, Public Affairs Office, Ohio Field Office, U.S. Department of Energy, is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, 20585 between 9 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available by writing to the Fernald Citizens' Advisory Board, % Phoenix Environmental Corporation, MS–76, Post Office Box 538704, Cincinnati, OH 43253–8704, or by calling the Advisory Board at (513) 648–6478.

Issued at Washington, DC on February 22, 2002.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 02–4780 Filed 2–27–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR02–5–000]

Big West Oil, LLC, Chevron Products Company and Tesoro Refining and Marketing Company, Complainants, v. Alberta Energy Company, Ltd., Express Pipeline LLC and Platte Pipe Line Company, Respondents; Notice of Complaint

February 22, 2002.

Take notice that on February 21, 2002, Big West Oil LLC (Big West), Chevron Products Company (Chevron), and Tesoro Refining and Marketing Company (Tesoro) tendered for filing a Complaint against Alberta Energy Company, Ltd. (AEC), Express Pipeline LLC (Express) and Platte Pipe Line Company (Platte).

Big West, Chevron and Tesoro state in their Complaint that in order to transport crude oil and synthetic crude oil to their refineries in Salt Lake City, Utah, they must utilize a ''pump over'' facility that Platt Pipe Line Company operates in Casper, Wyoming. That pump over facility is used to transfer crude petroleum and synthetic crude oil in Casper, Wyoming from the Express pipeline to a pipeline operated by Frontier Pipeline Company. Big West, Chevron, and Tesoro allege that the fees being charged for the use of the Platte pump over facility are unjust and unreasonable and unduly discriminatory and unduly preferential and, therefore, in violation of the Interstate Commerce Act. Big West,

Chevron and Tesoro further maintain that AEC and Express are directly responsible for the pump over fees and that these fees improperly inure to their benefit.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before March 14, 2002. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Answers to the complaint shall also be due on or before March 14, 2002. 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, interventions and answers may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. 02–4756 Filed 2–27–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER02–506–000]

Bluegrass Generation Company, L.L.C.; Notice of Issuance of Order

February 22, 2002.

Bluegrass Generation Company, L.L.C. (Bluegrass) submitted for filing a tariff under which Bluegrass will engage in the sales of energy and capacity services at market-based rates and the reassignment of transmission capacity. Bluegrass also requested waiver of various Commission regulations. In particular, Bluegrass requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Bluegrass.

On February 1, 2002, pursuant to delegated authority, the Director, Office of Markets, Tariffs and Rates-Central, granted requests for blanket approval under Part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Bluegrass should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, Bluegrass is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Bluegrass, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Bluegrass' issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 4, 2002.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (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 at http://www.ferc.fed.us/efi/doorbell.htm.

Magalie R. Salas,

Secretary.

[FR Doc. 02–4755 Filed 2–27–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–383–038]

Dominion Transmission, Inc.; Notice of Negotiated Rate Filing

February 22, 2002.

Take notice that on February 15, 2002, Dominion Transmission, Inc. (DTI) submitted the following tariff sheets disclosing a negotiated rate transaction:

Eighth Revised Sheet No. 1300
Original Sheet No. 1419
First Revised Sheet No. 1419
Sheet Nos. 1420–1499

DTI states that the tariff sheets relate to a negotiated rate transaction between DTI and Dominion Field Services, Inc. (Field Services). DTI inherited a service agreement between Conoco, Inc. and Great Lakes Gas Transport, LLC when it acquired gas transportation facilities from Great Lakes Gas Transport, LLC effective November 1, 2001. Conoco, Inc., after approval of the merger, assigned its rights and obligations under the agreement to Field Services. The tariff sheets are being filed to reflect the resulting agreement. Because the service agreement does not conform to the Form of Service Agreement contained in DTI's tariff, these tariff sheets are being filed to report a possible non-conforming service agreement. DTI requests an effective date of November 1, 2001 for Sheet Nos. 1419 and an effective date of February 16, 2002 for Eighth Revised Sheet No. 1300 and Sheet Nos. 1420–1499.

DTI states that copies of its filing have been served upon DTI's customers and interested state commissions. DTI also states that copies of its filing are available for public inspection during regular business hours, at DTI's offices in Clarksburg, West Virginia.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. 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.

Magalie R. Salas,

Secretary.

[FR Doc. 02–4763 Filed 2–27–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER02–538–000]

LSP Pike Energy, LLC; Notice of Issuance of Order

February 22, 2002.

LSP Pike Energy, LLC (LSP Energy) submitted for filing a tariff under which LSP Energy will engage in the sales of energy, capacity, and ancillary service at market-based rates. LSP Energy also requested waiver of various Commission regulations. In particular, LSP Energy requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by LSP Energy.

On February 1, 2002, pursuant to delegated authority, the Director, Office of Markets, Tariffs and Rates-Central, granted requests for blanket approval under Part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by LSP Energy should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, LSP Energy is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of LSP Energy, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of LSP Energy's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 4, 2002.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (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 at http://www.ferc.fed.us/efi/doorbell.htm.

Magalie R. Salas,

Secretary.

[FR Doc. 02–4754 Filed 2–27–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–114–001]

Tennessee Gas Pipeline Company; Notice of Cash-Out Report

February 22, 2002.

Take notice that on February 15, 2002, Tennessee Gas Pipeline Company (Tennessee) tendered for filing its revised refund plan to its Cashout Report for the period September 2000 through August 2001.

Tennessee's Cashout Report reflects a net cashout gain of $10,600,893. Pursuant to its tariff, Tennessee proposes to credit $2,448,806 to the Supply Area Volumetric Surcharge Account and $31,608 to the Market Area Volumetric Surcharge Account. Tennessee proposes to refund the remaining amount to firm shippers pro rata based on contract quantities in effect from September 1, 2000 through August 31, 2001.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before March 5, 2002. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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.

Magalie R. Salas,

Secretary.

[FR Doc. 02–4764 Filed 2–27–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–160–000]

Transcontinental Gas Pipe Line Corporation; Notice of Revised Tariff Sheets

February 22, 2002.

Take notice that on February 19, 2002, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing with the Federal Energy Regulatory Commission (Commission) Fifth Revised Twenty-First Revised Sheet No, 28 to its FERC Gas Tariff, Third Revised Volume No. 1. The tariff sheet is proposed to be effective February 1, 2002.

Transco states that the purpose of the instant filing is to track rate changes attributable to storage service purchased from Texas Eastern Transmission Corporation (TETCO) under its Rate Schedule X–28, the costs of which are included in the rates and charges payable under Transco's Rate Schedule S–2. This filing is being made pursuant to tracking provisions under Section 26 of the General Terms and Conditions of Transco's Third revised Volume No. 1 Tariff.

Included in Appendix B attached to the filing is the explanation of the rate changes and details regarding the computation of the revised S–2 rates.

Transco states that copies of the filing are being mailed to affected customers and interested State Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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.

Magalie R. Salas,

Secretary.

[FR Doc. 02–4765 Filed 2–27–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–2493–002, et al.]

Central Maine Power Company, et al.; Electric Rate and Corporate Regulation Filings

February 21, 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. Central Maine Power Company

[Docket No. ER01–2493–002]

Take notice that on February 19, 2002, in compliance with the Commission's order issued in this proceeding on January 4, 2002, Central Maine Power Company (CMP) filed a report summarizing the refunds recently paid to its wholesale customers. Such refunds are due to implementation of the settlement agreement filed and accepted in this docket.

Comment Date: March 12, 2002.

2. TEC Trading, Inc.

[Docket Nos. ER01–2783–002, ER01–2783–003]

Take notice that on February 7, 2002, TEC Trading, Inc., f/k/a ODEC Power Trading, Inc. (TEC) filed with the Federal Energy Regulatory Commission (Commission) a compliance filing (Docket No. ER01–2783–002), and on February 19, 2002 filed an amended compliance filing (Docket No. ER01–2783–003), each in response to the Commission's Order granting its application for blanket authority to sell wholesale power at market-based rates. TEC's compliance filing is filed pursuant to Section 205 of the Federal Power Act and Rules 205 and 207 of Commission's rules of Practice and Procedure, 18 CFR 385.205 and 385.207.

Comment Date: March 12, 2002.

3. Mirant Delta, LLC, Mirant Potrero, LLC

[Docket No. ER02–198–003]

Take notice that on February 15, 2002, Mirant Delta, LLC submitted for filing certain limited errata to its October 31, 2001 filing in the captioned docket.

Comment Date: March 8, 2002.

4. Reliant Energy Desert Basin, LLC

[Docket No. ER02–310–002]

Take notice that on February 19, 2002, pursuant to the letter order issued in the captioned docket on January 11, 2002, Reliant Energy Desert Basin, LLC (RE Desert Basin) submitted to the Federal Energy Regulatory Commission a revised filing of an umbrella service agreement under RE Desert Basin's FERC Electric Tariff, Original Volume No. 1, with the service agreement properly designated as required by Order No. 614.

Comment Date: March 12, 2002.

5. Duke Energy Southaven, LLC

[Docket No. ER02–583–001]

Take notice that on February 19, 2002, Duke Energy Southaven, LLC filed a notice of status change with the Federal Energy Regulatory Commission in connection with the pending change in upstream control of Engage Energy America LLC and Frederickson Power L.P. resulting from a transaction involving Duke Energy Corporation and Westcoast Energy Inc.

Copies of the filing were served upon all parties on the official service list compiled by the Secretary of the Federal Energy Regulatory Commission in these proceedings.

Comment Date: March 12, 2002.

6. Central Hudson Gas & Electric Corporation

[Docket No. ER02–1018–000]

Take notice that on February 14, 2002, Central Hudson Gas & Electric Corporation (Central Hudson), tendered for filing proposed changes in its Rate Schedule FERC No. 202 which sets forth the terms and charges for substation service provided by Central Hudson to Consolidated Edison Company of New York, Inc.

Central Hudson requests waiver on the notice requirements set forth in 18 CFR 35.11 of the Regulations to permit charges to become effective January 1, 2001 as agreed to by the parties. Central Hudson states that a copy of its filing was served on Con Edison and the State of New York Public Service Commission.

Comment Date: March 7, 2002.

7. Progress Energy on behalf of Florida Power Corporation

[Docket No. ER02–1019–000]

Take notice that on February 14, 2002, Florida Power Corporation (FPC) tendered for filing a Service Agreement for Firm Point-to-Point Transmission Service with Reliant Energy Services, Inc. Service to this Eligible Customer will be in accordance with the terms and conditions of the Open Access Transmission Tariff filed on behalf of FPC.

FPC is requesting an effective date of March 31, 2002 for this Service Agreement. A copy of the filing was served upon the Florida Public Service Commission and the North Carolina Utilities Commission.

Comment Date: March 7, 2002.

8. Pacific Gas and Electric Company

[Docket No. ER02–1020–000]

Take notice that on February 14, 2002, Pacific Gas and Electric Company (PG&E) tendered for filing three agreements entitled Wholesale Distribution Tariff Service Agreement (WDT Service Agreement), Generator Interconnection Agreement (GIA) and Generation Operating Agreement (GOA) (collectively, Agreements) with West Contra Costa Energy recovery Company (WCCERC), submitted pursuant to the PG&E Wholesale Distribution Tariff (WDT).

The Agreements provide the terms and conditions for the interconnection and parallel operation of WCCERC's generating facility with PG&E's electric system and for the ownership, operation and maintenance of the existing facilities, and establish operating responsibilities and procedures for communications and safe work practices. PG&E has requested certain waivers.

Copies of this filing have been served upon WCCERC, the California Independent System Operator Corporation and the California Public Utilities Commission.

Comment Date: March 7, 2002.

9. Ontario Energy Trading International Corp.

[Docket No. ER02–1021–000]

Take notice that on February 14, 2002, Ontario Energy Trading International Corp. (Ontario Energy), tendered for filing an application for an order accepting its FERC Electric Tariff No. 1, which will permit Ontario Energy to make wholesale sales of electric power at market rates.

Comment Date: March 7, 2002.

10. Green Country Energy, LLC

[Docket No. ER02–1022–000]

Notice that on February 14, 2002, Green Country Energy, LLC (Green Country) tendered for filing with the Federal Energy Regulatory Commission (Commission) under its market-based rate tariff a long-term service agreement between Green Country and PECO Energy Company and an assignment of that agreement to Exelon Generating Company, LLC . By letter dated February 15, Green Country requests confidential treatment of its filing, pending the Commission's decision in *Southern Company Services, Inc.,* Docket No. ER00–2998–000, *et al., reh'g pending.*

Comment Date: March 7, 2002.

11. Public Service Electric and Gas Company

[Docket No. ER02–1030–000]

Take notice that on February 15, 2002, pursuant to Section 205 of the Federal Power Act, Public Service Electric and Gas Company (PSE&G) filed with the Federal Energy Regulatory Commission (Commission) an amendment to PSE&G Tariff No. 111 concerning frequency conversion services, and related transmission services, performed by PSE&G for PECO Energy Company (PECO). PSE&G states that the amendment, dated as of January 30, 2002, settles areas of dispute between the companies concerning terms and conditions of service under their existing January 12, 1932 agreement, amended as of October 21, 1982, and increases rates for the services provided. PSE&G has requested a retroactive effective date for the January 30, 2002 amendment, of September 1, 2000, based upon the date that PSE&G and PECO reached an agreement in principle concerning the basic terms of the amendment.

Comment Date: March 8, 2002.

12. Commonwealth Edison Company

[Docket No. ER02–1031–000]

Take notice that on February 15, 2002, Commonwealth Edison Company (ComEd) submitted for filing an executed Service Agreement for Network Integration Transmission Service (NSA) and the associated executed Network Operating Agreement (NOA) between ComEd and Exelon Generation Company, LLC (Exelon). These agreements govern ComEd's provision of network service to serve retail load under the terms of ComEd's Open Access Transmission Tariff (OATT). The executed NSA and associated executed NOA replace the unexecuted NSA and unexecuted NOA between ComEd and Exelon which were previously filed with the Commission on March 29, 2001, designated as Docket No. ER01–1645–000, and accepted for filing on May 4, 2001.

ComEd requests an effective date of March 1, 2001 for both the executed NSA and the associated executed NOA, which is the same effective date that ComEd requested and was granted by the Commission for the unexecuted NSA and associated unexecuted NOA with Exelon filed in Docket No. ER01–1645–000. Accordingly, ComEd requests waiver of the Commission's notice requirements. A copy of this filing was served on Exelon.

Comment Date: March 8, 2002.

13. Commonwealth Edison Company

[Docket No. ER02–1032–000]

Take notice that on February 15, 2002, Commonwealth Edison Company (ComEd) submitted for filing an executed Service Agreement for Short-Term Firm Point-to-Point Transmission Service (Service Agreement) and the associated executed Dynamic Scheduling Agreement (DSA) with Exelon Generation Company, LLC (Exelon) under ComEd's Open Access Transmission Tariff (OATT). The executed Service Agreement and associated executed DSA replace the unexecuted Service Agreement and unexecuted DSA between ComEd and Exelon which were previously filed with the Commission on January 31, 2002, designated as Docket No. ER02–934–000.

ComEd requests an effective date of February 1, 2002 for both the executed Service Agreement and the associated executed DSA, which is the same effective date that ComEd requested for the unexecuted Service Agreement and associated unexecuted DSA with Exelon filed in Docket No. ER02–934–000. Accordingly, ComEd requests waiver of the Commission's notice requirements. A copy of this filing was served on Exelon.

Comment Date: March 8, 2002.

14. FirstEnergy Solutions Corp.

[Docket No. ER02–1033–000]

Take notice that on February 15, 2002, FirstEnergy Solutions Corp. (FE Solutions) submitted for informational purposes a First Revised Service Agreement No. 3 under FE Solutions' market-based rate power sales tariff, FirstEnergy Solutions Corp., FERC Electric Tariff, Original Volume No. 1.

Comment Date: March 8, 2002.

15. The Detroit Edison Company

[Docket No. ER02–1034–000]

Take notice that on February 15, 2002, The Detroit Edison Company (Detroit Edison) tendered for filing Service Agreements for wholesale power sales transactions (Service Agreements) under Detroit Edison's Wholesale Power Sales Tariff (WPS–2), FERC Electric Tariff No. 3 (WPS–2 Tariff) between Detroit Edison and the following parties: Ameren Energy, Inc.; Energy International; Energy USA-TPC Corp.; and Florida Power Corporation.

Comment Date: March 8, 2002.

16. Entergy Services, Inc.

[Docket No. ER02–1035–000]

Take notice that on February 15, 2002, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc., tendered for filing a unilaterally executed Interconnection and Operating Agreement with AES River Mountain L.P. (AES), and a Generator Imbalance Agreement with AES.

Comment Date: March 8, 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, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). 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.

Magalie R. Salas,

Secretary.

[FR Doc. 02–4753 Filed 2–27–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 8864–016]

Calligan Hydro Inc.; Notice of Availability of Final Environmental Assessment

February 22, 2002.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for amendment of the license for the Calligan Creek Hydroelectric Project, located on Calligan Creek in King County, Washington, and has prepared a Final Environmental Assessment (FEA) for the project. No federal lands are affected by this project.

The FEA contains the staff's analysis of the potential environmental impacts of modifications to the project and concludes that amending the license for the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The FEA is attached to a Commission order issued on February 21, 2002, for the above application. Copies of the FEA are available for review at the Commission's Public Reference Room, located at 888 First Street, N.E., Washington, DC 20426, or by calling (202) 208–1371. The FEA may also be viewed on the web at http://www.ferc.gov (call (202) 208–2222 for assistance).

For further information, contact Kenneth Hogan at (202) 208–0434.

Magalie R. Salas,

Secretary.

[FR Doc. 02–4759 Filed 2–27–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9025–012]

Hancock Hydro Inc.; Notice of Availability of Final Environmental Assessment

February 22, 2002.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for amendment of the license for the Hancock Creek Hydroelectric Project, located on Hancock Creek in King County, Washington, and has prepared a Final Environmental Assessment (FEA) for the project. No federal lands are affected by this project.

The FEA contains the staff's analysis of the potential environmental impacts of modifications to the project and concludes that amending the license for the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The FEA is attached to a Commission order issued on February 21, 2002, for the above application. Copies of the FEA can be obtained by calling the Commission's Public Reference Room at (202) 208–1371. Copies of the FEA can also be obtained through the Commission's homepage at *http://www.ferc.gov.*

For further information, contact Kenneth Hogan at (202) 208–0434.

Magalie R. Salas,

Secretary.

[FR Doc. 02–4760 Filed 2–27–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP02–32–000]

Texas Eastern Transmission, LP; Notice of Intent To Prepare an Environmental Assessment for the Proposed Time Project, Request for Comments on Environmental Issues, and Notice of Site Visits

February 20, 2002.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Time Project involving construction and operation of facilities by Texas Eastern Transmission, LP (Texas Eastern) in several counties in Pennsylvania, New Jersey, and New York.[1] These facilities would consist of about 15.8 miles of 36-inch diameter pipeline; 27,200 horsepower (hp) of additional compression, and uprate an existing meter and regulation station. This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

If you are a landowner receiving this notice, you may be or have been contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' was attached to the project notice Texas Eastern provided to landowners. This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet website (*www.ferc.gov*).

This notice is being sent to landowners of property affected by Texas Eastern's proposed facilities; Federal, state, and local agencies; elected officials; Indian tribes that might attach religious and cultural significance to historic properties in the area of potential effects; environmental and public interest groups; and local libraries and newspapers. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

Summary of the Proposed Project

Texas Eastern wants to expand the capacity of its pipeline in Pennsylvania to transport an additional 100,000 dekatherms (Dth/day) per day of natural gas to New Jersey Natural Gas. Transco seeks authority to construct, operate and maintain the following facilities:

—four new segments of 36-inch-diameter pipeline loop in Perry County (Perulack), Lebanon County (Grantville), Berks County (Bernville), and Bucks County (Bechtelsville), Pennsylvania, totaling 15.8 miles; (The Perulack and Bechtelsville discharges were modified in position

[1] Texas Eastern's application was filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

of a section of the pipeline, which did not change the length of each line.)[2]
—8,600 horsepower (hp) uprates, from 13,400 to 22,000 hp, for each of two existing compressor stations, the Entriken in Huntingdon County, Pennsylvania, and the Armagh in Indiana County, Pennsylvania, totaling 17,200 hp;
—one new 10,000 hp electric driven compressor unit at the existing Lambertville Compressor Station in Hunterdon County, New Jersey; and
—Upgrading the existing meter and regulation station M&R No. 70058 in Richmond County, New York.

The general location of the project facilities is shown in appendix 1.[3]

Land Requirements for Construction

Construction of the proposed pipeline additions would affect about 271 acres of land. Following construction, about 50 acres would be maintained as new pipeline right of way. The remaining 221 acres of land would be restored and allowed to revert to its former use.

Construction of new facilities at the three existing compressor stations would require a total of about 5 acres of land area. However, about 2 acres would be required for operation of these facilities.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section of this notice.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Texas Eastern. This preliminary list of issues may be changed based on your comments and our analysis.

Geology and Soils
—Erosion control and right-of-way restoration.
—Potential for mixing of topsoil and subsoil.

Water Resources and Wetlands
—A total of 16 perennial streams would be crossed by the pipelines (14) or access roads (2).
—Ten wetlands, totaling 8 acres, would be crossed by the pipeline during construction. About 2 acres would be affected during operation.

Biological Resources
—Impacts on about 155 acres of upland forest and scrub-shrub habitat.

Cultural Resources
—Impacts on prehistoric and historic sites.
—Native American concerns.

Land Use
—Impacts on about 5 acres of residential areas.
—Impacts on 11 residents within 50 feet of the proposed construction area.
—Visual effects of the aboveground facilities on surrounding areas.

Air and Noise Quality
—Impacts on local air and noise environment as a result of operation of the new compressor upgrades.

Alternatives
—Evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations/routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

—-Send two copies of your letter to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission 888 First St., N.E., Room 1A, Washington, DC 20426.
—Label one copy of the comments for the attention of Gas/Hydro Group.
—Reference Docket No. CP02–032–000.
—Mail your comments so that they will be received in Washington, DC on or before March 22, 2002.

Please note that we are continuing to experience delays in mail deliveries from the U.S. Postal Service. As a result, we will include all comments that we receive within a reasonable time frame in our environmental analysis of this project. However, the Commission encourages electronic filing of any comments or interventions or protests to this proceeding. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.gov* under the ''e-Filing'' link and the link to the User's Guide. Before you can file comments you will need to create an account which can be created by clicking on ''Login to File'' and then ''New User Account.''

All commentors will be retained on our mailing list. If you do not want to send comments at this time but still want to stay informed and receive copies of the EA, *if it is released for further public comment,* you must return the attached Information Request (appendix 3). If you do not send comments or return the Information Request, you will be taken off the mailing list.''

Site Visit

We will also be conducting site visits to the project area. Anyone interested in

[2] On February 19, 2002, Texas Eastern made a supplemental filing revising the Perulack Discharge by moving the beginning point approximately 15,000 feet east or downstream of the currently filed starting point; and the Bechtelsville Discharge by moving the beginning point for the loop approximately 5,800 feet east or downstream of the currently filed starting point.

[3] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available on the Commission's website at the ''RIMS'' link or from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE., Washington, DC 20426, or call (202) 208–1371. For instructions on connecting to RIMS refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

participating in the site visit may contact the Commission's Office of External Affairs identified at the end of this notice for more details.

Schedule of Site Visits

The Commission staff will be conducting an environmental site visit of the following proposed facilities for the Time project on Tuesday and Wednesday, March 5 and 6, 2002: Lambertville Compressor Station, NJ; Bechtelsville Discharge, PA; Bernville Discharge, PA; Perulack Discharge, PA; and Grantville Discharge, PA. The following list specifies the time and location to meet staff at each project facility.

Tuesday, March 5, 2002:

—*Lambertville Compressor Station:* 7:45 am, Lambertville Construction Wareyard, Highway 179 and Mill Road, Lambertville, NJ.
—*Bechtelsville Discharge:* 9 am, Bethel Baptist Church parking lot, 754 East Rockhill Road, Sellersville, PA.
—*Bernville Discharge:* 2 pm, Bernville Project Wareyard, Jake's Flea Market, 1372 Route 100, Barto, PA.

Wednesday, March 6, 2002:

—*Perulack Discharge:* 9:30 am, Blain Family Restaurant, Main Street, Blain, PA.
—*Grantville Discharge:* 12:00 pm, Heisey's Diner, 1740 Route 72 North, Lebanon, PA

Anyone interested in participating in the site visit may meet at the appropriate, above-specified time and location, and may contact the Commission's Office of External Affairs at (202) 208–1088 with any questions, or to obtain updates on the above schedule should changes occur while staff is en route to the meeting locations. Participants must provide their own transportation.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an ''intervenor''. Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2). Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Additional information about the proposed project is available from the Commission's Office of External Affairs at (202) 208–1088 (direct line) or you can call the FERC operator at 1–800–847–8885 and ask for External Affairs. Information is also on the FERC website (www.ferc.gov) using the ''RIMS'' link to information in this docket number. Click on the ''RIMS'' link, select ''Docket #'' from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222.

Similarly, the ''CIPS'' link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the ''CIPS'' link, select ''Docket #'' from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2474.

Magalie R. Salas,

Secretary.

[FR Doc. 02–4565 Filed 2–27–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2232–439]

Notice of Non-Project Use of Project Lands and Waters and Soliciting Comments, Motions To Intervene, and Protests

February 22, 2002.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Project Use of Project Lands and Waters

b. *Project No:* 2232–439

c. *Date Filed:* February 7, 2002

d. *Applicant:* Duke Energy Corporation

e. *Name of Project:* Catawba-Wateree Hydroelectric Project

f. *Location:* On Lake Norman at the Wildwood Cove Subdivision, in Iredell County, North Carolina. The project does not utilize federal or tribal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 USC 791(a)-825(r).

h. *Applicant Contact:* Mr. E.M. Oakley, Duke Energy Corporation, P.O. Box 1006 (EC12Y), Charlotte, NC 28201–1006. Phone: (704) 382–5778

i. *FERC Contact:* Any questions on this notice should be addressed to Brian Romanek at (202) 219–3076, or e-mail address: brian.romanek@ferc.gov.

j. *Deadline for filing comments and motions:* March 25, 2002.

All documents (original and eight copies) should be filed with Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington DC 20426. Please include the project number (2232–439) on any comments or motions filed.

k. *Description of Proposal:* Duke Energy Corporation proposes to lease to Crescent Resources, Inc. one parcel of land underlying the project reservoir (a total of 0.615 acre) for a proposed commercial residential marina. The proposed lease area would accommodate 3 cluster boat docks accommodating 20 boats and would provide access to the reservoir for residents of the Wildwood Cove Subdivision. No dredging is proposed.

l. *Locations of the Application:* 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.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must

be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,

Secretary.

[FR Doc. 02–4757 Filed 2–27–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2232–440]

Notice of Non-Project Use of Project Lands and Waters and Solicting Comments, Motions To Intervene, and Protests

February 22, 2002.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Project Use of Project Lands and Waters

b. *Project No:* 2232–440

c. *Date Filed:* January 29, 2002

d. *Applicant:* Duke Energy Corporation

e. *Name of Project:* Catawba-Wateree Hydroelectric Project

f. *Location:* On Lake Wylie at the RiverFront Subdivision, in Gaston County, North Carolina. The project does not utilize federal or tribal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 USC 791(a)–825(r).

h. *Applicant Contact:* Mr. E.M. Oakley, Duke Energy Corporation, P.O. Box 1006 (EC12Y), Charlotte, NC 28201–1006. Phone: (704) 382–5778

i. *FERC Contact:* Any questions on this notice should be addressed to Brian Romanek at (202) 219–3076, or e-mail address: brian.romanek@ferc.gov.

j. *Deadline for filing comments and motions:* March 25, 2002.

All documents (original and eight copies) should be filed with Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington DC 20426. Please include the project number (2232–440) on any comments or motions filed.

k. *Description of Proposal:* Duke Energy Corporation proposes to lease to Squires Enterprises, Inc. four parcels of land underlying the project reservoir (a total of 4.87 acres) for a proposed commercial/ non-residential marina (C/NR) and a commercial/residential (C/R) marina. At the proposed C/R lease area there would be 7 cluster boat docks (accommodating 67 boats) and providing access to the reservoir for residents of the RiverFront Subdivision. At the proposed C/NR lease area there would be 12 cluster boat docks (accommodating 124 boats) and providing access to the reservoir for marina patrons. In total the proposed docks would accommodate 191 boats. No dredging is proposed.

l. *Locations of the Application:* 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.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,

Secretary.

[FR Doc. 02–4758 Filed 2–27–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Regulations Governing Off-the-Record Communications; Public Notice

February 22, 2002.

This constitutes notice, in accordance with 18 CFR 385.2201(h), of the receipt of exempt and prohibited off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who

make or receive an exempt or a prohibited off-the-record communication relevant to the merits of a contested on-the-record proceeding, to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary.

Prohibited communications will be included in a public, non-decisional file associated with, but not part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such requests only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication should serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications will be included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of exempt and prohibited off-the-record communications received in the Office of the Secretary within the preceding 14 days. Copies of this filing are on file with the Commission and are available for public inspection. The documents may 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).

Take note that this notice will now be issued by the Commission on a weekly rather than bi-weekly basis.

Docket No.	Date filed	Presenter
Exempt		
1. Project No. 1354–000	02–20–02	Brandi Bradford.
2. RT01–77–000, RT01–100–000	02–21–02	Terri K. Eaton.
Prohibited		
1. Project No. 2016–044	2–21–02	Debbie C. Young.
2. RT01–75–000	2–21–02	Terri K. Eaton.

Magalie R. Salas,

Secretary.

[FR Doc. 02–4762 Filed 2–27–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11842–003]

Hydro Energy Development Corporation; Notice of Surrender of Preliminary Permit

February 22, 2002.

Take notice that Hydro Energy Development Corporation, permittee for the proposed Big and Grade Creeks Project, has requested that its preliminary permit be terminated. The permit was issued on January 9, 2001, and would have expired on December 31, 2003. The project would have been located on Big and Grade Creeks in Skagit County, Washington.

The permittee filed the request on February 7, 2002, and the preliminary permit for Project No. 11842 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday, or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Magalie R. Salas,

Secretary.

[FR Doc. 02–4761 Filed 2–27–02; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00760; FRL–6825–6]

Environmental Modeling Work Group; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Modeling Work Group (EMWG) will hold a 1–day meeting on March 20, 2002. This notice announces the location and time for the meeting and sets forth the tentative agenda topics.

DATES: The meeting will be held on Wednesday, March 20, 2002, from 9 a.m. to 3 p.m.

ADDRESSES: This meeting will be held in room 1126 at Crystal Mall Building #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Comments 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 OPP–00760 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: James N. Carleton, Environmental Fate and Effects Division (7507C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–5736; fax number: (703) 305–6309; e-mail address: carleton.jim@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 Tribes with pesticide programs or pesticide interests. 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 and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this 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,'' ''Regulations and Proposed Rules,'' 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 OPP–00760. The official record consists of the documents specifically referenced in this action, 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 in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00760 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–00760. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI 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 listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the notice or collection activity.

7. Make sure to submit your comments by the deadline in this notice.

8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Tentative Agenda:

This unit provides tentative agenda topics for the 1–day meeting.

1. Welcome and introductions.
2. Old action items.
3. Model status updates.
4. Spray drift exposure modeling.
5. Rice modeling and ricenet.
6. Turf monitoring progress report.
7. USDA Root Zone Water Quality Model (RZWQM) update.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: February 20, 2002.

Elizabeth Leovey,

Acting Director, Environmental Fate and Effects Division, Office of Pesticide Programs.

[FR Doc. 02–4792 Filed 2–27–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OW–FRL–7151–2]

Nutrient Criteria Development; Notice of Ecoregional Nutrient Criteria

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Ecoregional Nutrient Criteria for Lakes and Reservoirs, and Rivers and Streams.

SUMMARY: Pursuant to Section 304(a) of the Clean Water Act (CWA), the Environmental Protection Agency (EPA) announces the publication and availability of nine additional Section 304(a) ecoregional nutrient criteria documents for lakes and reservoirs, and rivers and streams within specific geographic regions (ecoregions) of the United States. These nine documents supplement the seventeen ecoregional nutrient criteria documents for lakes and reservoirs, rivers and streams and wetlands announced by EPA on January 9, 2001 (66 FR 1671). These documents give States, Territories, and authorized Tribes (Hereafter, this **Federal Register** Notice refers to these entities as ''States and authorized Tribes.'' Throughout this document, reference to States and

Authorized Tribes is intended to include Territories) information to develop numeric nutrient criteria for lakes and reservoirs, rivers and streams, and wetlands within several different nutrient ecoregions. An ecoregion is a geographic area with assumed relative homogeneity of ecological characteristics. EPA's section 304(a) criteria recommendations represent enrichment conditions (total phosphorous, total nitrogen, chlorophyll *a* and some form of water clarity, i.e. Secchi depth or turbidity) of surface waters that are minimally affected by human activities and to provide for the protection and propagation of aquatic life and recreation. Draft criteria documents have undergone external peer review, and a summary of these comments is available on EPA's Internet website: (http://www.epa.gov/ost/standards/nutrient.html).

While the nine documents available today contain EPA's scientific recommendations regarding ecoregional nutrient criteria, the information and recommendations are not regulations and do not impose legally binding requirements on EPA, States, authorized Tribes, or the public. They may not apply to a particular situation based upon the circumstances. States and authorized Tribes retain the discretion to adopt water quality criteria that differ from these recommendations based on other scientifically defensible approaches to developing regional or local nutrient criteria. EPA may revise these section 304(a) water quality criteria recommendations in the future.

EPA is making these recommended section 304(a) nutrient water quality criteria available to the public in accordance with the Agency's process for publishing new and revised criteria (see **Federal Register**, December 10, 1998, 63 FR 68354 and in the EPA document titled, ''National Recommended Water Quality—Correction,'' EPA 822–Z–99–001, April 1999). EPA invites the public to provide scientific views on these criteria. EPA will review and consider information submitted on significant scientific issues and site-specific data that might not have otherwise been identified by the Agency during development of these criteria. After EPA reviews the new information, the Agency may publish revised nutrient water quality criteria recommendations or publish a notice informing the public that the submitted information does not warrant revision of the criteria.

EPA encourages the public to provide additional data that could help States and or authorized Tribes refine these recommended nutrient water quality criteria. EPA identified specific sections within each document where the public could greatly assist States and authorized Tribes in the task of augmenting the database for deriving ecoregional nutrient water quality criteria. For example, the public can provide information about the historical conditions and trends of the water resources within an ecoregion related to eutrophication resulting from human activities. EPA will forward all comments received on a particular ecoregional criterion or set of criteria to the appropriate State or Tribe to help foster water quality criteria refinement.

EPA's Office of Water, Office of Science and Technology prepared this document. Mention of trade names or commercial products does not constitute endorsement or recommendation for use.

DATES: EPA will accept significant scientific information submitted to the Agency within 90 days of publication of this notice in the **Federal Register**. You should adequately document any scientific information and provide enough supporting information to indicate that acceptable and scientifically defensible procedures were used and that the results are reliable.

ADDRESSES: You can get copies of the set or any document from the U.S. National Service Center for Environmental Publications (NSCEP), 11029 Kenwood Road, Cincinnati, OH 45242; (513) 489–8190 or toll free (800) 490–9198. The documents are also available electronically at *http://www.epa.gov/waterscience/standards/nutrient.html.* The waterbody-specific technical guidance manuals, which present the nutrient criteria derivation methodology used by EPA to develop the nutrient water quality criteria, are also available from EPA's nutrient website. Please send an original and two copies of written significant scientific information to Robert Cantilli (MC–4304), U.S. EPA, Ariel Rios Building, 1200 Pennsylvania Ave., NW , Washington, DC 20460. Written significant scientific information may be submitted electronically in ASCII or Word Perfect 5.1, 5.2, 6.1, 8.0 or 9.0 formats to *OW-General@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Robert Cantilli, U.S. EPA, Health and Ecological Criteria Division (4304), Office of Science and Technology, Ariel Rios Building, 1200 Pennsylvania Ave., NW, Washington, DC 20460; or call (202) 566–1091; or e-mail *cantilli.robert@epa.gov.*

SUPPLEMENTARY INFORMATION: States and Tribes consistently identify excessive levels of nutrients as a major reason why as much as half of the surface waters surveyed in this country do not meet water quality objectives, such as full support of aquatic life. In 2000, EPA published nutrient criteria technical guidance manuals for lakes and reservoirs and for rivers and streams, and in 2001 EPA published a draft guidance manual for estuarine and coastal marine waters. These manuals provide techniques for assessing nutrient conditions as well as methods for developing nutrient criteria for specific water body types. These and related documents are available from EPA's nutrient website: *http://www.epa.gov/waterscience/standards/nutrient.html.* EPA is currently developing a guidance manual for wetlands.

In addition to developing guidance for specific waterbody types, EPA will publish specific nutrient water quality criteria recommendations under section 304(a) for every type of waterbody (where applicable) for all of the 14 nutrient ecoregions that EPA identified in the continental United States. On January 9, 2001, EPA announced the availability of ecoregional nutrient criteria documents for lakes and reservoirs in eight ecoregions, for rivers and streams in eight ecoregions (several of which overlap with the eight ecoregions for lakes and reservoirs), and for wetlands in one ecoregion. Those ecoregions were chosen based on the availability of nutrient data within each ecoregion. Today, EPA announces the availability of nine additional ecoregional nutrient criteria documents for lakes and reservoirs, and rivers and streams in ecoregions for which criteria recommendations were not developed in January 2001. These nine bring the total of ecoregional nutrient criteria documents to 26 and results in nutrient criteria covering about 90% of the freshwater waterbodies of the U.S. (excluding wetlands).

EPA also provided guidance on development and adoption of nutrient criteria into water quality standards. More recently, on November 14, 2001, Geoffrey H. Grubbs, Director of the Office of Science and Technology, in EPA's Office of Water provided this guidance to EPA, and State and Interstate Water Program Directors. This memorandum can be viewed electronically at: *http://www.epa.gov/waterscience/standards/nutrient.html*

Dated: February 15, 2002.

Geoffrey H. Grubbs,

Director, Office of Science and Technology.

[FR Doc. 02–4790 Filed 2–27–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7151–4]

EPA Draft Human Health and Ecological Risk Assessment of Perchlorate

AGENCY: Environmental Protection Agency.

ACTION: Notice of second extension of public comment period.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is extending the public comment period on the revised draft report, ''Perchlorate Environmental Contamination: Toxicological Review and Risk Characterization'' (NCEA–1–0503), by 45 days to April 5, 2002. On January 2, 2002, EPA published a **Federal Register** notice (67 FR 75) announcing: (1) The public availability, expected on January 9, 2002, of the revised draft document; (2) the beginning of a 30-day public comment period; and (3) an external peer review workshop in Sacramento, California, on March 5 and 6, 2002. In addition, a notice correcting the address for electronic registration and electronic submission of public comments was published on January 14, 2002 (67 FR 1759). Because of an approximately one-week delay in public release and availability of the perchlorate external review draft, EPA extended the public comment period to February 19, 2002 (67 FR 3493, January 24, 2002). EPA has decided to extend the comment period to April 5, 2002, in response to the high level of interest in this draft document and because of several requests for extension of the comment period.

Therefore, comments postmarked by February 19, 2002, will be made available to the peer review panel prior to the peer review. Comments received between February 19 and March 5, 2002, will be made available to the peer reviewers at the peer review meeting. Comments received after the peer review meeting and up until April 5, 2002, will also be made available to the peer reviewers. It should be noted that, as with all peer review meetings, the panelists are not charged directly with reading or considering all observer comments. Rather, it is up to the professional judgment of the reviewers to consider observer comments as they deem appropriate. In addition, the review of and response to public comments is the responsibility of the EPA, as the Agency moves forward with the development of the assessment.

In order to be most effective, external comments need to be provided to the Agency contractor, Eastern Research Group, Inc. (ERG), by April 5, 2002. As is the EPA's normal procedure, the Agency will summarize and indicate the disposition of all major comments provided by April 5, 2002, in preparation for its release of the assessment in final form.

DATES: Comments should be in writing and must be received (not postmarked) by April 5, 2002.

ADDRESSES: Written comments on the draft document should be submitted to Eastern Research Group (ERG), Attn: Meetings, 110 Hartwell Avenue, Lexington, MA 02421. Comments under 50 pages may be sent via e-mail attachment (in Word, WordPerfect, or pdf) to meetings@erg.com. The external review draft of the perchlorate document is available on EPA's National Center for Environmental Assessment (NCEA) Web site at *http://www.epa.gov/ncea*.

FOR FURTHER INFORMATION CONTACT: Questions regarding observer registration for the workshop and submission of written comments should be directed to EPA's contractor, ERG, at 781–674–7374. For technical inquiries, please contact: Annie M. Jarabek, U.S. Environmental Protection Agency (MD 52), U.S. EPA Mailroom, Research Triangle Park, NC 27711; telephone 919–541–4847; facsimile 919–541–1818; e-mail *jarabek.annie@epa.gov*.

Dated: February 22, 2002.

George W. Alapas,

Acting Director, National Center for Environmental Assessment.

[FR Doc. 02–4789 Filed 2–27–02; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00757; FRL–6820–6]

Pesticides; Determination of the Appropriate FQPA Safety Factor(s) in Tolerance Assessment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: EPA announces the availability of the revised version of the pesticide science policy document entitled ''Determination of the Appropriate FQPA Safety Factor(s) in Tolerance Assessment.'' This notice is one in a series concerning science policy documents related to the implementation of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA).

FOR FURTHER INFORMATION CONTACT: Vicki Dellarco, Environmental Protection Agency (7503C), 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–1803; fax number: (703) 305–5147–; e-mail address: dellarco.vicki@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you manufacture or formulate pesticides. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of potentially affected entities
Pesticide Producers.	32532 ..	Pesticide manufacturers
.....	.....	Pesticide formulators

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this notice affects certain entities. 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 document, the science policy documents, and certain other related documents that might be available from the Office of Pesticide Programs' Home Page at http://www.epa.gov/pesticides. On the Office of Pesticide Programs' Home Page select ''FQPA'' and then look up the entry for this document under ''Science Policies.'' You can also go directly to the listings at the EPA Home page at http://www.epa.gov. On the Home Page select ''Laws and Regulations,''‘‘ Regulations and Proposed Rules,'' and then look up the entry to this document under ''**Federal Register**—-Environmental Documents.'' You can 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 OPP–00757. In addition, the documents

referenced in the framework notice, which published in the **Federal Register** on October 29, 1998 (63 FR 58038) (FRL–6041–5) under docket control number OPP–00557, are considered as part of the official record for this action under docket control number OPP–00757 even though not placed in the official record. The official record consists of the documents specifically referenced in this action, 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 in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall# 12, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background Information

On August 3, 1996, FQPA was signed into law. The FQPA significantly amended the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and FFDCA. Among other changes, FQPA established a stringent health-based standard (a reasonable certainty of no harm) for pesticide residues in foods to assure protection from unacceptable pesticide exposure and strengthened health protections for infants and children from pesticide risks.

Thereafter, the Agency established the Food Safety Advisory Committee (FSAC) as a subcommittee of the National Advisory Council for Environmental Policy and Technology (NACEPT) to assist in soliciting input from stakeholders and to provide input to EPA on the broad policy choices facing the Agency and on strategic direction for the Office of Pesticide Programs (OPP). The Agency has used the interim approaches developed through discussions with FSAC to make regulatory decisions that meet the new FFDCA standard, but that could be revisited if additional information became available or as the science evolved. In addition, the Agency seeks independent review and public participation, generally through presentation of the science policy issues to the FIFRA Scientific Advisory Panel, a group of independent, outside experts who provide peer review and scientific advice to OPP.

During 1998 and 1999, EPA and the U.S. Department of Agriculture (USDA) established a second subcommittee of NACEPT, the Tolerance Reassessment Advisory Committee (TRAC) to address FFDCA issues and implementation. TRAC comprised more than 50 representatives of affected user, producer, consumer, public health, environmental, states, and other interested groups. The TRAC met from May 27, 1998, through April 29, 1999.

In order to continue the constructive discussions about FFDCA, EPA and USDA have established, under the auspices of NACEPT, the Committee to Advise on Reassessment and Transition (CARAT). The CARAT provides a forum for a broad spectrum of stakeholders to consult with and advise the Agency and the Secretary of Agriculture on pest and pesticide management transition issues related to the tolerance reassessment process. The CARAT is intended to further the valuable work initiated by the FSAC and TRAC toward the use of sound science and greater transparency in regulatory decisionmaking, increased stakeholder participation, and reasonable transition strategies that reduce risks without jeopardizing American agriculture and farm communities.

As a result of the 1998 and 1999 TRAC process, EPA decided that the implementation process and related policies would benefit from providing notice and comment on major science policy issues. The TRAC identified nine science policy areas it believed were key to implementation of tolerance reassessment. EPA agreed to provide one or more documents for comment on each of the nine issues by announcing their availability in the **Federal Register**. In a notice published in the **Federal Register** of October 29, 1998 (63 FR 58038), EPA described its intended approach. Since then, EPA has been issuing a series of draft documents concerning the nine science policy issues. This notice announces the availability of the revised science policy document concerning the FPQA safety factor.

III. Summary of ''Determination of the Appropriate FQPA Safety Factor(s) in Tolerance Assessment''

On August 3, 1996, the Food Quality Protection Act of 1996 was signed into law, significantly amending the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Food, Drug, and Cosmetic Act. Among other changes, the new law provides heightened protections for infants and children, directing EPA, in setting pesticide tolerances, to use an additional tenfold margin of safety to protect infants and children, taking into account the potential for pre- and postnatal toxicity and the completeness of the toxicology and exposure databases. The statute authorizes EPA to replace this tenfold FQPA safety factor with a different FQPA factor only if reliable data demonstrate that the resulting level of exposure would be safe for infants and children.

EPA established a Task Force of senior scientists, knowledgeable in the fields of hazard and exposure assessment, to help it identify the types of information that would be appropriate for evaluating the safety of pesticides for infants and children. The Task Force included representatives from the Agency's Office of Prevention, Pesticides and Toxic Substances, Office of Research and Development, Office of Children's Health Protection, Office of Water, and Office of Solid Waste and Emergency Response. The Task Force made many useful recommendations considered by the Office of Pesticide Programs during the development of this guidance. Comments from the public and from the FIFRA Scientific Advisory Panel also contributed to this document.

This document describes how the Office of Pesticide Programs (OPP) determines the appropriate FQPA safety factor(s) when developing aggregate risk assessments and regulatory decisions for single active and ''other'' (i.e., inert) ingredients of pesticide products. The guidance is specifically addressed to OPP risk assessors but also serves as an important source of information for the public and the regulated community. This guidance explains the legal framework for the FQPA safety factor and key interpretations of statutory terms (See Appendix 1) and describes how the FQPA safety factor provision both formalizes and expands OPP's past practice of applying uncertainty factors to account for deficiencies in the toxicological database. Because this guidance only addresses the statutory provisions of FQPA, it does not apply to any of the Agency's other regulatory programs or risk assessment processes which are carried out under different statutory authorities. As explained below, this guidance explains how OPP intends to ''take into account...potential pre- and post-natal toxicity and completeness of the data with respect to exposure and toxicity to infants and children'' as directed by FFDCA Section 408(b)(2)(C)(i).

A primary consideration in implementation of the FQPA safety factor provision is assessing the degree of concern regarding the potential for pre- and postnatal effects. In many cases, concerns regarding pre- and postnatal toxicity can be addressed by calculating a Reference Dose (RfD) or Margin of Exposure (MOE) from the pre- or postnatal endpoints in the offspring and traditional uncertainty factors (i.e., use of a factor to account for estimating a No-Observed-Adverse-Effect-Level from a Lowest-Observed Adverse-Effect-Level, estimating chronic effects from a subchronic study, and an incomplete toxicology data base) are fully considered. In some instances, however, data may raise uncertainties or a high concern for infants or children which cannot be addressed in the derivation of an RfD or MOE. OPP intends to analyze the degree of concern and to assess the weight of all relevant evidence for each case. This involves examining the level of concern for sensitivity/susceptibility and assessing whether traditional uncertainty factors already incorporated into the risk assessment are adequate to protect the safety of infants and children, as well as the adequacy of the exposure assessment.

The guidance also explains how data deficiency uncertainty factors will be used to address the FQPA safety factor provision's expressed concern as to the ''completeness of the data with respect to ... toxicity to infants and children...'' The FQPA safety factor provision regarding the completeness of the toxicity database is similar to the traditional data deficiency uncertainty factors used by the Agency to address inadequate or incomplete data. Thus, when deriving RfDs and evaluating the protection provided by FQPA safety factors, OPP intends to consider current Agency practice regarding data deficiency uncertainty factors.

Another important consideration for the FQPA safety factor is the completeness of the exposure database. Whenever appropriate data are available, OPP estimates exposure using reliable empirical data on specific pesticides. In other cases, exposure estimates may be based on models and assumptions (which in themselves are based on other reliable empirical data). This document explains how, in the absence of case specific exposure data, OPP will evaluate the safety of the exposure estimate as to infants and children and correspondingly, the appropriate FQPA safety factor.

Finally, the decision to retain the default 10X FQPA safety factor or to assign a different FQPA safety factor is informed by the conclusions presented in the risk characterization, and is not determined as part of the RfD process. This guidance document describes the integrated approach used when making FQPA safety factor decisions. This is a ''weight-of-the-evidence'' approach in which all of the data, concerning both hazard and exposure, are considered together for the pesticide under evaluation. The FQPA safety factor determination includes an evaluation of the level of confidence in the hazard and exposure assessments and an explicit judgement of whether there are any residual uncertainties identified in the risk characterization. It is at this integration stage that OPP determines how the completeness of the toxicology and exposure databases and the potential for pre and postnatal toxicity were handled in the risk assessment.

IV. Policies Not Rules

The policy document discussed in this notice is intended to provide guidance to EPA personnel and decision-makers, and to the public. As a guidance document and not a rule, the policy in this guidance is not binding on either EPA or any outside parties. Although this guidance provides a starting point for EPA risk assessments, EPA will depart from its policy where the facts or circumstances warrant. In such cases, EPA will explain why a different course was taken. Similarly, outside parties remain free to assert that a policy is not appropriate for a specific pesticide or that the circumstances surrounding a specific risk assessment demonstrate that a policy should not be applied.

List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: February 20, 2002.

Stephen L. Johnson,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 02–4793 Filed 2–27–02; 8:45 a.m.]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00759; FRL–6822–3]

Pesticides; Consideration of the FQPA and Other Safety Factors in Cumulative Risk Assessment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: To assure that EPA's policies related to implementing the Food Quality Protection Act of 1996 (FQPA) are transparent and open to public participation, EPA is soliciting comments on the pesticide draft science policy document titled, ''Consideration of the FQPA Safety Factor and Other Uncertainty Factors in Cumulative Risk Assessment of Chemicals Sharing a Common Mechanism of Toxicity.'' This notice is one in a series concerning science policy documents related to the implementation of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by FQPA.

DATES: Comments for the draft science policy document, identified by docket control number OPP–00759, must be received on or before April 29, 2002.

ADDRESSES: Comments 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 OPP–00759 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Randy Perfetti, Health Effects Division (7509C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–5381; e-mail address: perfetti.randolph@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you manufacture or formulate pesticides. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Pesticide producers	32532	Pesticide manufacturers Pesticide formulators

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and

others in determining whether or not this action affects certain entities. 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 document, the draft science policy document, and certain other related documents that might be available from the Office of Pesticide Programs' Home Page at http://www.epa.gov/pesticides/. On the Office of Pesticide Programs' Home Page select ''FQPA'' and then look up the entry for this document under ''Science Policies.'' You can also go directly to the listings at the EPA Home Page at http://www.epa.gov/. On the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under ''**Federal Register**—Environmental Documents.'' You can go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *Fax-on-demand*. You may request a faxed copy of the draft science policy document, as well as supporting information, by using a faxphone to call (202) 401–0527. Select item 6050 for the document titled ''Consideration of the FQPA Safety Factor and Other Uncertainty Factors in Cumulative Risk Assessment of Chemicals Sharing a Common Mechanism of Toxicity.'' You may also follow the automated menu.

3. *In person*. The Agency has established an official record for this action under docket control number OPP–00759. In addition, the documents referenced in the framework notice, which published in the **Federal Register** of October 29, 1998 (63 FR 58038) (FRL–6041–5), under docket control number OPP–00557, are considered as part of the official record for this action under docket control number OPP–00759 even though not placed in the official record. The official record consists of the documents specifically referenced in this action, and 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 in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00759 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania, Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–00759. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI 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 listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider As I Prepare My Comments for EPA?

EPA invites you to provide your views on the various draft science policy documents, new approaches we have not considered, the potential impacts of the various options (including possible unintended consequences), and any data or information that you would like the Agency to consider. You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide solid technical information and/or data to support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate.

5. Indicate what you support, as well as what you disagree with.

6. Provide specific examples to illustrate your concerns.

7. Make sure to submit your comments by the deadline in this notice.

8. At the beginning of your comments (e.g., as part of the ''subject'' heading), be sure to properly identify the document you are commenting on. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00759 in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background Information

On August 3, 1996, FQPA was signed into law. The FQPA significantly amended the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the FFDCA. Among other changes, FQPA established a stringent health-based standard (''a reasonable certainty of no harm'') for pesticide residues in foods to assure protection from unacceptable pesticide exposure and strengthened health protections for

infants and children from pesticide risks.

Thereafter, the Agency established the Food Safety Advisory Committee (FSAC) as a subcommittee of the National Advisory Council for Environmental Policy and Technology (NACEPT) to assist in soliciting input from stakeholders and to provide input to EPA on the broad policy choices facing the Agency and on strategic direction for the Office of Pesticide Programs (OPP). The Agency has used the interim approaches developed through discussions with FSAC to make regulatory decisions that meet the new FFDCA standard, but that could be revisited if additional information became available or as the science evolved. In addition, the Agency seeks independent review and public participation, generally through presentation of the science policy issues to the FIFRA Scientific Advisory Panel, a group of independent, outside experts who provide peer review and scientific advice to OPP.

During 1998 and 1999, EPA and the U.S. Department of Agriculture (USDA) established a second subcommittee of NACEPT, the Tolerance Reassessment Advisory Committee (TRAC) to address FFDCA issues and implementation. TRAC comprised more than 50 representatives of affected user, producer, consumer, public health, environmental, States, and other interested groups. The TRAC met from May 27, 1998, through April 29, 1999.

In order to continue the constructive discussions about FFDCA, EPA and USDA have established, under the auspices of NACEPT, the committee to advise on reassessment and transition (CARAT). The CARAT provides a forum for a broad spectrum of stakeholders to consult with and advise the Agency and the Secretary of Agriculture on pest and pesticide management transition issues related to the tolerance reassessment process. The CARAT is intended to further the valuable work initiated by the FSAC and TRAC toward the use of sound science and greater transparency in regulatory decision-making, increased stakeholder participation, and reasonable transition strategies that reduce risks without jeopardizing American agriculture and farm communities.

As a result of the 1998 and 1999 TRAC process, EPA decided that the implementation process and related policies would benefit from providing notice and comment on major science policy issues. The TRAC identified nine science policy areas it believed were key to implementation of tolerance reassessment. EPA agreed to provide one or more documents for comment on each of the nine issues by announcing their availability in the **Federal Register**. In a notice published in the **Federal Register** of October 29, 1998 (63 FR 58038), EPA described its intended approach. Since then, EPA has been issuing a series of draft documents concerning the nine science policy issues. This notice announces the availability of a pesticide draft science policy document concerning the Agency's use of the FQPA safety factor in cumulative risk assessments.

III. Summary of Draft Document

The guidance document provides the current thinking of OPP on application of the provision in FFDCA section 408(b)(2)(C), regarding an additional safety factor for the protection of infants and children in the context of cumulative risk assessments. OPP, in an earlier science policy paper for individual chemicals, addressed how its risk assessments will consider the FQPA safety factor provision for individual chemicals (EPA, 1999, and EPA, 2002a). Additionally, OPP has prepared guidance on how to conduct a cumulative risk assessment for two or more pesticides sharing a common mechanism of toxicity (EPA, 2002b). Each of these papers provided some general information and guidance on the FQPA safety factor, but did not address in detail the application of the FQPA safety factor provision on cumulative risk assessment.

OPP has developed the current document to provide a more expansive discussion of the use of uncertainty and safety factors in the context of cumulative risk assessment and to restructure its presentation to follow more closely the framework and terminology presented in the FQPA safety factor guidance for individual chemicals (EPA, 2002a). This document also draws on definitions contained in the revised cumulative risk assessment guidance, which has been revised and issued (EPA, 2002b).

OPP believes that it is critical to the protection of infants and children that it not rely on and not apply a default value or presumption in making decisions under section 408 where reliable data are available that support use of a different safety factor in the assessment of risk. Use of the default value may result in an under-or over-statement of risk. OPP's reasoning applies with even more force in the context of cumulative risk assessments due to the additional complexities involved. Accordingly, for cumulative risk assessments, OPP also intends to make specific case-by-case determinations as to the size of the additional FQPA safety factor rather than rely on the 10X default value if reliable data permit. Further, this individualized determination may involve application of FQPA safety factors to both the individual chemical members as well as to the entire cumulative assessment group (referred to as the ''CAG'') of common mechanism chemicals. This guidance document focuses primarily on the considerations relevant to determining a safety factor ''different'' than the default 10X that protects the safety of infants and children.

V. Policies Not Rules

The draft science policy document discussed in this notice is intended to provide guidance to EPA personnel and decision-makers, and to the public. As a guidance document and not a rule, the policy in this guidance is not binding on either EPA or any outside parties. Although this guidance provides a starting point for EPA risk assessments, EPA will depart from its policy where the facts or circumstances warrant. In such cases, EPA will explain why a different course was taken. Similarly, outside parties remain free to assert that a policy is not appropriate for a specific pesticide or that the circumstances surrounding a specific risk assessment demonstrate that a policy should be abandoned.

EPA has stated in this notice that it will make available revised guidance after consideration of public comment. Public comment is not being solicited for the purpose of converting any policy document into a binding rule. EPA will not be codifying this policy in the Code of Federal Regulations. EPA is soliciting public comment so that it can make fully informed decisions regarding the content of each guidance document.

The ''revised'' guidance will not be unalterable. Once a ''revised'' guidance document is issued, EPA will continue to treat it as guidance, not a rule. Accordingly, on a case-by-case basis EPA will decide whether it is appropriate to depart from the guidance or to modify the overall approach in the guidance. In the course of inviting comment on each guidance document, EPA would welcome comments that specifically address how a guidance document can be structured so that it provides meaningful guidance without imposing binding requirements.

List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: February 20, 2002.

Stephen L. Johnson,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 02–4794 Filed 2–27–02; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

[DA 02–405]

Consumer/Disability Telecommunications Advisory Committee

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the date, time, and agenda for the next meeting of the Consumer/Disability Telecommunications Advisory Committee (hereinafter ''the Committee''), whose purpose is to make recommendations to the Commission regarding consumer and disability issues within the jurisdiction of the Commission and to facilitate the participation of consumers (including people with disabilities and underserved populations) in proceedings before the Commission.

DATES: The meeting of the Committee will take place on March 15, 2002, from 9 a.m. to 5 p.m.

ADDRESSES: The Committee will meet at the Federal Communications Commission, Room TW–C305, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Scott Marshall, Designated Federal Officer, Consumer/Disability Telecommunications Advisory Committee, Consumer Information Bureau, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. Telephone 202–418–2809 (voice) or 202–418–0179 (TTY); e-mail: *cdtac@fcc.gov.*

SUPPLEMENTARY INFORMATION: By Public Notice dated and released February 21, 2002, the Federal Communications Commission announced the next meeting of its Consumer/Disability Telecommunications Advisory Committee. The establishment of the Committee had been announced by Public Notice dated November 30, 2000, 15 FCC Rcd 23798, as published in the **Federal Register** (65 FR 76265, December 6, 2000).

At the March 15, 2002 meeting, the Committee will consider and make recommendations concerning various proposed rules currently before the Commission of particular interest to consumers. The Committee's agenda will include, but is not limited to, proposals relating to the Commission's consumer complaint process, hearing aid compatible wireless telephones, and the Lifeline and Link-up universal service support programs.

Availability of Copies and Electronic Accessibility

A copy of the February 20, 2002 Public Notice is available in alternate formats (Braille, cassette tape, large print or diskette) upon request. It is also posted on the Commission's Web site at *www.fcc.gov/cib/cdtac.* The Committee meeting will be broadcast on the Internet in Real Audio/Real Video format with captioning at *www.fcc.gov/cib/cdtac.* The meeting will be sign language interpreted and realtime transcription and assistive listening devices will also be available. The meeting site is fully accessible to people with disabilities. Copies of meeting agendas and handout material will also be provided in accessible formats. Meeting minutes will be available for public inspection at the FCC headquarters building and will be posted on the Commission's Web site at *www.fcc.gov/cib/cdtac.*

Committee meetings will be open to the public and interested persons may attend the meetings and communicate their views. Members of the public will have an opportunity to address the Committee on issues of interest to them and the Committee. Written comments for the Committee may also be sent to the Committee's Designated Federal Officer, Scott Marshall. Notices of future meetings of the Committee will be published in the **Federal Register**.

Margaret Egler,

Deputy Bureau Chief, Consumer Information Bureau.

[FR Doc. 02–4695 Filed 2–27–02; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Board of Governors of the Federal Reserve System (Board).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Board, the Federal Deposit Insurance Corporation (FDIC), and the Office of the Comptroller of the Currency (OCC) (the ''agencies'') may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid OMB control number. The Board hereby gives notice that it plans to submit to the Office of Management and Budget (OMB) on behalf of the agencies a request for review of the information collections described below.

On December 5, 2001, the agencies, under the auspices of the Federal Financial Institutions Examination Council (FFIEC), requested public comment for 60 days on the extension, without revision, of the currently approved information collections: Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (FFIEC 002) and Report of Assets and Liabilities of Non-U.S. Branches that are Managed or Controlled by a U.S. Branch or Agency of a Foreign Bank (FFIEC 002s). The comment period expired February 4, 2002. No comments were received.

DATES: Comments must be submitted on or before April 1, 2002.

ADDRESSES: Interested parties are invited to submit written comments to the agency listed below. All comments, which should refer to the OMB control number, will be shared among the agencies.

Written comments should be addressed to Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, submitted by electronic mail to *regs.comments@federalreserve.gov*, or delivered to the Board's mailroom between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mailroom and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, NW. Comments received may be inspected in room M–P–500 between 9 a.m. and 5 p.m., except as provided in section 261.12 of the Board's Rules Regarding Availability of Information, 12 CFR 261.12(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Alexander T. 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: A copy of the FFIEC 002 and FFIEC 002s reporting forms may be obtained at the FFIEC's Web site (*www.ffiec.gov*). Additional information or a copy of the

reporting forms may also be requested from Mary M. West, Federal Reserve Board Clearance Officer, (202) 452–3829, Division of Research and Statistics, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551. Users of Telecommunications Device for the Deaf (TDD) may contact (202) 263–4869.

SUPPLEMENTARY INFORMATION: Proposal to extend, without revision, the following currently approved collections of information:

1. *Report Title*: Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks.

Form Number: FFIEC 002.

OMB Number: 7100–0032.

Frequency of Response: Quarterly.

Affected Public: U.S. branches and agencies of foreign banks.

Estimated Number of Respondents: 354.

Estimated Total Annual Responses: 1,416.

Estimated Time per Response: 22.50 burden hours.

Estimated Total Annual Burden: 31,860 burden hours.

General Description of Report

This information collection is mandatory: 12 U.S.C. 3105(b)(2), 1817(a)(1) and (3), and 3102(b). Except for select sensitive items, this information collection is not given confidential treatment (5 U.S.C. 552(b)(8)). Small businesses (that is, small U.S. branches and agencies of foreign banks) are affected.

Abstract

On a quarterly basis, all U.S. branches and agencies of foreign banks (U.S. branches) are required to file a detailed schedule on their assets and liabilities in the form of a condition report and a variety of supporting schedules. This information is used to fulfill the supervisory and regulatory requirements of the International Banking Act of 1978. The data are also used to augment the bank credit, loan, and deposit information needed for monetary policy and other public policy purposes. The Federal Reserve System collects and processes this report on behalf of all three agencies.

2. *Report Title:* Report of Assets and Liabilities of a Non-U.S. Branch that is Managed or Controlled by a U.S. Branch or Agency of a Foreign (Non-U.S.) Bank.

Form Number: FFIEC 002s.

OMB Number: 7100–0273.

Frequency of Response: Quarterly.

Affected Public: U.S. branches and agencies of foreign banks.

Estimated Number of Respondents: 114.

Estimated Total Annual Responses: 456.

Estimated Time per Response: 6 burden hours.

Estimated Total Annual Burden: 2,736 burden hours.

General Description of Report

This information collection is mandatory: 12 U.S.C. 3105(b)(2), 1817(a)(1) and (3), and 3102(b) and is given confidential treatment (5 U.S.C. 552(b)(8)). Small businesses (that is, small U.S. branches and agencies of foreign banks) are affected.

Abstract

On a quarterly basis, all U.S. branches and agencies of foreign banks are required to file detailed schedules on their assets and liabilities in the form FFIEC 002. The FFIEC 002s is a separate supplement to the FFIEC 002 that collects information on assets and liabilities of any non-U.S. branch that is ''managed or controlled'' by a U.S. branch or agency of the foreign bank. Managed or controlled means that a majority of the responsibility for business decisions, including but not limited to decisions with regard to lending or asset management or funding or liability management, or the responsibility for recordkeeping in respect of assets or liabilities for that foreign branch resides at the U.S. branch or agency. A separate FFIEC 002s must be completed for each managed or controlled non-U.S. branch. The FFIEC 002s must be filed quarterly along with the U.S. branch's or agency's FFIEC 002.

The data are used: (1) to monitor deposit and credit transactions of U.S. residents; (2) to monitor the impact of policy changes; (3) to analyze structural issues concerning foreign bank activity in U.S. markets; (4) to understand flows of banking funds and indebtedness of developing countries in connection with data collected by the International Monetary Fund (IMF) and the Bank for International Settlements (BIS) that are used in economic analysis; and (5) to provide information to assist in the supervision of U.S. offices of foreign banks, which often are managed jointly with these branches.

Request for Comment

Comments submitted in response to this Notice will be shared among the agencies. All comments will become a matter of public record. Written comments should address the accuracy of the burden estimates and ways to minimize burden as well as other relevant aspects of the information collection requests. Comments are invited on:

(a) Whether the proposed collection of information is necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

(b) The accuracy of the agencies' estimate 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;

(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; and

(e) Estimates of capital or start up costs and costs of operation, maintenance, and purchase of services to provide information.

Board of Governors of the Federal Reserve System, February 25, 2002.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 02–4840 Filed 2–27–02; 8:45 am]

BILLING CODE 6210–01–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 March 14, 2002.

A.. Federal Reserve Bank of Richmond (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. Frederick Willetts, III, individually and together with Myrna Todd Willetts, Helen Messick Willetts, Elizabeth Messick Willetts, Helen Margaret Willetts, Sarah Jennings Willetts, Margaret Ellen Willetts, Susan Rothwell Willetts, Frederick Willetts, Jr., Trust, Willetts Building Trust, Elizabeth

Messick Willetts Medical Trust, Sarah Jennings Willetts Trust, Margaret Ellen Willetts Trust, Susan Rothwell Willetts Trust, and Stephanie Rose Willetts Trust, all of Wilmington, North Carolina; to acquire voting shares of Cooperative Bankshares, Inc., Wilmington, North Carolina, and thereby indirectly acquire voting shares of Cooperative Bank for Savings, Inc., SSB, Wilmington, North Carolina.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. The Jeff Austin Jr., Dynasty Trust, and The Laural P. (''Sissy'') Austin Dynasty Trust, both of Jacksonville, Texas; to acquire voting shares of JSA Family Limited Partnership, Jacksonville, Texas, and thereby indirectly acquire voting shares of First State Bank, Athens, Texas; Austin Bank, Texas National Association, Jacksonville, Texas; Capital Bank, Jacinto City, Texas, and First State Bank, Frankston, Texas.

Board of Governors of the Federal Reserve System, February 22, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–4702 Filed 2–27–02; 8:45 am]

BILLING CODE 6210–01–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 March 25, 2002.

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. SBN Community Bancorp, Inc., Newburg, Wisconsin; to become a bank holding company by acquiring 100 percent of the voting shares of State Bank of Newburg, Newburg, Wisconsin.

Board of Governors of the Federal Reserve System, February 22, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–4703 Filed 2–27–02; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. 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 the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 14, 2002.

A.Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045–0001:

1. Bayerische Landesbank Girozentrale, Munich, Germany; to acquire Kommanditgesellschaft Allgemeine Leasing GmbH & Co., Grunwald, Germany, and thereby to conduct leasing in the United States, pursuant to section 225.28(b)(3) of Regulation Y.

Board of Governors of the Federal Reserve System, February 22, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc.02–4701 Filed 2–27–02; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary; Agency Information Collection Activities: Proposed Collections; Comment Request

The Department of Health and Human Services, Office of the Secretary will periodically publish summaries of proposed information collections projects and solicit public comments in compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995. To request more information on the project or to obtain a copy of the information collection plans and instruments, call the OS Reports Clearance Office at (202) 619–2118 or e-mail *Geerie.Jones@HHS.gov.*

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 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.

Proposed Project 1

Financial Summary of Obligation and Expenditure of Block Grant Funds (45 CFR 96.30)–0990–0236–Public Law 101–510 amended 31 U.S.C. Chapter 15 to provide that, by the end of the fifth fiscal year after the fiscal year in which the Federal government obligated the

funds, the account will be canceled. If valid charges to a canceled account are presented after cancellation, they may be honored only by charging them to a current appropriation account, not to exceed an amount equal to 1 percent of the total appropriations of that account. Because of the need to determine the status of grant accounts to comply with this statutory provision, we have determined that it is appropriate to require an annual report on obligations and/or expenditures from all grantees under the block grant programs. *Respondents:* State, local or tribal Government. *Reporting Burden Information: Number of Respondents:* 620; *Annual Frequency of Response:* one time; *Average Burden per Response:* one hour; *Total Annual Burden:* 620 hours.

Send comments via e-mail to *Geerie.Jones@HHS.gov,* or mail to Cynthia Agens Bauer, OS Reports Clearance Officer, Room 503H, Humphrey Building, 200 Independence Avenue SW., Washington, DC, 20201. Written comments should be received within 60 days of this notice.

Dated: February 14, 2002.

Kerry Weems,

Acting Deputy Assistant Secretary, Budget.

[FR Doc. 02–4799 Filed 2–27–02; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

Agency Information Collection Activities: Proposed Submission to the Office of Management and Budget (OMB) for Clearance: Comment Request; Revision of Information Collection

AGENCY: Administration on Aging, HHS.

The Administration of Aging (AoA), Department of Health and Human Services, is submitting the following proposal for the collection of information in compliance with the Paperwork Reduction Act (Pub. L. 96–511): State Annual Long-Term Care Ombudsman Report and Instructions for Older Americans Act Title VII.

Type of Request: Revision of a currently approved collection.

Use: To continue an existing information collection, State Annual Long-Term Care Ombudsman Report (and Instructions), from Older Americans Act Title VII grantees. Under section 712(c), section 712(h)(1) and section 712(h)(2)(B) of the Older Americans Act, as amended, states are required to provide information on ombudsman activities to AoA, which AoA is then required to present to Congress. The information on complaints and conditions in long-term care facilities and the ombudsman program is also used by the states, other federal agencies, researchers and consumer groups for a variety of purposes.

Frequency: Annually.

Respondent: State Long-Term Care Ombudsman Programs.

Estimated number of responses: 53.

Estimated Burden Hours: Approximately 3 hours per state program.

Additional Information or Comments: The reporting system, the National Ombudsman Reporting System (NORS), was developed in response to needs identified and directives in the Older Americans Act and approved by the Office of Management and Budget for use in FY 1995–96. It was twice extended, with slight modifications, for use through August 2004. Although the NORS is approved through August 2004, we are planning to revise the form and instructions for use by the states in FY 2003 (beginning October 2002), with the first report using the revised form due to AoA in January 2004.

The proposed revisions, provided in the attached table, were developed by state and local ombudsmen and have been reviewed by all state ombudsmen. The revised NORS form, with instructions, and a proposed expenditure certification form are posted on the AoA Web site, *www.aoa.gov/notices/2002/LTCO–01.html.*

Written comments and recommendations for the proposed information collection should be sent by Internet or postal mail to the following address within 60 days of the publication of this notice, via e-mail to *sue.wheaton@aoa.gov* or regular mail at the following address: Administration on Aging, ATTN: Sue Wheaton, Cohen Building, Room 4737, Washington, DC 20101.

Josefina G. Carbonell,

Assistant Secretary for Aging.

PROPOSED CHANGES IN NATIONAL OMBUDSMAN REPORTING SYSTEM (NORS)

Current	Proposed change
Cases, complainants and complaints by type of facility; action taken on the complaints; a summary of long-term care issues; a detailed profile of the program and its activities, including the number and type of facilities licensed and operating in the state (and the number beds this represents); a description of geographic program coverage, by type of facility; the staffing and funding of local programs; and an overview of other ombudsman activities (including: training, technical assistance, resident visitation, community education, and all other items in Part III F of the current form).	No change.
The current NORS instructions provide general guidance but no specific direction on how to code specific complaints.	Direction on which codes to use for which types of problems is provided in an attachment to the NORS instructions.
The current form has nine categories for types of complainants (cases) and 133 categories for types of problems (complaints). The specific complaint categories are organized by major types of complaints (Residents Rights, Resident Care, etc.) and the specific categories are listed alphabetically within each major group.	Retain the same number of case and complaint fields currently in use and the alphabetical order within the major groups, but adjust the wording on some of the categories to capture problems not specified in the current complaint codes (see italicized words in this column below). (If they wish, states may add additional categories in their own systems and ''fold'' these back into the NORS categories for the report to AoA.).

PROPOSED CHANGES IN NATIONAL OMBUDSMAN REPORTING SYSTEM (NORS)—Continued

Current	Proposed change
For cases and complaints, the current form has a type of facility heading which reads ''Board & Care (or similar)''.	Add ''ALF'' (for assisted living facility) and RCF (residential care facility) to the board and care case and complaint column heading so the heading reads: ''B&C, ALF, RCF, etc.,'' with a footnote explaining the types of facilities that are included. In response to an ombudsman recommendation, the footnote clarifies that complaints may be from unregulated as well as regulated facilities.
Complaint Category F. 40 reads ''Accidents, improper handling''	Change to ''Accidental or injury of unknown origin; falls; improper handling.''
Category 41 reads ''Call lights, requests for assistance''	Change to ''Call lights, response to requests for assistance.''
Category F.47 reads ''Pressure sores''	Change to ''Pressure sores, not turned.''
Category F.49 reads ''Toileting''	Change to ''Toileting, incontinent care.''
Category P. 117 reads ''Abuse/abandonment by family member/friend/guardian or, while on visit out of facility, any other person''.	Change to ''Abuse/neglect/abandonment by family member/friend/guardian or, while on visit out of facility, any other person.''
Category P. 121 reads ''Financial exploitation by family or other not affiliated with facility''.	Change to read: ''Financial exploitation or neglect by family or other not facility'' and emphasize in the instructions this addition and how to use this complaint category.
Major Category Q. reads ''Complaints in Other Than Nursing or Board and Care/Similar Settings'' and Q. 132 reads ''Shelters''.	Strike ''Shelters'' from Q.132 and use Q.132 to capture ''Services from outside provider'' (i.e., personal care, transportation or other service provided to a facility resident by an outside provider). Change the heading of Q to read ''Complaints About Services in Settings Other Than Long-Term Care Facilities or By Outside Provider'' and emphasize/clarify in the instructions how to use the new Q.132.
NORS instructions providegeneral guidance but emphasis and increased clarity are required on some items.	Emphasize in the NORS instructions that category A.6 ''Resident-to-resident physical or sexual abuse'' is for willful abuse of one resident by another resident, not for unintentional harm or altercations between residents who require staff supervision, which should be coded in category I.66. (For example, a confused resident who strikes out is categorized at I.66 and an alert resident who strikes out is A.6.) Add to the instructions that resident requests for assistance in moving out of the facility should be coded under P. (System/Others) 128 ''Other.''
Part I E.2.(a) under ''Disposition'' reads (number of complaints) ''for which government policy or regulatory change or legislative action was required to resolve * * *''.	Change the verb tense so it reads ''for which government policy or regulatory change or legislative action is required to resolve * * *''.
	For Part III F. ''Other Ombudsman Activities,'' item 6, the instructions define more prominently and specifically that resident visitation on a ''regular basis'' means no less frequently than quarterly. (NOTE: ''Regular visitation'' is not a federal ombudsman program requirement, but it is an activity in the NORS which requires definition.) The instructions clarify Part III F.7., ''Participation in Facility Surveys,'' means participating in any aspect of both regular surveys and surveys held in response to complaints. This may include conferring with the certification agency prior to or following a survey. It is not limited to actually going with the team on the survey. The instructions emphasize that under Part I A and B, a ''case'' means ''opening of a case file and includes ombudsman investigation, fact gathering, setting of objectives and/or strategy to resolve, and follow-up'' (which is the definition of ''case'' on the NORS form). Other calls reporting incidents or seeking advice but not requiring ombudsman involvement to the degree specified in this definition should be counted as consultations to individuals or facilities in Part III F.4. or documented in some way specific to the state's needs but not included in the NORS system. For example, in those few states where state law requires reporting instances of nursing home abuse to the ombudsman program, the reports should not be counted as a case and as an abuse complaint unless the ombudsman program investigates and is actively involved in working out a resolution. Unless the ombudsman program is actively engaged in investigating and working to resolve the problems reported, the program should keep its own list of such reports and not include them in the data submitted in the NORS system.
The instructions, at the bottom of page 3, direct ombudsmen to document primary complaints in Part I D but not to document problems which are incidental to, or even causal to, the primary complaint.	This direction is deleted from the instructions. (The effect will be to leave such documenting decisions up to the states. One state ombudsman staff member strongly objected to this change because it could lead to inconsistent documentation among the states, but the majority of those on the task force thought the directive should be deleted because it causes confusion and inaccuracies in reporting complaints and problems experienced by residents.)

PROPOSED CHANGES IN NATIONAL OMBUDSMAN REPORTING SYSTEM (NORS)—Continued

Current	Proposed change
	The instructions clarify the distinctions between complaint categories B.14, D.29, and M.96, all of which involve communication/language barriers and yet are different types of problems (as explained. in the ''Complaint Codes'' attachment to the instructions). The instructions emphasize that supplies not provided as part of the daily rate should be coded under E.36, ''Billing, etc.'' The instructions as well as the form emphasize that problems with a referral agency failing to substantiate a complaint should be coded under the Part III E.2.d.2) disposition category. The instructions emphasize in that complaints about ''nutrients out-of-date'' should be categorized under J.71 dealing with food quality. The instructions clarify that ''percentage of staff time spent on technical assistance for volunteers'' under ''other ombudsman activities'' includes staff resources devoted to the management and administration of the volunteer program as a whole. Add the following to the narrative issues section, Part II: B. Facility Closures: If your program has worked on facility closures, please include a description of these activities, including reasons for the closure(s) and outcomes of ombudsman activities.'' C. Alternative Care Systems: If your program has been involved in planning for alternatives to institutional care and/or has assisted individual residents to move to less restrictive settings of their choice, please describe these activities and provide an approximate number of the individuals who have been assisted.
OMB-approved form for certifying compliance with minimum funding requirement expired in FY 1997.	Add a form for state certification of compliance with the ombudsman minimum funding and non-supplantation provisions in the Act and to confirm expenditures reported in the NORS.

[FR Doc. 02–4800 Filed 2–27–02; 8:45 am]
BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 02045]

Cardiovascular Health Programs; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2002 funds for a cooperative agreement for Cardiovascular Health (CVH) Programs. The cardiovascular diseases (CVD) to be addressed are primarily heart disease and stroke. This program addresses the ''Healthy People 2010'' focus area of Heart Disease and Stroke and associated risk factors (*e.g.*, tobacco use, high cholesterol, high blood pressure, physical inactivity, and poor nutrition).

The Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP) is issuing this Program Announcement in an effort to simplify and streamline the grant pre- and post-award administrative process, provide increased flexibility in the use of funds, measure performance related to each grantee's stated objectives and identify and establish the long-term goals of a CVH program through stated performance measures. Some examples of the benefits of the streamline process are: elimination of separate documents (continuation application and semi-annual progress report) to issue a continuation award; consistency in reporting expectations; elevation to a Comprehensive Program based on performance when funds are available; and increased flexibility within approved budget categories.

Existing grantees under Program Announcement numbers 98084 or 00091 will have their grant project periods extended to FY 2007 upon receipt of a technically acceptable application. Other eligible applicants will have an opportunity to compete for funding.

The purpose of the program is to assist States in developing, implementing, and evaluating cardiovascular health promotion, disease prevention, and control programs and eliminating health disparities; and to assist States in developing their Core Capacity Programs into Comprehensive Programs. Core Capacity Programs are the foundation upon which comprehensive cardiovascular health programs are built. (See Logic Model for the State Cardiovascular Health program in Attachment I Background and Attachment III Performance Measures for a Comprehensive Program) in the application kit.

To improve the cardiovascular health of all Americans, every State health department should have the capacity, commitment, and resources to carry out a comprehensive cardiovascular health promotion, disease prevention and control program (*See* Attachment II Core Capacity and Comprehensive Program Descriptions) in the application kit.

B. Eligible Applicants

Assistance will be provided only to the health departments of States or their bona fide agents, including the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, under a competitive review process.

States currently receiving CDC funds for Core Capacity Programs under Program Announcements 98084 or 00091, entitled State Cardiovascular Health Programs, are eligible to apply for Core Capacity or Comprehensive Program funding.

The following 22 Core Capacity States/Health Departments are eligible to apply for Core Capacity or Comprehensive Program funding:

Alabama, Alaska, Arkansas, Colorado, Connecticut, District of Columbia, Georgia, Illinois, Kentucky, Louisiana,

Massachusetts, Minnesota, Mississippi, Montana, Nebraska, Ohio, Oklahoma, Oregon, Tennessee, Utah, West Virginia, and Wisconsin.

States currently receiving CDC funds for Comprehensive Programs under Program Announcements 98084 or 00091, entitled State Cardiovascular Health Programs, are eligible to apply for Comprehensive Program funding only.

The following 6 Comprehensive Program States/Health Departments are eligible to apply for Comprehensive Program funds only:

Commonwealth of Virginia, Maine, Missouri, New York, North Carolina, and South Carolina Health Departments.

All applications received from current grant recipients under Program Announcements 98084 or 00091 will be funded for either Core Capacity or Comprehensive Programs, pending approval of a technically acceptable application.

Applications for Comprehensive funding received from current grant recipients that are not funded will continue with Core Capacity funding.

As a contingency, currently funded Core Capacity recipients should provide a separate Core Work plan, budget, and budget justification that address Core Capacity recipient activities to expedite the award process.

State health departments are uniquely qualified to define the cardiovascular disease problem throughout the State, to plan and develop statewide strategies to reduce the burden of CVD, to provide overall State coordination of cardiovascular health promotion, disease prevention, and control activities among partners, lead and direct communities, to direct and oversee interventions within overarching State policies, and to monitor critical aspects of CVD.

Note: Title 2 of the United States Code section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant or loan.

C. Availability of Funds

Approximately $16,000,000 is available in FY 2002 to fund approximately 31 awards. Approximately $6,700,000 is available to fund 22 existing Core Capacity Programs grantees under Program Announcement numbers 98084 and 00091. It is expected that the average award will be $300,000, ranging from $250,000 to $400,000. Approximately $7,300,000 is available to fund 6 existing Comprehensive Programs grantees under Program Announcement 98084 and 00091. It is expected that the average award will be $1,000,000, ranging from $850,000 to $1,400,000.

Approximately $1,000,000 is available in FY 2002 for one or two existing Core Capacity Programs grantees under Program Announcement numbers 98084 and 00091 to receive Comprehensive level funding.

In addition, approximately $1,000,000 is available in FY 2002 to fund one to three new Core Capacity Programs or approximately one new Comprehensive Program. Requests for these funds will be competitive and will be reviewed by an independent objective review panel. It is expected that the average award will be $300,000, ranging from $250,000 to $400,000 for new Core Capacity Programs. It is expected that the average award will be $1,000,000, ranging from $850,000 to $1,400,000 for new Comprehensive Programs. It is expected that Core Capacity and Comprehensive Program awards under this Program Announcement will begin on or about June 30, 2002 and will be made for a 12-month budget period within a project period of up to five years. Funding estimates may change.

Applicants should submit two (2) separate budgets in response to this Program Announcement: (1) A detailed budget and narrative justification that supports the activities for year one funding in response to this Program Announcement for FY 2002 support, and (2) a categorical budget consistent with budget Form 424A for each year 2 through 5 that describes the financial resources that would be needed for these funding years to fully fund a Cardiovascular Health program over a five-year project period.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required progress reports and the availability of funds.

1. Use of Funds

Cooperative agreement funds may be used to support personnel and to purchase equipment, supplies, and services directly related to program activities and consistent with the scope of the cooperative agreement. Funds provided under this Program Announcement are not intended to be used to conduct research projects. Cooperative agreement funds may not be used to supplant State or Local funds. Cooperative agreement funds may not be used to provide patient care, personal health services, medications, patient rehabilitation, or other cost associated with the treatment of CVD. Although public health may have an assurance role in health screening, it is not recommended that these funds be used to provide health screening.

As part of the increased flexibility efforts, applicants are encouraged to maximize the public health benefit from the use of CDC funding within the approved budget line items and to enhance the grantee's ability to achieve stated goals and objectives and to respond to changes in the field as they occur within the scope of the award. Recipients also have the ability to redirect up to 25 percent of the total approved budget or $250,000, whichever is less, to achieve stated goals and objectives within the scope of the award except from categories that require prior approval such as contracts, change in scope, and change in key personnel. A list of required prior approval actions will be included in the Notice of Grant Award.

Applicants are encouraged to identify and leverage opportunities, which will also enhance the recipient's work with other State health department programs that address related chronic diseases or risk factors. This may include cost sharing to support a shared position such as Chronic Disease epidemiologist, health communication specialist, program evaluator, or policy analyst to work on risk factors or other activities across units/departments within the State health department. This may include, but is not limited to, joint planning activities, joint funding of complementary activities based on program recipient activities, coalition alliances and joint public health education, combined development and implementation of environmental, policy, systems, or community interventions and other cost sharing activities that cut across Chronic Disease Programs and related to recipient program activities.

2. Recipient Financial Participation

Under the Comprehensive Program of this Program Announcement, matching funds are required from State sources in an amount not less than $1 for each $5 of Federal funds awarded. Applicants for the Comprehensive Program must provide evidence of State-appropriated resources targeting cardiovascular health promotion, disease prevention, and control of at least 16 percent of the total approved budget. A cost sharing or match requirement may not be met by costs borne by another federal grant. For example, the Preventive Health and Health Services (PHHS) Block Grant may not be included as State resource evidence.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for conducting the activities under 1.a. (Recipient Activities for Core Capacity Programs), 1.b. (Recipient Activities for Comprehensive Programs), and CDC will be responsible for the activities listed under 2. (CDC Activities). For all Core Capacity and Comprehensive Program Recipient Activities, efforts to address tobacco use, poor nutrition, physical inactivity, diabetes and school health should be coordinated with State tobacco, nutrition, physical activity, diabetes and coordinated school health programs; activities of these programs should not be duplicated.

1.a. Recipient Activities for Core Capacity Programs

(1) Develop and Coordinate Partnerships

Identify, consult with, and appropriately involve State cardiovascular health partners to identify areas critical to the development of a State level cardiovascular health promotion, disease prevention, and control program, coordinate activities, avoid duplication of effort, and enhance the overall leadership of the State with its partners. Within the State health department, coordinate and collaborate with partners such as tobacco, nutrition, physical activity, secondary prevention, diabetes, school health, health education, PHHS Block Grant, state minority health liaison, office on aging, public information officer, laboratory, as well as with data partners such as vital statistics and the State's Behavioral Risk Factor Surveillance System (BRFSS). Within State government, collaborate and partner with other departments such as education, transportation, agriculture, agency on aging, parks and recreation and with State agency data partners, such as the Youth Risk Behavioral Surveillance System (YRBSS).

Within the State, collaborate with organizations that address heart disease and stroke or related risk factors (*e.g.*, tobacco use, high cholesterol, high blood pressure, physical inactivity, and poor nutrition) such as the American Heart Association, Biking and Walking Federation, smoke-free coalitions, Federally Qualified Health Centers, State Quality Improvement Organization, State medical society, and association of managed care organizations. Partners should also include organizations that improve health and quality of life (*e.g.*, smart growth coalition) or provide access to a setting (*e.g.*, business coalition on health) or a Priority Populations (*e.g.*, State black nurses' association, association of Hispanic congregations, State Indian health boards). Partnerships and collaborative efforts may develop into memorandums of agreement (MOA) or similar formalized arrangements. The State health department should organize a statewide work group with representation from many of the groups mentioned above as well as other agencies, professional and voluntary groups, academia, community organizations, the media, and the public to develop a comprehensive CVH State plan.

(2) Develop Scientific Capacity To Define the Cardiovascular Disease Burden

Enhance chronic disease epidemiology, statistics, monitoring, and data analysis from existing data systems such as vital statistics, hospital discharges, BRFSS and YRBSS. This should include the collection of cardiovascular-related data using the BRFSS protocols and time line. It is recommended that, as an essential element of defining the burden, funded States collect data on the BRFSS sections or modules on Hypertension Awareness, Cholesterol Awareness, and Cardiovascular Disease in odd years (i.e., 2003, 2005).

It is recommended that funded States collect data using the Module on Heart Attack and Stroke Signs and Symptoms in 2005 and every four years after 2005 as a minimum. It is recommended that State CVD burden data be analyzed for program planning at least every two years or as needed and that a CVD Burden document be published every five years. The enhanced scientific capacity should include efforts to determine:

(a) Trends in cardiovascular diseases, including age of onset of disease and age at death.

(b) Geographic distribution of cardiovascular diseases.

(c) Disparities in cardiovascular diseases and related risk factors by race, ethnicity, gender, geography, and socio-economic status.

(d) Ways to integrate systems to provide comprehensive data needed for assessing and monitoring the cardiovascular health of populations and for program planning and assessment of program outcomes.

Monitoring and program evaluation are considered essential components of building scientific capacity.

The evaluation plan should address measures considered critical to determine the success of the program in meeting the required program activities, and program results should be used for program improvement. Evaluation should also address implementation of required program activities.

(3) Develop an Inventory of Policy and Environmental Strategies

Develop an assessment of existing polices and environmental supports related to CVD risk factors (*e.g.*, tobacco use, high cholesterol, high blood pressure, physical inactivity, and poor nutrition) and related conditions (*e.g.*, diabetes and obesity). Information from the assessment or environmental scan should be used for program planning and priority setting related to key polices and environmental supports to be addressed by the CVH State program. For example, if the inventory shows that the State has policies restricting tobacco use in public buildings, then the CVH State program might not focus on this policy issue.

The inventory would assess public policies (*e.g.*, State policies, regulations, and legislation), as well as organizational policies (*e.g.*, policies in schools, worksites, health care, and communities). The inventory should address the needs of Priority Populations, and should focus on primary and secondary prevention of cardiovascular diseases and related risk factors (*e.g.*, tobacco use, high cholesterol, high blood pressure, physical inactivity, and poor nutrition) and related conditions (*e.g.*, diabetes and obesity). The initial focus of the inventory should be on assessing policies at the State level that have an impact on settings: schools, worksites, health care, and communities (*e.g.*, State legislation or Department of Education polices that may affect CVH-related policies in schools (*see www.cdc.gov/nccdphp/dash/shpps* for school policy data), State-level agency policies which affect whether a percentage of highway funds are dedicated to transportation alternatives which encourage people to be physically active, and association policies that provide guidance for use of accepted guidelines for the prevention and control of CVD in health care settings. During the project period, the inventory should assess supports at the State-level and then at other levels (*e.g.*, district, local) for each of the four settings (*e.g.*, schools, worksites, health care, and communities).

Items inventoried could include issues related to food service policies; availability of environmental strategies for being active such as recreation centers, parks, walking trails; and restrictions on tobacco use. Health care-related policy and environmental issues

should relate to the guidelines on standards of care for primary and secondary prevention and should be assessed in collaboration with the State Quality Improvement Organization, purchasers of medical care, managed care organizations, and consumers.

(4) Develop or Update a CVH State Plan

Develop or update a comprehensive State Plan for cardiovascular health promotion, disease prevention, and control to include specific objectives for future reductions in heart disease and stroke and related risk factors and the promotion of heart health. Develop a thorough description of the cardiovascular disease burden geographically and demographically, set objectives, and include population-specific strategies for achieving the objectives. The strategies should emphasize population-based policy and environmental approaches and education as well as the increased awareness of signs and symptoms of primarily heart attack and stroke. It should address the needs of Priority Populations. The strategies may also include planning for program development within settings, particularly culturally appropriate strategies to reach Priority Populations. Partners should be involved in the development and implementation of the cardiovascular health State Plan. The CVH State Plan may be a stand alone plan or an identifiable section within another State plan.

(5) Provide Training and Technical Assistance

Increase the skill-level of State and local health department staff and partners in areas such as population-based interventions, policy and environmental strategies, CVD and related risk factors (*e.g.*, tobacco use, high cholesterol, high blood pressure, physical inactivity, and poor nutrition), secondary prevention, communication, epidemiology, cultural competence, use of data in program planning, and program planning and evaluation. Training may include provision of technical assistance to communities, worksites, health care sites, schools, and faith-based organizations.

(6) Develop Population-Based Strategies

Develop plans for population-based intervention strategies to promote cardiovascular health, primary and secondary prevention of cardiovascular diseases and related risk factors (*e.g.*, tobacco use, high cholesterol, high blood pressure, physical inactivity, and poor nutrition); increase awareness of signs and symptoms of primarily heart attack and stroke, educate about the need for policy and environmental approaches, and reduce the burden of cardiovascular diseases in the State. The strategies may include working with State-level organizations, health systems, worksites, schools, media, community organizations, non-traditional partners and government agencies as effective means to reach people.

System changes are encouraged in four settings: schools, worksites, health care, and communities. Interventions within systems are encouraged at the highest level possible, for example, activities with business coalitions and unions rather than individual worksites and with managed care organizations (MCOs) and State medical associations rather than individual healthcare settings or physicians. Information regarding the CVD burden in the State and information from the inventories should be used to identify priority areas for interventions.

(7) Develop Culturally-Competent Strategies for Priority Populations

Develop plans for enhanced program efforts to address Priority Populations. Specify how interventions would be designed appropriately for the Priority Populations to be addressed. Strategies should focus on policy and environmental approaches specific for the population to be addressed but may, on a limited basis, include interventions such as community events and campaigns designed to increase awareness of the cardiovascular disease burden and risk factors (e.g., tobacco use, high cholesterol, high blood pressure, physical inactivity, and poor nutrition) in the Priority Populations and to promote policy and environmental strategies to improve cardiovascular health and reduce risk factors. Initiatives may be used to demonstrate the effectiveness of selected strategies or as a means to generate community support for policy and environmental strategies.

1.b. Recipient Activities for Comprehensive Programs

In addition to continuing and enhancing the Recipient Activities for Core Capacity Programs, Activities 1–5, Comprehensive Program will:

(1) Implement Population-Based Intervention Strategies Consistent With the State Plan

Strategies should include policy and environmental approaches, education and awareness supportive of the need for policy and environmental approaches, and other population-based approaches. Priority intervention strategies include changes in policies and physical and social environments or settings to make the settings supportive of heart health and the prevention of CVD. Priority education and awareness strategies would include communication efforts to address CVD and risk factors, need for policy and environmental approaches and awareness of signs and symptoms, primarily of heart attack and stroke. The CDC Cynergy, CVH edition, is a communication planning tool in CD-ROM format that may be used by States to plan health communication activities within a public health context.

These strategies/interventions may be disseminated through various settings and groups including State-level organizations, health care systems, worksites, schools, community organizations, governments, and the media. Interventions should be population-based, with objectives established that specify the population-wide changes sought. Approaches should emphasize State-level activities that bring about policy and environmental systems changes. Any approach should extend to a relatively large proportion of the population to be addressed, rather than a few selected communities. Interventions should be coordinated such that health messages, policies, and environmental measures are consistent, the most cost-effective methods are used for reaching the populations, and duplication of effort is avoided. Interventions should address tobacco use, elevated blood pressure, elevated cholesterol, physical inactivity, poor nutrition, diabetes, and secondary prevention. Implementation may extend to grants and contracts with local health agencies, communities, and nonprofit organizations.

(2) Implement Strategies Addressing Priority Populations

These strategies may include interventions directed to specific communities and segments of the population, and may include all appropriate modes of interventions needed to reach the populations to be addressed. These strategies may include more intensive, directed interventions by organizations concerned with improving the health and quality of life of Priority Populations, including State-level organizations, work sites, health care sites, communities, and schools. Priority intervention strategies include changes in policies and physical and social environments or settings to make the settings supportive of heart health and the prevention of CVD. Priority education and awareness strategies

should include health communication efforts to address CVD and risk factors, need for policy and environmental approaches and awareness of signs and symptoms, primarily of heart attack and stroke.

(3) Specify and Evaluate Intervention Components

Design and implement a program evaluation system. The evaluation plan should address measures considered critical to determine the success of the program, and evaluation results should be used for program improvement. Evaluation should be limited in scope to address strategy implementation, changes in policies and the physical and social environments affecting cardiovascular health. Evaluation should not include comparison communities or quasi-experimental designs. Evaluation should cover both population-based strategies as well as targeted strategies focused on Priority Populations. Evaluation should rely primarily upon existing data systems.

(4) Implement Professional Education Activities

Provide or collaborate with partners to provide professional education to health providers and others to assure appropriate standards of care for primary and secondary prevention of CVD are offered routinely to all.

(5) Collaborate on Secondary Prevention Strategies

Secondary prevention activities should be integrated into such things as partnerships, policy and environmental changes, and training and education in areas such as hypertension, high cholesterol, stroke, heart attack, diabetes, and congestive heart failure to ensure that recognized guidelines for secondary guidelines are followed. Activities in secondary prevention should include monitoring the delivery of secondary prevention practices (*e.g.,* drug therapy, physical activity regimens, dietary changes, and hypertension and lipid management) and collaborating with partners on professional education and policy and practice change related to the implementation of the guidelines on standards of care for CVD. Development of monitoring systems and implementation of approaches for secondary prevention practices should be coordinated with partners such as the State Quality Improvement Organization, Federally Qualified Health Centers, managed care providers, Medicaid, major employers, insurers, other organized health care providers, and purchasers of health care. Secondary prevention strategies may be integrated with professional education initiatives.

2. CDC Activities

a. Provide technical assistance in the coordination of monitoring and other data systems to measure and characterize the burden of cardiovascular diseases. Provide technical assistance in the design of monitoring instruments and sampling strategies, and provide assistance in the processing of data for States. Provide data on populations at highest risk. Provide data for national-level comparisons.

b. Collaborate with the States and other appropriate partners to develop and disseminate programmatic guidance and other resources for specific interventions, media campaigns, and coordination of activities.

c. Collaborate with the States and other appropriate partners to develop and disseminate recommendations for policy and environmental interventions including the measurement of progress in the implementation of such interventions.

d. Collaborate with appropriate public, private, and nonprofit organizations to coordinate a cohesive national program.

e. Provide technical assistance to the State public health laboratory or contract laboratory to standardize cholesterol, high density lipoproteins, and triglyceride measurements.

f. Provide training and technical assistance regarding the coordination of interventions, policy and environmental strategies, and population-based strategies.

E. Content

Applications

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated using the criteria listed, so it is important to follow them in laying out your program plan. Applications for the Core Capacity Program should not exceed 52 double-spaced pages, printed on one side, with one inch margins, in 12-point font, excluding budget, justification, and appendixes. Applications for the Comprehensive Program should not exceed 90 double-spaced pages, printed on one side, with one inch margins, in 12-point font, excluding budget, justification, and appendixes. All applicants should also submit appendices including resumes, job descriptions, organizational chart, facilities, and any other supporting documentation as appropriate. All materials must be suitable for photocopying (*i.e.,* no audiovisual materials, posters, tapes, etc.).

Applicants may apply for funding of either Core Capacity Program or Comprehensive Program, but not both, and must designate in the Executive Summary of their application the component (Core Capacity Program or Comprehensive Program) for which they are applying. Provide the following information:

1. Executive Summary

All applicants must provide a summary of the program described in the proposal (two pages maximum

2. Core Capacity Program

(Application portion of the Core Capacity Program application may not exceed 50 double-spaced pages using 12-point font):

a. Staffing (not included in 50-page limitation). Describe program staffing and qualifications including access to expertise in tobacco, physical activity, nutrition, secondary prevention, epidemiology, and evaluation. Provide organizational chart, resumes, job descriptions, and experience for all budgeted positions. Describe lines of communication between various related chronic disease programs and risk factors. It is recommended that staff include a full-time program manager and a one-half time chronic disease epidemiologist. Assurance should be given that staff have the skills to carry out Recipient Activities, such as program development, health education, and partnership development.

b. Facilities (not included in 50-page limitation). Describe facilities and resources available to the program, including equipment available, communications systems, computer capabilities and access, and laboratory facilities if appropriate.

c. Background and Need. Describe the need for funding and the current resources available for Core Capacity activities, to include:

(1) The overall State cardiovascular disease problem.

(2) The geographic patterns, trends, age, gender, racial and ethnic patterns, and other measures or assessments.

(3) The barriers the State currently faces in developing and implementing a Statewide program for the prevention of cardiovascular diseases.

(4) The advisory groups, partnerships, or coalitions currently involved with the State health department for cardiovascular disease prevention and control, including the current chronic

disease programs within the State health department and present linkages with those programs.

(5) The gaps in resources, staffing, capabilities, and programs that, if addressed, might further the progress of cardiovascular disease prevention.

d. Core Capacity Work Plan. Provide a work plan that addresses each of the required Core Capacity elements cited in the Recipient Activities section above, to include the following information:

(1) Program objectives for each of the Recipient Activities. Objectives should describe what is to happen, by when, and to what degree.

(2) The proposed methods for achieving each of the objectives.

(3) The proposed partnerships and collaborations for achieving each of the objectives.

(4) The proposed plan for evaluating progress toward attainment of the objectives.

(5) A milestone, time line, and completion chart for all objectives for the project period.

e. Core Capacity Program Budget. Provide a detailed line-item budget with justifications consistent with the purpose and proposed objectives, using the format on PHS Form 5161–1. Applicants are encouraged to include budget items for travel for two trips to Atlanta, Georgia for two individuals to attend a three-day training and technical assistance workshops.

Supporting materials such as organizational charts, tables, position descriptions, relevant publications, letters of support that specify the type of support, MOA, etc., should be included in the appendixes and be reproducible. Materials included in the appendixes should be responsive to the Program Announcement. Including extensive materials is not recommended.

3. Comprehensive Program (Application portion of the Comprehensive Program application may not exceed 90 double-spaced pages using 12 point font)

a. Background and Need.

(1) Provide evidence that the State health department has significant core capacity as specified in the Core Capacity Program Recipient Activities 1 through 5.

(2) Provide a description of the overall burden of Cardiovascular disease and related risk factors in the State and the need for support in the State; the geographic and demographic distribution, age, sex, racial and ethnic groups, educational, and economic patterns of the diseases as well as the trends over time. Describe the key barriers to successful implementation of a statewide program for prevention of cardiovascular diseases within the State; partnerships and collaboration with related agencies, and the status of policies and environmental approaches in place that influence risk factors and public awareness. Provide a description of the populations to be addressed, including Priority Populations, and their constituencies and leadership potential to develop and conduct program activities.

b. Staffing (not included in 90-page limitation). Describe project staffing and qualifications including access to expertise in tobacco, physical activity, nutrition, secondary prevention, evaluation, and epidemiology. Provide organizational chart, curriculum vitae, job descriptions, and experience needed for all budgeted positions. Describe lines of communication between various related chronic disease programs. It is recommended that staff include a full-time program manager and at least a one-half time chronic disease epidemiologist. Assurance should be given that staff have the skills to carry out Recipient Activities, such as program development, health education, partnership development, policy development, evaluation, and training.

c. State Plan. Provide the current State plan (dated January 1997 or later) that includes population-based policy and environmental strategies as well as strategies for implementing programs which utilize health care settings, worksites, the media, schools, and communities; and which includes strategies addressing specific Priority Populations and communities.

d. Comprehensive Program Work Plan. Address briefly how each of the Core Capacity recipient activities, cited in the Recipient Activities section above will be continued and enhanced. Address each of the required Comprehensive Program recipient activities cited in the Recipient Activities section above in sufficient detail to describe the results expected and how the State will achieve the results. Objectives and strategies should be consistent with the State Plan and specify Priority Populations to be addressed, communities, or geographic areas of concern; complete listings of the policy and environmental changes sought to create heart-healthy environments for the population; other intervention strategies; coordination among State partners; and strategies for closing the gaps in cardiovascular disease disparities. Interventions should be expressed in terms of changes sought for the general population as well as changes in Priority Populations to be addressed. Population-based approaches should extend to a relatively large proportion of the State population rather than a few selected communities. Targeted strategies should clearly define the Priority Populations to be addressed. Objectives should describe what is to happen, by when, and to what degree. A milestone and activities completion chart or time line should be provided for all objectives for the project period.

e. Evaluation. Provide a description of monitoring activities that include mortality, changes in environmental and policy indicators, and behavioral risk factors including statistically valid estimates for populations to be addressed. Describe the capability for special one-time surveys to be conducted by the State. Describe how each of the program elements will be evaluated and which measures are considered critical to monitor for evaluating the success of the program. Describe the various existing data systems to be employed, how the systems might be adapted, and the specific program elements to be evaluated by those systems. Describe the schedules for data collection and when analyses of the data will become available.

f. Collaboration. Provide letters of support describing the nature and extent of involvement by outside partners and coordination among State health department programs, other State agencies, and non-governmental health and non-health organizations. Describe how the overall delivery of interventions for Priority Populations will be enhanced by these collaborative activities.

g. Training Capability. Provide a description of training sessions for health professionals provided within the past three years. Include agendas, dates, professional status or occupation, and number of attendees. Provide other evidence of training capabilities deemed appropriate to the program.

h. Comprehensive Program Budget Justification. Provide a line-item budget consistent with CDC Form 0.1246 along with appropriate justifications. Applicants are encouraged to include budget items for travel for two trips to Atlanta, Georgia for two individuals to attend a three-day training and technical assistance workshops. State matching funds should be listed on question 15 (estimated funding) of the application face page and Section C of the Budget Information worksheet.

F. Submission and Deadline

Application

Submit the original and two copies of CDC form 0.1246. Forms are available in the application kit and at the following Internet address: *www.cdc.gov/od/pgo/forminfo.htm.*

On or before April 17, 2002, submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Deadline: Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date; or

2. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late: Applications which do not meet the criteria in 1. or 2. will be returned to the applicant.

G. Evaluation Criteria

Each competitive application will be evaluated individually against the following criteria by an independent review group appointed by CDC. Applications received from grantees funded under Program Announcement number 98094 or 00091 will be reviewed by independent reviewers utilizing the Technical Acceptability Review (TAR) process.

Applications Received From

1. Core Capacity Program (Total 100 points)

a. Staffing (10 Points).

The degree to which the proposed staff have the relevant background, qualifications, and experience; and the degree to which the organizational structure supports staffs' ability to conduct proposed activities. The degree to which recommended staffing allow for needed skills. Confirmation of staffing that allows for one FTE program manager and .5 FTE of a chronic disease epidemiologist.

b. Facilities (5 Points).

The extent to which the applicant's description of available facilities and resources are adequate.

c. Background and Need (15 Points).

The extent to which the applicant identifies specific needs and resources available for Core Capacity activities. The extent to which the funds will successfully fill the gaps in State capabilities.

d. Core Capacity Work Plan (60 Points).

(1) (20 Points) The extent to which the plan for achieving the proposed activities appears realistic and feasible and relates to the stated program requirements and purposes of this cooperative agreement.

(2) (20 Points) The extent to which the proposed methods for achieving the activities appear realistic and feasible and relate to the stated program requirements and purposes of the cooperative agreement.

(3) (10 Points) The extent to which the proposed plan for evaluating progress toward meeting objectives and assessing impact appears reasonable and feasible.

(4) (10 Points) The degree to which partnerships, within and external to the State health department, are demonstrated through documented and collaborative activities and letters of support that describe the nature and extent of involvement and commitment.

e. Objectives (10 Points).

The degree to which objectives are specific, time-phased, measurable, realistic, and related to identified needs, program requirements, and purpose of the program.

f. Budget (Not Scored).

The extent to which the budget appears reasonable and consistent with the proposed activities and intent of the program.

2. Comprehensive Program (Total 100 points)

a. Background and Need (35 Points).

(1) (25 points) The extent to which the applicant provides evidence that it has significant core capacity as specified in the Core Capacity Program Recipient Activities 1–5 (see Program Recipient Activities section).

(2) (10 Points) The extent to which the applicant identifies specific needs in relation to geographic and demographic distribution of cardiovascular diseases with particular emphasis on Priority Populations; identifies trends in mortality and risk factors (e.g., tobacco use, high cholesterol, high blood pressure, physical inactivity, and poor nutrition) and related conditions (e.g., diabetes and obesity); identifies barriers to successful program implementation; describes current partnerships and collaborations; and describes existing policy and environmental influences in terms of their affect on public awareness and the risk factors (e.g., tobacco use, high cholesterol, high blood pressure, physical inactivity, and poor nutrition) for cardiovascular diseases.

b. Staffing (10 points).

The degree to which the proposed staff have the relevant background, qualifications, and experience; the degree to which the organizational structure supports staffs' ability to conduct proposed activities; the degree to which the recommended staffing and skills are addressed. Confirmation of staffing that allows for one FTE program manager and .5 FTE of a chronic disease epidemiologist.

c. Comprehensive Work Plan (40 Points).

(1) (20 Points) The extent to which the work plan addresses briefly how the Core Capacity recipient activities will be continued and enhanced and, in detail, how they will address the Comprehensive Program recipient activities. The extent to which the work plan addresses primary and secondary prevention of CVD and promotion of CVH, policy and environmental strategies, education and awareness, and other appropriate population-based approaches and the extent of program activities that appropriately use settings (e.g., schools, worksites, health care, and communities). The extent to which the plan identifies and addresses the needs of Priority Populations.

(2) (15 Points) The degree to which the objectives are specific, time-phased, measurable, realistic, and relate to identified needs and purposes of the program, for both the general population as well as the Priority Populations. The extent to which the work plan for achieving the proposed activities appears realistic and feasible, is consistent with the State Plan, and relates to the stated program requirements and purposes of this cooperative agreement. The extent to which the plan addresses the needs of the State and the appropriateness of the planned interventions to the cardiovascular disease problem.

(3) (5 Points) The extent to which collaboration with State tobacco, nutrition, physical activity, health promotion, data systems (BRFSS), diabetes, coordinated school health and other chronic disease programs and with external partners is used to deliver the program; the extent to which coordination with other State chronic disease programs and other State agencies enhances the cardiovascular disease program; and the extent of involvement of other organizations within the State in the implementation of the program.

d. Training Capability (5 Points).

The extent to which the applicant demonstrates the provision of training sessions for health professionals and provides evidence of other training

capabilities deemed appropriate to the program.

e. Evaluation (10 Points).

The extent to which the evaluation plan appears capable of monitoring progress toward meeting specific project objectives, assessing the impact of the program on the general population, assessing changes in the Priority Populations, monitoring utilization of secondary prevention strategies, and assessing the implementation of policy and environmental strategies.

f. Budget (Not Scored).

The extent to which the budget appears reasonable and consistent with the proposed activities and intent of the program. For the Comprehensive application, matching funds should be provided.

H. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of:

1. Semi-Annual Progress Reports

The first report is due March 15, 2003, outlining the requirements under items a through e, and subsequent semi-annual reports will be due on the 15th of March each year through March 15, 2006. The second report is due 90 days after the end of the budget period, outlining the requirements under items a through c. Semi-annual progress reports should include the following information. (The March 15th semi-annual progress report and accompanying budget and budget justification will be used to process your continuation award):

a. A succinct description of the program accomplishments/narrative and progress made in meeting each program objective during the first six months of the budget period (June 30 through December 31) and should consist of no more than 50 pages,

b. The reason for not meeting established program goals and strategies to be implemented to achieve unmet objectives (see performance measures below),

c. A description of any new objectives including the expected impact on the overall burden of cardiovascular diseases and related risk factors and method of evaluating effectiveness and,

d. A one-year line item budget and budget justification, and

e. For all proposed contracts, provide the name of contractor, period of performance, method of selection, method of accountability, scope of work, and itemized budget and budget justification. If the information is not available when the application is submitted, please indicate To Be Determined until the information is available. When the information becomes available, it should be submitted to the CDC Procurement and Grants Management Office contact identified in this Program Announcement.

The semiannual progress report will be used as evidence of Core Capacity Program's attainment of Core Capacity goals and objectives and the program's readiness to compete for a Comprehensive Program award should funds be available. Core Capacity Program grantees wishing to compete for a Comprehensive Program, should submit an application that is responsive to the Core Capacity Performance Measures, Application Content and Recipient Activities section of this program announcement including a line item budget and budget justification. Competitive Comprehensive applications will be reviewed by CDC staff utilizing the Technical Acceptability Review (TAR) process. Applications can be submitted in fiscal year 2003, 2004, 2005, or 2006. Applications must be submitted (post mark) by March 15 of the fiscal in which the applicant wishes to be considered for Comprehensive funding.

Funding decisions will be made on the basis of satisfactory progress on the Core Capacity Performance Measures as evidenced by required reports (semi-annual report), application score, and the availability of funds.

Core Capacity Performance Measures include evidence that the applicant has significant core capacity as specified in the Core Capacity Program Recipient Activities 1–5.

(1) Evidence of at least 8 diverse and active partnerships: documentation such as minutes of meetings that delineates partners leadership for completing tasks, lists of work group members, memoranda of understanding, outcomes or products of the partnership, training agendas, and other documents that demonstrate collaboration on CVH program activities with partners that include State health department programs, other States agencies, organizations that promote CVH or address CVD or related risk factors; organizations that improve health and quality of life, and organizations that address the needs of Priority Populations.

(2) Evidence that the cardiovascular disease burden has been defined: provision of a CVD Burden Document (published in the past three years) or description of the burden of CVD and related risk factors, geographic and demographic distribution of CVD, including racial and ethnic disparities, and trends in CVD.

(3) Evidence that an assessment of existing policy and environmental strategies has been completed for state-level organizations and groups that impact on the four settings (*i.e.,* worksites, health care, schools, and communities) and performed at other levels (*e.g.,* district, local) for at least 1 of the 4 settings; provision of summaries of the data collected and methods used.

(4) Evidence that a comprehensive CVH State Plan has been developed: provision of the CVH State Plan that uses CVD burden data and other assessment data to identify priorities, addresses primary and secondary prevention of CVD and related risk factors; promotes CVH, population-based approaches, and policy and environmental strategies; addresses Priority Populations; and confirms that it was developed with the input of partners within and external to the State health department.

(5) Evidence that training and technical assistance has been provided or coordinated by the State CVH Program within the state for State health department staff, local health department staff, and partners: provision of agendas, documents confirming training and assistance provided in at least 4 of the following priority areas (i.e., population-based interventions, policy and environmental strategies, CVD and related risk factors, secondary prevention, health communication, epidemiology, cultural competence, use of data in program planning, and program planning and evaluation).

2. Financial status reports are due, no more than 90 days after the end of the budget period; and

3. Final financial and performance reports are due, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment IV in the application kit.

AR–7 Executive Order 12372 Review
AR–8 Public Health System Reporting Requirements
AR–9 Paperwork Reduction Act Requirements
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under section 301(a) and 317(k)(2) of the Public Health Service Act, (42 U.S.C. section 241(a) and 247b(k)(2)), as amended. The Catalog of Federal Domestic Assistance number is 93.945.

J. Where To Obtain Additional Information

This and other CDC announcements can be found on the CDC home page Internet address—*http://www.cdc.gov.* Click on ''Funding,'' then ''Grants and Cooperative Agreements.''

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Michelle Copeland, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Room 3000, Atlanta, GA 30341–4146. Telephone number: 770–488–2686. E-mail address: *stc8@cdc.gov.*

For program technical assistance, contact: Nancy B. Watkins, M.P.H., Team Leader for Program Services, Intervention and Evaluation Cardiovascular Health Branch, Centers for Disease Control and Prevention, Division of Adult and Community Health, 4770 Buford Highway, NE, MS K–47, Atlanta, GA 30341. Telephone number: 770–488–8004. Fax: 770–488–8151. E-mail address: *NWatkins@cdc.gov.*

Dated: February 22, 2002.

Robert L. Williams,

Chief, Acquisition and Assistance Branch B, Procurement and Grants Office, Center for Disease Control and Prevention (CDC).

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 02041]

Traumatic Injury Biomechanics Research;Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2002 funds for a grant program for Extramural Grants for Traumatic Injury Biomechanics Research. This program addresses the ''Healthy People 2010'' focus areas of Injury and Violence Prevention.

The purposes of the program are to:

1. Solicit research applications that address the priorities reflected under the heading, ''Programmatic Interests.''

2. Build the scientific base for the prevention of injuries, disabilities, and deaths.

3. Encourage professionals from a wide spectrum of disciplines such as engineering, bioengineering, medicine, health care, public health, health care research, behavioral and social sciences, and others, to undertake research to prevent and control injuries.

4. Encourage investigators to propose research that involves intervention development and testing as well as research on methods, to encourage individuals, organizations, or communities to adopt and maintain effective intervention strategies.

B. Eligible Applicants

Applications may be submitted by public and private nonprofit and for-profit organizations and by governments and their agencies; that is, universities, colleges, research institutions, hospitals, other public and private nonprofit and for-profit organizations, State and local governments or their bona fide agents, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, federally recognized Indian tribal governments, Indian tribes, or Indian tribal organizations, and small, minority, and women-owned businesses.

Current grantees are also eligible to apply for supplemental funding to enhance or expand existing projects, or to conduct one year pilot studies.

Note: Title 2 of the United States code section 1611 states that an organization described in section 501 (c)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant or loan.

Applications that are incomplete or non-responsive to the below requirements will be returned to the applicant without further consideration. The following are applicant requirements:

1. A principal investigator, who has conducted research, published the findings in peer-reviewed journals, and has specific authority and responsibility to carry out the proposed project.

2. Demonstrated experience on the applicant's project team in conducting, evaluating, and publishing injury control research in peer-reviewed journals.

3. Effective and well-defined working relationships within the performing organization and with outside entities which will ensure implementation of the proposed activities.

4. The ability to carry out injury control research projects as defined under Attachment 2 (1.a–c) in the application kit.

5. The overall match between the applicant's proposed theme and research objectives, and the program interests as described under the heading, ''Programmatic Interests.''

C. Availability of Funds

Approximately $1,000,000 is available in FY 2002 to fund approximately four to five awards. The specific program priorities for these funding opportunities are outlined with examples in this announcement under the section, ''Programmatic Interests.''

It is expected that the awards will begin on or about September 30, 2002, and will be made for a 12-month budget period within a three year project period. The maximum funding level will not exceed $300,000 (including both direct and indirect costs) per year or $900,000 for the three-year project period. Those grantees applying for supplemental funding may request up to $150,000 (including both direct and indirect costs) for one year. Supplemental awards will be made for the budget period to coincide with the actual budget period of the grant, and are based on the availability of end-of-fiscal year funds. Applications that exceed the funding cap of $300,000 per year will be excluded from the competition and returned to the applicant. The availability of Federal funding may vary and is subject to change.

Continuation awards within the project period will be made based on satisfactory progress demonstrated by investigators at work-in-progress monitoring workshops (travel expenses for this annual one-day meeting should be included in the applicant's proposed budget), and the achievement of work plan milestones reflected in the continuation application.

Note: Grant funds will not be made available to support the provision of direct care. Eligible applicants may enter into contracts, including consortia agreements (as set forth in the PHS Grants Policy Statement, dated April 1, 1994), as necessary to meet the requirements of the program and strengthen the overall application.

Funding Preferences

While extending and adapting results and conclusions of the above efforts to

the entire population is desirable, additional consideration will be given to proposals that emphasize research especially applicable to young children, women (and, in particular, pregnant women), and/or the elderly.

D. Program Requirements

The National Center of Injury Prevention and Control (NCIPC) is soliciting investigator-initiated research that will help expand and advance our understanding of injury causation. Traumatic injury biomechanics research is especially needed to understand the injury mechanisms that lead to long-term disability from brain and spinal cord injuries.

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the following activities:

1. Research to advance the biomechanical understanding of traumatic brain and spinal cord injuries (TBI/SCI), thoracic and abdominal injuries resulting from blunt impact, and injuries occurring to the extremities and joints.

2. Evaluate, from a biomechanical perspective, intervention concepts and strategies such as multi-use recreational helmets, mouth- and face-protection devices for athletes, energy-absorbing playground surfaces, hip pads, and motor vehicle side-impact and rollover countermeasures.

3. Define human tolerance limits for injury; develop biofidelic models to elucidate injury physiology as well as pharmacologic, surgical, rehabilitation, and other interventions; improve injury assessment technology; increase understanding of impact injury mechanisms; and quantify injury-related biomechanical responses for critical areas of the human body (e.g., brain and vertebral injury with spinal cord involvement).

4. Applicants are required to provide Measures of Effectiveness that will demonstrate the accomplishment of the various identified objectives of the grant. Measures must be objective/quantitative and must measure the intended outcome. These Measures of Effectiveness shall be submitted with the application and shall be an element of the evaluation (See Attachment 4 in the application kit).

E. Content

Letter of Intent (LOI)

A LOI is optional for this program. The narrative should be no more than two double-spaced pages, printed on one side, with one inch margins, and unreduced font. The letter should identify the announcement number, the name of the principal investigator, and briefly describe the scope and intent of the proposed research work. The letter of intent does not influence review or funding decisions, but the number of letters received will enable CDC to plan the review more effectively and efficiently.

Application

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan.

Applications should follow the PHS–398 (Rev. 5/2001) application and Errata sheet (See attachment 3 in the application kit), and should include the following information:

1. The project's focus that justifies the research needs and describes the scientific basis for the research, the expected outcome, and the relevance of the findings to reduce injury morbidity, mortality, disability, and economic losses. This focus should be based on recommendations in ''Healthy People 2010'' and should seek creative approaches that will contribute to a national program for injury control.

2. Specific, measurable, and time-framed objectives.

3. A detailed plan describing the methods by which the objectives will be achieved, including their sequence. A comprehensive evaluation plan is an essential component of the application.

4. A description of the principal investigator's role and responsibilities.

5. A description of all the project staff regardless of their funding source. It should include their title, qualifications, experience, percentage of time each will devote to the project, as well as that portion of their salary to be paid by the grant.

6. A description of those activities related to, but not supported by the grant.

7. A description of the involvement of other entities that will relate to the proposed project, if applicable. It should include commitments of support and a clear statement of their roles.

8. A detailed first year's budget for the grant with future annual projections, if relevant.

9. An explanation of how the research findings will contribute to the national effort to reduce the morbidity, mortality and disability caused by injuries within three to five years from project start-up.

An applicant organization has the option of having specific salary and fringe benefit amounts for individuals omitted from the copies of the application which are made available to outside reviewing groups. To exercise this option: on the original and five copies of the application, the applicant must use asterisks to indicate those individuals for whom salaries and fringe benefits are not shown; however, the subtotals must still be shown. In addition, the applicant must submit an additional copy of page 4 of Form PHS–398, completed in full, with the asterisks replaced by the salaries and fringe benefits. This budget page will be reserved for internal staff use only.

F. Submission and Deadline

Letter of Intent (LOI)

On or before March 18, 2002, submit the LOI to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Application

Submit the original and five copies of PHS–398 (OMB Number 0925–0001) (adhere to the instructions on the Errata Instruction Sheet for PHS 398). Forms are available in the application kit and at the following Internet address: *www.cdc.gov/od/pgo/forminfo.htm*

On or before April 16, 2002, submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Deadline: Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date; or

2. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late: Applications which do not meet the criteria in 1. or 2. above will be returned to the applicant.

G. Evaluation Criteria

Upon receipt, applications will be reviewed by CDC staff for completeness and responsiveness as outlined under the Eligible Applicants Section (Items 1–5).

Incomplete applications and applications that are not responsive will be returned to the applicant without further consideration. It is especially

important that the applicant's abstract reflects the project's focus, because the abstract will be used to help determine the responsiveness of the application.

Applications which are complete and responsive may be subjected to a preliminary evaluation (triage) by a peer review committee, the Injury Research Grant Review Committee (IRGRC), to determine if the application is of sufficient technical and scientific merit to warrant further review by the IRGRC; CDC will withdraw from further consideration applications judged to be noncompetitive and promptly notify the principal investigator/program director and the official signing for the applicant organization. Those applications judged to be competitive will be further evaluated by a dual review process.

Competing supplemental grant awards may be made when funds are available, to support research work or activities not previously approved by the IRGRC. Applications should be clearly labeled to denote their status as requesting supplemental funding support. These applications will be reviewed by the IRGRC and the secondary review group.

Awards will be determined by the Director of the NCIPC based on priority scores assigned to applications by the primary review committee IRGRC, recommendations by the secondary review committee Advisory Committee for Injury Prevention and Control (ACIPC), consultation with NCIPC senior staff, and the availability of funds.

1. The primary review will be a peer review conducted by the IRGRC. All applications will be reviewed for scientific merit by a committee of no less than three reviewers with appropriate expertise using current National Institutes of Health (NIH) criteria to evaluate the methods and scientific quality of the application. Factors to be considered will include:

a. *Significance.* Does this study address an important problem? If the aims of the application are achieved, how will scientific knowledge be advanced? What will be the effect of these studies on the concepts or methods that drive this field?

b. *Approach.* Are the conceptual framework, design, methods, and analyses adequately developed, well-integrated, and appropriate to the aims of the project? Does the applicant acknowledge potential problem areas and consider alternative tactics? Does the project include plans to measure progress toward achieving the stated objectives? Is there an appropriate work plan included?

c. *Innovation.* Does the project employ novel concepts, approaches or methods? Are the aims original and innovative? Does the project challenge or advance existing paradigms, or develop new methodologies or technologies?

d. *Investigator.* Is the principal investigator appropriately trained and well-suited to carry out this work? Is the proposed work appropriate to the experience level of the principal investigator and other significant investigator participants? Is there a prior history of conducting injury-related research?

e. *Environment.* Does the scientific environment in which the work will be done contribute to the probability of success? Does the proposed research take advantage of unique features of the scientific environment or employ useful collaborative arrangements? Is there evidence of institutional support? Is there an appropriate degree of commitment and cooperation of other interested parties as evidenced by letters detailing the nature and extent of the involvement?

f. *Ethical Issues.* What provisions have been made for the protection of human subjects and the safety of the research environments? How does the applicant plan to handle issues of confidentiality and compliance with mandated reporting requirements, e.g., suspected child abuse? Does the application adequately address the requirements of 45 CFR 46 for the protection of human subjects? (An application can be disapproved if the research risks are sufficiently serious and protection against risks is so inadequate as to make the entire application unacceptable.) The degree to which the applicant has met the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed research. This includes:

(1) The proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation.

(2) The proposed justification when representation is limited or absent.

(3) A statement as to whether the design of the study is adequate to measure differences when warranted.

(4) A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits.

g. *Study Samples.* Are the samples sufficiently rigorously defined to permit complete independent replication at another site? Have the referral sources been described, including the definitions and criteria? What plans have been made to include women and minorities and their subgroups as appropriate for the scientific goals of the research? How will the applicant deal with recruitment and retention of subjects?

h. *Dissemination.* What plans have been articulated for disseminating findings?

i. *Measures of Effectiveness.* The Peer Review Panel shall assure that measures set forth in the application are in accordance with CDC's performance plans (See attachment 4 in the application kit). How adequately has the applicant addressed these measures?

The IRGRC will also examine the appropriateness of the proposed project budget and duration in relation to the proposed research and the availability of data required for the project.

2. The secondary review will be conducted by the Science and Program Review Committee (SPRC) from the ACIPC. The ACIPC Federal ex officio members will be invited to attend the secondary review and will receive modified briefing books (i.e., abstracts, strengths and weaknesses from summary statements, and project officer's briefing materials). Federal ex officio members will be encouraged to participate in deliberations when applications address overlapping areas of research interest so that unwarranted duplication in federally-funded research can be avoided and special subject area expertise can be shared. The NCIPC Division Associate Directors for Science (ADS) or their designees will attend the secondary review in a similar capacity as the Federal ex officio members to assure that research priorities of the announcement are understood and to provide background regarding current research activities. Only SPRC members will vote on funding recommendations, and their recommendations will be carried to the entire ACIPC for voting by the ACIPC members in closed session. If any further review is needed by the ACIPC, regarding the recommendations of the SPRC, the factors considered will be the same as the factors that the SPRC considered.

The committee's responsibility is to develop funding recommendations for the NCIPC Director based on the results of the primary review, the relevance and balance of proposed research relative to the NCIPC programs and priorities, and to assure that unwarranted duplication of federally-funded research does not occur. The Secondary Review Committee has the latitude to recommend to the NCIPC Director, to reach over better ranked proposals in

order to assure maximal impact and balance of proposed research. The factors to be considered will include:

a. The results of the primary review including the application's priority score as the primary factor in the selection process.

b. The relevance and balance of proposed research relative to the NCIPC programs and priorities.

c. The significance of the proposed activities in relation to the priorities and objectives stated in ''Healthy People 2010'' and the Institute of Medicine report, ''Reducing the Burden of Injury''.

d. Budgetary considerations.

3. Continued Funding. Continuation awards made after FY 2002, but within the project period, will be made on the basis of the availability of funds and the following criteria:

a. The accomplishments reflected in the progress report of the continuation application indicate that the applicant is meeting previously stated objectives or milestones contained in the project's annual work plan and satisfactory progress demonstrated through presentations at work-in-progress monitoring workshops.

b. The objectives for the new budget period are realistic, specific, and measurable.

c. The methods described will clearly lead to achievement of these objectives.

d. The evaluation plan will allow management to monitor whether the methods are effective.

e. The budget request is clearly explained, adequately justified, reasonable and consistent with the intended use of grant funds.

H. Other Requirements

Technical Reporting Requirements

Provide CDC with an original plus two copies of:

1. Annual progress report (the results of the Measures of Effectiveness shall be a data requirement to be submitted with or incorporated into the progress report. See Attachment 4 in the application kit);

2. A financial status report, no more than 90 days after the end of the budget period;

3. Final financial report and performance report, no more than 90 days after the end of the project period; and

4. At the completion of the project, the grant recipient will submit a brief (2,500 to 4,000 words written in non-scientific [laymen's] terms) summary highlighting the findings and their implications for injury prevention programs, policies, environmental changes, etc. The grant recipient will also include a description of the dissemination plan for research findings. This plan will include publications in peer-reviewed journals and ways in which research findings will be made available to stakeholders outside of academia, (e.g., state injury prevention program staff, community groups, public health injury prevention practioners, and others). CDC will place the summary report and each grant recipient's final report with the National Technical Information Service (NTIS) to further the agency's efforts to make the information more available and accessible to the public.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

The following additional requirements are applicable to this program. For a complete description of each see Attachment 1 in the application kit.

AR–1—Human Subjects Certification
AR–2—Requirements for inclusion of Women and Racial and Ethnic Minorities in Research
AR–3—Animal Subjects Requirement
AR–9—Paperwork Reduction Requirements
AR–10—Smoke-Free Workplace Requirement
AR–11—Healthy People 2010
AR–12—Lobbying Restrictions
AR–13—Prohibition on Use of CDC funds for Certain Gun Control Activities
AR–21—Small, Minority, and Women-owned Business
AR–22—Research Integrity

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under section 301 (a) [42 U.S.C. 241(a)] of the Public Health Service Act, and section 391 (a) [42 U.S.C. 280(b)] of the Public Service Health Act, as amended. The catalog of Federal Domestic Assistance number is 93.136.

J. Where To Obtain Additional Information

This and other CDC announcements can be found on the CDC home page on the Internet. The address for the CDC home page is *http://www.cdc.gov.* Click on ''Funding Opportunities'' then ''Grants and Cooperative Agreements.''

To receive additional written information and to request an application kit, call 1–888–GRANTS4 (1–888–472–6874). You will be asked to leave your name and address and will be instructed to identify the Announcement number of interest.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Van A. King, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Program Announcement #02041, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Room 3000, Atlanta, Georgia 30341, Telephone: (770) 488–2751, Internet address: *vbk5@cdc.gov.*

For program technical assistance, contact: Ted Jones, Program Manager, Office of Research Grants, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway, NE, Mailstop K–58, Atlanta, GA 30341–3724, Telephone: (770) 488–4824, Internet address: *tmj1@cdc.gov.*

Robert L. Williams,

Branch Chief, Acquisition and Assistance Branch B, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

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BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 02040]

Violence-Related Injury Prevention Research; Notice of Availability; of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2002 funds for a grant program for Extramural Grants for Violence-Related Injury Prevention Research. This announcement addresses the ''Healthy People 2010'' focus area of Violence Prevention.

The purposes of the program are to:

1. Solicit research applications that address the priorities reflected under the section ''Programmatic Interests.''

2. Build the scientific base for the prevention of injuries, disabilities, and deaths due to violence.

3. Encourage professionals from a wide spectrum of disciplines such as public health, health care, medicine, criminal justice, and behavioral and social sciences, to work together and undertake research to prevent and control injuries that result from violence.

4. Encourage investigators to propose research that involves intervention development and testing as well as

research on methods, to encourage individuals, organizations, or communities to adopt and maintain effective intervention strategies.

B. Eligible Applicants

Applications may be submitted by public and private nonprofit and for-profit organizations and by governments and their agencies; that is, universities, colleges, research institutions, hospitals, other public and private nonprofit and for-profit organizations, State and local governments or their bona fide agents, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, federally recognized Indian tribal governments, Indian tribes, or Indian tribal organizations, and small, minority, and women-owned businesses.

Current grantees are also eligible to apply for funding to enhance or expand existing projects, or to conduct one year pilot studies.

Note: Title 2 of the United States Code section 1611 states that an organization described in section 501(C)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant or loan.

Applications that are incomplete or non-responsive to the below requirements will be returned to the applicant without further consideration. The following are applicant requirements:

1. A principal investigator, who has conducted research, published the findings in peer-reviewed journals, and has specific authority and responsibility to carry out the proposed project.

2. Demonstrated experience on the applicant's project team in conducting, evaluating, and publishing injury control research in peer-reviewed journals.

3. Effective and well-defined working relationships within the performing organization and with outside entities which will ensure implementation of the proposed activities.

4. The ability to carry out injury control research projects as defined under Attachment 2, (1.a-c) in the application kit.

5. The overall match between the applicant's proposed theme and research objectives, and the program interests as described in Attachment 3 in the application kit.

C. Availability of Funds

Approximately $1,800,000 is expected to be available in FY 2002 for injury research grants. Of that amount, approximately $1,300,000 is available to fund 4–6 programs addressing Youth Violence and Suicide, and approximately $500,000 to fund 1–3 programs addressing Intimate Partner Violence and programs for Sexual Violence. The specific program priorities for these funding opportunities are outlined under Attachment 3 in the application kit.

It is expected that the awards will begin on or about September 30, 2002, and will be made for a 12–month budget period within a three-year project period. The maximum funding level will not exceed $300,000 (including both direct and indirect costs) per year or $900,000 for the three-year project period for Youth Violence and Suicide. The maximum funding level will not exceed $500,000 (including both direct and indirect costs) per year or $1,500,000 for the three-year project period for Intimate Partner Violence and Sexual Violence. The National Center for Injury Prevention and Control (NCIPC) will also consider applications with project periods of one and two years, and for smaller funding amounts. Consideration will also be given to current grantees who submit a competitive supplement requesting one year of funding to enhance or expand existing projects, or to conduct one-year pilot studies. These awards will not exceed $150,000, including both direct and indirect costs. Funding for these competitive supplements is contingent upon the availability of end-of-fiscal year funds.

Applications that exceed the funding caps noted above will be excluded from the competition and returned to the applicant. The availability of Federal funding may vary and is subject to change.

Continuation awards within the project period will be made based on satisfactory progress demonstrated by investigators at work-in-progress monitoring workshops (travel expenses for this annual one day meeting should be included in the applicant's proposed budget), and the achievement of work plan milestones reflected in the continuation application.

Note: Grant funds will not be made available to support the provision of direct care. Eligible applicants may enter into contracts, including consortia agreements (as set forth in the PHS Grants Policy Statement, dated April 1, 1994), as necessary to meet the requirements of the program and strengthen the overall application.

Funding Preferences

Priority will be given to studies which focus on under served populations including ethnic populations, persons with disabilities, gay, lesbian, transgender and bisexual populations, or immigrant and refugee populations. These populations are considered under served because substantial research has not been devoted to determining risk and protective factors or mediating or moderating influences which may affect intimate partner violence or sexual violence in these groups.

D. Program Requirements

NCIPC is soliciting investigator-initiated research that will help expand and advance our understanding of violence, its causes, and prevention strategies.

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the following activities:

(1) Evaluate the efficacy and effectiveness of interventions, programs, and policies to prevent intimate partner violence, sexual violence (includes both sexual violence against adults and child sexual abuse), child maltreatment, youth violence or suicidal behavior.

(2) Evaluate strategies for disseminating and implementing evidence-based interventions or policies for the prevention of intimate partner violence, sexual violence, child maltreatment, youth violence or suicidal behavior.

(3) Identify shared and unique risk and protective factors for the perpetration of intimate partner violence, sexual violence, child maltreatment, youth violence or suicidal behavior, and examine the relationships among these forms of violence.

(4) Provide Measures of Effectiveness that will demonstrate the accomplishment of the various identified objectives of the grant. Measures must be objective/quantitative and must measure the intended outcome. These Measures of Effectiveness shall be submitted with the application and shall be an element of the evaluation (See Attachment 5 in the application kit).

Additional information may be found in Attachment 3 entitled ''Programmatic Interests'' in the application kit.

E. Content

Letter of Intent (LOI)

A LOI is optional for this program. The narrative should be no more than two double-spaced pages, printed on one side, with one inch margins, and unreduced font. The letter should

identify the announcement number, the name of the principal investigator, and briefly describe the scope and intent of the proposed research work. The letter of intent does not influence review or funding decisions, but the number of letters received will enable CDC to plan the review more effectively and efficiently.

Application

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan.

Applications should follow the PHS–398 (Rev. 5/2001) application and Errata sheet (See Attachment 4 in the application kit), and should include the following information:

1. The project's focus that justifies the research needs and describes the scientific basis for the research, the expected outcome, and the relevance of the findings to reduce injury morbidity, mortality, disability, and economic losses. This focus should be based on recommendations in ''Healthy People 2010,'' and should seek creative approaches that will contribute to a national program for injury control.

2. Specific, measurable, and time-framed objectives.

3. A detailed plan describing the methods by which the objectives will be achieved, including their sequence. A comprehensive evaluation plan is an essential component of the application.

4. A description of the principal investigator's role and responsibilities.

5. A description of all the project staff regardless of their funding source. It should include their title, qualifications, experience, percentage of time each will devote to the project, as well as that portion of their salary to be paid by the grant.

6. A description of those activities related to, but not supported by the grant.

7. A description of the involvement of other entities that will relate to the proposed project, if applicable. It should include commitments of support and a clear statement of their roles.

8. A detailed first year's budget for the grant with future annual projections, if relevant.

9. An explanation of how the research findings will contribute to the national effort to reduce the morbidity, mortality and disability caused by violence-related injuries within 3–5 years from project start-up.

An applicant organization has the option of having specific salary and fringe benefit amounts for individuals omitted from the copies of the application which are made available to outside reviewing groups. To exercise this option: On the original and five copies of the application, the applicant must use asterisks to indicate those individuals for whom salaries and fringe benefits are not shown; however, the subtotals must still be shown. In addition, the applicant must submit an additional copy of page 4 of Form PHS–398, completed in full, with the asterisks replaced by the salaries and fringe benefits. This budget page will be reserved for internal staff use only.

F. Submission and Deadline

Letter of Intent (LOI)

On or before March 18, 2002, submit the LOI to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Application

Submit the original and five copies of PHS 398 (OMB Number 0925–0001) (adhere to the instructions on the Errata Instruction sheet for PHS 398). Forms are in the application kit and at the following Internet address: *www.cdc.gov/od/pgo/forminfo.htm.*

On or before April 16, 2002, submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Deadline: Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date; or

2. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late: Applications which do not meet the criteria in 1. or 2. above will be returned to the applicant.

G. Evaluation Criteria

Upon receipt, applications will be reviewed by CDC staff for completeness and responsiveness as outlined under the Eligible Applicants Section (Items 1–5). Incomplete applications and applications that are not responsive will be returned to the applicant without further consideration. It is especially important that the applicant's abstract reflects the project's focus, because the abstract will be used to help determine the responsiveness of the application.

Applications which are complete and responsive may be subjected to a preliminary evaluation (triage) by a peer review committee, the Injury Research Grant Review Committee (IRGRC), to determine if the application is of sufficient technical and scientific merit to warrant further review by the IRGRC; CDC will withdraw from further consideration applications judged to be noncompetitive and promptly notify the principal investigator/program director and the official signing for the applicant organization. Those applications judged to be competitive will be further evaluated by a dual review process.

Competing supplemental grant awards may be made when funds are available, to support research work or activities not previously approved by the IRGRC. Applications should be clearly labeled to denote their status as requesting supplemental funding support. These applications will be reviewed by the IRGRC and the secondary review group.

Awards will be determined by the Director of the NCIPC based on priority scores assigned to applications by the primary review committee IRGRC, recommendations by the secondary review committee Advisory Committee for Injury Prevention and Control (ACIPC), consultation with NCIPC senior staff, and the availability of funds.

1. The primary review will be a peer review conducted by the IRGRC. All applications will be reviewed for scientific merit by a committee of no less than three reviewers with appropriate expertise using current National Institutes of Health (NIH) criteria to evaluate the methods and scientific quality of the application. Factors to be considered will include:

a. *Significance.* Does this study address an important problem? If the aims of the application are achieved, how will scientific knowledge be advanced? What will be the effect of these studies on the concepts or methods that drive this field?

b. *Approach.* Are the conceptual framework, design, methods, and analyses adequately developed, well-integrated, and appropriate to the aims of the project? Does the applicant acknowledge potential problem areas and consider alternative tactics? Does the project include plans to measure progress toward achieving the stated objectives? Is there an appropriate work plan included?

c. *Innovation.* Does the project employ novel concepts, approaches or methods? Are the aims original and innovative? Does the project challenge or advance existing paradigms, or develop new methodologies or technologies?

d. *Investigator.* Is the principal investigator appropriately trained and well suited to carry out this work? Is the proposed work appropriate to the experience level of the principal investigator and other significant investigator participants? Is there a prior history of conducting violence-related research?

e. *Environment.* Does the scientific environment in which the work will be done contribute to the probability of success? Does the proposed research take advantage of unique features of the scientific environment or employ useful collaborative arrangements? Is there evidence of institutional support? Is there an appropriate degree of commitment and cooperation of other interested parties as evidenced by letters detailing the nature and extent of the involvement?

f. *Ethical Issues.* What provisions have been made for the protection of human subjects and the safety of the research environments? How does the applicant plan to handle issues of confidentiality and compliance with mandated reporting requirements, e.g., suspected child abuse? Does the application adequately address the requirements of 45 CFR part 46 for the protection of human subjects? (An application can be disapproved if the research risks are sufficiently serious and protection against risks is so inadequate as to make the entire application unacceptable.) The degree to which the applicant has met the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed research. This includes:

(1) The proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation.

(2) The proposed justification when representation is limited or absent.

(3) A statement as to whether the design of the study is adequate to measure differences when warranted.

(4) A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits.

g. *Study Samples.* Are the samples sufficiently rigorously defined to permit complete independent replication at another site? Have the referral sources been described, including the definitions and criteria? What plans have been made to include women and minorities, and their subgroups as appropriate for the scientific goals of the research? How will the applicant deal with recruitment and retention of subjects?

h. *Dissemination.* What plans have been articulated for disseminating findings?

i. *Measures of Effectiveness.* The Peer Review Panel shall assure that measures are set forth in the application are in accordance with CDC's performance plans (See attachment 5 in the application kit). How adequately has the applicant addressed these measures?

The IRGRC will also examine the appropriateness of the proposed project budget and duration in relation to the proposed research and the availability of data required for the project.

2. The secondary review will be conducted by the Science and Program Review Committee (SPRC) from the ACIPC. The ACIPC Federal ex officio members will be invited to attend the secondary review, will receive modified briefing books, (i.e., abstracts, strengths and weaknesses from summary statements, and project officer's briefing materials). Federal ex officio members will be encouraged to participate in deliberations when proposals address overlapping areas of research interest so that unwarranted duplication in federally-funded research can be avoided and special subject area expertise can be shared. The NCIPC Division Associate Directors for Science (ADS) or their designees will attend the secondary review in a similar capacity as the Federal ex officio members to assure that research priorities of the announcement are understood and to provide background regarding current research activities. Only SPRC members will vote on funding recommendations, and their recommendations will be carried to the entire ACIPC for voting by the ACIPC members in closed session. If any further review is needed by the ACIPC, regarding the recommendations of the SPRC, the factors considered will be the same as the factors that the SPRC considered.

The committee's responsibility is to develop funding recommendations for the NCIPC Director based on the results of the primary review, the relevance and balance of proposed research relative to the NCIPC programs and priorities, and to assure that unwarranted duplication of federally-funded research does not occur. The Secondary Review Committee has the latitude to recommend to the NCIPC Director, to reach over better ranked proposals in order to assure maximal impact and balance of proposed research. The factors to be considered will include:

a. The results of the primary review including the application's priority score as the primary factor in the selection process.

b. The relevance and balance of proposed research relative to the NCIPC programs and priorities.

c. The significance of the proposed activities in relation to the priorities and objectives stated in ''Healthy People 2010'' and the Institute of Medicine report, ''Reducing the Burden of Injury.''

d. Budgetary considerations.

3. Continued Funding. Continuation awards made after FY 2002, but within the project period, will be made on the basis of the availability of funds and the following criteria:

a. The accomplishments reflected in the progress report of the continuation application indicate that the applicant is meeting previously stated objectives or milestones contained in the project's annual work plan and satisfactory progress demonstrated through presentations at work-in-progress monitoring workshops.

b. The objectives for the new budget period are realistic, specific, and measurable.

c. The methods described will clearly lead to achievement of these objectives.

d. The evaluation plan will allow management to monitor whether the methods are effective.

e. The budget request is clearly explained, adequately justified, reasonable and consistent with the intended use of grant funds.

H. Other Requirements

Technical Reporting Requirements

Provide CDC with an original plus two copies of:

1. A annual progress report (the results of the Measures of Effectiveness shall be a data requirement to be submitted with or incorporated into the progress report. See Attachment 5 in the application kit);

2. A financial status report, no more than 90 days after the end of the budget period;

3. A final financial report and performance report, no more than 90 days after the end of the project period; and

4. At the completion of the project, the grant recipient will submit a brief (2,500 to 4,000 words written in non-scientific [laymen's] terms) summary highlighting the findings and their implications for injury prevention programs, policies, environmental changes, etc. The grant recipient will

also include a description of the dissemination plan for research findings. This plan will include publications in peer-reviewed journals and ways in which research findings will be made available to stakeholders outside of academia, (e.g., state injury prevention program staff, community groups, public health injury prevention practitioners, and others). CDC will place the summary report and each grant recipient's final report with the National Technical Information Service (NTIS) to further the agency's efforts to make the information more available and accessible to the public.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment 1 in the application kit.

AR–1—Human Subjects Certification
AR–2—Requirements for inclusion of Women and Racial and Ethnic Minorities in Research
AR–3—Animal Subjects Requirement
AR–9—Paperwork Reduction Requirements
AR–10—Smoke-Free Workplace Requirement
AR–11—Healthy People 2010
AR–12—Lobbying Restrictions
AR–13—Prohibition on Use of CDC funds for Certain Gun Control Activities
AR–21—Small, Minority, and Women-owned Business
AR–22—Research Integrity

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under section 301 (a) (42 U.S.C. 241(a)) of the Public Health Service Act and section 391 (a) (42 U.S.C. 280(b)) of the Public Service Health Act, as amended. The catalog of Federal Domestic Assistance number is 93.136.

J. Where To Obtain Additional Information

This and other CDC announcements can be found on the CDC homepage on the Internet. The address for the CDC homepage is *http://www.cdc.gov.* Click on ''Funding'' then ''Grants and Cooperative Agreements.''

To receive additional written information and to request an application kit, call 1–888–GRANTS4 (1–888-472–6874). You will be asked to leave your name and address and will be instructed to identify the Announcement number of interest.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Van A. King, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Program Announcement #02040, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Room 3000, Atlanta, Georgia 30341, Telephone: (770) 488–2751, Internet address: vbk5b@cdc.gov.

For program technical assistance, contact: Ted Jones, Program Manager, Office of Research Grants, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway, NE, Mail Stop K–58, Atlanta, GA 30341–3724, Telephone: (770) 488–4824, Internet address: *tmj1@cdc.gov.*

Robert L. Williams,

Branch Chief, Acquisition and Assistance Branch B, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 02–4773 Filed 2–27–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Breast and Cervical Cancer Early Detection and Control Advisory Committee Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting:

Name: Breast and Cervical Cancer Early Detection and Control Advisory Committee (BCCEDCAC).

Time and Date: 1:30 p.m.—3:30 p.m., March 13, 2002.

Place: The Sheraton Colony Square Hotel, 188 14th Street, NE, Atlanta, Georgia 30361. Telephone: (404) 892–6000.

Status: Open to the public limited only by the space available. The meeting room accommodates approximately 50 people.

Purpose: This committee is charged with providing advice and guidance to the Secretary, and the Director of CDC, regarding the need for early detection and control of breast and cervical cancer and to evaluate the Department's current breast and cervical cancer early detection and control activities.

Matters To Be Discussed: The discussion will primarily focus on committee rechartering.

Agenda items are subject to change as priorities dictate.

Contact Person for Additional Information: Kevin Brady, Division of Cancer Prevention and Control, National Center for Chronic Disease Prevention and Health Promotion, CDC, 4770 Buford Highway, NE, M/S K–57, Atlanta, Georgia 30341–3724, telephone 770/488–4226.

The Director, Management Analysis and Services Office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: February 22, 2002.

Alvin Hall,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 02–4774 Filed 2–27–02; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

The Advisory Committee to the Director of the National Center for Environmental Health (NCEH) of the Centers for Disease Control and Prevention (CDC); Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting:

Name: Advisory Committee to the Director, NCEH.

Times and Dates: 1 p.m.–4:30 p.m., March 21, 2002, 9 a.m.–2 p.m., March 22, 2002.

Place: Sheraton Buckhead Atlanta, 3405 Lenox Road NE, Atlanta, GA 30326 Phone: 404/261–9250

Status: Open to the public for observation and comment, limited only by the space available. The meeting room accommodates approximately 100 people.

Purpose: The Secretary, and by delegation, the Director, Centers for Disease Control and Prevention, are authorized under section 301(42 U.S.C. 241) and section 311(42 U.S.C. 243) of the Public Health Service Act, as amended, to (1) conduct, encourage, cooperate with, and assist other appropriate public authorities, scientific institutions, and scientists in the conduct of research, investigations, experiments, demonstrations, and studies relating to the causes, diagnosis, treatment, control, and prevention of physical and mental diseases, and other impairments; (2) assist States and their political subdivisions in the prevention of infectious diseases and other preventable conditions, and in the promotion of health and well being; and (3) train State and local personnel in health work.

Matters To Be Discussed: Agenda items will include: status reports on the progress of

the Birth Defects, Biomonitoring and Genomics workgroups; presentations from NCEH staff regarding current activities focusing on Environmental Health & Homeland Security. Agenda items are tentative and subject to change.

Contact Person for More Information: Michael J. Sage, Designated Federal Official, CDC, 4770 Buford Highway, NE, MS F–29, Atlanta, Georgia 30341–3724; telephone 770–488–7020, fax 770–488–7024; e-mail: *mjs6@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: February 22, 2002.

Alvin Hall,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 02–4776 Filed 2–27–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 02N–0054]

Agency Information Collection Activities; Proposed Collection; Comment Request; Labeling Requirements for Color Additives (Other Than Hair Dyes) and Petitions

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on requirements relating to the approval and labeling of color additives.

DATES: Submit written or electronic comments on the collection of information by April 29, 2002.

ADDRESSES: Submit electronic comments on the collection of information to http://www.accessdata.fda.gov/scripts/oc/dockets/edockethome.cfm. Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane., rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, rm. 16B–26; Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed extension of a collection of information including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Labeling Requirements for Color Additives (other than hair dyes)—21 CFR 70.25 and Petitions—21 CFR 71.1 (OMB Control No. 0910–01850—Extension

Section 721(a) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 379e) provides that a color additive shall be deemed to be unsafe unless the additive and its use are in conformity with a regulation that describes the condition(s) under which the additive may safely be used, or unless the additive and its use conform to the terms of an exemption for investigational use issued under section 721(f) of the act. Color additive petitions are submitted by individuals or companies to obtain approval of a new color additive or a change in the conditions of use permitted for a color additive that is already approved. Section 71.1 (21 CFR 71.1) specifies the information that a petitioner must submit in order to establish the safety of a color additive and to secure the issuance of a regulation permitting its use.

FDA scientific personnel review color additive petitions to ensure that the intended use of the color additive in or on food, drugs, cosmetics, and medical devices is suitable and safe. Color additive petitions were specifically provided for by Congress when it enacted the Color Additive Amendments of 1960 (Public Law 94–295). If FDA stopped accepting color additive petitions or stopped requiring them to contain the information specified in § 71.1, there would be no way to bring new uses of listed color additives or new color additives to market.

FDA's color additive labeling requirements in § 70.25 (21 CFR 70.25) require that color additives that are to be used in food, drugs, devices, or cosmetics be labeled with sufficient information to ensure their safe use.

Respondents are businesses engaged in the manufacture or sale of color additives for use in food, drugs, cosmetics, or medical devices.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Average Hours per Response	Total Operating & Maintenance Costs	Total Hours
70.25	3	1	3			3
71.1	3	1	3	2,000	$8,600	6,000

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN [1]—Continued

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Average Hours per Response	Total Operating & Maintenance Costs	Total Hours
Total			3		$8,600	6,003

[1] There are no capital costs associated with this collection of information.

This estimate is based on the number of new color additive petitions received in fiscal year 2000 and the total hours expended by petitioners to prepare the petitions. Although the burden varies with the type of petition submitted, a color additive petition involves analytical work and appropriate toxicology studies, as well as the work of drafting the petition itself. Because labeling requirements under § 70.25 for a particular color additive involve information required as part of the color additive petition safety review process, the estimate for the number of respondents is the same for § 70.25 as for § 71.1, and the burden hours for labeling are included in the estimate for § 71.1.

Color additives are subjected to payment of fees for the petitioning process. The listing fee for a color additive petition ranges from $1,600 to $3,000, depending on the intended use of the color and the scope of the requested amendment. A complete schedule of fees is set forth in 21 CFR 70.19. An average of one Category A and two Category B color additive petitions are expected per year. The maximum color additive petition fee for a Category A petition is $2,600 and the maximum color additive petition fee for a Category B petition is $3,000. Since an average of three color additive petitions are expected per calendar year, the estimated total annual cost burden to petitioners for this start-up cost would be less than or equal to $8,600.

Dated: February 22, 2002.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 02–4859 Filed 2–27–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98N–0583]

Agency Information Collection Activities; Announcement of OMB Approval; Exports: Notification and Recordkeeping Requirements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Exports: Notification and Recordkeeping Requirements'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: JonnaLynn P. Capezzuto, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: In the**Federal Register** of December 19, 2001 (66 FR 65429), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0482. The approval expires on January 31, 2005. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: February 22, 2002.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 02–4860 Filed 2–27–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01E–0229]

Determination of Regulatory Review Period for Purposes of Patent Extension; PAYLEAN

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for PAYLEAN and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that animal drug product.

ADDRESSES: Submit written comments and petitions 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.

FOR FURTHER INFORMATION CONTACT: Claudia V. Grillo, Office of Regulatory Policy (HFD–007), Food and Drug Administration,5600 Fishers Lane, Rockville, MD 20857, 301–594–5645.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Public Law 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For animal drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the animal drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for an animal drug product will include all

of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(4)(B).

FDA recently approved for marketing the animal drug product PAYLEAN (ractopamine hydrochloride). PAYLEAN is indicated for increased rate of weight gain, improved feed efficiency, and increased carcass leanness in finishing swine fed a complete ration containing at least 16 percent crude protein from 150 pounds (lb) (68 kilograms (kg)) to 240 lb (109 kg) body weight. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for PAYLEAN (U.S. Patent No. 4,690,951) from Eli Lilly & Co., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated October 2, 2001, FDA advised the Patent and Trademark Office that this animal drug product had undergone a regulatory review period and that the approval of PAYLEAN represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for PAYLEAN is 5,707 days. Of this time, 1,211 days occurred during the testing phase of the regulatory review period, while 4,496 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 512(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(j)) became effective:* May 9, 1984. FDA has verified the applicant's claim that the date the investigational new animal drug application (INAD) became effective was on May 9, 1984.

2. *The date the application was initially submitted with respect to the animal drug product under section 512(b) of the Federal Food, Drug, and Cosmetic Act:* September 1, 1987. FDA has verified the applicant's claim that the new animal drug application (NADA) for PAYLEAN (NADA 140–863) was initially submitted on September 1, 1987.

3. *The date the application was approved:* December 22, 1999. FDA has verified the applicant's claim that NADA 140–863 was approved on December 22, 1999.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,095 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Dockets Management Branch (address above) written or electronic comments and ask for a redetermination by April 29, 2002. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 27, 2002. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above). Three copies of any information are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 24, 2002.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. 02–4747 Filed 2–27–02; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01E–0365]

Determination of Regulatory Review Period for Purposes of Patent Extension; NEXIUM

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for NEXIUM and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent that claims that human drug product.

ADDRESSES: Submit written comments and petitions 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.

FOR FURTHER INFORMATION CONTACT: Claudia V. Grillo, Office of Regulatory Policy (HFD–007), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–5645.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Public Law 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted, as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product NEXIUM (esomeprazole magnesium). NEXIUM is indicated for: (1) healing of erosive esophagits, (2) maintenance of healing of erosive esophagitis, and 3) treatment of symptomatic gastroesophageal reflux disease. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for NEXIUM (U.S. Patent No. 4,738,974) from Astrazenica, and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated October 2, 2001, FDA advised the Patent

and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of NEXIUM represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for NEXIUM is 1,284 days. Of this time, 838 days occurred during the testing phase of the regulatory review period, while 446 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(i)) became effective*: August 18, 1997. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on August 18, 1997.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the act*: December 3, 1999. FDA has verified the applicant's claim that the new drug application (NDA) for NEXIUM (NDA 21–153) was initially submitted on December 3, 1999.

3. *The date the application was approved*: February 20, 2001. FDA has verified the applicant's claim that NDA 21–153 was approved on February 20, 2001.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 865 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may submit to the Dockets Management Branch (address above) written or electronic comments and ask for a redetermination by April 29, 2002. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 27, 2002. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch. Three copies of any information are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 24, 2002.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. 02–4681 Filed 2–27–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99E–5114]

Determination of Regulatory Review Period for Purposes of Patent Extension; EVISTA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for EVISTA and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Submit written comments and petitions 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.

FOR FURTHER INFORMATION CONTACT: Claudia V. Grillo, Office of Regulatory Policy (HFD–007), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–5645.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Public Law 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product EVISTA(raloxifene hydrochloride). EVISTA is indicated for the treatment of osteoporosis in postmenopausal women. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for EVISTA (U.S. Patent No. 4,418,068) from Eli Lilly and Co., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated April 12, 2000, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of EVISTA represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for EVISTA is 5,412 days. Of this time, 5,228 days occurred during the testing phase of the regulatory review period, while 184 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(i)) became effective*: February 16, 1983. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on February 16, 1983.

2. *The date the application was initially submitted with respect to the*

human drug product under section 505(b) of the act: June 9, 1997. FDA has verified the applicant's claim that the new drug application (NDA) for EVISTA (NDA 20–815) was initially submitted on June 9, 1997.

3. *The date the application was approved*: December 9, 1997. FDA has verified the applicant's claim that NDA 20-815 was approved on December 9, 1997.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,103 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Dockets Management Branch (address above) written or electronic comments and ask for a redetermination by April 29, 2002. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 27, 2002. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above). Three copies of any information are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 24, 2002.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. 02–4682 Filed 2–27–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01E–0364]

Determination of Regulatory Review Period for Purposes of Patent Extension; REMINYL

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for REMINYL and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent that claims that human drug product.

ADDRESSES: Submit written comments and petitions 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.*

FOR FURTHER INFORMATION CONTACT: Claudia V. Grillo,Office of Regulatory Policy (HFD–007),Food and Drug Administration,5600 Fishers Lane,Rockville, MD 20857,301–594–5645.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted, as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product REMINYL (galatamine hydrobromide). REMINYL is indicated for the treatment of mild to moderate dementia of the Alzheimer's type. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for REMINYL (U.S. Patent No. 4,663,318) from Janssen Research Foundation, and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated October 2, 2001, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of REMINYL represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for REMINYL is 1,608 days. Of this time, 1,089 days occurred during the testing phase of the regulatory review period, while 519 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(i)) became effective:* October 6, 1996. The applicant claims October 4, 1996, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was October 6, 1996, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the act:* September 29, 1999. FDA has verified the applicant's claim that the new drug application (NDA) for REMINYL (NDA 21–169) was initially submitted on September 29, 1999.

3. *The date the application was approved:* February 28, 2001. FDA has verified the applicant's claim that NDA 21–169 was approved on February 28, 2001.

This determination of the regulatory review period establishes the maximum

potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,063 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Dockets Management Branch (address above) written or electronic comments and ask for a redetermination by April 29, 2002. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 27, 2002. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch. Three copies of any information are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 23, 2002.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. 02–4683 Filed 2–27–02; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01E–0362]

Determination of Regulatory Review Period for Purposes of Patent Extension; TRAVATAN

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for TRAVATAN and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Submit written comments and petitions 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.*

FOR FURTHER INFORMATION CONTACT: Claudia V. Grillo,Office of Regulatory Policy (HFD–007),Food and Drug Administration,5600 Fishers Lane,Rockville, MD 20857,301–594–5645.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted, as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product TRAVATAN (travoprost). TRAVATAN is indicated for the reduction of elevated intraocular pressure (IOP) in patients with open-angle glaucoma or ocular hypertension who are intolerant of other intraocular pressure lowering medications or insufficiently responsive (failed to achieve target IOP determined after multiple measurements over time) to another IOP lowering medication.

Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for TRAVATAN (U.S. Patent No. 5,889,052) from Alcon Laboratories, Inc., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated October 2, 2001, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of TRAVATAN represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for TRAVATAN is 1,694 days. Of this time, 1,441 days occurred during the testing phase of the regulatory review period, while 253 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355) became effective:* July 28, 1996. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on July 28, 1996.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the act:* July 7, 2000. FDA has verified the applicant's claim that the new drug application (NDA) for TRAVATAN (NDA 21–257) was initially submitted on July 7, 2000.

3. *The date the application was approved:* March 16, 2001. FDA has verified the applicant's claim that NDA 21–257 was approved on March 16, 2001.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 484 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Dockets Management Branch (address above) written or electronic comments and ask for a redetermination by April 29, 2002. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by

August 27, 2002. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch. Three copies of any information are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 25, 2002.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. 02–4684 Filed 2–27–02; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01E–0090]

Determination of Regulatory Review Period for Purposes of Patent Extension; ABREVA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for ABREVA and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Submit written comments and petitions 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.*

FOR FURTHER INFORMATION CONTACT: Claudia Grillo, Office of Regulatory Policy (HFD–007), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–5645.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product ABREVA (docosanol). ABREVA is indicated for the treatment of cold sores and fever blisters. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for ABREVA (U.S. Patent No. 4,874,794) from Avanir Pharmaceuticals, and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated May 3, 2001, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of ABREVA represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for ABREVA is 3,270 days. Of this time, 2,323 days occurred during the testing phase of the regulatory review period, while 947 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355) became effective:* August 14, 1991. The applicant claims July 11, 1991, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was August 14, 1991, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the act:* December 22, 1997. FDA has verified the applicant's claim that the new drug application (NDA) for ABREVA (NDA 20–941) was initially submitted on December 22, 1997.

3. *The date the application was approved:* July 25, 2000. FDA has verified the applicant's claim that NDA 20–941 was approved on July 25, 2000.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,825 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Dockets Management Branch (address above) written or electronic comments and ask for a redetermination by April 29, 2002. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 27, 2002. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch. Three copies of any information are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 5, 2001.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. 02–4685 Filed 2–27–02; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00E–1347]

Determination of Regulatory Review Period for Purposes of Patent Extension; AVELOX

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for AVELOX and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Submit written comments and petitions 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.*

FOR FURTHER INFORMATION CONTACT: Claudia Grillo, Office of Regulatory Policy (HFD–007), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–5645.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Public Law 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted, as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product AVELOX (moxifloxacin hydrochloride). AVELOX is indicated for uncomplicated skin and skin structure infections. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for AVELOX (U.S. Patent No. 4,490,517) from Bayer Corp., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated May 11, 2001, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of AVELOX represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for AVELOX is 1,435 days. Of this time, 1,069 days occurred during the testing phase of the regulatory review period, while 366 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355) became effective*: January 7, 1996. The applicant claims January 27, 1996, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was January 7, 1996, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the act*: December 10, 1998. FDA has verified the applicant's claim that the new drug application (NDA) for AVELOX (NDA 21–085) was initially submitted on December 10, 1998.

3. *The date the application was approved*: December 10, 1999. FDA has verified the applicant's claim that NDA 21–085 was approved on December 10, 1999.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 889 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may submit to the Dockets Management Branch (address above) written or electronic comments and ask for a redetermination by April 29, 2002. Furthermore, any interested person may petition FDA, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 27, 2002. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the 2 docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 24, 2002.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. 02–4748 Filed 2–27–02; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Allergenic Products Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of Committee: Allergenic Products Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on March 15, 2002, from 8 a.m. to 4:15 p.m.

Location: Holiday Inn, Versailles Ballrooms I and II, 8120 Wisconsin Ave., Bethesda, MD.

Contact Person: William Freas or Pearline Muckelvene, Center for Biologics Evaluation and Research (HFM–71), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–0314, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12388. Please call the Information Line for up-to-date information on this meeting.

Agenda: On March 15, 2002, the committee will hear updates on: (1) Personnel and lot release activities of the Laboratory of Immunobiochemistry (LIB), (2) LIB research programs, (3) particulates in allergen extracts, (4) reduction of possible risk of exposure to transmissible spongiform encephalopathy (TSE) agents in allergen extracts, and (5) the statistical power of clinical studies used to assess bioequivalence of allergen extracts. The committee will discuss: (1) Considerations for the regulation of recombinant allergens for the diagnosis and treatment of allergic disease, and (2) glycerol in allergen extracts.

Procedure: On March 15, 2002, from 8 a.m. to 3:15 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by March 7, 2002. Oral presentations from the public will be scheduled between approximately 11:30 a.m. and 12 noon, and between 2:45 p.m. and 3:15 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before March 7, 2002, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Closed Committee Deliberations: On March 15, 2002, from approximately 3:15 p.m. to 4:15 p.m., the meeting will be closed to permit discussion where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)). This portion will be closed to permit discussion of the report of the site visit review of the Laboratory of Immunobiochemistry, in the Division of Bacterial, Parasitic & Allergenic Products, in the Office of Vaccines Research and Review, Center for Biologics Evaluation and Research.

Persons attending FDA advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact William Freas or Pearline Muckelvene at least 7 days in advance of meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 22, 2002.

Linda A. Suydam,

Senior Associate Commissioner for Communications and Constituent Relations.

[FR Doc. 02–4686 Filed 2–27–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Blood Products Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Blood Products Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on March 14, 2002, from 8 a.m. to 5:30 p.m. and on March 15, 2002, from 8 a.m. to 4 p.m.

Location: Gaithersburg Holiday Inn, Two Montgomery Village Ave., Gaithersburg, MD.

Contact Person: Linda A. Smallwood, Center for Biologics Evaluation and Research (HFM–302), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–3514, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 19516. Please call the Information Line for up-to-date information on this meeting.

Agenda: On March 14, 2002, the following committee updates are tentatively scheduled: (1) Nucleic acid testing for whole blood, including standards for human immune deficiency virus and hepatitis C virus RNA; (2) nucleic acid testing for parvovirus B19; (3) nucleic acid testing for hepatitis A virus; and (4) announcement of planned FDA workshops. The committee will hear an informational presentation on emergency preparedness for the blood supply. In the afternoon, the committee will hear presentations, discuss and make recommendations on percutaneous exposure of blood and plasma donors: Tattoos and body piercing. On March 15, 2002, the committee will hear informational presentations and have discussion on the review of data supporting extension of the dating period for platelets, and in the afternoon, bacterial and fungal safety of tissue.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by March 1, 2002. Oral presentations from the public will be scheduled between approximately 12:30 p.m. and 1 p.m., and 3:45 p.m. and 4:45 p.m. on March 14, 2002, and between approximately 9:30 a.m. and 10 a.m., and 2:30 p.m. and 3 p.m. on March 15, 2002. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before March 1, 2002, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Persons attending FDA's advisory committees are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Linda A. Smallwood, or Jane Brown at 301–827–1296 at least 7 days in advance of meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 22, 2002.

Linda A. Suydam,

Senior Associate Commissioner for Communications and Constituent Relations.

[FR Doc. 02–4680 Filed 2–27–02; 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 contacting Catherine Joyce, Ph.D., J.D., at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3821; telephone: 301/496–7056 ext. 258; fax: 301/402–0220; e-mail: *joycec@od.nih.gov.* A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Methods of Generating Human CD4+ Th1 Cells

Dr. Daniel H. Fowler et al. (NCI).

[DHHS Reference No. E–335–01/0 filed 31 Aug 2001]

This technology pertains to the identification of specific culture conditions that yield human CD4+ T cells highly enriched for Th1 cytokine production. Recently, techniques have been developed that enable the *in vitro* expansion of mixed populations of T cells (CD4+ T-cells and CD8+ T-cells) using magnetic microbeads to which monoclonal antibodies to CD3 and CD28 have been attached. This technology is being developed commercially as the Xcellerate'' technology by Xcyte Therapies, Inc., Seattle, Washington.

The instant invention is directed to the use of the 3/28 bead-stimulated expansion of CD4+ cells, under specific culture conditions, to yield highly pure populations of Th1 cells. The reported conditions permit the production of large numbers of pure Th1 CD4+ cells from human CD4+ cells. Autologous populations of pure Th1 CD4+ cells may be useful for anti-cancer therapy and/or to enhance the immune response against infectious agents.

Methods of Generating Human CD4+ Th2 Cells

Dr. Daniel H. Fowler et al. (NCI).

[DHHS Reference No. E–114–01/0 filed 02 Jul 2001]

This technology pertains to the identification of specific culture conditions that yield a high purity of Th2 cells. Recently, techniques have been developed that enable the *in vitro* expansion of mixed populations of T cells (CD4+ T-cells and CD8+ T-cells) using magnetic microbeads to which monoclonal antibodies to CD3 and CD28 have been attached. This technology is being developed commercially as the Xcellerate'' technology by Xcyte Therapies, Inc., Seattle, Washington.

The instant invention is directed to the use of the 3/28 bead-stimulated expansion of CD4+ cells, under specific culture conditions, to yield highly pure populations of Th2 cells. The reported conditions permit the production of large numbers of pure Th2 CD4+ cells from human CD4+ cells. This technology is potentially applicable for the treatment of several medical conditions. Particularly, research regarding the clinical application of using pure Th2 cells for reducing graft-versus-host disease (GVHD) during allogeneic stem cell transplantation (used in the treatment of leukemia and lymphoma) has proceeded to the stage of Phase I clinical trials.

Transforming Growth Factor-Beta (TGF-Beta) Antagonist Selectively Neutralizes ''Pathological'' TGF-Beta

Drs. Lalage Wakefield and Yu-an Yang (NCI).

[DHHS Reference No. E–059–01/0 filed 21 Jun 2001]

This technology pertains to the use of a soluble transforming growth factor-beta (TGF-beta) antagonist (SR2F) for the suppression of metastasis. The SR2F antagonist is composed of the soluble extracellular domain of the type II TGF-beta receptor fused to the Fc domain of human IgG. In accordance with the invention, it has been discovered that overexpression of the SR2F antagonist in transgenic mice significantly protects against experimentally induced metastasis without inducing the negative effects associated with loss of TGF-beta function in the TGF-beta knock out mice. Lifetime exposure to the antagonist did not result in any increase in spontaneous or induced tumorigenesis, and there was no evidence for significant manifestations of autoimmune disease or increase in inflammatory lesions. The inventors speculate that this apparent ability of SR2F to discriminate between ''physiological'' and ''pathological'' TGF-beta relates to the relative accessibility of the two forms of TGF-beta, with only pathological TGF-beta being accessible to the antagonist.

Dated: February 20, 2002.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 02–4831 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

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.

Production of Adeno-Associated Virus in Insect Cells

Robert M Kotin et al. (NHLBI)

Serial No. 09/986,618 filed 09 Nov 01

Licensing Contact: Susan Rucker; 301/496–7735 ext 245; e-mail: ruckers@od.nih.gov

The invention, described and claimed in this patent application, relates to the field of production of recombinant adeno-associated virus (rAAV). More particularly, the invention relates to systems for producing rAAV in a baculovirus-based system. The systems

for producing rAAV can use the AAV Rep protein and an AAV ITR or the insect counterpart thereof, NS–1 and a chimeric ITR derived from AAV but containing the NS–1 binding site and the NS1-nicking site. The invention provides for increased production of rAAV when compared to mammalian systems employing 293 cells which are typically used for rAAV production.

This work has been published in part in C Ding et al., J. Virol. 76(1): 338–45 (Jan. 2002).

Microbial Identification Databases

Jon G. Wilkes et al. (FDA)

Serial No. 09/975,530 filed 10 Oct 2001

Licensing Contact: Dale Berkley; 301/496–7735 ext. 223; e-mail: berkleyd@od.nih.gov

The invention is a method for assembling a coherent database containing an essentially unlimited number of pyrolysis mass spectra to enable rapid chemotaxonomy of unknown microbial samples. The invention corrects for short and long-term drift of microbial pyrolysis mass spectra by using spectra of similar microbes as internal standards. The invention provides for the first time a practical way to assemble a coherent database containing an essentially unlimited number of pyrolysis mass spectra or other instrumental ''fingerprints'', where one or more is representative of each relevant strain, and representative of additional strains as they are added to the pool of microbial agents. Microorganisms can be identified using the invention from their fingerprint spectra regardless of the growth medium used to culture the bacteria. This is a result of the discovery that corrections made to the fingerprint spectrum of one type of bacterium to compensate for changes in growth medium may be applied successfully to metabolically similar bacteria. Fingerprint spectra to which the method of the invention may be applied include pyrolysis MALDI or other types of mass spectra, infrared spectra, chromatograms, NMR spectra and ion-mobility spectra. The present invention is especially useful for the rapid identification of microorganisms, including human pathogens.

Dated: February 20, 2002.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 02–4832 Filed 2–27–02; 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, Cancer Intervention and Surveillance Modeling Network (CISNET).

Date: March 21, 2002.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Joyce C. Pegues, PhD., Scientific Review Administrator, Special Review and Resources Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 7149, Bethesda, MD 20892, 301/594–1286.

(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: February 22, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4811 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

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 section 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 to evaluate and Review One T32 Application

Date: March 19, 2002.

Time: 1:15 PM to 2:15 PM.

Agenda: To review and evaluate grant applications.

Place: 6116 Executive Boulevard, Room 3068A, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: David E. Maslow, PhD, Scientific Review Administrator, Grants Review Branch, Division of Extramural Activities, National Cancer Institutes, National Institutes of Health, 6116 Executive Boulevard—Room 8117, Bethesda, MD 20892–7405, 301/496–2330.

(Catalog 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: February 22, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4818 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute, Notice of Closed Meeting

Pursuant of 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, Spores in Lymphoma.

Date: March 18–19, 2002.

Time: 6 PM to 5 PM.

Agenda: To review and evaluate grant applications.

Place: Radisson Barcelo Hotel, 2121 P St., NW, Washington, DC 20037.

Contact Person: Bratin K. Saha, PhD, Scientific Review Administrator, Grants Review Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 8123, Bethesda, MD 20892. (301) 402–0371. *sahab@mail.nih.gov.*

(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 Institute of Health, HHS)

Dated: February 22, 2002.

Laverne Y. Stringfield

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4820 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

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 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 Cancer Institute Special Emphasis Panel.

Date: March 21, 2002.

Time: 8:00 AM to 3:00 PM.

Agenda: To review and evaluate contract proposals.

Place: Ramada Inn Rockville, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Kenneth L. Bielat, PhD, Scientific Review Administrator, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 8043, Bethesda, MD 20892. (301) 496–7576.

(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: February 22, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4821 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; 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 Center for Research Resources Special Emphasis Panel, Comparative Medicine.

Date: March 18, 2002.

Time: 1 p.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Office of Review, National Center for Research Resources, 6705 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Camille M. King, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, One Rockledge Centre, MSC 7965, 6705 Rockledge Drive, Suite 6018, Bethesda, MD 20892–7965, (301) 435–0810. *kingc@ncrr.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.

Name of Committee: National Center for Research Resources Initial Review Group, Research Centers in Minority Institutions Review Committee.

Date: June 14, 2002.

Open: 8 a.m. to 9 a.m.

Agenda: To discuss program planning and other issues.

Place: Bethesda Residence Inn, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Closed: 9 a.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Bethesda Residence Inn, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: C. William Angus, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, 6705 Rockledge Drive, MSC 7965, Room 6018, Bethesda, MD 20892–7965, 301/435–0812. *angusw@ncrr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333; 93.371, Biomedical Technology; 93.389, Research Infrastructure, National Institutes of Health, HHS)

Dated: February 22, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4814 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung and Blood 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 Heart, Lung, and Blood Institute Special Emphasis Panel, Trials Assessing Innovative Strategies to Improve Clinical Practice Through Guidelines in Heart, Lung, and Blood Diseases

Date: March 12–13, 2002.

Time: 7 PM to 3 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Robert B. Moore, PhD, Scientific Review Administrator, Review Branch, Room 7192, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, Bethesda, MD 20892, 301–435–3541, *mooreb@nhlbi.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. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 22, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4812 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood, 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 provisionls set forth in sections 552(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 Heart, Lung, and Blood Institute Special Emphasis Panel, Retroviral Epidemiology Donor Study (REDS).

Date: March 4, 2002.

Time: 10 AM to 10:30 AM.

Agenda: To review and evaluate contract proposals.

Place: Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Peson: Chitra Krishnamurti, PhD, Scientific Review Administrator, Review Branch, Room 7206, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, Bethesda, MD 20892, 301–435–0398.

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.

(Catalog of Federal Domestic Assistance Program Nos. 93.223, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 22, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4813 Filed 2–27–02; 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 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 Human Genome Research Institute Special Emphasis Panel.

Date: March 1, 2002.

Time: 8 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Agencourt Bioscience, 100 Commings Center, Suite 107G, Beverly, MA 01915.

Contact Person: Ken D. Nakamura, PHD, Scientific Review Administrator, Office of Scientific Review, National Human Genome Research Institute, National Institutes of Health, Bethesda, MD 20892, 301–402–0838.

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. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: February 20, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4830 Filed 2–27–02; 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 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 of Neurological Disorders and Stroke Special Emphasis Panel.

Date: March 21, 2002.

Time: 8 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20892.

Contact Person: Andrea Sawczuk, DDS, PhD, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–0660.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel.

Date: March 21, 2002.

Time: 2 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20892.

Contact Person: Andrea Sawczuk, DDS, PhD, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–0660.

(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: February 22, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4808 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; 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 of Dental and Craniofacial Research Special Emphasis Panel 02–53, Review of RFA DE–02–001, Oral Transmission of HIV.

Date: March 12, 2002.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Lynn M. King, PhD, Scientific Review Administrator, Scientific Review Branch, 45 Center Dr., Rm 4AN–38K, National Institute of Dental & Craniofacial Research, National Institutes of Health, Bethesda, MD 20892–6402, 301–594–5006.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel 02–42, Review of R 13 Grants.

Date: March 27, 2002.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Natcher Building, Conference Room C, Bethesda, MD 20892. (Telephone Conference Call)

Contact Person: H. George Hausch, PhD, Acting Director, 4500 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel 02–66, Review of R44 Grants.

Date: April 4, 2002.

Time: 1:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Natcher Building, Conference Room E1/2, Bethesda, MD 20892. (Telephone Conference Call)

Contact Person: Philip Washko, PhD, DMD, Scientific Review Administrator, 45 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel 02–54, Review of R44 Grants.

Date: April 16, 2002.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Natcher Building, Conference Room E1/2, Bethesda, MD 20892. (Telephone Conference Call)

Contact Person: Philip Washko, PhD, DMD, Scientific Review Administrator, 45 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel 02–55, Review of R44 Grants.

Date: April 24, 2002.

Time: 10 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Bethesda, MD 20892. (Telephone Conference Call)

Contact Person: Philip Washko, PhD, DMD, Scientific Review Administrator, 45 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: February 22, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4809 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; 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 Institute of Child Health and Human Development Special Emphasis Panel, The Network on the Neurobiology & Genetics of Autism: Collaborative Programs of Excellence in Autism (CPEAs).

Date: March 18–20, 2002.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Madison Hotel, Fifteenth & M Streets NW., Washington, DC 2005.

Contact Person: Norman Chang, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, 6100 Executive Blvd., Room 5E03, Bethesda, MD 20892, (301) 496–1485.

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. 93.209. Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: February 22, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4816 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; 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 552(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: Minority Programs Review Committee, MBRS Review Subcommittee B.

Date: March 18–19, 2002.

Time: 8:30 AM to 5 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Michael A Sesma, PhD, Office of Scientific Review, NIGMS, Natcher Building, Room 1AS19, 45 Center Drive, Bethesda, MD 20892, (301) 594–2048.

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. 93.375, Minority Biomedical Research Support, 93.821, Cell Biology and Biophysics Research, 93.859, Pharmacology, Physiology, and Biological Chemistry Research, 93,862. Genetics and Developmental Biology Research, 93.88, Minority Access to Research Careers, 93.96, Special Minority Initiatives National Institutes of Health, HHS)

Dated: February 22. 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4817 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; 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 Institute of Child Health and Human Development Special Emphasis Panel.

Date: March 12, 2002.

Time: 10 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: 6100 Executive Blvd 5th Floor, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Jon M. Ranhand, PhD, Scientist Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5E03, Bethesda, MD 20892, (301) 435–6884.

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. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: February 22, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4819 Filed 2–27–02; 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 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 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 Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: March 7, 2002.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: Marriott Pooks Hill, 5151 Pooks Hill Road, Bethesda, MD 20814

Contact Person: Tracy A. Shahan, PhD, Scientific Review Administrator, National Institute of Arthritis and Musculoskeletal and Skin Diseases, Natcher Building, MSC 6500, 45 Center Drive, 5AS–25H, Bethesda, MD 20892, (301) 594–4952.

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. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: February 21, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4822 Filed 2–27–02; 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 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 section 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 of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: March 22, 2002.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Tracy A. Shahan, PhD, Scientific Review Administrator, National Institutes of Health, National Institute of Arthritis and Musculoskeletal and Skin Diseases, Bldg. 45/Room 5as–25h, Bethesda, MD 20892. (301) 594–4952.

(Catalog of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: February 21, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4823 Filed 2–27–02; 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 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 Institute of Allergy and Infectious Diseases Special Emphasis Panel.

Date: March 7, 2002.

Time: 11 AM to 12 PM.

Agenda: To review and evaluate grant applications.

Place: 6700–B Rockledge, Room 2217, Bethesda, MD 20892. (Telephone Conference Call).

Contact Person: Anna L Ramsey-Ewing, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2217, 6700–B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616. (310) 496–2550. *ar15o@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. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 21, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4824 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute of Health

National Institute of Child Health and Human Development; 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 Institute of Child Health and Human Development Special Emphasis Panel.

Date: April 9, 2002.

Time: 9 AM to 10 AM.

Agenda: To review and evaluate grant applications.

Place: 6100 Executive Blvd., Room 5E01, Rockville, MD 20852. (Telephone Conference Call)

Contact Person: Anne Krey, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, 6100 Executive Blvd., RM, 5E03, Bethesda, MD 20892. (301) 435–6908.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National institutes of Health, HHS)

Dated: February 20, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4825 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; 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 Institute on Deafness and Other Communications Disorders Special Emphasis, Panel.

Date: April 4, 2002.

Time: 8 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Washington, 1400 M Street, Washington, DC 20005.

Contact Person: Craig A. Jordan, PhD, Chief, Scientific Review Branch, NIH/NIDCD/DER, Executive Plaza South, Room 400C, Bethesda, MD 20892–7180, 301–496–8683.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: February 20, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4826 Filed 2–27–02; 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 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 of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis, Panel.

Date: April 16, 2002.

Time: 8:30 am to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Pooks Hill Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Aftab A. Ansari, PhD, Scientific Review Administrator, National Institute of Arthritis and Musculoskeletal and Skin Diseases, Natcher Building, MSC 6500, 45 Center Drive, 5AS–25S, Bethesda, MD 20892, (301) 594–4952.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis, Panel.

Date: April 22–23, 2002.

Time: 8:30 am to 5:30 pm.

Agenda: To review and evaluate grant applications.

Place: Pooks Hill Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Richard J. Bartlett, PhD, Scientific Review Administrator, National Institute of Arthritis and Musculoskeletal and Skin Diseases, Natcher Bldg./Bldg. 45, MSC 6500/Room 5AS–37B, Bethesda, MD 20892, (301) 594–4952.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal, and Skin Diseases Research, National Institutes of Health, HHS)

Dated: February 20, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4827 Filed 2–27–02; 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 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: Arthritis and Musculoskeletal and Skin Diseases Special Grants Review Committee.

Date: March 5, 2002.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: John R. Lymangrover, PhD., Scientific Review Administrator, National Institutes of Health, NIAMS, Natcher Bldg., Room 5As25N, Bethesda, MD 20892, 301–594–4952.

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. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: February 20, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4828 Filed 2–27–02; 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; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Allergy and Infectious Diseases Special Emphasis Panel, February 27–28, 2002, 8:30 PM, Holiday Inn—Georgetown, 2101 Wisconsin Avenue, Washington, DC, which was published in the **Federal Register** on February 7, 2002, 67 FR 5839.

This meeting date has been changed to March 25–26, 2002, and will begin at 8:30 AM.

Dated: February 20, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4829 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; 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 Library of Medicine Special Emphasis Panel.

Date: March 20, 2002.

Time: 2 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, Division of Extramural Programs, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892. (Telephone Conference Call)

Place: Merlyn M. Rodrigues, MD., PhD, Medical Officer/SRA, National Library of Medicine, Extramural Programs, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20894.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: February 22, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4810 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, February 27, 2002, 8 PM to March 1, 2002, 2 PM, Monarch Hotel, 2400 M Street, NW., Washington, DC, 20037 which was published in the **Federal Register** on February 13, 2002, 67 FR 6728–6731.

The meeting times have been changed to 8 AM to 3 PM. The meeting dates and location remain the same. The meeting is closed to the public.

Dated: February 22, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4815 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a list of information collection requests under OMB review, in compliance with the

Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Assessment of the National Leadership Institute Program and Services and the Minority Community-based Organization Program—(OMB No. 0930—0203, Revision) '' The Substance Abuse and Mental Health Administration's (SAMHSA) Center for Substance Abuse Treatment (CSAT) is conducting an assessment of its National Leadership Institute (NLI). The goal underlying the technical assistance and training opportunities provided through the NLI is to strengthen the competitive position of nonprofit community-based organizations (CBOs) which are essential components of local substance abuse services for the uninsured and under-insured.

Both a process and an impact assessment are being conducted. The process assessment describes the needs faced by CBOs, the types of training and technical assistance that CBOs receive through the NLI, and CBO satisfaction with services. The impact assessment focuses on specific changes made by CBOs in response to NLI recommendations, and improvements in self-rated organizational performance and several organization status measures.

The assessment design for technical assistance is a pre-post-post design that collects identical information from the TA recipient organizations at initiation of NLI contact and again after 12 and 24 months. These time frames are necessary to allow CBOs the opportunity to address NLI technical assistance recommendations and to plan and implement their changes. In addition, the assessment collects satisfaction measures from the TA recipient organization after each technical assistance event and at 12 and 24 months after the initial TA event.

The training component of NLI is also a pre-post-post design. Participants complete a brief questionnaire prior to receiving either onsite or online training, as well as immediately upon completion of the training. Training participants are also sent a 30-day follow-up questionnaire in the mail. With the introduction of online training, the 30-day follow-up may be submitted via e-mail, as well.

Most of the assessment forms for both TA and training have undergone minor revisions. The Organizational Self-Assessment and the 12-Month Follow-Up Organizational Self-Assessment were revised to eliminate some of the items that were confusing to respondents and to capture some key indicators that will be more useful to TA providers and for evaluation purposes. The Activity Summary has been revised to better capture GPRA data and to better record the nature of the recommendations an agency receives from a TA provider. The training forms have undergone minor revisions that include rewording and the addition and/or deletion of questions to tailor the instrument to persons who participate in NLI's online training. In addition, the program will program will use the Government Performance and Results Act Customer Satisfaction Surveys for the Center for Substance Abuse Treatment Knowledge Application Programs (OMB No. 0930–0197).

NLI data collection burden is borne primarily by directors of the CBOs who provide initial contact information, pre- and post-test versions of organizational self-assessments, satisfaction forms, and activity summaries/telephone interviews. Finally, individuals who attend NLI onsite training events and/or complete an online training course will receive a brief questionnaire prior to the training and satisfaction questionnaires immediately after the training, as well as 30 days after the training (5 minutes each).

In addition, CSAT also wishes to have its new Minority Community-Based Organization (MCBO) program become an approved user of the Organizational Self-Assessment and Organizational Self-Assessment Follow-Up forms. The MCBO program is designed to identify and cultivate substance abuse treatment partnerships with a maximum of 30 service MCBOs/providers that use culturally specific interventions that address the substance abuse treatment and HIV/AIDS service needs of African-American, Hispanic/Latino and other ethnic and racial minority populations and to provide developmental consultations as well as specialized technical assistance to these MCBOs/service providers to optimize organizational and service capacity and to achieve success in obtaining competitive grant funding.

Under the MCBO program, CSAT will address the challenges that impact sustainability, including under capitalization, limited administrative and support staff, and unfamiliarity with the complex competitive grant writing process. The contractor implementing the program will provide technical assistance and coordinated training opportunities to strengthen the indigenous service providers' ability to successfully obtain funding from a range of sources. To assess participant satisfaction with specific training and meetings, the MCBO program will use the Government Performance and Results Act Customer Satisfaction Surveys for the Center for Substance Abuse Treatment Knowledge Application Programs (OMB No. 0930–0197).

The charts below summarize the estimated total three-year burden and annual average burden.

NLI Annual Burden Estimates and Costs

Form	Number of respondents	Responses/respondent	Burden/response	Total hours
Technical Assistance Recipients:				
Initial Contact Form	240	1	.10	24
Organization Self Assessment—Part 1	210	1	.75	158
Organization Self Assessment—Part 2	210	1	.75	158
Short Organization Self Assessment Follow-up	210	2	.75	315
Technical Assistance Event Satisfaction	210	1	.05	11
12-month Activity Summary	210	1	.25	53
24-month Activity Summary	210	1	.20	42
Comprehensive NLI Satisfaction	210	1	.07	15
Training Participants:				
Training Participant Information Form—Pre-Training	1,500	1	.08	120
Training Participant Information Form—Post-Training	1,500	1	.05	75
Training Participant 30 day follow-up	1,500	1	.05	75

NLI ANNUAL BURDEN ESTIMATES AND COSTS—Continued

Form	Number of respondents	Responses/respondent	Burden/response	Total hours
Total	1,740			1,046
Annual average	580			349

MCBO PROGRAM ANNUAL ESTIMATES AND COSTS

Form	Number of respondents	Responses/respondent	Burden/response (hrs.)	Total hours
Technical Assistance Recipients:				
Organization Self Assessment—Part 1	30	1	.75	23
Organization Self Assessment—Part 2	30	1	.75	23
Short Organization Self Assessment—Follow-up	30	1	.75	23
Total	30			69
Annual average	10			23

Note: The MCBO is a 2-year program and will, thus, only collect the Follow-Up one time, 12 months after the initial assessment.

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Lauren Wittenberg, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: February 21, 2002.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 02–4777 Filed 2–27–02; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4739–N–04]

Notice of Proposed Information Collection: Comment Request; Real Estate Settlement Procedures Act (RESPA) Disclosures

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* April 29, 2002.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8001, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Ivy M. Jackson, Acting Director, Interstate Land Sales and RESPA Division, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708–0501 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for reviews, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (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; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Real Estate Settlement Procedures Act (RESPA) Disclosures.

OMB Control Number, if applicable: 2502–0265.

Description of the need for the information and proposed use: The Real Estate Settlement Act requires settlement providers to give homebuyers certain disclosure information at or before settlement and pursuant to the servicing of the loan and escrow account. This includes a Special Information Booklet, a Good Faith Estimate, and Initial Servicing Disclosure, the Form HUD–1 or HUD–1A, and when applicable, an Initial Escrow Account Statement, an Annual Escrow Account Statement, an Escrow Account Disbursement Disclosure, an Affiliated Business Arrangement Disclosure, and a Servicing/Transfer Disclosure. This information collection combines six previously approved collections under OMB control number 2502–0265. The OMB control numbers of the previous information collections are 2502–0265, 2502–0458, 2502–0491, 2502–0501, 2502–0516, and 2502–0517.

Agency form numbers, if applicable: HUD–1 or HUD–1A.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The total number of annual hours needed to prepare the information is 6,500,000; the number of respondents is estimated to be 20,000 generating approximately 105,300,000 responses annually; the frequency of response is annually and also third

party disclosures; and the estimated time per response varies from 2 minutes to 15 minutes.

Status of the proposed information collection: Reinstatement, with change, of previously approved collections for which approval have expired.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: February 19, 2002.

John C. Weicher,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 02–4716 Filed 2–27–02; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

2002 Migratory Bird Hunting and Conservation Stamp (Federal Duck Stamp) Contest

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Fish and Wildlife Service announces the dates and locations of the 2002 Federal Duck stamp contest; the public is invited to enter and to attend.

DATES: 1. The official date to begin submission of entries to the 2002 contest is July 1, 2002. All entries must be postmarked no later than midnight, Saturday, August 31, 2002.

2. The public may view the 2002 Federal Duck Stamp Contest entries on Tuesday, October 15, 2002, from 10 a.m. to 2 p.m.

Judging will be held on Wednesday, October 16, 2002, from 10:30 a.m. to 5 p.m. and Thursday, October 17, 2002, from 9 a.m. to 2 p.m.

ADDRESSES: Requests for complete copies of the regulations, reproduction rights agreement, and display and participation agreement may be requested by calling 1–202–208–4354, or requests may be addressed to: Federal Duck Stamp Contest, U.S. Fish and Wildlife Service, Department of the Interior, 1849 C Street, NW., Suite 2058, Washington, DC 20240. You may also download the information from the Federal Duck Stamp Home Page at *duckstamps.fws.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Terry Bell, telephone (202) 208–4354, or fax: (202) 208–6296.

SUPPLEMENTARY INFORMATION:

Background

On March 16, 1934, Congress passed and President Roosevelt signed the Migratory Bird Hunting Stamp Act. Popularly known as the Duck Stamp Act, it required all waterfowl hunters 16 years or older to buy a stamp annually. The revenue generated was originally earmarked for the Department of Agriculture, but 5 years later was transferred to the Department of the Interior and the U.S. Fish and Wildlife Service to buy or lease waterfowl sanctuaries.

In the years since its enactment, the Federal Duck Stamp Program has become one of the most popular and successful conservation programs ever initiated. Today, some 1.5 million stamps are sold each year, and, as of 2000, Federal Duck Stamps have generated $511 million for the preservation of more than 5 million acres of waterfowl habitat in the Untied States. Numerous other birds, mammals, fish, reptiles and amphibians have similarly prospered because of habitat protection made possible by the program. An estimated one-third of the nation's endangered and threatened species find food or shelter in refuges preserved by Duck Stamp funds. Moreover, the protected wetlands help dissipate storms, purify water supplies, store flood water, and nourish fish hatchlings important for sport and commercial fishermen.

The Contest

The first Federal Duck Stamp was designed, at President Roosevelt's request, by Jay N. ''Ding'' Darling, a nationally known political cartoonist for the *Des Moines Register* and a noted hunter and wildlife conservationist. In subsequent years, noted wildlife artists were asked to submit designs. The first contest was opened in 1949 to any U.S. artist who wished to enter, and 65 artists submitted a total of 88 design entries in the only art competition of its kind sponsored by the U.S. Government. To select each year's design, a panel of noted art, waterfowl, and philatelic authorities are appointed by the Secretary of the interior. Winners received no compensation for the work, except a pane of their stamps, but winners may sell prints of their designs, which are sought by hunters, conservationists, and art collectors.

This year's contest is being held at an earlier date to provide a platform from which to kick off the National Wildlife Refuge Centennial celebration. In 2003, the refuge system will celebrate its 100th anniversary. The contest dates coincide with the 2002 National Wildlife Refuge Week.

The public may view the 2002 Federal Duck Stamp Contest entries on Tuesday, October 15, 2002, from 10 a.m. to 2 p.m. in the Department of the Interior Auditorium (''C'' Street entrance), 1849 C Street, NW., Washington, DC. This year's judging will be held Wednesday, October 16, 2002, beginning at 10:30 a.m. and continuing at 9 a.m. on Thursday, October 17, 2002.

Dated: January 22, 2002.

Marshall Jones, Jr.,

Acting Director.

[FR Doc. 02–4704 Filed 2–27–02; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection, Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of a revision of a currently approved information collection (OMB Control Number 1010–0121).

SUMMARY: To comply with the Paperwork Reduction Act (PRA) of 1995, we are inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) is titled ''Administrative Appeal Procedures'' (formerly titled ''Preliminary Statement of Issues and Fee Waiver'').

DATES: Submit written comments on or before April 29, 2002.

ADDRESSES: Submit written comments to Carol P. Shelby, Regulatory Specialist, Minerals Management Service, Minerals Revenue Management, P.O. Box 25165, MS 320B2, Denver, Colorado 80225. If you use an overnight courier service, MMS's courier address is Building 85, Room A–614, Denver Federal Center, Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: Carol P. Shelby, telephone (303) 231–3151, FAX (303) 231–3385.

SUPPLEMENTARY INFORMATION:

Title: Administrative Appeal Procedures.

OMB Control Number: 1010–0121.

Bureau Form Number: None.

Abstract: The Department of the Interior (DOI) is responsible for matters relevant to mineral resource development on Federal and Indian lands and in the Outer Continental Shelf (OCS). The Secretary of the Interior is responsible for managing the production of minerals from Federal and Indian lands and from the OCS, collecting royalties from lessees who produce

minerals, and distributing the funds collected in accordance with applicable laws. The Secretary also has an Indian trust responsibility to manage Indian lands and seek advice and information from Indian beneficiaries.

On January 12, 1999, DOI published a proposed rule in the **Federal Register** (64 FR 1930) to revise the appeals process. Proposed 43 CFR part 4, subpart J, would have established a new 1-step process for appeals of royalty orders. Among other actions, the proposed rule would have replaced the current regulations at 30 CFR part 290 and 43 CFR part 4, subpart E, as they relate to appeals of royalty orders. The MMS submitted an information collection request entitled ''Preliminary Statement of Issues and Fee Waiver'' to cover the information collection requirements in that proposed rule. The OMB approved that request on April 13, 1999, and assigned OMB Control Number 1010–0121.

The MMS received numerous negative comments about some of the provisions in the proposed rule. Consequently, on May 13, 1999, MMS published a final rule in the **Federal Register** (64 FR 26240) making final only those portions of the January 1999 proposed rule that received few, if any, comments. For example, rather than finalizing the substantive procedural changes in the proposed rule, the regulations in 30 CFR part 290 were separated into two subparts—Subparts A and B—and rewritten using plain English principles. Subpart A relates to appeals for the Offshore Minerals Management program, and Subpart B relates to appeals for the Royalty Management Program (currently Minerals Revenue Management). Subpart J of 43 CFR part 4 was added to the final rule to incorporate specific time frames required in the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996. However, the final rule does not contain the substantive changes required to change the appeals process from a 2-step to a 1-step process as originally proposed in the proposed rule.

The MMS is revising this information collection to cover the reporting requirements contained in the final rule. These requirements are located in 30 CFR parts 250 and 290. Refer to the burden chart for identified reporting requirements and associated burden hours. Submission of the information in this collection is necessary for MMS to initiate and track appeals of disputed orders. Proprietary information that is submitted is protected, and there are no questions of a sensitive nature included in this information collection.

Frequency: On occasion.

Estimated Number and Description of Respondents: 180 Federal or Indian lessees.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: 13,615 hours.

The table below is a breakdown of the burden hours by CFR section and paragraph:

30 CFR section	Requirement	Annual number of responses	Burden hours per response	Annual burden hours
250.1409(a), (b)(1) and 2	(a) When you receive the Reviewing Officer's final decision, you have 60 days to either pay the penalty or file an appeal in accordance with 30 CFR part 290 * * * (b) If you file an appeal, you must either: (1) Submit a surety bond * * * or (2) Notify the Regional Adjudication Office * * * that you want your lease-specific/area-wide bond on file to be used as the bond for the penalty amount.	10	1	10
290.4(a) and (b)(1)	For your appeal to be filed, MMS must receive all of the following within 60 days after you receive the decision or order: (a) A written Notice of Appeal together with a copy of the decision or order you are appealing * * * (b) A nonrefundable processing fee of $150 paid with the Notice of Appeal * * * (1) Identify the order you are appealing on the check or other form of payment * * *.	10	10	100
290.7(a)(2)	The decision or order is effective during the 60-day period for filing an appeal * * * unless (2) You post a surety bond under 30 CFR 250.1409 pending the appeal * * *.	[1]		
290.105 (a)(1) and (2)	(a) You may appeal an order to the Director, Minerals Management Service * * * by filing a Notice of Appeal in the office of the official issuing the order within 30 days from service of the order * * * (1) Within the same 30-day period, you must file * * * a statement of reasons or written arguments or briefs * * * (2) If you are a designee, when you file your Notice of Appeal, you must serve your Notice of Appeal on the lessees for the leases in the order you appealed.	150	90	13,500
290.106(a)	(a) If you are a lessee, * * * you may join in that appeal * * * by filing a Notice of Joinder with the office or official that issued the order.	10	.5	5
Totals		180		13,615

[1] Burden covered in § 250.1409.

Estimated Annual Reporting and Recordkeeping ''Non-hour Cost'' Burden: We have identified no ''non-hour cost'' burdens.

Comments: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Before submitting an ICR to OMB, PRA Section 3506(c)(2)(A) requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *.'' Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its

duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

The PRA also requires agencies to estimate the total annual reporting ''non-hour cost'' burden to respondents or recordkeepers resulting from the collection of information. We have not identified non-hour cost burdens for this information collection. If you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information; monitoring, sampling, testing equipment; and record storage facilities. Generally, your estimates should not include equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

We will summarize written responses to this notice and address them in our ICR submission for OMB approval, including appropriate adjustments to the estimated burden. We will provide a copy of the ICR to you without charge upon request.

Public Comment Policy. We will make copies of the comments available for public review, including names and addresses of respondents, during regular business hours at our offices in Lakewood, Colorado. Individual respondents may request that we withhold their home address from the public record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you request that we withhold your name and/or address, state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: February 8, 2002.

Milton K. Dial,

Acting Associate Director for Minerals Revenue Management.

[FR Doc. 02–4752 Filed 2–27–02; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

National Park Service

Delaware Water Gap; National Recreation Area, New Jersey and Pennsylvania

AGENCY: National Park Service, Interior.

ACTION: Notice of realty action.

SUMMARY: With this notice the National Park Service is notifying the public of an adjustment to the boundary of the Delaware Water Gap National Recreation Area to include certain lands within the boundary of the Recreation Area.

ADDRESSES AND INFORMATION: The maps on which these tracts are depicted are Segments 5 and 83. These maps were prepared by the National Park Service, Land Resources Program Center, Philadelphia, Pennsylvania. Detailed information concerning this boundary revision, including precise legal descriptions, Land Protection Plans, environmental assessments and cultural reports are available at the Superintendent's office at Delaware Water Gap National Recreation Area, River Road, Bushkill, PA 18324 (570–588–2435); or the National Park Service, Land Resources Program Center, Northeast Region, 200 Chestnut Street, Philadelphia, Pennsylvania 19106.

SUPPLEMENTRY INFORMATION: Sec. 3(b), of Pub. L. 89–158, (authorizing Act), 79 Stat. 613, as amended, authorizes the Secretary of the Interior to make adjustments in the boundary of the area by publication of the amended description thereof in the **Federal Register** and acquire, by such means as he may deem to be in the public interest, including an exchange of excluded for included lands or interests therein with or without the payment or receipt of money to equalize the values, additional lands and interests therein included in the area by reason of the boundary adjustment.

In accordance with the Department of the Interior Departmental Manual, 245 DM 1.1 C.(7), the Director is delegated the Secretary's authority to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460*l*–1–4 through *l*–11) and Sections 6 and 7 of Executive Order 11200 including the reporting requirements found in Title 16 U.S.C., Sections 460*l*–6a(h) and 460*l*–10d.

The Director, under Director's Order #3: Delegation of Authority, Section 15, 4 states ''* * * and field directors are authorized to perform the appraisal and land acquisition functions as established in Public Law 91–646, title III (42 U.S.C. 4651–4655) and implemented by 49 CFR 24.

The boundaries mentioned above are specified in Section 2(a) of the authorizing Act as ''lands and interests therein within the boundaries of the area, as generally depicted on the drawing entitled, 'Proposed Tocks Island National Recreation Area,' dated and numbered September 1962, NRA-TI–7100.''

In a subsequent notice of Establishment published in the **Federal Register**, Vol. 42, No. 109, June 7, 1977, the Secretary of the Interior gave notice of the establishment of the Recreation Area. In this notice, he stated that ''adjustments may be subsequently made in the boundaries of the area by publication of the amendments to the boundary description thereof in the **Federal Register** as provided in the authorizing act''.

In a further Notice of Revision of Park Boundaries published in the **Federal Register**, Vol. 56, No. 132, Wednesday, July 10, 1991, the Regional Director, Mid-Atlantic Region, gave notice of a boundary revision as provided in the authorizing act.

Notice is hereby given that the boundary of the Delaware Water Gap National Recreation Area has been revised pursuant to the above Act, to include the following tracts:

Tract No.	Acreage
8306	0.20 FEE
570	0.66 FEE
572	3.12 ROW

Tract 8306 was inadvertently omitted from the boundary revision published in **Federal Register;** Vol. 56, No. 132 dated July 10, 1991, mentioned above. This tract of land is completely surrounded on three sides by park land already within the boundary. The fourth side of this tract is bounded by State Highway

51001 (Milford Road). With the inclusion of this tract the boundary is uninterrupted on the West side of Milford Road for more than a mile.

A revision to the boundary to include Tracts 570 and 572 will allow for an exchange of lands between the United States of America and Union Motor Lodge, Incorporated. The park will receive a wooded parcel of land which is contiguous with the existing boundary, and also use of an access road that parallels the fairway. The park proposed to exchange Tract 571, a 0.38 of an acre parcel of land that no longer contains values for which the park was established.

The inclusion of the above-mentioned tracts will allow for proper management of park lands.

Dated: December 20, 2001.

Pat Phelan,

Acting Regional Director, Northeast Region.

[FR Doc. 02–4845 Filed 2–27–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Keechelus Dam Safety of Dams Modification, Yakima Project, Washington

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of Availability of the Record of Decision for the Keechelus Dam Safety of Dams Modification, Yakima Project, Washington.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior, Bureau of Reclamation (Reclamation), has prepared a Record of Decision identifying the alternative to be implemented for the Keechelus Dam Safety of Dams Modification Project, located in the Yakima River basin in central Washington. The project is the subject of the Final Environmental Impact Statement (FEIS), INT–FES–01–29, **Federal Register** Notice of Availability, dated September 25, 2001 (66 FR 49039, Sep. 25, 2001).

The decision is to proceed with the preferred alternative to modify Keechelus Dam along the existing alignment to correct identified safety deficiencies as documented in the FEIS. In addition, Reclamation will seek funding under existing authorities to conduct a feasibility study for fish passage at all of the storage dams which are part of the Yakima Project.

ADDRESSES: Copies of the ROD are available for public inspection and review at the following locations:

- Bureau of Reclamation, U.S. Department of the Interior, Room 7455, 18th and C Streets NW., Washington, DC 20240.
- Bureau of Reclamation, Denver Office Library, Denver Federal Center, Building 67, Room 167, Denver, Colorado 80225.
- Bureau of Reclamation, Pacific Northwest Regional Office, 1150 North Curtis Road, Suite 100, Boise, Idaho 83706–1234.
- Bureau of Reclamation, Upper Columbia Area Office, 1917 Marsh Road, Yakima, Washington 98901.

Libraries

Carpenter Memorial Library, 302 N Pennsylvania Ave., Cle Elum, WA 98922; (509) 674–2313

Central Washington University Library, 700 E 8th Ave., Ellensburg WA 98926; (509) 963–1777

Ellensburg Public Library, 209 N Ruby, Ellensburg WA 98926; (509) 962–7250

Yakima Valley Regional Library, 102 N 3rd St, Yakima WA 98901; (509) 452–8541

University of Washington Campus, Suzzallo Library, Government Publications Division, Seattle WA 98195; (206) 543–1937

Internet

The ROD is also available on the Internet at: *http://www.pn.usbr.gov/.*

FOR FURTHER INFORMATION CONTACT: Mr. Dave Kaumheimer at (509) 575–5848, extension 232. Those wishing to obtain a copy of the ROD in the form of a printed document may contact Mr. Kaumheimer.

SUPPLEMENTARY INFORMATION: Keechelus Dam was completed in 1917 as part of Reclamation's Yakima Project, storing Yakima River water in central Washington for irrigation as part of 443,400 acres of prime farmland and for flood control. Recent investigations have shown that the wooden railroad trestle, used to deliver earth material and rocks while constructing the dam, has deteriorated, forming vertical paths where earthen materials within the dam can move, leaving voids in the dam. Examination of the seepage problems indicates the material is internally unstable and is subject to failure, with an associated potential for loss of life and property downstream. Because of the deficiencies identified, Keechelus Lake has been operated at a restricted pool elevation 7 feet below the normal full pool elevation of 2517 feet since November 1998, with increased monitoring and surveillance at the dam. This was identified as the No Action alternative in the FEIS, and elevation 2510 was used in comparing impacts of the other alternatives.

The Safety of Dams Act of 1978 (Pub. L. 95–578) and amendments of 1984 (Pub. L. 98–404) authorize the Secretary of the Interior to analyze existing Reclamation dams for changes in the state-of-the-art criteria and additional hydrologic and seismic data developed since the dams were constructed. For dams where a safety concern exists, the Secretary is authorized to modify the structure to ensure its continued safety. Section 3 of the Safety of Dams Act states that construction authorized by the Act shall be for dam safety and not for specific purposes of providing additional conservation storage capacity or developing benefits over and above those provided by the original dams and reservoirs.

Dated: January 18, 2002.

J. William McDonald,

Regional Director, Pacific Northwest Region.

[FR Doc. 02–4692 Filed 2–27–02; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Potholes Reservoir Resource Management Plan

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability of the Record of Decision for the Potholes Reservoir Resource Management Plan, Grant County, Washington.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior, Bureau of Reclamation (Reclamation), has prepared a Record of Decision identifying the alternative to be implemented for the Potholes Reservoir Resource Management Plan. This project is the subject of the Final Environmental Impact Statement (FEIS), INT–FES–01–40, **Federal Register** Notice of Availability, dated December 12, 2001 (66 FR 64272, Dec. 12, 2001). Reclamation's decision is to implement the Preferred Alternative (Alternative B) and associated environmental commitments (mitigation measures) as described in the FEIS. Implementing this alternative will support the recreational interests of visitors to the area while protecting the natural and cultural environment.

ADDRESSES: Copies of the ROD are available for public inspection and review at the following locations:

- Bureau of Reclamation, U.S. Department of the Interior, Room 7455, 18th and C Streets NW., Washington, DC 20240.
- Bureau of Reclamation, Pacific Northwest Regional Office, 1150 North Curtis Road, Suite 100, Boise, ID 83706–1234.
- Bureau of Reclamation, Upper Columbia Area Office, 1917 Marsh Road, Yakima, WA 98901.
- Bureau of Reclamation, Ephrata Field Office, 32 C Street, Ephrata, WA 98823.

FOR FURTHER INFORMATION CONTACT: Mr. Jim Blanchard at (509) 754–0239, extension 226. Those wishing to obtain a copy of the ROD in the form of a printed document may contact Mr. Blanchard.

Dated: January 19, 2002.

J. William McDonald,

Regional Director, Pacific Northwest Region.

[FR Doc. 02–4691 Filed 2–27–02; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Settlement Agreement Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act and Chapter 11 of Title 11 of the United States Bankruptcy Code

In accordance with the policy of the Department of Justice, notice is hereby given that a proposed settlement agreement in *United States* v. *American Allied Additives, Inc., et al.,* Civ. No. 1:00CV1014, was lodged with the United States District Court for the Northern District of Ohio, on December 6, 2001. The United States brought this action against 13 defendants including the Gibson-Homans Company pursuant to Sections 106 and 107 the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9606 and 9607, for *inter alia,* payment of past costs incurrred, and future costs to be incurred, by the United States at the American Allied Additives Superfund Site in Cleveland, Ohio. Gibson-Homans filed a petition for reorganization under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. 101, et seq., as amended in *In Re: The Gibson-Homans Company,* Case No. 00–50369, (Bankr. N.D. Ohio). The settlement agreements permits the United States' claim to be allowed as a pre-petition general unsecured claim in the amount of $24,050 against the Defendant, the Gibson-Homans Company, by the Bankruptcy Court thereby settling the United States' claims against the defendant.

For a period of thirty (30) days from the date of this publication, the Department of Justice will receive comments related to the proposed settlement agreement. Comments should be addressed to the Acting Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC 20530, and should refer to *United States* v. *American Allied Additives, Inc., et al.,* Civil Action No. 1:00CV1014; D.J. Ref. No. 90–11–2–1318.

The settlement agreement may be examined at the Office of the United States Attorney, 1800 Bank One Center, 600 Superior Avenue, Cleveland, Ohio 44114, and at the U.S. Environmental Protection Agency, Region V, 77 West Jackson Boulevard, Chicago, Illinois 60604. A copy of the settlement agreement may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044. In requesting a copy, please enclose a check in the amount of $2.00 (8 pages at 25 cents per page reproduction cost). When requesting a copy, please refer to *United States* v. *American Allied Additives, Inc., et al.,* Civil Action No. 00–01014; D.J. Ref. No. 90–11–2–1318.

William D. Brighton,

Assistant Chief, Environmental Enforcement Section, Environmental and Natural Resources Division.

[FR Doc. 02–3884 Filed 2–27–02; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Water Act

Notice is hereby given that on January 31, 2002 a proposed Consent Decree in *United States* v. *Deltech Corp.*, Civil Action No. 02–131–B–M1 was lodged with the United States District Court for the Middle District of Louisiana.

In this action the United States sought civil penalties and injunctive relief for violations of the Clean Water Act and Deltech's NPDES Permit at it's speciality chemical plant in Baton Rouge, Louisiana. The Consent Decree settles the United States' claims against Deltech for discharging pollutants in excess of its permit limits and failing to properly operate and maintain its facility. The Consent Decree requires that Deltech install a water recycling system and a clarifier to treat its process waste. It also requires that Deltech pay a civil penalty of $120,000 for past violations and perform a $50,000 Supplemental Environment Road Paving Project.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Deltech Corp.* No. 02–131–B–M1 (M.D. La.), D.O.J. Ref. 90–5–1–1–4494.

The Consent Decree may be examined at the Office of the United States Attorney, Middle District of Louisiana, 777 Florida Street, Room 208, Baton Rouge, Louisiana 70801, and at U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing a request to Tonia Fleetwood, fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy, please enclose a check in the amount of $5.75 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Thomas A. Mariani, Jr.,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 02–4696 Filed 2–27–02; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Partial Consent Decree Under the Clean Water Act

Under 28 CFR 50.7, notice is hereby given that on February 15, 2002, a proposed Partial Consent Decree (''decree'') in *United States and State of Ohio* v. *Board of County Commissioners of Hamilton County and the City of Cincinnati,* Civil Action Nos. C–1–02–107 and C–1–02–108, was lodged with the United States District Court for the Southern District of Ohio.

In this action the United States sought injunctive relief from defendants for unauthorized discharges from their sanitary sewer system, located in Hamilton County, Ohio. These unauthorized discharges are also known as sanitary sewer overflows, or SSOs, and are violations of the Clean Water Act. The decree requires the defendants

to implement an interim and then permanent remedy for SSO 700 and to implement certain other specified capital improvement projects, which are expected to eliminate other ''highly active'' SSOs. In addition, defendants are required to perform comprehensive modeling and analysis of their sanitary sewer system and to propose a comprehensive plan to address the rest of their SSOs and to provide adequate future system capacity. The decree specifically reserves claims of the United States for penalties related to these unauthorized discharges, as well as claims for penalties and injunctive relief concerning other sewer system violations, including among others, violations concerning defendants' wastewater treatment plants and combined sewer system.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States and State of Ohio* v. *Board of County Commissioners of Hamilton County and the City of Cincinnati,* D.J. Ref. 90–5–1–6–341A.

The decree may be examined at the Office of the United States Attorney for the Southern District of Ohio, 221 E. 4th Street, Atrium II, Suite 400, Cincinnati, Ohio 45202, and at U.S. EPA Region V, 77 West Jackson Blvd, Chicago, IL 60604–3590. A copy of the decree may also be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611. In requesting a copy of the decree, including its exhibits, please enclose a check in the amount of $209.00 (25 cents per page reproduction cost) payable to the Consent Decree Library. In requesting a copy exclusive of exhibits, please enclose a check in the amount of $18.75 (25 cents per page reproduction cost) payable to the Consent Decree Library.

William D. Brighton,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 02–4697 Filed 2–27–02; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 225–2002]

Privacy Act of 1974; Notice of the Removal of a System of Records

This notice serves to correct the notice of removal of a Privacy Act system of records of the Bureau of Prisons (BOP), published by the Department of Justice on November 13, 2001 (66 FR 56860), relating to ''Industrial Inmate Employment Record System, BOP–003''. That notice had a substantive error. The notice should have read as follows.

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Bureau of Prisons (BOP), Department of Justice is removing a published Privacy Act system of records entitled ''Industrial Inmate Employment Record System, JUSTICE/BOP–003.'' Inmate payroll records have been transferred to the system of records entitled ''Inmate Central Records, JUSTICE/BOP–005.'' The remainder of the records have been destroyed in accordance with approved records retention and disposal schedules. The National Archives and Records Administration removed the requirement that any records be offered for permanent retention. Therefore, the ''Industrial Inmate Employment Record System,'' last published in the **Federal Register** on September 28, 1978, 43 FR 44733, is removed from the Department's compilation of Privacy Act systems.

Dated: February 13, 2002.

Robert F. Diegelman,

Acting Assistant Attorney General, for Administration.

[FR Doc. 02–4700 Filed 2–27–02; 8:45 am]

BILLING CODE 4410–05–M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 252–2001]

Privacy Act of 1974; System of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a) notice is given that the Federal Bureau of Prisons (Bureau) proposes to modify its System of Records ''Office of Internal Affairs (OIA) Investigative Records, JUSTICE/BOP–012.'' This system, which was last published on August 29, 1995, (60 FR 44901), is now being modified and will become effective sixty (60) days from the date of publication.

Information in this system relates to matters for which the OIA has responsibility pursuant to the Inspector General Act of 1978, 5 U.S.C. App. 3, as amended by the Inspector General Act Amendments of 1988. Responsibilities include auditing, inspecting, and investigating BOP programs and operations with an objective to promote economy, efficiency, and effectiveness in the administration of such programs and operations and to prevent and detect fraud, waste, and abuse in such programs and operations. The system covers records relating to BOP investigations of appropriate individuals and entities, including staff misconduct.

Appropriate sections have been revised to reflect technological advances and new agency practices regarding the storage, retrieval, access, retention and disposal of records in the system. For example, digital recordings and Compact Discs (CDs) have been added to the sections describing Categories of Records and Storage. System locations and description of records have been updated. One routine use has been revised and two routine uses have been added: Routine Use (d) has been revised to permit the BOP to initiate disclosure of staff misconduct information to other government and private correctional entities, as well as responding to inquiries by them, as currently permitted. Routine Use (i) has been added to allow disclosure to contractors. Routine Use (j) has been added to allow disclosure to former employees. All other sections remain the same, including the exemptions from certain provisions of the Privacy Act, as previously promulgated.

Title 5 U.S.C. 552a(e)(4) and (11) provide that the public be provided a thirty (30) day period in which to comment. The Office of Management and Budget (OMB), which has oversight responsibilities under the Privacy Act, requires that it be given a forty (40) day period in which to review the system. Therefore, please submit any comments by April 1, 2002. The public, OMB, and the Congress are invited to send written comments to Mary Cahill, Management and Planning Staff, Justice Management Division, Department of Justice, Washington, DC 20530 (1400 National Place Building).

In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and the Congress on the proposed modification.

A description of the modified system is provided below. Although there were only a few changes to the system as previously published, the entire notice is provided below for the convenience of the public.

Dated: February 20, 2002.

Robert F. Diegelman,

Acting Assistant Attorney General for Administration.,

JUSTICE/BOP–012

SYSTEM NAME:

Office of Internal Affairs Investigative Records.

SYSTEM LOCATION:

Records may be retained at the Central Office, Regional Offices, or at any of the Federal Bureau of Prisons (Bureau) or at any location operated by a contractor authorized to provide correctional, medical, and/or computer service to the Bureau. A list of Bureau system locations may be found at 28 CFR part 503 and on the Internet at *http://www.bop.gov.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

In connection with its investigative duties, the Office of Internal Affairs (OIA) maintains records on the following categories of individuals:

(a) Individuals or entities who are or have been the subject of investigations conducted by the Bureau including current or former employees of the Bureau; current and former consultants, contractors, and subcontractors with whom the agency has contracted and their employees; grantees to whom the BOP has awarded grants and their employees; and such other individuals or entities whose association with the Bureau relates to alleged violation(s) of the Bureau's rules of conduct, the Civil Service merit system, and/or criminal or civil law, which may affect the integrity or physical facilities of the Bureau, including inmates and all visitors to Bureau facilities; and

(b) Individuals who are witnesses; complainants; confidential or nonconfidential informants; and parties who have been identified by the Bureau or by other agencies, by constituent units of the Bureau or by members of the general public as potential subjects of or parties to an investigation under the jurisdiction of the Bureau, OIA.

CATEGORIES OF RECORDS IN THE SYSTEM:

OIA records fall into the following three categories:

1. ''Information files'': Information received by OIA staff that is unrelated to current investigations and which does not suggest that administrative misconduct was probable, e.g. allegations of staff actions that are performance related.

2. ''Complaint files'': Database entries and hard copies of all allegations received, including those that are screened out and do not generally develop into OIA investigations because the matter may be too old, for example.

3. ''Investigation files'', also known as ''case files'': Information relating to OIA investigations, including:

(a) Letters, memoranda, and other documents citing complaints of alleged criminal, civil, or administrative misconduct;

(b) Reports of investigations to resolve allegations of misconduct or violations of law with related exhibits, statements, affidavits or records obtained during investigations; prior criminal or noncriminal records of individuals as they relate to the investigations; reports from or to other law enforcement bodies; information obtained from informants; nature of allegations made against suspects and identifying data concerning such suspects; and public source materials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, 5 U.S.C. App. 3, as amended by the Inspector General Act Amendments of 1988.

PURPOSE(S):

The Bureau, OIA maintains this system of records in order to conduct its responsibilities pursuant to the Inspector General Act of 1978, 5 U.S.C. App. 3, as amended by the Inspector General Act of 1988. The OIA is statutorily directed to conduct and supervise investigations relating to programs and operations of the Bureau; to promote economy, efficiency, and effectiveness in the administration of such programs and operations; and to prevent and detect fraud, waste and abuse in such programs and operations. Accordingly, the records in this system are used in the course of investigating individuals and entities suspected of having committed illegal and unethical acts in conducting related criminal prosecutions, civil proceedings, or administrative actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

RECORDS IN THIS SYSTEM MAY BE DISCLOSED AS FOLLOWS:

(a) In the event that records indicate a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order pursuant thereto, or if records indicate a violation or potential violation of the terms of a contract or grant, the relevant records may be disclosed to the appropriate agency, whether federal, state, local, foreign or international, charged with the responsibility of investigating or prosecuting such violation, enforcing or implementing such statute, rule, regulation or order, or with enforcing the terms of such contract or grant;

(b) A record may be disclosed to a federal, state, local, foreign or international agency, or to an individual or organization when necessary to elicit information which will assist an investigation, inspection or audit;

(c) A record may be disclosed to a federal, state, local, foreign or international agency maintaining civil, criminal or other relevant information if necessary to obtain information relevant to a Bureau decision concerning the assignment, hiring or retention of an individual, the issuance or revocation of a security clearance, the reporting of an investigation of an individual, the letting of a contract, or the issuance or revocation of a license, grant, or other benefit;

(d) A record may be disclosed to a federal, state, local, foreign or international agency, and/or contract correctional company, in connection with the assignment, hiring or retention of an individual, the issuance or revocation of a license, grant, or other benefit by the agency to the extent that the information is relevant and necessary to the agency's decision on the matter;

(e) A record may be disclosed to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of the individual who is the subject of the record;

(f) Relevant records may be disclosed to an administrative forum, including ad hoc forums, which may or may not include an Administrative Law Judge, and which may or may not convene public hearings/proceedings, or to other established adjudicatory or regulatory agencies, e.g., the Merit Systems Protection Board, the National Labor Relations Board, or other agencies with similar or related statutory responsibilities, where necessary to adjudicate decisions affecting individuals who are the subject of OIA investigations and/or who are covered by this system, including (but not limited to) decisions to effect any necessary remedial actions, e.g., the initiation of debt collection activity, disciplinary and/or other appropriate personnel action, and/or other law enforcement related actions, where appropriate;

(g) A record may be disclosed to complainants and/or victims to the extent necessary to provide such

persons with information concerning the results of the investigation or case arising from the matters of which they complained and/or of which they were a victim;

(h) A record may be disclosed to the National Archives and Records Administration and to the General Services Administration during a records management inspection conducted under 44 U.S.C. 2904 and 2906;

(i) To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government, when necessary to accomplish an agency function related to this system of records; and

(j) Pursuant to subsection (b)(3) of the Privacy Act, the Department of Justice may disclose relevant and necessary information to a former employee of the Department for purposes of: responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM

STORAGE:

Information maintained in the system is stored in electronic media in Bureau facilities via a configuration of personal computer, client/server, and mainframe systems architecture. Computerized records are maintained on hard disk, Compact Discs (CDs), floppy diskettes, magnetic tapes and/or optical disks. Documentary records are maintained in manual file folders, microfilm and/or index card files.

RETRIEVABILITY:

Entries are arranged alphabetically and are retrieved with reference to the surname of the individuals covered by this system of records.

SAFEGUARDS:

Information is safeguarded in accordance with Bureau rules and policy governing sensitive data and automated information system security and access. These safeguards include the maintenance of records and technical equipment in restricted areas, and the required use of proper passwords and user identification codes to access the system. Only those Bureau personnel who require access to perform their official duties may access the system equipment and the information in the system. Manual records are stored in safes and locked filing cabinets in secured rooms or in guarded buildings.

RETENTION AND DISPOSAL:

Records in this system are retained as follows: (1) ''Information files'' are maintained for one year from the time the information is received; (2) ''complaint files'' are maintained for five (5) years from the date of the database entry; and (3) ''investigation files'' are retained for thirty (30) years from the year the OIA investigation is begun. Documentary records are destroyed by shredding; computer records are destroyed by degaussing and/or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director/ General Counsel, Federal Bureau of Prisons, 320 First Street NW, Washington, D.C. 20534.

NOTIFICATION PROCEDURE:

Inquiries concerning this system should be directed to the System Manager listed above.

RECORD ACCESS PROCEDURE:

The major part of this system is exempted from this requirement pursuant to 5 U.S.C. 552a (j)(2), (k)(1), and (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for access to records contained in this system shall be made in writing, with the envelope and the letter clearly marked ''Privacy Act Request.'' Include in this request the full name of the individual involved, his or her current address, date and place of birth, notarized signature, and any other identifying number or information which may be of assistance in locating the record. The requester shall also provide a return address for transmitting the information. Access requests shall be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

The subjects of investigations; individuals with whom the subjects of investigations are associated; current and former BOP officers and employees; officials of federal, state, local and foreign law enforcement and non-law enforcement agencies; private citizens, witnesses; confidential and nonconfidential informants; and public source materials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2), (3), (5), and (8) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). In addition, the system has been exempted from subsections (c)(3), (d), and (e)(1) pursuant to 5 U.S.C. 552a(k)(1) and (k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register**.

[FR Doc. 02–4738 Filed 2–27–02; 8:45 am]

BILLING CODE 4410–05–P

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. AT&T Corporation and Telecommunications, Inc., No. 1:98CV03170 (D.D.C. August 23, 1999); United States' Notice of Proposed Termination of the Final Judgment

Notice is hereby given that the United States and both AT&T Corporation (''AT&T'') defendant in the above-captioned matter, and Liberty Media Corporation (''Liberty''), have entered into a Stipulation to terminate the Final Judgment entered by the United States District Court for the District of Columbia on August 23, 1999. In this Stipulation filed with the Court, the United States has provisionally consented to termination of the Final Judgment, but has reserved the right to withdraw its consent pending receipt of public comments.

On December 30, 1998, the United States filed the complaint in this case alleging that the merger between AT&T and Tele-Communications, Inc., which would result in the indirect acquisition by AT&T of 23.5% of the shares of Sprint PCS, a competitor of AT&T in the mobile wireless telephone business, would substantially lessen competition in the provision of mobile telephone business, would substantially lessen competition in the provision of mobile telephone service in many geographic areas of the United States and thus violate section 7 of the Clayton Act, as amended, 15 U.S.C. 18. At the same time as it filed the Complaint, the United States filed a proposal Final Judgment to resolve the competitive concerns alleged in the Complaint, and

a stipulation by defendants and the United States consenting thereto.

The Final Judgment, which was entered by consent of the parties on August 23, 1999, ordered the divestiture of the Spring PCS interest by a trustee over a five-year period and includes various provisions to ensure that AT&T's indirect partial ownership of Spring PCS would not create anticompetitive incentives. These provisions, among others, required that all economic benefits of Liberty's Sprint PCS holdings must inure exclusively to the holders of the Liberty Media Group tracking stock (which was created after the consummation of the merger between the defendants), forbade AT&T from transferring any of these benefits to AT&T shareholders, required certain amendments to the Liberty certificate of incorporation and bylaws, and imposed certain restrictions of Liberty's Board of Directors. Liberty also was restricted in its ability to acquire any interest in AT&T's wireless business.

On August 10, 2001, having received a favorable letter ruling from the Internal Revenue Service, AT&T spun off the businesses represented in the Liberty Media Tracking stock of AT&T into a separate, publicly traded company, Liberty Media Corporation (''Liberty'').

The United States, defendant AT&T and Liberty have provisionally agreed to terminate the Final Judgment because of the above-noted changed circumstances in the relationship between AT&T and Liberty. The legal and economic separation of AT&T and Liberty. As a result of the August 10, 2001 spin-off, have changed the circumstances under which the parties entered into the Final Judgment, which is no longer needed to protect competition in the mobile wireless telephone business. Therefore, terminating the Final Judgment is in the public interest.

The United States has filed a memorandum with the Court setting forth the reasons it believes termination of the Final Judgment would serve the public interest. Copies of the joint motion of the United States, AT&T, and Liberty to establish procedures to terminate the Final Judgment, the stipulation containing the United States' provisional consent to termination of the Final Judgment, the supporting memorandum, and all additional papers filed with the Court in connection with this motion are available for inspection at the Antitrust Documents Group of the Antitrust Division, U.S. Department of Justice, 325 7th Street, NW., Room 215 North, Liberty Place Building, Washington, DC 20530, and at the Office of the Clerk of the United States District Court for the District of Columbia, 333 Constitution Avenue, NW., Washington, DC. 20001. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the duplicating fee set out in Department of Justice regulations.

Interested persons may submit comments regarding the proposed termination to the Department of Justice. Such comments must be received by the Antitrust Division within sixty (60) days of the last publication of notices appearing in the *Wall Street Journal* and *Wireless Week*, and will be filed with the Court by the Department. Comments should be addressed to Nancy M. Goodman, Chief, Telecommunications and Media Enforcement Section, Antitrust Division, U.S. Department of Justice, 1401 H St., NW., Suite 8000, Washington, DC. 20530 (telephone: 202–514–5621). Comments may also be sent via electronic mail to tel.comments@usdoj.gov or faxed to the attention of Peter Gray at 202–514–6381.

Constance K. Robinson,

Director of Operations.

[FR Doc. 02–4698 Filed 2–27–02; 8:45 am]

BILLING CODE 4410–11–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 February, 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 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–40,016; AVX Corp., Myrtle Beach, SC

TA–W–40,034; D and M Tool, Inc., Meadville, PA

TA–W–40,039; TNS Mills, Inc., Rockingham Plant, Rockingham, NC

TA–W–40,753; Tresco Tool, Inc., Guy Mills, PA

TA–W–39,593; Muruta Electronics, North America, Inc., State College Operation, State College, PA

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–40,398; R.G. Barry Texas LP, San Angelo Molding Facility, San Angelo, TX

TA–W–39,626; Great Western International, Portland, OR

TA–W–39,396; Carter Industries, Inc., Brooklyn, NY

TA–W–40,059; Valeo Electrical Systems, Inc., Rochester, NY

TA–W–40,714; Ferraz Shawmut, Inc., A Division of group Carbone Lorraine, Newburyport, MA

TA–W–40;449; Clebert's Hosiery Mill, Inc., Connelly Springs, NC

TA–W–40,473; Marlan Tool, Inc., Meadville, PA

TA–W–40,693 & A; Intervet, Inc., Gainesville, GA and State College, PA

TA–W–40,407; TRW Automotive Chassis Systems, Milford, MI

TA–W–40,627; Holland Co., Hays, KS

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–40,750; Mid America Building, Maintenance, Inc., Hurley, NM

TA–W–40,127; Peak Oilfield Service Co., Anchorage, AK

TA–W–40,692; VarTec CRM, Inc., Waco, TX

TA–W–40,706; Valley City Steel LLC, Valley City, OH

TA–W–40,678; Active Transportation Co., Portland Terminal, Portland, OR

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–39,255; Potlatch Corp., Minnesota Pulp and Paper Div., Brainerd, MN: May 1, 2000.

TA–W–40,103; Asarco, Inc., Mission Complex, Sahurita, AZ: October 1, 2001.

TA–W–40,104 & A,B,C,D,E,F; Asarco, Inc., Hayden, AZ, Ray, AZ, Amarillo, TX, Silver Bell Mining, Marana, AZ, Salt Lke City, UT, Phoenix, AZ and Tucson, AR: August 31, 2000.

TA–W–40,132; Satilla Manufacturing, Inc., Blackshear, GA: September 14, 2000.

TA–W–40,263; Schott Scientific Glass, Inc., Parkersburg, WV: October 12, 2000.

TA–W–40,639; Cooper Bussmann, Goldsboro, NC: November 27, 2000.

TA–W–40,735 & A,B; VF Jeanswear Limited Partnership, Jackson Facility, Jackson, TN Prague Facility, Prague, OK and Seminole Facility, Seminole, OK: November 27, 2000.

TA–W–39,662; MM and E Machine, A Subsidiary of UNOVA Co., Fenton, MI: June 29 2000.

TA–W–40,669; Great Lakes Chemical Corp., Nitro, WV: December 14, 2000.

TA–W–40,702; Design and Cut, Inc., Cartersville, GA: October 18, 2000.

TA–W–40,730; Mears Tool and Die, Inc., Cochranton, PA: December 19, 2000.

TA–W–40,736 & A,B; VP Jeanswear Limited Partnership, Shenandoah Facility, Shenandoah, VA, Madison Facility, Madison VA and Luray Facility, Luray, VA: November 28, 2000.

TA–W–40,586 & A,B; VF Services, Inc., Greensboro, NC, VF Jeanswear Limited Partnership, Greensboro Facility, Greensboro, NC and Andrews Facility, Andrews, NC: November 26, 2000.

TA–W–40,596; Tyco International Limited, Tyco Electronics Power Systems, Acquired from Lucent Technologies, Mesquite, TX: October 22, 2000.

TA–W–40,659; Georgia-Pacific, Industrial Wood Products Div., Conway Hardboard Plant, Conway, NC: December 13, 2000.

TA–W–39,661; R and B Machine Tool Co., A Subsidiary of UNOVA Co., Saline, MI: June 29, 2000.

TA–W–40,395 & A; Lexmark International Lexington, KY and Longmont, CO: December 3, 2000.

TA–W–40,406 & A,B,C,D,E,F, and G; VF Jeanswear Limited Partnership, Oneonta Facility, Oneota, AL, Hanceville Facility, Hanceville, AL, Red Bay Facility, Red Bay, AL, Hackleburg Facility, Hackleburg, AL, Florence Facility, Florence, AL, Russellville Facility, Russellville, AL, Padget Facility, Irvington, AL, Holly Pond Facility, Holly Pond, AL: November 27, 2000.

TA–W–40,477; Precision, An Elamex USA Co., Louisville, KY: November 20, 2000.

TA–W–40,521 & A,B,C,D,E,F,G,H,I, and J; Republic Technologies, International, Headquartered in Akron, OH, Massillon, OH (Central Machine), Chicago, IL (Chicago Plant), Blasdell, NY (Lackawanna Plant), Lorain, OH, Massillon, OH (Hot Rolled Plant), Beaver Falls, PA, Gary, IN (E. Dune Hwy), Gary, In (E. Seventh Ave.), Harvey, IL and Massillon, OH (Cold Finished Plant): November 19, 2000.

TA–W–39,531 & A; Bill Levkoff, Inc., New York, NY and Long Island City, NY: June 21, 2000.

TA–W–39,837; Wirtz Manufacturing Co., Rubber Mold Div., Port Huron, MI: August 12, 2000.

TA–W–40,032; Laclede Steel Co., Alton, IL: August 29, 2000.

TA–W–40,302; Eurotherm Action, Inc., San Diego, CA: October 9, 2000.

TA–W–40,338; K2 Corp., Vashon, WA: November 2, 2000.

TA–W–40,348; Willamette Industries, Inc., Winston, OR: November 2, 2000.

TA–W–40,350; SIG Combibloc, Inc., Columbus, OH: November 6, 2000.

TA–W–40,378; Chrissann Dress Co., Inc., Franklin Square, NY: October 18, 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 February, 2002.

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 increases 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–05312B; Rockwell Automation, Components and Packaged Application Group, Department 240, Milwaukee, WI

NAFTA–TAA–05077; Carter Industries, Inc., Brooklyn, NY

NAFTA–TAA–05272; AVX Corp., Myrtle Beach, SC

NAFTA–TAA–05588; TRW Automotive, Chassis Systems, Milford, 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–05729; M S Chambers and Son, Baltic, CT

NAFTA–TAA–05747; Parker Hannifin Corp., Precision Rebuilding Div., Reading, PA

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–05804; R.G. Barry Corp., Laredo, TX: January 28, 2001.

NAFTA–TAA–05312 & A,C,D; Rockwell Automation, Components and Packaged Application Group, Department 214, Milwaukee, WI, Department 238, Milwaukee, WI, Department 250/270, Milwaukee,

WI, Department 260, Milwaukee, WI: September 10, 2000.

NAFTA–TAA–05640 & A,B,C,D,E,F, and G; VF Jeanswear Limited Partnership, Oneonta Facility, Oneonta, AL, Hanceville Facility, Hanceville, AL, Red Bay Facility, Red Bay, AL, Hackleburg Facility, Hackleburg, AL, Florence Facility, Florence, AL, Russellville Facility, Russellville, AL, Padget Facility, Irvington, AL and Holly Pond Facility, Holly Pont, AL: November 27, 2000.

NAFTA–TAA–05716; VF Jeanswear Limited Partnership, Prague Facility, Prague, OK and Seminole Div., Seminole, OK: January 8, 2001.

NAFTA–TAA–05676; Nortel Networks, Qtera/Operations, Boca Raton, FL: December 6, 2000.

NAFTA–TAA–05645; Eurotherm Action, Inc., San Diego, CA: October 10, 2000.

NAFTA–TAA–05631 & A,B; VF Jeanswear Limited Partnership, Shenandoah Facility, Shenandoah, VA, Madison Facility, Madison, VA and Luray Facility, Luray, VA: November 15, 2000.

NAFTA–TAA–05498; Willamette Industries, Inc., Winston, OR: November 2, 2000.

NAFTA–TAA–05484; Maysville Garment, Inc., Maysville, NC: October 12, 2000.

NAFTA–TAA–05225; Illbruck Automotive, Inc., Howell, MI: August 23, 2000.

NAFTA–TAA–04969; Symbol Technologies, Holtsville, NY and Bohemia, NY: May 16, 2000.

NAFTA–TAA–05669; Midcom, Inc., Huron, SD and Watertown, SD: December 3, 2000.

I hereby certify that the aforementioned determinations were issued during the month of February, 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: February 22, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–4725 Filed 2–27–02; 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 January and February, 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 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–769; JBI LP, Osseo, WI

TA–W–39,659; Tower Automotive, Sebewaing, MI

TA–W–39,993; J & J Tool, Guys Mills, PA WI

TA–W–39,808 & A; Briggs and Stratton Corp., West Allis, WI and Menomonee Falls, WI

TA–W–39,548; Plystar, Inc., Columbus, GA

TA–W–40,670; Knitcraft, Inc., Belmont, NC

TA–W–40,518; Marconi, OSP&P, Milwaukee, WI

TA–W–39,664; Maine Poly, Inc., Greene, ME

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–39,771; Philips E.T.G., South Plainfield, NJ

TA–W–39,771; Stevens Lighting, d/b/a/ Nolarec Industries, Aberdeen, NC

TA–W–40,665; P & H Mining Equipment, A Harnischfeger Industries, Co, A Div. of Joy Global, Inc., Milwaukee, WI

TA–W–40,655; Fujitsu Microelectronics, Inc., Gresham Manufacturing Div., Gresham, OR

TA–W–40,644; Kraft Foods, Cereals/ Deserts Div., Minneapolis, MN

TA–W–39,220; MK Acquisitions, Inc., d/ b/a American Commercial Vehicles, Orrville, OH

TA–W–39,150; PSC Scanning, Eugene, OR

TA–W–40,036; Polyone Corp., Long Branch, CA

TA–W–40,700; C-Mac Quartz, Crystals, Inc., Div. of C-Mac America, Mechanicsburg, PA

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–39,816; CNB International, Buffalo, NY

TA–W–40,552; Electronic Data Systems, Copley, OH

TA–W–39,629; Mastertrans Transportation, Inc., Starkville, MS

TA–W–40,641; Mobil Oil Corp., Business Resource Center, Dallas, TX

The investigation revealed that criteria (1) has not been met. A significant number or proportion of the workers did not become totally or partially separated from employment as required for certification.

TA–W–40,207; Alabama River Pulp, Perdue Hill, AL

TA–W–40,598; Parker Hannifin Corp., Tube Fittings Div., Eaton, OH

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–40,662; Rivers West Apparel, Manti, UT: January 22, 2001.

TA–W–40,656 & A; Vanity Fair Intimates, LP, Monroeville Distribution, Monroeville Cutting, Monroeville Administration, Monroeville, AL and Atmore Sewing, Atmore, AL: December 10, 2000.

TA–W–40,354; International Paper Co., Erie, PA: November 2, 2000.

TA–W–40,519; Agilent Technologies, Inc., Electronic Products and

Solutions Group-Spokane, Liberty Lake, WA: December 3, 2000.

TA–W–40,514; Senco Products, Inc., 8485 Broadwell Road, 8450 Broadwell Road, Cincinnati, OH: October 24, 2000.

TA–W–40,205 & A, B, C, D, E, F, G, H, I; Burlington Industries, Inc., Corporate Office, Greensboro, NC, Clarksville Finishing, Clarksville, VA, Halifax Plant, Halifax, VA, Hurt Plant, Hurt, VA, BM Combing Plant, Clarksville, VA Raeford Plant, Raeford, NC, Richmond Plant, Cordova, NC, Stonewall Plant, Stonewall, MS, Mt. Holly Plant, Mount Holly, NC and Burlington Performance Wear, Corp. Office, New York, NY: September 23, 2000.

TA–W–39,774; Warner Electric Brake and Clutch Co., A Subsidiary of Colfax Corp., Roscoe, IL: July 26, 2000.

TA–W–40,310; Mulox, Inc., Baxley, GA: October 19, 2000.

TA–W–40,017; Unifirst Corp., Cave City Manufacturing Plant, Cave City, AR: August 28, 2000.

TA–W–39,917; Curtron Curtains, Inc., Travelers Rest, SC: August 10, 2000.

TA–W–39,888; Alcatel USA, Raleigh, NC: August 2, 2000.

TA–W–40,401; ASARCO, Inc., Tennessee Mines Div., Coy Mines, Jefferson City, TN, Immel Mine, Mascot, TN, Young Mine, Strawberry Plains, TN: November 20, 2000.

TA–W–39,523; Minnesota Twist Drill, Chisholm, MN: June 19, 2000.

TA–W–38,964; SLI Product Lighting, Mullins, SC: March 20, 2000.

TA–W–39,945 & A; Galey and Lord Industries, Inc., Asheboro, NC and Caroleen, NC: August 17, 2000.

TA–W–39,995; Sintermet, LLC, Kittanning, PA: August 22, 2000.

TA–W–40,158; Temple Inland Forest Products Corp., Temple Clarion Div., Shippenville, PA: September 10, 2000.

TA–W–40,448; Metalloy Corp., Machining Operations, Hudson, MI: November 15, 2000.

TA–W–40,601; ArvinMeritor, Inc., Exhaust Div., Fayette, AL: December 21, 2000.

TA–W–40,652 & A; VF Jeanswear Limited Partnership, Springfield Facility, Springfield, MO and Lebanon Equipment Center, Lebanon, MO: December 13, 2000.

TA–W–40,424; Georgia-Pacific, Superior Hardboard Mill, Industrial Wood Products Div., Superior, WI: December 3, 2000.

TA–W–40,661; Osley and Whitney, Inc., An Infinite Group, Inc., Co., Westfield, MA: December 3, 2000.

TA–W–40,737 & A; VF Jeanswear Limited Partnership, Pine Springs Facility, Rojas Facility, Plaza Facility and Riverside Facility, El Paso, TX and Fabens Facility, Fabens, TX: January 16, 2001.

TA–W–39,634; Lea Industries, Div. of Ladd Furniture, Inc., Marion, VA: June 2, 2000.

TA–W–39,930; VC Sportswear, New York, NY: August 30, 2000.

TA–W–39,281 & A, B, C, D & E; Honeywell, Inc., Advanced Circuits Div., Minnetonka, MN, Advanced Circuits Div., Hopkins, MN, Roseville, MN, St. Louis Park, MN, Buffalo, MN and Chippewa Falls, WI: May 7, 2000.

TA–W–40,190; E–M Solutions, Gretna, VA: September 24, 2000.

TA–W–40,470; RBN Manufacturing, Inc., Dothan, AL: November 21, 2000.

TA–W–40,536 & A, B, C & D; Rohm and Haas Co., Moss Point Plant, Moss Point, MS, Cincinnati Service Center, Cincinnati, OH, Woodstock, IL, Virtual Office Locations Operating in the State of Illinois and Virtual Office Locations Operating in the State of North Carolina: December 19, 2000.

TA–W–A40,606; Hibbing Taconite Co., Hibbing, MN: November 16, 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 January, 2002.

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 increases 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–05192; Warner Electric Brake and Clutch Co., A Subsidiary of Colfax Corp., Roscoe, IL

NAFTA–TAA–05639 & A & B; Acme Steel Co., Riverdale, IL and Acme Coke Plant, Chicago, IL and Acme Furnace Plant, Chicago, IL

NAFTA–TAA–05112; Minnesota Twist Drill, Chisholm, MN

NAFTA–TAA–05629 & A & B; ASARCO, Inc., Coy Mines, Jefferson City, TN, Immel Mine, Mascot Mine, Strawberry Plains, TN

NAFTA–TAA–04827; MK Acquisitions, Inc., d/b/a American Commercial Vehicles, Orville, OH

NAFTA–TAA–05689; Knitcraft, Inc., Belmont, NC

NAFTA–TAA–05234; WRS Motion Picture and Video Lab, Pittsburgh, PA

NAFTA–TAA–05011; Plystar, Inc., Columbus, GA

NAFTA–TAA–05038; Muruta Electronics, North American, Inc., State College operations, State College, PA

NAFTA–TAA–05058; Tower Automotive, Sebewaing, MI

NAFTA–TAA–05170; Briggs and Stration Corp., West Allis, WI and Menomonee Falls, WI

NAFTA–TAA–05402; E–M Solutions, Gretna, VA

NAFTA–TAA–05402; Dorel Juvenile Group, Inc., Formerly Cosco, Inc., Ft. Smith, AR

NAFTA–TAA–05547; Marconi, OSP&P, Milwaukee, WI

NAFTA–TAA–05598; Kraft Foods, Cereals/Desserts, Minneapolis, MN

NAFTA–TAA–05656; Eaton Corp., Powertrain and Specialty Controls Operation, Sanford, NC

NAFTA–TAA–05687; Valhoma Corp., Nexus Management Solutions, Tulsa, OK

NAFTA–TAA–05725; Inoac Packaging Group, Inc., Leitchfield, KY

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–04861; Sonnel International LLC, Houston, TX

NAFTA–TAA–05647; Active Transportation Co., Portland Terminal, Portland, OR

NAFTA–TAA–05748; J and E International Sales, El Paso, TX

NAFTA–TAA–05221; Alcoa Fujikura Ltd,, Automotive Div., Purchasing Dept., San Antonio, TX

The investigation revealed that criteria (1) has not been met. A significant number or proportion of the workers in the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision therof) did not become totally or partially separated from employment.

NAFTA–TAA–05668; Parker Hannifin Corp., Tube Fittings Div., Eaton, OH

AFFIRMATIVE DETERMINATIONS NAFTA–TAA

NAFTA–TAA–05197; Alcatel USA, Raleigh, NC: August 2, 2000.

NAFTA–TAA–05459; Mulox, Inc., Baxley, GA: October 19, 2000.

NAFTA–TAA–05278; Unifirst Corp., Cave City Manufacturing Pliant, Cave City, AR: August 28, 2000.

NAFTA–TAA–05731; Hammond Power Solutions, Inc., Baraboo, WI: January 11, 2001.

*NAFTA–TAA–05319; Motorola, Inc., Personal Communications Sector, Wireless Messaging Div., Boynton Beach, FL: September 13, 2000.*s

NAFTA–TAA–05376; Temple Inland Forest Products Corp., Temple Clarion Div., Shippenville, PA: September 10, 2000.

NAFTA–TAA–05153; Philips E.T.G., South Plainfield, NJ: July 13, 2000.

NAFTA–TAA–05681 & A; VF Jeanswear Limited Partnership, Springfield Facility, Springfield, MO and Lebanon Equipment Center, Lebanon, MO: December 13, 2000.

NAFTA–TAA–05496 & A, B; Sony Electronics, Inc., Sony Technology Center, Aperture Grille Div. Including Leased Workers at Tops Temporary and Adecco, Mount Pleasant, PA, Projection Television Picture Tube Div., Mount Pleasant, PA, Projection Television Picture Tube Div., Mount Pleasant, PA and Pittsburgh Television Group Div., Including Leased Workers at Tops Temporary, Adecco and Burn Staffing Services, Mount Pleasant, PA: October 10, 2000.

NAFTA–TAA–05511; Control Concepts Corp., d/b/a Edco, Inc., Ocala, FL: October 2, 2000.

NAFTA–TAA–05552; Saint-Gobain Abrasives, Inc., Segro Colonial Abrasives, Aberdeen, NC: November 12, 2000.

NAFTA–TAA–05600; D.K. Mold & Engineering, Inc., Wyoming, MI: October 23, 2000.

NAFTA–TAA–04996 & A,B,C,D & E; Honeywell, Inc., Advanced Circuits Div., St. Louis Park, MN, Roseville, MN, Hopkins, MN, Minnetonka, MN, Buffalo, NY, Chippewa Falls, WI: April 27, 2000.

NAFTA–TAA–05565; R.G. Barry Texas LP, San Angelo Molding Facility, San Angelo, TX: November 20, 2000.

NAFTA–TAA—05566; Lucent Technologies (Now Known as Celestical, Columbus Workers, Columbus, OH: October 15, 2000.

NAFTA–TAA—05698; Leech tool and Die Works, Inc., Meadville, PA: December 19, 2000.

NAFTA–TAA—05734; Emerson, Appliance Motors, Oxford, MS: January 8, 2001.

NAFTA–TAA—05775; Printing Arts America, George Lithograph Div., Brisbane, CA: January 9, 2001.

I hereby certify that the aforementioned determinations were issued during the month of January and February, 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: February 19, 2002.

Edward A. Tomchick,

Director Division of Trade Adjustment Assistance.

[FR Doc. 02–4737 Filed 2–27–02; 8:45 am]

BILLING CODE 4510—30—M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,474, TA–W–40,474A, and TA–W–40,474B]

Acme Steel Company, Riverdale, IL; Acme Steel Company, Acme Coke Plant, Chicago, IL; Acme Steel Company, Acme Furnace Plant, Chicago, IL; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on December 21, 2001 in response to a worker petition which was filed on behalf of workers at Acme Steel Company, Riverdale, Illinois (TA–W–40,474); Acme Steel Company, Acme Coke Plant (TA–W–40,474B), Chicago, Illinois; and Acme Steel Company, Furnace Plant, Chicago, Illinois (TA–W–40,474B).

An active certification covering the petitioning group of workers is in effect (TA–W–40,431, TA–W–40,431A, TA–W–40,431B). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 11th day of February, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–4729 Filed 2–27–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,201]

Asia Perez, New York, NY; 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 worker petition, which was filed by the company on behalf of workers as Asia Perez, New York, New York.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, the 7th day of February 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–4730 Filed 2–27–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,549]

D8 Inc., Potlatch, ID; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 14, 2002, in response to a petition filed by a company official on behalf of workers at D8 Inc., Potlatch, Idaho.

The company official submitting the petition has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 19th day of February, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–4731 Filed 2–27–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,839]

Honeywell, Inc. Advanced Circuits Division, Roseville, MN; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on August 20, 2001 in response to a worker petition which was filed on behalf of workers at Honeywell International, Advanced Circuits Division, Roseville, Minnesota.

The petitioning group of workers is subject to an ongoing investigation for which a determination has not yet been issued (TA–W–39,281C). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 13th day of February, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–4727 Filed 2–27–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,614]

Port Townsend Paper Corporation, Portland, OR; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 22, 2002, in response to a worker petition which was filed by workers at Port Townsend Paper Corporation in Portland, Oregon.

The petitioning workers have formally withdrawn the petition and consequentially, further investigation in this case would serve no purposes, and the investigation has been terminated.

Signed in Washington, DC this 15th day of February, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–4726 Filed 2–27–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,607 and TA–W–40,607A]

Xerox Corporation, Soho Division, Small Office/Home Office Division, Xerox Inkjet Focus Factory, Canandaigua, NY and Farmington, NY; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 22, 2002 in response to a worker petition which was filed by UNITE on behalf of workers at Xerox Corporation, Soho Division, Small Office/Home Office Division, Xerox Inkjet Focus Factory, located in Canandaigua and Farmington, New York.

The petitioning group of workers is subject to an ongoing investigation for which a determination has not yet been issued (TA–W–40,405). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 14th day of February 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–4728 Filed 2–27–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–04812]

Cemex Kosmos Cement Co., Pittsburgh Plant, Pittsburgh, PA; Notice of Negative Determination On Reconsideration

On December 3, 2001, the Department issued a Notice of Affirmative Determination Regarding Application for Reconsideration for NAFTA–TAA applicable to workers and former workers of the subject firm. The notice will soon be published in the **Federal Register**.

The denial of NAFTA–TAA for workers engaged in activities related to the production of cement at Cemex Kosmos Cement Company, Pittsburgh Plant, Pittsburgh, Pennsylvania was based on the finding that criteria (3) and (4) of the group eligibility requirements of paragraph (a)(1) of section 250 of the Trade Act, as amended, 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.

The petitioner claims that jobs at the subject plant were lost after Cemex acquired Southdown Kosmos Cement Company. That is, the petitioner indicated that the acquisition of the subject plant and another Southdown Kosmos facility suddenly changed the subject plant's market area which resulted in the shutdown of the subject plant, due to the Southdown Louisville plant's market area moving North, resulting in the closure of the subject plant and the conversion of that facility to a cement terminal. The petitioner is of the opinion that this led to cheaper Mexican cement and clinker imports to be absorbed in the Southern and Western Market.

Review of the investigation and further contact with the company revealed that Southdown's (Louisville, Kentucky) market area was not reduced by additional movement North into the subject plant's market area.

According to the company, the preponderance in the declines in employment at the Pittsburgh Plant are related to the subject plant being the highest cost with the lowest capacity within Southdown's operations. The Louisville plant completed a large expansion, in which production was increased and the manufacturing cost was lowered. Therefore, with the unexpected slowdown in the economy

and market excess capacity developed within Southdown, the decision was made to discontinue manufacturing operations in Pittsburgh and maximize production at the Louisville Plant and deliver cement into the Pittsburgh market (via the Pittsburgh plant functioning as a terminal).

The company did not import products from Mexico or Canada that are like and directly competitive with what the subject plant produced.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decisions. Accordingly, the application is denied.

Signed at Washington, DC, this 5th day of February, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–4736 Filed 2–27–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–05786]

Flextronics Enclosures Systems, Inc., Kingston, PA; Notice of Termination of Investigation

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 of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on January 28, 2002, in response to a petition filed by a company official on behalf of workers at Flextronics Enclosures Systems, Inc., Kingston, Pennsylvania.

The Petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 19th day of February, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–4732 Filed 2–27–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–05745]

Gold Toe Brands, Inc., Great American Knitting Mills, Bally, PA; Notice of Termination of Investigation

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 of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on January 18, 2002, in response to a petition filed by a company official on behalf of workers at Gold Toe Brands, Inc., Great American Knitting Mills, Inc., Bally, Pennsylvania.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 20th day of February, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–4733 Filed 2–27–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–005312E]

Rockwell Automation, Department 225, Milwaukee, WI; Notice of Termination of Investigation

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 of 1974, as amended (19 U.S.C. 2331), an investigation was initiated on September 10, 2001, in response to a petition filed by United Electrical, Radio and Machine Workers (UE), Local 1111, on behalf of workers at Rockwell Automation, Department 255, Milwaukee, Wisconsin. Workers produced NEMA disconnects.

An active certification covering the petitioning group of workers remains in effect (NAFTA–004283). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 20th day of February, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–4734 Filed 2–27–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–4778]

Shasta View Produce, Inc., Malin, OR; Notice of Negative Determination Regarding Application for Reconsideration

By application dated August 24, 2001, the company requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for North American Free Trade Agreement-Transitional Adjustment Assistance (NAFTA–TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on July 16, 2001, and was published in the **Federal Register** on August 6, 2001 (66 FR 41053).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The denial of NAFTA–TAA for workers engaged in activities related to the production of potatoes and potato products at Shasta View Produce, Inc., Malin, Oregon was based on the finding that criteria (3) and (4) of the group eligibility requirements of paragraph (a)(1) of section 250 of the Trade Act, as amended, were not met. There were no company imports of potatoes and potato products from Mexico or Canada, nor did Shasta View Produce, Inc. shift production from Malin, Oregon to Mexico or Canada. Major customers did not import potatoes or potato products from Mexico or Canada during the relevant period.

The petitioner alleges that Canadian imports of potatoes increased significantly. Although the Department

examines industry statistics, the Department normally analyzes the impact of imports on the subject firm workers through a survey of declining customers to examine if the firm's domestic customers switched purchases from the subject firm in favor of foreign produced products during the relevant period. The survey conducted by the Department of Labor revealed that the respondents did not import products like and directly competitive with what the subject plant produced. Further, a review of potato imports (like and directly competitive with subject plant products) from Canada shows that imports declined during the relevant period (1999, 2000 and a portion of 2001).

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 4th day of February, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–4735 Filed 2–27–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment Standards Administration

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 Standards Administration is soliciting comments concerning the Report of Changes That May Affect Your Black Lung Benefits (CM–929).

DATES: Written comments must be submitted to the office listed in the addressee section below by April 29, 2002.

ADDRESSES: Ms. Patricia A. Forkel, U.S. Department of Labor, 200 Constitution Ave., NW., Room S–3201, Washington, DC 20210, telephone (202) 693–0339 (this is not a toll-free number), fax (202) 693–1451, e-mail *pforkel@fenix2.dol-esa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Coal Mine Safety and Health Act of 1977, as amended, 30 U.S.C. 936, 30 U.S.C. 941, and 20 CFR 725.633(g) provides for the reporting of certain changes which may affect a coal miner beneficiary's black lung benefits. The CM–929 is designed for this use. The form is provided to the beneficiary to review and to certify that income, marital and dependent status information contained in the files is current, or to provide updated information.

II. Review Focus

The Department of Labor is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, 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 Actions

The Department of Labor seeks approval for the extension of this information collection in order to carry out its responsibility to verify the accuracy of information in the beneficiary's claims file, and to identify changes in the beneficiary's status, to ensure that the amount of compensation being paid the beneficiary is accurate.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Report of Changes That May Affect Your Black Lung Benefits.

OMB Number: 1215–0084.

Agency Number: CM–929.

Affected Public: Individuals or households.

Frequency: Biennially.

Total Respondents/Responses: 25,000.

Time per Response: 5–8 minutes.

Estimated Total Burden Hours: 2,375.

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 will also become a matter of public record.

Dated: February 15, 2002.

Margaret J. Sherrill,

Chief, Branch of Management, Review, and Internal Control, Chief, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.

[FR Doc. 02–4795 Filed 2–27–02; 8:45 am]

BILLING CODE 4510–CK–P

LEGAL SERVICES CORPORATION

Program Letters 02–2, State Planning and the Reconfiguration Process, and 02–3, State Planning Configuration Standards

AGENCY: Legal Services Corporation.

ACTION: Notice of Issuance of Program Letters 02–2, State Planning and the Reconfiguration Process, and 02–3, State Planning Configuration Standards.

SUMMARY: LSC is providing notice of the issuance of two new Program Letters relating to State Planning. These Program Letters have been sent to each LSC grant recipient. The Programs Letters are publicly available on the LSC Web site at: *http://www.lsc.gov/FOIA/foia_pl.htm.*

FOR FURTHER INFORMATION CONTACT: Randi Youells, Vice President for Programs, Legal Services Corporation, 750 First Street, NE., Washington, DC 20002–4250; 202/336–7269 (phone); *youellsr@lsc.gov.*

SUPPLEMENTARY INFORMATION: LSC is issuing this notice to advise the public of the issuance of two Program Letters relating to State Planning. Specifically, LSC has issued Program Letter 02–2, State Planning and the Reconfiguration Process and Program Letter 02–3, State Planning Configuration Standards.

Program Letter 02–2, State Planning and the Reconfiguration Process

On November 17, 2001, the LSC Board of Directors adopted the Report of the LSC Task Force to Study and Report on Configuration of Service Areas. The Board action codifies LSC's standards for reconfiguration of service areas and amends LSC's review process for configuration decisions, previously contained in Program Letter 01–4. Program Letter 02–2 implements the review process outlined in the Report adopted by the Board. The new reconfiguration review process is based on the premise that while the LSC President, as LSC's Chief Executive Officer, should be knowledgeable about state planning, he/she should be sufficiently removed from the particulars of decision making in a given state so that he/she retains the ability to render a final decision on service area configuration that is impartial and based upon his or her independent review of the relevant materials. It also more clearly provides that the LSC Vice-President and President shall provide written notice of the reasons for their decisions. Finally, it would give some limited participation in the review process to stakeholders who may not be part of the designated state planning body (DSPB).

Program Letter 02–3, State Planning Configuration Standards

On November 17, 2001, the LSC Board of Directors adopted the Report of the LSC Task Force to Study and Report on Configuration of Service Areas. The Board action codifies LSC's standards for reconfiguration of service areas and amends LSC's review process for configuration decisions. Program Letter 02–3 formally adopts the configuration standards adopted by the LSC Board. Under these guidelines, LSC will exercise its statutory responsibility to insure that grants and contracts are made so as to provide the most economical and effective delivery of legal assistance to persons in both urban and rural areas.

These Program Letters have been sent to each LSC grant recipient. The Programs Letters are publicly available on the LSC Web site at: *http://www.lsc.gov/FOIA/foia_pl.htm,* or may be requested by contacting Ms. Youells as noted above.

Victor M. Fortuno,

General Counsel and Vice President for Legal Affairs.

[FR Doc. 02–4693 Filed 2–27–02; 8:45 am]

BILLING CODE 7050–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (02–029)]

First Flight Centennial Federal Advisory Board

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act,Public Law 92–463, as amended, the National Aeronautics and SpaceAdministration announces the second meeting of the First FlightCentennial Federal Advisory Board. The Advisory Board will offer counsel to the U.S. Centennial of Flight Commission as the Commission develops support for activities involving the public in the celebration of the 100th anniversary of powered flight,December 17, 2003.

DATES: Thursday, March 21, 2002, 10 a.m. to 3 p.m.

ADDRESSES: National Aeronautics and Space Administration, 300 E Street, SW., Room 9H40 (PRC), Washington, DC 20546. Attendees must check in at the Security Desk to be cleared to the 9th floor conference room.

FOR FURTHER INFORMATION CONTACT: Ms. Beverly Farmarco, Code I,National Aeronautics and Space Administration, Washington, DC 20546, 202/358–1903.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Welcome

—Brief Remarks

—Wright Research, Aircraft Reproduction and Educational Development

—Status of Carter Ryley Thomas Activities

—PRIMEDIA Centennial Moments

—Task Groups

—Closing Remarks

—Adjourn

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Sylvia K. Kraemer,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 02–4843 Filed 2–27–02; 8:45 am]

BILLING CODE 7510–01–P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement submitted:

1. *The title of the information collection:* Grant and Cooperative Agreement Provisions.

2. *Current OMB approval number:* OMB No. 3150–0107.

3. *How often the collection is required:* On occasion, one time.

4. *Who is required or asked to report:* Contractors, Grantees, and Cooperators.

5. *The number of annual respondents:* 60.

6. *The number of hours needed annually to complete the requirement or request:* 1,055 hours.

7. *Abstract:* The Division of Contracts and Property Management uses provisions, required to obtain or retain a benefit in its awards and cooperative agreements to ensure: adherence to Public Laws, that the Government's rights are protected, that work proceeds on schedule, and that disputes between the Government and the recipient are settled.

Submit, by April 29, 2002, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F23, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide web site (*http://www.nrc.gov/NRC/PUBLIC/*

OMB/index.html). The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T–6 E6, Washington, DC, 20555–0001, by telephone at 301–415–7233, or by Internet electronic mail at *INFOCOLLECTS@NRC.GOV*.

Dated at Rockville, Maryland, this 22nd day of February 2002.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 02–4750 Filed 2–27–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* Data Report on Spouse.

2. *Current OMB approval number:* 3180–0026.

3. *How often the collection is required:* On occasion.

4. *Who is required or asked to report:* NRC employees, contractors, licensees and applicants who marry after completing NRC's Personnel Security Forms, or marry after having been granted an NRC access authorization or employment clearance.

5. *The number of annual respondents:* 60.

6. *The number of hours needed annually to complete the requirement or request:* 12 (.20 hours or 12 minutes per response).

7. *Abstract:* Completion of the NRC Form 354 is a mandatory requirement for NRC employees, contractors, licensees, and applicants who marry after submission of the Personnel Security Forms, or after receiving an access authorization or employment clearance to permit the NRC to assure there is no increased risk to the common defense and security.

Submit, by April 29, 2002, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F23, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide web site: *http://www.nrc.gov/NRC/PUBLIC/OMB/index.html*. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T–6 E6, Washington, DC 20555–0001, by telephone at 301–415–7233, or by Internet electronic mail at *INFOCOLLECTS@NRC.GOV*.

Dated at Rockville, Maryland, this 22nd day of February 2002.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 02–4751 Filed 2–27–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–335 and 50–389]

Florida Power and Light Company, Saint Lucie Plant, Units 1 and 2; Notice of Intent To Prepare an Environmental Impact Statement and Conduct Scoping Process

Florida Power and Light Company (FPL) has submitted an application for renewal of Operating Licenses Nos. DRP–67 and NPF–16 for an additional 20 years of operation at the St. Lucie nuclear power plant (St. Lucie), Units 1 and 2. St. Lucie is located on Huchinson Island in St. Lucie County, Florida. The application for renewal was submitted by letter dated November 29, 2001, pursuant to 10 CFR part 54. A notice of receipt of application, including the environmental report (ER), was published in the **Federal Register** on December 27, 2001 (66 FR 66946). A notice of acceptance for docketing of the application for renewal of the facility operating license was published in the **Federal Register** on January 29, 2002 (67 FR 4288). The purpose of this notice is to inform the public that the U.S. Nuclear Regulatory Commission (NRC) will be preparing an environmental impact statement in support of the review of the license renewal application and to provide the public an opportunity to participate in the environmental scoping process as defined in 10 CFR 51.29.

In accordance with 10 CFR 54.23 and 10 CFR 51.53(c), FPL submitted the ER as part of the application. The ER was prepared pursuant to 10 CFR Part 51 and is available for public inspection at the NRC Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or from the Publicly Available Records component of NRC's document system (ADAMS). ADAMS is accessible at *http://www.nrc.gov/NRC/ADAMS/index.html*, (the NRC Public Electronic Reading Room (PERR)). If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room Reference staff at 1–800–397–4209, or 301–415–4737, or by e-mail to *pdr@nrc.gov*. In addition, the Indian River Community College library located at 3209 Virginia Avenue, Fort Pierce, Florida has been provided a reference copy of the ER and has agreed to make it available for public inspection.

This notice advises the public that the NRC intends to gather the information necessary to prepare a plant-specific supplement to the Commission's ''Generic Environmental Impact Statement (GEIS) for License Renewal of Nuclear Plants,'' (NUREG–1437) in support of the review of the application for renewal of the St. Lucie operating licenses for an additional 20 years. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources. 10 CFR 51.95 requires that the NRC prepare a supplement to the GEIS in connection with the renewal of an operating license. This notice is being published in accordance with the National Environmental Policy Act

(NEPA) and the NRC's regulations found in 10 CFR part 51.

The NRC will first conduct a scoping process for the supplement to the GEIS and, as soon as practicable thereafter, will prepare a draft supplement to the GEIS for public comment. Participation in this scoping process by members of the public and local, State, and Federal government agencies is encouraged. The scoping process for the supplement to the GEIS will be used to accomplish the following:

a. Define the proposed action which is to be the subject of the supplement to the GEIS.

b. Determine the scope of the supplement to the GEIS and identify the significant issues to be analyzed in depth.

c. Identify and eliminate from detailed study those issues that are peripheral or that are not significant.

d. Identify any environmental assessments and other environmental impact statements (EISs) that are being or will be prepared that are related to but are not part of the scope of the supplement to the GEIS being considered.

e. Identify other environmental review and consultation requirements related to the proposed action.

f. Indicate the relationship between the timing of the preparation of environmental analyses and the Commission's tentative planning and decision-making schedules.

g. Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the supplement to the GEIS, to the NRC, and any cooperating agencies.

h. Describe how the supplement to the GEIS will be prepared, including any contractor assistance to be used.

The NRC invites the following entities to participate in the scoping process:

a. The applicant, Florida Power and Light Company.

b. Any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved, or that is authorized to develop and enforce relevant environmental standards.

c. Affected State and local government agencies, including those authorized to develop and enforce relevant environmental standards.

d. Any affected Indian tribe.

e. Any person who requests or has requested an opportunity to participate in the scoping process.

f. Any person who intends to petition for leave to intervene.

In accordance with 10 CFR 51.26, the scoping process for an EIS may include a public scoping meeting to help identify significant issues related to a proposed activity and to determine the scope of issues to be addressed in an EIS. The NRC has decided to hold public meetings for the St. Lucie license renewal supplement to the GEIS. The scoping meetings will be held at the Council Chambers, Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida, on Wednesday, April 3, 2002. There will be two sessions to accommodate interested parties. The first session will convene at 1:30 p.m. and will continue until 4:30 p.m. The second session will convene at 7 p.m. with a repeat of the overview portions of the meeting and will continue until 10 p.m. Both sessions will be transcribed and will include (1) an overview by the NRC staff of the National Environmental Policy Act (NEPA) environmental review process, the proposed scope of the supplement to the GEIS, and the proposed review schedule; (2) an overview by FPL of the proposed action, St. Lucie license renewal, and the environmental impacts as outlined in the ER; and (3) the opportunity for interested Government agencies, organizations, and individuals to submit comments or suggestions on the environmental issues or the proposed scope of the supplement to the GEIS. Additionally, the NRC staff will host informal discussions one hour prior to the start of each session in the Port St. Lucie Council Chambers. No comments on the proposed scope of the supplement to the GEIS will be accepted during the informal discussions. To be considered, comments must be provided either at the transcribed public meetings or in writing, as discussed below. Persons may register to attend or present oral comments at the meetings on the NEPA scoping process by contacting Dr. Michael T. Masnik, by telephone at (800) 368–5642, extension 1191, or by Internet to the NRC at *mtm2@nrc.gov* no later than March 27, 2002. Members of the public may also register to speak at the meeting within 15 minutes of the start of each session. Individual oral comments may be limited by the time available, depending on the number of persons who register. Members of the public who have not registered may also have an opportunity to speak, if time permits. Public comments will be considered in the scoping process for the supplement to the GEIS. If special equipment or accommodations are needed to attend or present information at the public meeting, the need should be brought to Dr. Masnik's attention no later than March 27, 2002, so that the NRC staff can determine whether the request can be accommodated.

Members of the public may send written comments on the environmental scoping process for the supplement to the GEIS to Chief, Rules and Directives Branch,Division of Administrative Services,Office of Administration,Mailstop T–6 D 59,U.S. Nuclear Regulatory Commission,Washington, DC 20555–0001.

Comments may be hand-delivered to the NRC at 11545 Rockville Pike, Rockville, Maryland, between 7:45 a.m. and 4:15 p.m. on Federal workdays. To be considered in the scoping process, written comments should be postmarked by April 30, 3002. Electronic comments may be sent by the Internet to the NRC at St._Lucie *EIS@nrc.gov*. Electronic submissions should be sent no later than April 30, 2002, to be considered in the scoping process. Comments will be available electronically and accessible through the NRC's Public Electronic Reading Room link *http://www.nrc.gov/NRC/ADAMS/index.html* at the NRC Homepage.

Participation in the scoping process for the supplement to the GEIS does not entitle participants to become parties to the proceeding to which the supplement to the GEIS relates. Notice of opportunity for a hearing regarding the renewal application was the subject of the aforementioned **Federal Register** notice of acceptance for docketing. Matters related to participation in any hearing are outside the scope of matters to be discussed at this public meeting.

At the conclusion of the scoping process, the NRC will prepare a concise summary of the determinations and conclusions reached, including the significant issues identified, and will send a copy of the summary to each participant in the scoping process. The summary will also be available for inspection through the PERR link. The staff will then prepare and issue for comment the draft supplement to the GEIS, which will be the subject of separate notices and a separate public meeting. Copies will be available for public inspection at the above-mentioned addresses, and one copy per request will be provided free of charge. After receipt and consideration of the comments, the NRC will prepare a final supplement to the GEIS, which will also be available for public inspection.

Information about the proposed action, the supplement to the GEIS, and the scoping process may be obtained from Dr. Masnik at the aforementioned telephone number or e-mail address.

Dated at Rockville, Maryland, this 22nd day of February 2002.

For the Nuclear Regulatory Commission.

Pao-Tsin Kuo,

Acting Program Director, License Renewal and Environmental Impacts, Division of Regulatory Improvement Programs,Office of Nuclear Reactor Regulation.

[FR Doc. 02–4749 Filed 2–27–02; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Approval of Existing Information Collections:

Rule 27d–1 and Form N–27D–1, SEC File No. 270–499, OMB Control No. 3235–new,

Rule 27d–2, SEC File No. 270–500, OMB Control No. 3235–new.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 350l et seq., the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collections of information under the Investment Company Act of 1940 (''Act'') summarized below. The Commission plans to submit these collections of information to the Office of Management and Budget for approval.

Rule 27d–1 [17 CFR 270.27d–1] is entitled ''Reserve Requirements for Principal Underwriters and Depositors to Carry Out the Obligations to Refund Charges Required by Section 27(d) and Section 27(f) of the Act.'' Form N–27D–1 is entitled ''Accounting of Segregated Trust Account.'' Rule 27d–2 [17 CFR 270.27d–2] is entitled ''Insurance Company Undertaking in Lieu of Segregated Trust Account.'' Rule 27d–1 requires the depositor or principal underwriter for an issuer to deposit funds into a segregated trust account to provide assurance of its ability to fulfill its refund obligations under sections 27(d) and 27(f). The rule sets forth minimum reserve amounts and guidelines for the management and disbursement of the assets in the account. A single account may be used for the periodic payment plans of multiple investment companies. Rule 27d–1(j) directs depositors and principal underwriters to make an accounting of their segregated trust accounts on Form N–27D–1, which is intended to facilitate the Commission's oversight of compliance with the reserve requirements set forth in rule 27d–1. The form requires depositors and principal underwriters to report deposits to a segregated trust account, including those made pursuant to paragraphs (c) and (e) of the rule. Withdrawals pursuant to paragraph (f) of the rule also must be reported. In addition, the form solicits information regarding the minimum amount required to be maintained under paragraphs (d) and (e) of rule 27d–1. Depositors and principal underwriters must file the form once a year on or before January 31 of the year following the year for which information is presented.

Instead of relying on rule 27d–1 and filing Form N–27D–1, depositors or principal underwriters for the issuers of periodic payment plans may rely on the exemption afforded by rule 27d–2. In order to comply with the rule, (i) the depositor or principal underwriter must secure from an insurance company a written guarantee of the refund requirements, (ii) the insurance company must satisfy certain financial criteria, and (iii) the depositor or principal underwriter must file as an exhibit to its registration statement, a copy of the written undertaking, an annual statement that the insurance company has met the requisite financial criteria on a monthly basis, and an annual audited balance sheet.

Rules 27d–1 and 27d–2, which were explicitly authorized by statute, provide assurance that depositors and principal underwriters of issuers have access to sufficient cash to meet the demands of certificate holders who reconsider their decision to invest in a periodic payment plan. The information collection requirements in rules 27d–1 and 27d–2 enable the Commission to monitor compliance with reserve rules.

Commission staff estimates that there are three issuers of periodic payment plan certificates. The depositor or principal underwriter of each of these issuers must file Form N–27D–1 annually or comply with the requirements in rule 27d–2. One Form N–27D–1 is filed annually. The Commission estimates that a staff accountant spends 4 hours and an accounting manager spends 2 hours preparing Form N–27D–1. Therefore, the total annual hour burden associated with rule 27d–1 and Form N–27d–1 is estimated to be 6 hours. The staff estimates that two depositors or principal underwriters rely on rule 27d–2 and that each of these respondents makes three responses annually. We estimate that each depositor or underwriter expends approximately two hours per year obtaining a written guarantee from an insurance company or negotiating changes to coverage with the insurance company and 4.5 hours per year filing the two required documents from the insurance company on EDGAR. Thus, we estimate that the annual burden is approximately 13 hours.[1]

In addition to the hour burden described above, rule 27d–1 imposes certain costs. First, outside accountants review Form N–27D–1 at an annual cost of $90. Second, a financial printer files the form at an annual cost of $70. Thus, assuming that an average of one Form N–27D–1 is filed each year, the staff estimates that the total annual cost of the information collection burden in rule 27d–1 is $160. The staff believes that rule 27d–2 does not impose any cost burdens other than those arising from the hour burdens discussed above.

The estimates of average burden hours and costs are made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.[2]

Complying with the collection of information requirements of rule 27e–1 is mandatory for issuers of periodic payment plans or their depositors or underwriters in the event holders of plan certificates miss certain payments within eighteen months after issuance. Complying with the collection of information requirements of rule 27f–1 is mandatory for custodian banks of periodic payment plans for which the sales load deducted from any payment exceeds 9 percent of the payment. The information provided pursuant to rules 27e–1 and 27f–1 will be provided to third parties and, therefore, will not be kept confidential. The Commission is seeking OMB approval, because an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d)

[1] 2 funds × (2 hours negotiating coverage + 4.5 hours filing necessary proof of adequate coverage) = *13 hours*

[2] These estimates are based on telephone interviews between the Commission staff and representatives of depositors or principle underwriters of periodic payment plan issuers.

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. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: February 21, 2002.

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 02–4720 Filed 2–27–02; 8:45 am]

BILLING CODE 8010–01–U

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–25443]

Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

February 22, 2002.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of February, 2002. A copy of each application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth St., NW., Washington, DC 20549–0102 (tel. 202–942–8090). An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 19, 2002, and should be accompanied by proof of service on the applicant, 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 Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549–0609. For Further Information Contact: Diane L. Titus, at (202) 942–0564, SEC, Division of Investment Management, Office of Investment Company Regulation, 450 Fifth Street, NW., Washington, DC 20549–0506.

The Kent Funds [File No. 811–4824]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On October 29, 2001, applicant transferred its assets to corresponding series of Fifth Third Funds, based on net asset value. Expenses of $1,413,350 incurred in connection with the reorganization were paid by Fifth Third Bank, investment adviser to the acquiring fund.

Filing Date: The application was filed on February 11, 2002.

Applicant's Address: 3435 Stelzer Rd., Columbus, OH 43219.

Credit Suisse Warburg Pincus Central and Eastern Europe Fund, Inc. [File No. 811–8905]

Credit Suisse Warburg Pincus Technology Index Fund, Inc. [File No. 811–9959]

Summary: Each applicant seeks an order declaring that it has ceased to be an investment company. Prior to July 30, 2001, Credit Suisse Asset Management, LLC (''CSAM''), each applicant's investment adviser and sole shareholder, voluntarily redeemed its shares at net asset value. Expenses of approximately $2,500 incurred in connection with each liquidation were paid by CSAM or its affiliates.

Filing Date: The applications were filed on January 31, 2002.

Applicants' Address: 466 Lexington Ave., New York, NY 10017.

Threshold Advisor Funds, Inc. [File No. 811–10117]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On May 9, 2001, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of approximately $29,220 incurred in connection with the liquidation were paid by Kennedy Capital Management, Inc., applicant's investment adviser.

Filing Date: The application was filed on January 30, 2002.

Applicant's Address: 10829 Olive Blvd., St. Louis, MO 63141.

Searay Financial Funds [File No. 811–9743]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On December 14, 2001, applicant made a final liquidating distribution to its shareholders based on net asset value. Expenses of $360 incurred in connection with the liquidation were paid by applicant.

Filing Date: The application was filed on February 4, 2002.

Applicant's Address: c/o Mutual Funds Service Company, 6000 Memorial Dr., Dublin, OH 43017.

Strong International Income Funds, Inc. [File No. 811–8318]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On October 31, 2001, applicant made a final liquidating distribution to its shareholders based on net asset value. Expenses of $11,020 incurred in connection with the liquidation were paid by applicant.

Filing Dates: The application was filed on October 25, 2001, and amended on January 30, 2002.

Applicant's Address: 100 Heritage Reserve, Menomonee Falls, WI 53051.

SCM Strategic Growth Fund [File No. 811–8745]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On August 31, 2001, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of approximate $29,500 incurred in connection with the liquidation were paid by applicant and Shanklin Capital Mangement, Inc., applicant's investment adviser.

Filing Date: The application was filed on February 4, 2002.

Applicant's Address: 116 South Franklin St., P.O. Box 69, Rocky Mount, NC 27802–0069.

Merrill Lynch Growth Fund [File No. 811–4934]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On December 17, 2001, applicant transferred all of its assets to Merrill Lynch Fundamental Growth Fund, Inc. based on net asset value. Expenses of $1,835,643 incurred in connection with the reorganization will be paid by the acquiring fund.

Filing Date: The application was filed on January 25, 2002.

Applicant's Address: 800 Scudders Mill Rd., Plainsboro, NJ 08543–9011.

Schroder Series Trust II [File No. 811–8567]

*Summary:*Applicant seeks an order declaring that it has ceased to be an investment company. On December 14, 2001, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of approximately $2,500 incurred in connection with the liquidation were paid by applicant.

Filing Date: The application was filed on January 29, 2002.

Applicant's Address: 787 Seventh Ave., 34th Floor, New York, NY 10019.

Jurika & Voyles Fund Group [File No. 811–8646]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On November 28, 2001, applicant transferred its assets to corresponding series of CDC NVEST Funds Trust I and CDC NVEST Funds Trust III based on net asset value. Expenses of $377,400 incurred in connection with the reorganization were paid by Jurika & Voyles, L.P., applicant's investment adviser, and two of its affiliates.

Filing Date: The application was filed on January 16, 2002.

Applicant's Address: 1999 Harrison St., Ste. 700, Oakland, CA 94612.

The Pakistan Investment Fund, Inc. [File No. 811–6636]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On June 27, 2001, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of $76,956 incurred in connection with the liquidation were paid by applicant.

Filing Date: The application was filed on January 28, 2002.

Applicant's Address: c/o Morgan Stanley Investment Management Inc., 1221 Avenue of the Americas, New York, NY 10020.

Texas Municipals Portfolio [File No. 811–7212]

Summary: Applicant, a master fund in master-feeder structure, seeks an order declaring that it has ceased to be an investment company. On December 7, 2001, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of $23,421 incurred in connection with the liquidation were paid by Eaton Vance Texas Municipals Fund, applicant's feeder fund.

Filing Date: The application was filed on February 4, 2002.

Applicant's Address: The Eaton Vance Building, 255 State St., Boston, MA 02109.

Dreyfus Global Growth Fund [File No. 811–4695]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On August 28, 2001, applicant transferred its assets to Dreyfus Premier Worldwide Growth Fund, Inc., based on net asset value. Expenses of $65,000 incurred in connection with the reorganization were paid by applicant and the acquiring fund.

Filing Date: The application was filed on February 4, 2002.

Applicant's Address: c/o The Dreyfus Corporation, 200 Park Ave., New York, NY 10166.

COUNTRY Asset Allocation Fund, Inc. [File No. 811–2839]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On October 31, 2001, applicant transferred its assets to COUNTRY Mutual Funds Trust based on net asset value. Expenses incurred in connection with the reorganization were paid by COUNTRY Trust Bank, applicant's investment adviser.

Filing Date: The application was filed on December 21, 2001.

Applicant's Address: 808 IAA Drive, Bloomington, IL 61702–2901.

SG Cowen Standby Reserve Fund, Inc. [File No. 811–3220]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. By December 14, 2001, all of applicant's shareholders, other than SG Cowen Asset Management, Inc., applicant's investment adviser, had redeemed their shares based on net asset value. Applicant incurred no expenses in connection with the liquidation.

Filing Dates: The application was filed on January 9, 2002, and amended on February 12, 2002.

Applicant's Address: 560 Lexington Ave., New York, NY 10022.

SG Cowen Funds, Inc. [File No. 811–5388]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On December 14, 2001, applicant's series, SG Cowen Opportunity Fund, transferred its assets to TCW Galileo Funds, Inc., based on net asset value. On December 27, 2001, applicant's two remaining series, SG Cowen Intermediate Fixed Income Fund and SG Cowen Government Securities Fund, made a liquidating distribution to their shareholders based on net asset value. Expenses incurred in connection with the reorganization were paid by SG Cowen Asset Management, Inc., applicant's investment adviser, and TCW Investment Management Company, the investment adviser to the acquiring fund.

Filing Dates: The application was filed on January 7, 2002, and amended on January 24, 2002.

Applicant's Address: 560 Lexington Ave., New York, NY 10022.

SG Cowen Series Funds, Inc. [File No. 811–8487]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On December 14, 2001, applicant transferred its assets to TCW Galileo Funds, Inc., based on net asset value. Expenses incurred in connection with the reorganization were paid by SG Cowen Asset Management, Inc., applicant's investment adviser, and TCW Investment Management Company, the investment adviser to the acquiring fund.

Filing Date: The application was filed on January 9, 2002.

Applicant's Address: 560 Lexington Ave., New York, NY 10022.

AARP Growth Trust [File No. 811–4048]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On September 11, 2000, applicant's two series, AARP U.S. Stock Index Fund and AARP Global Growth Fund, transferred their assets and liabilities to Scudder S&P 500 Index Fund, a series of Investment Trust, and Scudder Global Fund, a series of Global/International Fund, Inc., respectively, based on net asset value. Expenses of $986,380 incurred in connection with the reorganization were paid by applicant, the acquiring funds and Zurich Scudder Investments, Inc., applicant's investment adviser.

Filing Dates: The application was filed on December 5, 2001, and amended on January 31, 2002.

Applicant's Address: Two International Place, Boston, MA 02110–4103.

SG Cowen Income & Growth Fund, Inc. [File No. 811–4672]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On December 14, 2001, applicant transferred its assets to TCW Galileo Funds, Inc., based on net asset value. Applicant incurred no expenses in connection with the reorganization.

Filing Date: The application was filed on January 9, 2002.

Applicant's Address: 560 Lexington Ave., New York, NY 10022.

The Innovative Funds [File No. 811–9767]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On December 6, 2001, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of $443 incurred in connection with the

liquidation were paid by EC Advisors, Inc., applicant's investment adviser.

Filing Date: The application was filed on January 14, 2002.

Applicant's Address: 7453 Watson Rd., Suite 88, St. Louis, MO 63119.

Separate Account IPL–1 [File No. 811–9213]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant is a separate account of Investors Partner Life Insurance Company (''Depositor'') that was established to fund flexible premium variable life insurance policies issued by the Depositor. As of November 5, 2001, all assets were distributed in connection with the liquidation of applicant, on the basis of net asset value. No expenses have been incurred in connection with the liquidation.

Filing Dates: The application was filed on November 6, 2001 and amended on December 20, 2001.

Applicant's Address: John Hancock Place, 200 Clarendon Street, Boston, Massachusetts 02117.

COVA Series Trust [File No. 811–5252]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On February 12, 2001, applicant transferred its assets and liabilities to corresponding portfolios of Met Investors Series Trust based on net asset value. Expenses of $470,594.76 incurred in connection with the reorganization were paid by Metropolitan Life Insurance Company, parent of applicant's investment advisor, and its subsidiaries.

Filing Date: The application was filed on December 7, 2001.

Applicant's Address: 22 Corporate Plaza Drive, Newport Beach, CA 92660.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 02–4721 Filed 2–27–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 25444; 812–11220]

Alpha Select Funds, et al.; Notice of Application

February 22, 2002.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from section 15(a) of the Act and rule 18f–2 under the Act, as well as certain disclosure requirements.

SUMMARY OF THE APPLICATION: Applicants seek an order that would permit them to enter into and materially amend subadvisory agreements without shareholder approval and would grant relief from certain disclosure requirements.

Applicants:

Alpha Select Funds (''Alpha Select''), Turner Funds (''Turner,'' collectively with Alpha Select, the ''Trusts''), Concentrated Capital Management, LP (''CCM''), and Turner Investment Partners, Inc. (''TIP,'' collectively with CCM, the ''Advisers'').

Filing Dates:

The application was filed on July 16, 1998, and amended on May 16, 2001 and February 22, 2002.

Hearing or Notification of Hearing:

An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 21, 2002 and should be accompanied by proof of service on applicant, 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 may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW, Washington, DC 20549–0609. Applicants, Alpha Select and CCM, 150 First Avenue, Suite 600, King of Prussia, PA 19406–2816, Turner and TIP, 1235 West Lakes Drive, Suite 350, Berwyn, PA 19312.

FOR FURTHER INFORMATION CONTACT: Bruce R. MacNeil, Senior Counsel, at (202) 942–0634 or Nadya B. Roytblat, Assistant Director, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 450 5th Street, NW, Washington, DC 20549–0102 (telephone (202 942–8090).

Applicants' Representations

1. Alpha Select, a Delaware business trust, and Turner, a Massachusetts business trust, are registered under the Act as open-end management investment companies. Alpha Select and Turner are comprised of one or more series (each a ''Fund,'' collectively the ''Funds''), each with its own investment objectives and policies.[1] CCM and TIP are registered as investment advisers under the Investment Advisers Act of 1940 (the ''Advisers Act''). CCM currently serves as the investment adviser to Alpha Select and TIP serves as the investment adviser to Turner.

2. Alpha Select and Turner have entered into separate investment management agreements with CCM and TIP (''Advisory Agreements''), respectively, that were approved by the Trusts' respective boards of trustees (the ''Boards''), including a majority of the trustees who are not ''interested persons,'' as defined in section 2(a)(19) of the Act (''Independent Trustees''), and each Fund's shareholders. The Advisory Agreements permit the Advisers to enter into separate investment advisory agreements (''Subadvisory Agreements'') with subadvisers (''Managers'') to whom each Adviser may delegate portfolio management responsibilities for a Fund.

3. Each Adviser monitors and evaluates the Managers and recommends to the respective Board their hiring, retention or termination. Each Manager will be an investment adviser that is registered under the Advisers Act. Each Manager's fees will be paid by the respective Adviser out of the management fees received by that Adviser from each of the Funds. In the future, some Funds may compensate the Managers directly.

4. Applicants request relief to permit the Advisers, subject to Board approval, to enter into and materially amend Subadvisory Agreements without shareholder approval. The requested relief will not extend to a Manager that is an affiliated person, as defined in section 2(a)(3) of the Act, of the Fund or the Adviser, other than by reason of serving as a Manager to one or more of the Funds (an ''Affiliated Manager'').

5. Applicants also request an exemption from the various disclosure

[1] Applicants also request relief with respect to future series of the Trusts and any other registered open-end management investment companies and series thereof that (a) are advised by the Advisers or any entity controlling, controlled by, or under common control with the Advisers; (b) use the multi-manager structure described in the application; and (c) comply with the terms and conditions in the application (''Future Funds,'' included in the term ''Funds''). If the name of any Fund should, at any time, contain the name of a Manager (as defined below), it will also contain the name of the Adviser, which will appear before the name of the Manager.

provisions described below that may require the Funds to disclose the fees paid by an Adviser to the Managers. An exemption is requested to permit the Funds to disclose (as both a dollar amount and as a percentage of a Fund's net assets): (a) Aggregate fees paid to the Adviser and Affiliated Managers; and (b) aggregate fees paid to the Managers other than Affiliated Managers (''Aggregate Fees''). If a Fund employs an Affiliated Manager, the Fund will provide separate disclosure of any fees paid to the Affiliated Manager.

Applicants' Legal Analysis

1. Section 15(a) of the Act provides, in relevant part, that it is unlawful for any person to act as an investment adviser to a registered investment company except pursuant to a written contract that has been approved by the vote of a majority of the company's outstanding voting securities. Rule 18f–2 under the Act provides that each series or class of stock in a series company affected by a matter must approve such matter if the Act requires shareholder approval.

2. Form N–1A is the registration statement used by open-end investment companies. Item 15(a)(3) of Form N–1A requires disclosure of the method and amount of the investment adviser's compensation.

3. Rule 20a–1 under the Act requires proxies solicited with respect to an investment company to comply with Schedule 14A under the Securities Exchange Act of 1934 (the ''1934 Act''). Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8), and 22(c)(9) of Schedule 14A, taken together, require a proxy statement for a shareholder meeting at which the advisory contract will be voted upon to include the ''rate of compensation of the investment adviser,'' the ''aggregate amount of the investment adviser's fees,'' a description of ''the terms of the contract to be acted upon,'' and, if a change in the advisory fee is proposed, the existing and proposed fees and the difference between the two fees.

4. Form N–SAR is the semi-annual report filed with the Commission by registered investment companies. Item 48 of Form N–SAR requires investment companies to disclose the rate schedule for fees paid to their investment advisers, including the Managers.

5. Regulation S–X sets forth the requirements for financial statements required to be included as part of investment company registration statements and shareholder reports filed with the Commission. Sections 6–07(2)(a), (b), and (c) of Regulation S–X require that investment companies include in their financial statements information about investment advisory fees.

6. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provision of the Act, or from any rule thereunder, if 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 believe that the requested relief meets this standard for reasons discussed below.

7. Applicants assert that each Fund's shareholders have determined to rely on the Adviser to select, monitor and replace Managers. Applicants contend that from the perspective of the investor, the role of the Managers is comparable to individual portfolio managers employed by other firms. Applicants contend that requiring shareholder approval of the Subadvisory Agreements would impose unnecessary costs and delays on the Funds, and may preclude the Adviser from acting promptly in a manner considered advisable by the Board. Applicants note that the Advisory Agreement will remain subject to section 15(a) of the Act and rule 18f–2 under the Act.

8. Applicants assert that many Managers charge their customers for advisory services according to a ''posted'' rate schedule. Applicants state that while Managers are willing to negotiate fees lower than those posted in the schedule, particularly with large institutional clients, they are reluctant to do so when the fees are disclosed to other prospective and existing customers. Applicants submit that the relief will encourage Managers to negotiate lower advisory fees with the Advisers, the benefits of which are likely to be passed on to Fund shareholders.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Before any Fund may rely on the requested order, the operation of the Fund in the manner described in the application will be approved by a majority of the Fund's shareholders or in the case of a Fund whose public shareholders purchase shares on the basis of a prospectus containing the disclosure contemplated by condition 2 below, by the sole initial shareholder before offering shares of the Fund to the public.

2. The prospectus for each Fund will disclose the existence, substance, and effect of any order granted pursuant to the application. In addition, each Fund will hold itself out to the public as employing the ''manager of managers'' approach described in the application. The prospectus for each Fund will prominently disclose that the Adviser has ultimate responsibility (subject to oversight by the Board) to oversee the Managers and recommend their hiring, termination, and replacement.

3. Within 90 days of the hiring of any new Manager, the Adviser will furnish shareholders all information about the new Manager that would be included in a proxy statement, except as modified by the order to permit the disclosure of Aggregate Fees. This information would include the disclosure of Aggregate Fees and any change in such disclosure caused by the addition of a new Manager. The Adviser will meet this obligation by providing shareholders with an information statement meeting the requirements of Regulation 14C, Schedule 14C, and Item 22 of Schedule 14A under the 1934 Act, except as modified by the order to permit the disclosure of Aggregate Fees.

4. The Adviser will not enter into a Subadvisory Agreement with any Affiliated Manager without such agreement, including the compensation to be paid thereunder, being approved by the shareholders of the applicable Fund.

5. At all times, a majority of each Fund's Board will be Independent Trustees, and the nomination of new or additional Independent Trustees will be at the discretion of the then-existing Independent Trustees.

6. When a Manager change is proposed for a Fund with an Affiliated Manager, the Fund's Board, including a majority of the Independent Trustees, will make a separate finding, reflected in the applicable Fund's Board minutes, that the change is in the best interests of the Fund and its shareholders and does not involve a conflict of interest from which the Adviser or the Affiliated Manager derives an inappropriate advantage.

7. The Adviser will provide general management services to each Fund, including overall supervisory responsibility for the general management and investment of each Fund's securities portfolio, and, subject to Board review and approval, will: (a) Set each Fund's overall investment strategies; (b) recommend and select Managers; (c) allocate, and when appropriate, reallocate a Fund's assets among its Managers when the Fund has more than one Manager; (d) monitor and evaluate Manager performance; and (e) implement procedures designed to

ensure that the Manager complies with the Fund's investment objectives, policies, and restrictions.

8. No Trustee, director, or officer of the Funds or officer or director of the Adviser will own directly or indirectly (other than through a pooled investment vehicle over which such person does not have control) any interest in a Manager except for (a) ownership of interests in the Adviser or any entity that controls, is controlled by, or is under common control with the Adviser; or (b) ownership of less than 1% of the outstanding securities of any class of equity or debt of a publicly-traded company that is either a Manager or an entity that controls, is controlled by, or is under common control with a Manager.

9. Each Fund will disclose in its registration statement the Aggregate Fees.

10. Independent counsel knowledgeable about the Act and the duties of Independent Trustees will be engaged to represent the Independent Trustees. The selection of such counsel will be within the discretion of the then-existing Independent Trustees.

11. The Adviser will provide the Board, no less frequently than quarterly, with information about the Adviser's profitability on a per-Fund basis. This information will reflect the impact on the profitability of the hiring or termination of any Manager during the applicable quarter.

12. Whenever a Manager is hired or terminated, the Adviser will provide the Board information showing the expected impact on the Adviser's profitability.

13. For any Fund that compensates a Manager directly, any change to a Subadvisory Agreement that would result in an increase in the overall management and advisory fees payable by the Fund will be required to be approved by the shareholders of the Fund.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–4839 Filed 2–27–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45464; File No. SR–ISE–2002–03]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the International Securities Exchange LLC To Amend Its Rules Relating to Ratio Orders

February 21, 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 February 12, 2002, the International Securities Exchange LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items, I, II, and III below, which Items have been prepared by the ISE. ISE filed the proposed rule change pursuant to section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission. 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 is proposing to amend Rule 722 to permit a spread, straddle, or combination order that consists of legs that have a different number of contracts as long as the number of contracts differ by a ratio of 0.5 or greater. Below is the text of the proposed rule change. New text is in *italics.* Proposed deletions are in [brackets].

* * * * *

International Securities Exchange LLC

Rules

* * * * *

Rule 722. Complex Orders

(a) Complex Orders Defined. A complex order is any order for the same account as defined below.

* * * * *

(6) Ratio Order. A spread, straddle or combination order may consist of *legs that have* a different number of contracts, so long as the number of contracts differs by a permissible ratio. For purposes of this paragraph, a permissible ratio of contracts is any [of the following: one-to-one, one-to-two and two-to-three.] *ratio that is equal to or greater than .5. For example, a one-to-two ratio (which is equal to .5) and a six-to-ten ratio (which is equal to .6) are permitted, but a one-to-three ratio (which is equal to .33) is not.*

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ISE 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 ISE 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

ISE Rule 722(a)(6) provides that the legs of a spread, straddle, or combination order can consist of different number of contracts, so long as the number of contracts differs by a permissible ratio. The permissible ratios are defined as one-to-one (100%), two-to-three (67%) and one-to-two (50%). Thus, the lowest percentage ratio currently permitted by Rule 722(a)(6) is 50%.

The Exchange proposes to redefine the permissible ratios as any ratio whose percentage is equal to or greater than 0.5 (*i.e.,* 50%.). This proposed change would permit ratios between 100% and 50% other than the current two-to-three ratio, but would not change the minimum percentage currently permitted under the rule. For example, a one-to-two ratio (which is equal to 0.5) and a six-to-ten ratio (which is equal to 0.6) will be permitted, but a one-to-three ratio (which is equal to 0.33) will not.

Currently, there is only one ratio between 100% and 50% allowed under the Rule—two- to three (67%). However, ISE members have indicated that their trading and hedging models often produce inexact ratios, and that the rule is unnecessarily restrictive in an electronic trading environment. As the ISE trading system has the capability to accept all ratios, the Exchange believes it is arbitrary to restrict which ratios may be entered between 100% and 50%. Moreover, ISE believes that there is no regulatory reason why a two-to-

[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).

three ratio should be permitted, while a six-to-ten should not. ISE also believes that limiting complex orders to such ''traditional'' ratios simply does not reflect the advancement of trading and hedging strategies that are common in the market today, the migration to decimal trading, or the advancement in exchange trading systems that allow such orders to be executed with ease.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)[5] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not 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 not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated the foregoing rule change as effecting a change that: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) by its terms does not become operative for 30 day from the date of filing. In addition, the Exchange provided the Commission with written notice of its intent to file the proposed rule change at least five days prior to the filing date. Accordingly, the proposed rule change has become effective pursuant to section 19(b)(3)(A) of the Act[6] and Rule 19b–4(f)(6) thereunder.[7] At any time within 60 days of the filing of such 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 Exchange 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 ISE. All submissions should refer to File No. ISE–2002–03 and should be submitted by March 21, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 02–4723 Filed 2–27–02; 8:45 am]

BILLING CODE 8010–01–M

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f)(6).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45462; File No. SR–NYSE–2002–08]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to Changes to Audit Trail Account Identification Codes

February 20, 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 23, 2002, 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 NYSE. 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 Exchange proposes to introduce a new identification code/audit trail account type, ''Q,'' to indicate a proprietary trade by a member to cover the member's own error pursuant to Exchange Rule 134. The text of the proposed rule change is available at the Office of the Secretary, the NYSE, and 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 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

NYSE Rule 134 requires a member or member organization who acquires or assumes a security position resulting from an error transaction to clear such error transaction in the member's or his or her member organization's error account, or in the error account established for a group of members.[3] Pursuant to Rule 132,[4] the Exchange is proposing to expand the use of the audit trail account type field to require designation of the identifier ''Q'' to indicate a proprietary trade by a member on the Floor which results in a position being established in the member's error account, or in the liquidation of a position in the member's error account. The Exchange believes that this new account

[3] *See* Securities Exchange Act Release No. 44769 (September 6, 2001), 66 FR 47710 (September 13, 2001). (SR–NYSE–99–25).

[4] Rule 132.30(9)–(10) requires each clearing member organization to submit trade data elements to the Exchange that specify whether the account for which the order was executed was that of a member or member organization or of a non-member or non-member organization, and such other information as the Exchange may from time to time require.

identification code will enhance its ability to conduct automated surveillance of members' error trading.

Member firms would be given a reasonable period of time (approximately three months from Commission approval) to make their own system enhancements so that they may be in compliance with the new trade type identification requirement. The Exchange will publish the entire revised list of Account Identification Codes, including the new account type, ''Q,'' in an Information Memo to be issued to all members and member organizations. For previous information memos on this subject, see 1993–7 (March 4, 1993) and 1992–34 (November 13, 1992).

2. Statutory Basis

The Exchange believes that its proposal is consistent with section 6(b) of the Act,[5] in general, and section 6(b)(5) of the Act,[6] in particular, because it is 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 Exchange believes the addition of the identifier ''Q'' for ''proprietary trades to cover the member's own error'' will add to the protection of investors by enhancing the Exchange's ability to conduct automated surveillance of members' error trading.

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 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 self-regulatory organization consents, the Commission will:

A. By order approve the proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying 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-NYSE–2002–08 and should be submitted by March 21, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 02–4722 Filed 2–27–02; 8:45 am]

BILLING CODE 8010–01–P

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3392]

State of Kansas; Amendment #1

In accordance with information received from the Federal Emergency Management Agency, dated February 15, 2002, the above numbered declaration is hereby amended to establish the incident period for this disaster as beginning on January 29, 2002 and continuing through February 15, 2002.

All other information remains the same, i.e., the deadline for filing applications for physical damage is April 8, 2002, and for loans for economic injury the deadline is November 7, 2002.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 21, 2002.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 02–4781 Filed 2–27–02; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3393]

State of Missouri; Amendment #1

In accordance with information received from the Federal Emergency Management Agency, dated February 13 and February 15, 2002, the above numbered declaration is hereby amended to include Barton, Cedar, Clark, Daviess, DeKalb, Knox, Lewis, Marion, Ralls and Scotland Counties in the State of Missouri as disaster areas due to damages caused by a severe winter ice storm, and to establish the incident period for this disaster as beginning on January 29, 2002 and continuing through February 13, 2002.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the previously designated location: Dade, Gentry and Jasper Counties in Missouri; Davis, Lee and Van Buren Counties in Iowa; and Adams, Hancock and Pike Counties in Illinois. All other counties contiguous to the above-named primary counties have been previously declared.

For economic injury the number is 9O6900 for Iowa and 9O7000 for Illinois.

All other information remains the same, i.e., the deadline for filing applications for physical damage is April 8, 2002, and for loans for economic injury the deadline is November 7, 2002.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 19, 2002.

Herbert L. Mitchell,

Associate Administrator, For Disaster Assistance.

[FR Doc. 02–4782 Filed 2–27–02; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 3924]

Bureau of Educational and Cultural Affairs, Office of Academic Exchange Programs (ECA/A); 30-Day Notice of Proposed Information Collection: Evaluation of DOS-Sponsored Academic Exchange Programs

ACTION: Notice.

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995. Comments should be submitted to OMB within 30 days of the publication of this notice.

The following summarizes the information collection proposal submitted to OMB:

Type of Request: New collection.

Originating Office: Bureau of Educational and Cultural Affairs, Office of Academic Exchange Programs (ECA/A).

Title of Information Collection: Evaluation of DOS-Sponsored Academic Exchange Programs.

Frequency: On occasion.

Form Number: N/A [Multiple survey questionnaires may be used for exchange programs on an on-going and per-program basis.]

Respondents: Respondents of evaluation and/or program monitoring information collections may include U.S. and foreign applicants, current grantee exchange visitor participants (J–1 visa) and alumni of the ECA/A exchange programs, program administrators, domestic grantee organizations, foreign partner organizations, domestic and foreign hosts of exchange visitor participants, and other similar types of respondents associated with ECA/A exchange programs.

Estimated Number of Respondents: 2,386.

Average Hours Per Response: 30 minutes.

Total Estimated Burden: 1,193 (2,386 total annual responses × 30 minutes).

Public comments are being solicited to permit the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER INFORMATION CONTACT: Copies of the proposed information collection and supporting documents may be obtained from the U.S. Department of State, Bureau of Educational and Cultural Affairs, Office of Policy and Evaluation, 301 4th Street, SW (SA–44), Room 357, Washington, DC 20520. Public comments and questions should be directed to the State Department Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20530, who may be reached on 202–395–3897.

Dated: December 27, 2001.

David Whitten,

ECA/EX, Executive Director, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 02–4851 Filed 2–27–02; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 3925]

Bureau of Educational and Cultural Affairs, Office of Citizen Exchanges (ECA/PE/C); 30-Day Notice of Proposed Information Collection: Evaluation of DOS-Sponsored Citizen Exchange Programs

ACTION: Notice.

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995. Comments should be submitted to OMB within 30 days of the publication of this notice.

The following summarizes the information collection proposal submitted to OMB:

Type of Request: New collection.

Originating Office: Bureau of Educational and Cultural Affairs, Office of Citizen Exchanges (ECA/PE/C).

Title of Information Collection: Evaluation of DOS-Sponsored Citizen Exchange Programs.

Frequency: On occasion.

Form Number: N/A (Multiple survey questionnaires may be used for exchange programs on an on-going and per-program basis.)

Respondents: Respondents of evaluation and/or program monitoring information collections may include U.S. and foreign applicants, current grantee exchange visitor participants (J–1 visa) and alumni of the ECA/PE/C exchange programs, program administrators, domestic grantee organizations, foreign partner organizations, domestic and foreign hosts of exchange visitor participants, and other similar types of respondents associated with ECA/PE/C exchange programs.

Estimated Number of Respondents: 1,485.

Average Hours Per Response: 30 minutes.

Total Estimated Burden: 743 (1,485 total annual responses × 30 minutes).

Public comments are being solicited to permit the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER INFORMATION CONTACT: Copies of the proposed information collection and supporting documents may be obtained from the U.S. Department of State, Bureau of Educational and Cultural Affairs, Office of Policy and Evaluation, 301 4th Street, SW (SA–44), Room 357, Washington, DC 20520. Public comments and questions should be directed to the State Department Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20530, who may be reached on 202–395–3897.

Dated: December 27, 2001.

David Whitten,

ECA/EX, Executive Director, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 02–4852 Filed 2–27–02; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 3932]

Culturally Significant Objects Imported for Exhibition Determinations: ''Anthony van Dyck: 'Ecce Homo' and 'The Mocking of Christ' ''

AGENCY: Department of State.
ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition ''Anthony van Dyck: 'Ecce Homo' and 'The Mocking of Christ' '', imported from abroad for temporary exhibition within the United States, are of cultural significance.The objects are imported pursuant to a loan agreement with the foreign owner. I also determine that the exhibition or display of the exhibit objects at The Art Museum, Princeton University, Princeton, NJ from on or about March 9, 2002 to on or about June 9, 2002, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State, (telephone: 202/619–6981). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: February 22, 2002.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 02–4858 Filed 2–27–02; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3929]

Culturally Significant Object Imported for ExhibitionDeterminations: ''Caspar David Friedrich's Giant Mountain (View of the Small Sturmhaube From Warmbrunn) c. 1810''

AGENCY: Department of State.
ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the object to be included in the exhibition ''Caspar David Friedrich's Giant Mountain (View of the Small Sturmhaube from Warmbrunn) c. 1810,'' imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner. I also determine that the exhibition or display of the exhibit object at the Russian Ambassador's residence, Washington, DC on or about March 14, 2002, and the Museum of Fine Arts, Houston, TX from on or about March 15, 2002 to on or about September 30, 2002, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State, (telephone: 202/619–6981). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: February 22, 2002.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 02–4855 Filed 2–27–02; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3930]

Culturally Significant Objects Imported for Exhibition Determinations: ''Oskar Kokoschka: Early Portraits, Vienna-Berlin, 1909–1914''

AGENCY: Department of State.
ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459),Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition ''Oskar Kokoschka: Early Portraits, Vienna-Berlin, 1909–1914,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners. I also determine that the exhibition or display of the exhibit objects at the Neue Galerie, New York, NY, from on or about March 15, 2002, to on or about June 10, 2002, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Julianne Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State, (telephone: 202/619–6529). The address is U.S. Department of State, SA–44, 301 4th Street, S.W., Room 700, Washington, D.C. 20547–0001.

Dated: February 22, 2002.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 02–4856 Filed 2–27–02; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3931]

Culturally Significant Objects Imported for Exhibition Determinations: ''Rubens, Jordaens, Van Dyck and Their Circle: Flemish Master Drawings From the Museum Boijmans Van Beuningen''

AGENCY: Department of State.
ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 [79 Stat. 985; 22 U.S.C. 2459], Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 [112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*], Delegation of Authority No. 234 of October 1, 1999 [64 FR 56014], and Delegation of Authority No. 236 of October 19, 1999 [64 FR 57920], as amended, I hereby determine that the objects to be included in the exhibition, ''Rubens, Jordaens, Van Dyck and their Circle: Flemish Master Drawings from the Museum Boijmans Van Beuningen,''

imported from abroad for temporary exhibition within the United States, are of cultural significance. These objects are imported pursuant to loan agreements with the foreign lenders. I also determine that the exhibition or display of the exhibit objects at The Frick Art Museum, Pittsburgh, Pennsylvania, from on or about April 5, 2002, to on or about June 2, 2002, the Appleton Museum of Art, Ocala, Florida, from on or about September 13, 2002, to on or about November 10, 2002, the Frist Center for the Visual Arts, Nashville, Tennessee, from on or about November 26, 2002, to on or about January 26, 2003, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of exhibit objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, 202/619–5997, and the address is United States Department of State, SA–44, Room 700, 301 4th Street, SW., Washington, DC 20547–0001.

Dated: February 19, 2002.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 02–4857 Filed 2–27–02; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3927]

Bureau of Educational and Cultural Affairs Request for GrantProposals: Balkan Educational Partnerships Program

SUMMARY: The Office of Global Educational Programs of the Bureau of Educational and Cultural Affairs announces an open competition for the Balkan Educational Partnerships Program. Public and private non-profit organizations and educational institutions meeting the provisions described in Internal Revenue Code 26 U.S.C. 501(c)(3) may submit proposals to cooperate with the Bureau in the administration of a three-year program to support the development of instruction in civic education, public administration, business administration, and the social, economic, and political sciences at eligible Balkan university faculties or departments and educational institutions. The means for achieving these objectives may include the exchange of teachers, administrators, and advanced students from the Balkan region with appropriate U.S. counterpart colleges and universities.

Program Information

Overview

The Balkan Educational Partnerships Program will fund three-year projects to permit U.S. institutions to work with counterpart university departments and educational institutions in Balkan countries and locations as specified in the RFGP. Applicants may either identify a U.S. college or university with which each Balkan educational partner would cooperate, or propose other models for exchange that will lead to the achievement of program objectives through increased cooperation by the Balkan partner institutions, their teachers and students with U.S. scholars, educators, and other professional experts. Pending availability of funds, approximately $2,010,000 is expected to be available in support of the Balkan Educational Partnerships Program in FY 2002.

Objectives

Program objectives are to assist participating Balkan institutions and individuals to: (1) Develop courses and curricula in eligible fields; (2) Improve teaching methods; (3) Develop educational materials which support new courses and curricula; (4) Train teachers or other practitioners in the effective use of these materials; and (5) Foster enduring relationships with U.S. academic institutions and educators. The program should equip participating Balkan institutions and educators to assist with the transitions to more market-oriented economies, to democratic political life, to strengthened civil societies, and to responsible administrative practices in the public sector. At the conclusion of the program, teachers at the participating Balkan institutions should be capable of teaching the newly introduced or revised courses and should be able to participate more fully in international dialogue with U.S. and other educators. Students graduating from the participating Balkan institutions should be better prepared to assume responsibilities in public service, education, and the private sector, and to exercise the duties of citizens in a democratic society.

Pending availability of funds, grants should begin on or about September 1, 2002.

Applicants should propose a plan that includes all of the projects listed below. If a specific partner is not identified, the applicant may identify any appropriate partner from the country or entity specified.

Albania: Political science at Tirana University. Funding for this project should not exceed $225,000.

Kosovo: Civic education. This project should be designed to support curriculum development at the primary or secondary level rather than at the university level and may include participants at the university level in Kosovo as well as the elementary and secondary levels. Educational administrators are also eligible to participate. Funding for this project should not exceed $185,000.

Kosovo: Law, education, or the social sciences. This project may include one or more faculties or departments of the University of Pristina. Funding for this project should not exceed $670,000.

Montenegro: Public administration and business administration. This project may include one or more faculties or departments. Funding for this project should not exceed $550,000.

Serbia (except Kosovo): Economics/business at the University of Novi Sad. Funding for this project should not exceed$180,000.

Serbia (except Kosovo): Law, business, public administration, journalism, education or the social sciences. This project may include one or more faculties or departments at one or more Serbian universities. Funding for this project(s) should not exceed $200,000.

The Bureau anticipates that funding may become available for additional sites in the future. Applicants are encouraged to contact the program office to discuss options and priorities for the various locations listed above.

Participant Eligibility

All participants traveling to the Balkans funded under the grant should represent U.S. educational institutions and must be U.S. citizens. Foreign participants must be both qualified to receive U.S. J–1 visas and willing to travel to the U.S. under the provisions of a J–1 visa during the exchange visits funded by this Program.

Programs must comply with J–1 visa regulations. Please refer to Solicitation Package for further information.

Budget Guidelines

The Bureau anticipates awarding one grant not to exceed $2,010,000. Applicants may submit a budget not to exceed this amount. Organizations with less than four years experience in conducting international exchanges are limited to $60,000, and are not encouraged to apply. The Bureau encourages applicants to provide

maximum levels of cost-sharing and funding from private sources in support of its programs.

Applicants must submit a comprehensive budget for the entire program. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants should provide separate sub-budgets for each sub-project with each foreign partner institution. Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

Announcement Title and Number: All correspondence with the Bureau concerning this RFGP should reference the above title and number ECA/A/S/U–02–13.

For Further Information Contact: To request a solicitation package, contact the Humphrey Fellowships and Institutional Linkages Branch; Office of Global Educational Programs; Bureau of Educational and Cultural Affairs; ECA/A/S/U, Room 349; U.S. Department of State; SA–44, 301 Fourth Street, SW., Washington, DC 20547; phone: (202) 619–5289, fax: (202) 401–1433. The Solicitation Package includes more detailed award criteria, all application forms, and guidelines for preparing proposals, including specific criteria for preparation of the proposal budget. Applicants desiring more information may contact Program Officer Jonathan Cebra at 202–205–8379 or *jcebra@pd.state.gov.*

Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

To Download a Solicitation Package Via Internet

The entire Solicitation Package may be downloaded from the Bureau's Web site at *http://exchanges.state.gov/education/RFGPs.* Please read all information before downloading.

Deadline for Proposals

All proposal copies must be received at the Bureau of Educational and Cultural Affairs by 5 p.m. Washington, DC time on Friday, April 26, 2002. Faxed documents will not be accepted at any time. Documents postmarked the due date but received on a later date will not be accepted. Each applicant must ensure that the proposals are received by the above deadline.

Applicants must follow all instructions in the SolicitationPackage. The original and ten copies of the application should be sent to: U.S. Department of State, SA–44, Bureau of Educational and Cultural Affairs, Ref.: ECA/A/S/U–02–13, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

No later than one week after the competition deadline, applicants must also submit the Proposal Title Sheet, Executive Summary, and Proposal Narrative sections of the proposal as e-mail attachments in Microsoft Word (preferred), WordPerfect, or as ASCII text files to the following e-mail address: partnerships@pd.state.gov. In the e-mail message subject line, include the following: ECA/A/S/U–02–13. To reduce the time needed to obtain advisory comments from the Public Affairs Sections of U.S. Embassies overseas, the Bureau will transmit these files electronically to these offices.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the ''Support for Diversity'' section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' the Bureau ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.''Public Law 106—113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package.All eligible proposals will be reviewed by the program office, as well as by the appropriate Public Diplomacy sections overseas. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and CulturalAffairs. Final technical authority for grants resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

(1) *Broad and Enduring Significance of InstitutionalObjectives:* Program objectives should have significant and ongoing results for the participating institutions and for their surrounding societies or communities by providing a deepened understanding of critical issues in one or more of the eligible fields. Program objectives should relate clearly to institutional and societal needs, including the transition of the Balkan countries to democratic systems based on market economies.

(2) *Creativity and Feasibility of Strategy to AchieveObjectives:* Strategies to achieve program objectives should be feasible and realistic within the budget and timeframe. These strategies should utilize and reinforce exchange activities creatively to ensure an efficient use of program resources.

(3) *Multiplier effect/impact:* Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages.

(4) *Support of Diversity:* Proposals should demonstrate substantive support of the Bureau's policy on diversity by explaining how issues of diversity are included in objectives for all institutional partners. Issues resulting from differences of race, ethnicity, gender, religion, geography, socio-economic status, or physical challenge should be addressed during program implementation. In addition, program participants and administrators should reflect the diversity within the societies which they represent (see the section of this document on ''Diversity,Freedom, and Democracy Guidelines''). Proposals should also discuss how the various

institutional partners approach diversity issues in their respective communities or societies.

(5) *Institution's Capacity and Record/ Ability:* Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals.Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by BureauGrant Staff. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants.

(6) *Evaluation:* Proposals should outline a methodology for determining the degree to which the project meets its objectives, both while it is underway and at its conclusion.The final program evaluation should include an external component and should provide observations about the program's influence within the participating institutions as well as their surrounding communities or societies.

(7) *Cost-effectiveness:* Administrative and program costs should be reasonable and appropriate with cost-sharing provided by all participating institutions within the context of their respective capacities. Cost-sharing is viewed as a reflection of institutional commitment to the program.

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961,Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' The funding authority for the program above is provided through legislation. The funding authority for the program cited above is provided through the Support for East EuropeanDemocracy (SEED) Act of 1989.

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures.

Dated: February 20, 2002.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 02–4853 Filed 2–27–02; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 3928]

Bureau of Educational and Cultural Affairs Request for Grant Proposals (ECA/PE/C–02–27): Intercultural Public-Private Fellows Program for Africa, Eurasia, Latin America, the Middle East, and South Asia

Summary: Subject to the availability of funds, the Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs (ECA) announces an open grant competition to conduct a new initiative entitled, ''The Intercultural Public Private Fellows Program'' (ICPP Fellows Program). Public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26USC 501(c)(3) may submit proposals to conduct this exchange program. The goal of the ICPP Fellows Program is to foster mutual understanding by bringing together American and foreign arts practitioners for an intercultural educational dialogue. The program will achieve this by introducingAmerica's most talented visual, performing, film and literary arts professionals around the world; bringing foreign counterparts to various regions of the United States in order to expose American audiences to other cultural arts traditions; and building linkages between the most prominent foreign and American arts education and cultural institutions. The proposal should include an equal number of foreign and American fellows in this reciprocal exchange program. Each applicant's program design must specify an appropriate theme and a proposed geographic region and/or list of countries that will participate. Multi-country programs are strongly encouraged. Cross-regional programs are also eligible where the program theme relates to multiple regions. Proposals for countries and regions with significant Muslim populations are strongly encouraged. ECA is committed to geographic diversity in its programs and invites proposal submissions for the ICPP Fellows Program from the many notable and prestigious institutions and organizations located throughout the geographic regions of the U.S.

ECA expects to award 2–4 grants of up to $250,000 in ECA funding (subject to funding availability), with significant cost sharing (approximately 50%) from the applicant institution and/or other sources. Organizations with less than four years of experience in conducting international exchange programs are not eligible for this competition.

Program Information

Overview

The ''Intercultural Public Private Fellows Program'' is designed to foster mutual understanding and encourage an international cultural arts and educational dialogue through exchange activities, community outreach and joint projects. The ICPP Fellows Program is intended to be a reciprocal exchange of highly accomplished individuals or groups that builds linkages and promotes joint projects between prominent arts education and cultural institutions, during the grant period and continuing after the program ends. The eligible regions for FY 2002 are Africa, Eurasia, Latin America, the Middle East, and South Asia. ECA strongly encourages proposals for countries and regions with significant Muslim populations.

Proposals for the ICPP Fellows Program should provide opportunities for American and foreign ICPP Fellows to travel on exchange visits, bringing their art and expertise to the most notable halls, galleries, museums and institutions in the U.S. and overseas. The fellows would also participate in workshops and master classes led by well-known and highly regarded artists and cultural arts professionals. To address mutual understanding and respect, and as a main component of this program, American and foreign fellows would engage in community outreach and presentation of educational programs in their host communities and at home upon their

return. The proposal should indicate that an approximately equal number of foreign and American fellows will participate in a reciprocal exchange program, and that the program design will contribute to building and supporting strong linkages between and among American and foreign ICPP Fellows, and with their home and host institutions. These linkages would continue after the ICPP Fellows Program grant period has ended.

Applicant organizations must demonstrate the ability to administer all aspects of the ICPP Fellows Program—recruitment and selection of an equal number of American and foreign fellows, orientations, program activities, monitoring and support of ICPP Fellows including all logistics, financial management and evaluation. Applicant organizations must demonstrate the ability to recruit and select a diverse pool of candidates from various geographic regions in the U.S. and abroad, and will be expected to help ICPP fellows develop follow-on ideas and projects to be implemented upon return to their home countries. Further detail and clarification of specific program responsibilities can be found in the Project Objectives, Goals, and Implementation (POGI) Statement, which is part of the formal solicitation package.

Organizations planning to submit a proposal for the ICPP Fellows Program should contact the program office for a consultation before the submission deadline. Before contacting ECA, organizations should read the entire**Federal Register** announcement and be ready to discuss a concrete concept specific to the guidelines supplied in this request for grant proposals. To schedule a consultation, contact Karen Turner at (202) 205–3003; Fax: (202) 619–4350; e-mail: *kturner@pd.state.gov.*

Guidelines

Pending availability of funds, all grants will begin on approximately September 1, 2002. ECA anticipates awarding up to four grants under this competition.

Proposals should reflect a practical understanding of the 4144ent cultural, political, economic and social environment relevant to the applicant organization's proposed program theme and the countries or regions involved. If applicable, applicants should identify the U.S. and foreign partner organizations with whom they are proposing to collaborate, and describe previous cooperative projects in the section on ''Institutional Capacity.''

Program activities may include, but are not limited to: An open, merit-based recruitment and selection process; orientations; workshops and master classes; performances, readings, productions, screenings, exhibits and other similar activities; community outreach & educational activities; development and implementation of joint projects; monitoring & support; and evaluation. Orientations are required for both American and foreign fellows, and should include all program staff. The program should include activities that specifically promote mutual understanding and that allow the foreign program participants to experience American life and culture, and that will provide Americans an opportunity to learn about the cultures of the foreign host countries.

The ICPP Fellows Program must conform to ECA requirements and guidelines outlined in the Solicitation Package. ECA programs are subject to the availability of funds and must comply with J–1 Visa regulations. Please refer to the Solicitation Package for further information.

Budget Guidelines

ECA grant guidelines limit organizations with less than four years experience conducting international exchanges to $60,000 in Bureau grant support. Because of the scope and complexity of this program, organizations with less than four years experience in conducting international exchanges are not eligible to apply under this competition.

ECA encourages applicant organizations to provide maximum levels of cost sharing and funding from private sources in support of its programs. Applicant organizations must submit a comprehensive line item budget to include a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification. A comprehensive budget narrative must accompany the line item budget, clearly explaining all proposed costs. Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

Cost sharing: Organizations should provide approximately fifty (50) percent cost sharing. Since the Bureau's grant assistance constitutes only a portion of total project funding, proposals should list and provide evidence of other sources of cost sharing, including financial and in-kind support. In-kind contributions may include, but are not limited to, donations of airfares, hotel and/or housing costs, consultant fees, ground transportation, interpreters, room rentals and equipment. Proposals with substantial private sector support from foundations, corporations, and other institutions will be considered highly competitive. Please refer to the statement on cost sharing in the Proposal Submission Instructions.

Allowable costs for the program include the following:

(1) General Program Costs.

(2) Participant Program Costs.

(3) Administrative Expenses.

Review of your budget will benefit from your professional judgment of costs for activities in the proposal. The Bureau is committed to containment of administrative expenses, consistent with overall program objectives and sound management principles. Program activities and line items to be cost-shared should be included in the narrative and the budget. Please refer to the Proposal Submission Instructions (PSI) in the Solicitation Package for complete budget guidelines.

Project Funding

Proposals may include budgets of up to $250,000 in ECA funding, not including cost sharing from the applicant institution and/or other sources. All applicants must demonstrate in the proposal narrative a minimum of four years experience conducting international exchanges.

Announcement Title and Number

All communications with ECA concerning this Request for Grant Proposals (RFGP) should refer to the announcement title: ''ICPP Fellows Program'' and reference number: ECA/PE/C–02–27.

Deadline for Proposals

All copies must be received by the U.S. Department of State, Bureau of Educational and Cultural Affairs, by 5 p.m. Washington, DC time on Wednesday, April 24, 2002. Faxed documents will not be accepted at any time. The mailroom closes at 5 p.m. sharp; no late submissions will be accepted. Documents postmarked or sent by express mail or courier to arrive by April 24, 2002, but received at a later date, will not be accepted. Each applicant must ensure that the proposals are received by the above deadline.

To Download an Application Package via the Internet

The entire Application Package (RFGP, POGI and PSI) may be downloaded from the Bureau's website

at *http://exchanges.state.gov/education/rfgps/.*

For Further Information Contact: Mailing address: United States Department of State, SA–44, Bureau of Educational and Cultural Affairs, Office of Citizen Exchanges (ECA/PE/C), Room 220, Washington, DC 20547, attn: ICPP Fellows Program ECA/PE/C–02–27. Tel: (202) 205–3003; Fax: 202–619–4350; E-mail: *kturner@pd.state.gov.*

Interested applicants may request a copy of the Application

Package. Please specify: ''ICPP Fellows Program ECA/PE/C–02–27'' on all inquiries and correspondence. All potential applicants should read the complete announcement before sending inquiries or submitting proposals.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Affairs Sections of the U.S. embassies overseas, where appropriate. Eligible proposals will be forwarded to panels of ECA officers for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Acting Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards resides with ECA's Grants Officer.

Submissions

Applicants must follow all instructions given in the Solicitation Package (RFGP, POGI, PSI). The applicant's original proposal and ten (10) copies should be sent to: U.S. Department of State, Ref.: ECA/PE/C–02–27, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW, Washington, DC 20547.

Applicants must also submit the ''Executive Summary,'' ''Proposal Narrative'' and ''Budget'' sections of the proposal on a 3.5″ diskette. The Bureau will transmit these files electronically to the Public Affairs Sections at the U.S. Embassies for review, with the goal of reducing the time it takes to get embassy comments for the Bureau's grants review process. Once the RFGP deadline has passed, Bureau staff may not discuss this competition in any way with applicants until the proposal review process has been completed.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. Proposals should adequately address each area of review. These criteria are not rank ordered and all are given equal weight.

1. Quality of the Program Idea
2. Program Planning and Ability to Achieve Objectives
3. Institutional Capacity
4. Cost Effectiveness and Cost Sharing
5. Program Evaluation
6. Multiplier Effect/Impact
7. Follow-on Activities
8. Support of Diversity

Applicants should refer to the POGI in the Solicitation Package for more detailed information on the review criteria.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the ''Support for Diversity'' section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' the Bureau ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural ExchangeAct of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' The funding authority for the program above is provided through legislation.

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau or program officers that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the U.S. Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements. Organizations will be expected to cooperate with the Bureau in evaluating their programs under the principles of the Government Performance and Results Act (GPRA) of 1993, which requires federal agencies to measure and report on the results of their programs and activities.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal U.S. Department of State procedures.

Dated: February 21, 2002.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 02–4854 Filed 2–27–02; 8:45 am]

BILLING CODE 4710–05–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Negotiation of a U.S.-Singapore Free Trade Agreement

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of public hearings concerning negotiation of a U.S.-Singapore Free Trade Agreement.

SUMMARY: This publication gives notice that the Trade Policy Staff Committee (TPSC) will conduct public hearings

concerning negotiation of a U.S.-Singapore Free Trade Agreement.

DATES: A hearing will be held on Monday, April 1, 2002. Parties wishing to testify orally at the hearings must provide written notification of their intention by noon, Monday, March 18, 2002. Parties presenting oral testimony also must submit a written brief by noon Thursday, March 21, 2002.

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning public comments or public hearings, contact Gloria Blue, Executive Secretary, Trade Policy Staff Committee, USTR, 1724 F Street, NW., Washington, DC 20508, telephone (202) 395–3475. All other questions should be directed to Barbara Weisel, Deputy Assistant U.S. Trade Representative for Bilateral Asian Affairs, (202) 395–6813, or Will Martyn, Associate General Counsel, (202) 395–3582.

SUPPLEMENTARY INFORMATION:

1. Background

In November 2000, the United States and Singapore announced that they would enter into negotiations on a bilateral free trade agreement (FTA). Negotiations were launched in December 2000. In early 2001, the Bush Administration reaffirmed the United States' commitment to the negotiations. The parties expect that negotiations will intensify in the coming months.

As described in the previous notice, *see* 65 FR 71197, the United States and Singapore are seeking to eliminate duties and commercial barriers to bilateral trade in U.S. and Singaporean-origin goods. The agreement is also expected to include provisions on trade in services, investment, trade-related aspects of intellectual property rights, competition, government procurement, electronic commerce, trade-related environmental and labor matters, and other issues.

2. Public Comments and Testimony

In conformity with TPSC regulations (15 CFA part 2003), the Chairman of the TPSC invites written comments and/or oral testimony of interested persons in a public hearing on the economic effects of a U.S.-Singapore FTA.

Comments are invited particularly on:

(a) Economic costs and benefits to U.S. producers and consumers of removal of all tariff barriers to trade between Singapore and the United States, and in the case of articles for which immediate elimination of tariffs is not appropriate, the appropriate staging schedule for such elimination.

(b) Existing nontariff barriers to trade in goods between Singapore and the United States and the economic costs and benefits to U.S. producers and consumers of removing those barriers.

(c) Existing restrictions on investment flows between Singapore and the United States and the costs and benefits to U.S. investors and consumers of eliminating any such restrictions.

(d) Any other matter relevant to the U.S.-Singapore FTA, including any other measures, policies, or practices of the Government of Singapore that should be addressed in the negotiations.

(e) Possible effects on basic workers' rights, working conditions, and living standards, as well as the possible environmental effects. Supplemental comments also are being requested on the scope of the environmental review of the proposed U.S.-Singapore FTA currently under negotiation. Persons who submit comments pursuant to the **Federal Register** Notice should not resubmit those comments for this proceeding.

3. Requests To Participate in Public Hearings

A hearing will be held on Monday, April 1, 2002 in Room 1 and 2, 1724 F Street, NW., Washington, DC 20508. Hearings will continue on succeeding days if necessary.

Parties wishing to testify orally at the hearings must provide written notification of their intention by noon, Monday, March 18, 2002 to Gloria Blue, Executive Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative. Requests should be made by e-mail to FR*0017@ustr.gov* or by fax to 202–395–5141, Attn: Gloria Blue. Notification may be submitted by mail to Gloria Blue, 1724 F Street, N.W., Washington, D.C. 20508. However, due to significant delays, we have no means of ensuring its timely receipt. The notification should include (1) the name, address, and telephone number of the person presenting the testimony; and (2) a brief summary of the presentation, including the product(s) (with HTSUS numbers), service sector(s), or other subjects to be discussed.

Parties presenting oral testimony also must submit by noon, Thursday, March 21, 2002 a written brief of that testimony. To ensure prompt receipt, the testimony should also be submitted electronically to FR*0018@ustr.gov* or by fax to (202) 395–5141, Attn: Gloria Blue (see note above on mail delivery) . Remarks at the hearing should be limited to no more than five minutes to allow for possible questions from the Chairman and the interagency panel.

Those persons not wishing to participate in the hearing may submit written comments no later cob, Friday, April 5, 2002. To ensure prompt receipt, comments should also be submitted by fax to (202) 395–5141, Attn: Gloria Blue or by e-mail to *FR0019@ustr.gov* (see note above on mail delivery). Comments should state clearly the position taken and should describe with particularity the evidence supporting that position.

Any notifications or briefs should be submitted in accordance with the instructions in section 4, below. The TPSC cannot guarantee receipt or consideration of any submissions that do not conform with those instructions.

4. Requirements for Submissions

Persons submitting a brief in response to this notice by electronic mail should transmit a copy electronically to *FR0018@ustr.gov*, with ''Singapore FTA hearing'' in the subject line. USTR encourages the submission of documents in Adobe PDF format, as attachments to an electronic mail. For any document containing business confidential information submitted by electronic transmission, the file name of the business confidential version should begin with the characters ''BC-'', and the file name of the public version should begin with the characters ''P-''. The ''P-'' or ''BC-'' should be followed by the name of the submitter. Persons who make submissions by electronic mail should not provide separate cover letters; information that might appear in a cover letter should be included in the submission itself. Similarly, to the extent possible, any attachments to the submission should be included in the same file as the submission itself, and not as separate files.

Notifications and briefs will be placed in a file open to public inspection pursuant to 15 CFR 2003.5, except confidential business information exempt from public inspection in accordance with 15 CFR 2003.6. Confidential business information submitted in accordance with 15 CFR 2006.6 must be clearly marked ''BUSINESS CONFIDENTIAL'' at the top of each page, including the cover letter or cover page, and must be accompanied by a nonconfidential summary of the confidential information. All public documents and nonconfidential summaries shall be available for public inspection in the USTR Reading Room. The USTR Reading Room is open to the public from 10 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday, and is located in Room 3, First Floor, Office of the United States Trade Representative, 1724 F Street, NW, Washington, DC 20508. An appointment

to review the file may be made by calling (202) 395–6186.

Carmen Suro-Bredie,

Chairman, Trade Policy Staff Committee.

[FR Doc. 02–4838 Filed 2–27–02; 8:45 am]

BILLING CODE 3190–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary; Notice of Order Soliciting Community Proposals

AGENCY: Department of Transportation.

ACTION: Notice of Order Soliciting Community Proposals (Order 2002–2–11), Docket OST–2002–11590.

SUMMARY: The Department of Transportation is instituting a new small community air service development program by soliciting an initial round of proposals from interested communities and consortiums of communities.

DATES: Proposals should be submitted no later than 60 days after the service date of Order 2002–2–11, April 22, 2002.

ADDRESSES: Interested parties should submit an original and five copies of their proposals, bearing the title ''Proposal under the Small Community Air Service Development Pilot Program, Docket OST–2002–11590'' as well as the name of the community or consortium of communities, and the legal sponsor, to the Docket Operations and Media Management Division, SVC–124, Room PL–401, Department of Transportation, 400 7th Street, SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Matthew C. Harris, Special Assistant to the Assistant Secretary for Aviation and International Affairs, Department of Transportation, 400 7th Street, SW, Washington, DC 20590 (202) 366–8822.

Dated: February 22, 2002.

Read C. Van de Water,

Assistant Secretary for Aviation and International Affairs.

[FR Doc. 02–4850 Filed 2–27–02; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Lake Shore Railway Association

[Docket Number FRA–2002–11530]

The Lake Shore Railway Association (LSRX) seeks a waiver of compliance for locomotive number 13031, from the requirements of the *Safety Glazing Standards*, 49 CFR part 223, which requires certified glazing in all locomotive windows except those locomotives used in yard service and from the requirements of the *Railroad Safety Appliance Standards*, 49 CFR 231.30, which requires all locomotives used in switching service be equipped with four corner stairway openings and each stairway opening must be equipped with two vertical handholds. The waiver request is for a mid-cab locomotive built by General Electric in 1941–1942 .

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA–2002–11530) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room Pl–401, Washington, DC 20590–0001. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov*.

Issued in Washington, DC, on February 25, 2002.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 02–4767 Filed 2–27–02; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Northeast Illinois Railroad Corporation

[Docket Number FRA–2002–11502]

The Northeast Illinois Railroad Corporation, doing business as Metra, has petitioned for a permanent waiver of compliance from the requirements of the *Fire Safety* standard, 49 CFR 238.103, which requires materials used on the passenger car meet the test performance criteria for flammability and smoke emission characteristics as specified in appendix B to this section. Metra stated that each of its current fleet of 781 bi-level gallery cars and 165 EMU cars has an emergency tool/first aid pocket that are located on both the ''A'' and ''B'' ends of the vehicle. The pockets are covered with acrylic for two reasons, *i.e.,* it affords rapid accessibility in case of an emergency as minimal blow is required to break the cover; and its transparency allows railroad to inspect the contents such as the fire extinguisher charge. Metra stated that the entire surface area of the acrylic is 160 square inches and the acrylic material does not meet the above-mentioned flammability and smoke emission standards. Metra also stated that it tried to consider an alternative material—Lexan, and found it unacceptable due to the reduced accessibility and cutting hazards when it is broken. Metra is in the process of ordering 300 new gallery and EMU cars.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver

Petition Docket Number FRA–2002–11502) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL–401, Washington, DC 20590–0001. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov.*

Issued in Washington, DC, on February 25, 2002.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 02–4766 Filed 2–27–02; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Federal Highway Administration

Supplemental Environmental Impact Statement for the South Corridor Segement of the South/North Transit Corridor Project in the Portland, Oregon Metropolitan Area

AGENCY: Federal Transit Administration, DOT and Federal Highway Administration, DOT.

ACTION: Notice of intent to prepare a supplemental environmental impact statement.

SUMMARY: The Federal Transit Administration, the Federal Highway Administration, Metro and Tri-Met intend to prepare a Supplemental Environmental Impact Statement (SEIS) in accordance with the National Environmental Policy Act (NEPA) for transit improvements in the southern segment of the South/North Transit Corridor (referred to as the South Corridor Project) of the Portland Oregon metropolitan region. Conditions have changed since the South/North DEIS was published. The Corridor has been divided into minimum operable segments. The North Corridor Interstate MAX FEIS was published and the project is under construction. The South Corridor Transportation Alternatives Study was performed to re-examine transportation options in the South Corridor.

The purpose of this new Notice of Intent is to re-notify interested parties of the intent to prepare a SEIS and invite participation in the study. Over time, traffic congestion in the South Corridor has degraded transit reliability and increased transit travel time. The project proposes to implement a major high capacity transit improvement in the South Corridor segment of the South/North Corridor, that maintains livability in the metropolitan region, supports land use goals, optimizes the transportation system, is environmentally sensitive, reflects community values and is fiscally responsive. Six transit alternatives (described below) will be evaluated in the SDEIS.

MEETING DATES: *Agency Coordination Meeting:* An agency coordination meeting will be held at 10 a.m. on Wednesday, March 13, 2002, at the Metro Regional Center, 600 NE Grand Avenue, Portland Oregon.

Public Information Meeting: A public information meeting will be held from 4 to 7 p.m. on Wednesday, March 20, 2002 at the Metro Regional Center, 600 NE Grand Avenue, Portland Oregon. The Metro Regional Center is accessible to persons with disabilities. Any individual with a disability who requires special assistance, such as a sign language interpreter, should contact Kirstin Hull at (503) 797–1864, at least 48-hours in advance of the meeting in order for Metro to make necessary arrangements.

FOR FURTHER INFORMATION CONTACT: Agency Coordination contact Sharon Kelly, Metro EIS Manager at (503) 797–1753 or (e-mail) *KellyS@Metro.dst.or.us.* Public Information contact Kristin Hull, Metro Public Involvement Coordinator at (503) 797–1864 or (e-mail) *Hull@Metro.dst.or.us.* Written Comments should be sent to Sharon Kelly, South Corridor Project, Metro, 600 NE Grand Avenue, Portland OR 97232. Additional information on the South Corridor Project can also be found on the Metro Web site at: *www.metro-region.org.*

SUPPLEMENTARY INFORMATION:

1. Notice of Intent

This new Notice of Intent to prepare a Supplemental EIS is being published at this time to re-notice interested parties due to the changes that have occurred since the initial Notice of Intent (October 1993), publication of the South/North DEIS (February 1998), and publication of the North Corridor Interstate MAX Light Rail Project FEIS (October 1999). The South Corridor Project is re-examining high capacity transit alternatives in the southern segment of the South/North Corridor. Also, the Federal Highway Administration (FHWA) is joining the Federal Transit Administration (FTA) as a Federal Co-Lead. Because the study is primarily a transit alternatives study, FTA regulations and guidance will be used for the analysis and preparation of the South Corridor Project SEIS.

II. Study Area

The South Corridor generally encompasses the southeast quadrant of the Portland, Oregon metropolitan area, including downtown Portland, Southeast Portland neighborhoods, the City of Milwaukie, the City of Gladstone, the City of Oregon City and urban unincorporated Clackamas County (east of the Willamette River).

III. Alternatives

Six alternatives will be evaluated in the SDEIS. The *No-Build Alternative* will provide the basis for comparison of the build alternatives. The No-Build Alternative includes the existing transportation system plus multi-modal transportation improvements that would be constructed under the Regional Transportation Plan Financially Constrained Transportation Network. The *Bus Rapid Transit (BRT) Alternative* provides low cost capital and operating improvements to the existing bus transit system. The BRT Alternative includes bus priority treatments on existing streets, intelligent transportation system (ITS) treatments, simplified fare payment methods, fewer stops and other amenities that would enhance bus service. The *Busway Alternative* includes elements of a separated busway in combination with BRT elements connecting the Transit Mall in downtown Portland with downtown Milwaukie and the Clackamas Town Center area. The *Milwaukie Light Rail Alternative* includes 6.3 miles of new light rail transit connecting to the existing light rail system in downtown Portland and extending to downtown Milwaukie. Some BRT improvements would also be included in this alternative. The *I–205 Light Rail Alternative* includes 6.5 miles of new light rail transit connecting to the existing light rail system at Gateway and extending south along I–205 to the Clackamas Town Center area. Some BRT improvements would also be included in this alternative. The *Combined Light Rail Alternative* includes both Milwaukie Light Rail and I–205 Light Rail along with some BRT components.

IV. Probable Effects

FTA, FHWA, Metro and Tri-Met will evaluate all significant transportation, environmental, social and economic impacts of the alternatives. Primary issues include: support of state, regional and local land use and transportation plans and policies, cost effective expansion of the transit system, preservation of capacity enhancement options of I–205, neighborhood impacts and environmental sensitivity. The impacts will be evaluated for both the construction period adn for the long-term period of operation. Measures to mitigate any significant impact will be developed.

Issued on: February 25, 2002.

Linda Gehrke,

Deputy Regional Admininstrator, Region, X, Federal Transit Administration.

Elton H. Change,

Environmental Coordinator, Oregon Division, Federal Highway Administration.

[FR Doc. 02–4849 Filed 2–27–02; 8:45 am]

BILLING CODE 4910–57–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket No. NHTSA–01–11136]

Reports, Forms, and Record Keeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under new procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections.

This document describes one collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before April 29, 2002.

ADDRESSES: Direct all written comments to U.S. Department of Transportation Dockets, 400 Seventh Street, SW., Plaza 401, Washington, DC 20590. Docket No. NHTSA–01–11136.

FOR FURTHER INFORMATION CONTACT: Mr. Alan Block, Contracting Officer'sTechnical Representative, Office of Research and Traffic Records (NTS–31), National Highway Traffic Safety Administration, 400 Seventh Street, SW., Room 6240, Washington, DC 20590.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) 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;

(ii) 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;

(iii) How to enhance the quality, utility, and clarity of the information to be collected; and

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks public comment on the following proposed collection of information:

2002 Motor Vehicle Occupant Safety Survey

Type of Request: New information collection requirement.

OMB Clearance Number: None.

Form Number: This collection of information uses no standard forms.

Requested Expiration Date of Approval: December 31, 2003.

Summary of the Collection of Information: NHTSA proposes to conduct a year 2002 Motor Vehicle Occupant Safety Survey by telephone among a national probability sample of 12,000 adults (age 16 and older). Participation by respondents would be voluntary. NHTSA's information needs require seat belt and child safety seat sections too large to merge into a single survey instrument without producing an inordinate burden on respondents. Rather than reduce these sections, the proposed survey instrument would be divided into two questionnaires. Each questionnaire would be administered to one-half the total number of subjects to be interviewed. Questionnaire #1 would focus on seat belts and include smaller sections on air bags, motorcyclist safety, and general driving (including speed). Questionnaire #2 would focus on child restraint use, accompanied by smaller sections on air bags and Emergency Medical Services. Both questionnaires would contain sections on crash injury experience, and on drinking and driving because of the extensive impact of alcohol on the highway safety problem. Some basic seat belt questions contained in Questionnaire #1 would be duplicated on Questionnaire #2.

In conducting the proposed survey, the interviewers would use computer-assisted telephone interviewing to reduce interview length and minimize recording errors. A Spanish-language translation and bilingual interviewers would be used to minimize language barriers to participation. The proposed survey would be anonymous and confidential.

Description of the Need for the Information and Proposed Use of the Information

The National Highway Traffic Safety Administration (NHTSA) was established to reduce the mounting number of deaths, injuries and economic losses resulting from motor vehicle crashes on the Nation's highways. As part of this statutory mandate, NHTSA is authorized to conduct research as a foundation for the development of motor vehicle standards and traffic safety programs.

During the late 1960s and early 1970s, more than 50,000 persons were killed each year in motor vehicle crashes in the United States. Diverse approaches were taken to address the problem. Vehicle safety designs and features were improved; restraint devices were improved; safety behaviors were mandated in state legislation (including seat belt use, child safety seat use, and motorcycle helmet use); alcohol-related legislation was enacted; this legislation was enforced; public information and education activities were widely implemented; and roadways were improved.

As a result of these interventions and improvements, crash fatalities dropped significantly. By 1992, total fatalities had fallen to 39,250, representing a 23% decline from 1966. In addition, the resident population and the number of vehicle miles traveled increased greatly over those years. When fatality rates are computed per 100,000 population, the rate for 1992 (15.39) was about 40

percent lower than the 1966 rate (25.89). In sum, heightened highway safety activity conducted over the past three decades corresponds with major strides in reducing traffic fatalities.

Remaining barriers to safety will be more resistant to programmatic influences now that the easy gains have already been accomplished. Moreover, crash fatalities have edged higher since 1992, totaling 41,821 in 2000. Thus significant effort will be needed just to preserve the gains that already have been made. Up-to-date information is essential to plot the direction of future activity that will achieve reductions in crash injuries and fatalities in the coming years.

In order to collect the critical information needed by NHTSA to develop and implement effective countermeasures that meet the Agency's mandate to improve highway traffic safety, NHTSA conducted its first Motor Vehicle Occupant Safety Survey in 1994. The survey included questions related to seat belts, child safety seats, air bags, bicyclist safety, motorcyclist safety, and Emergency Medical Services. It also contained small segments on alcohol use and on speeding. The survey has been repeated biennially through year 2000, with the survey instrument updated prior to each survey administration to incorporate emergent issues and items of increased interest.

The proposed survey is the fifth Motor Vehicle Occupant Safety Survey. The survey would collect data on topics included in the preceding surveys and would monitor changes over time in the use of occupant protection devices and in attitudes related to vehicle occupant safety. It is important that NHTSA monitor these changes so that the Agency can determine the effects of its efforts to promote the use of safety devices and to identify areas where its efforts should be targeted and where new strategies may be needed. As in earlier years, NHTSA proposes to make a small number of revisions to the survey instrument to address new information needs. If approved, the proposed survey would assist NHTSA in addressing the problem of motor vehicle occupant safety and in formulating programs and recommendations to Congress. The results of the proposed survey would be used to: (a) Identify areas to target current programs and activities to achieve the greatest benefit; (b) develop new programs and initiatives aimed at increasing the use of occupant safety devices by the general public; and (c) provide informational support to States and localities in their traffic safety efforts. The findings would also be used directly by State and local highway safety and law enforcement agencies in the development and implementation of effective countermeasures to prevent injuries and fatalities to vehicle occupants.

Description of the Likely Respondents (Including Estimated Number, and Proposed Frequency of Response to the Collection of Information)

Under this proposed effort, a telephone interview averaging approximately 20 minutes in length would be administered to each of 12,000 randomly selected members of the general public age 16 and older in telephone households. The respondent sample would be selected from all 50 states plus the District of Columbia. Interviews would be conducted with persons at residential phone numbers selected through random digit dialing. Businesses are ineligible for the sample and would not be interviewed. No more than one respondent would be selected per household. Each member of the sample would complete one interview.

Estimate of the Total Annual Reporting and Record Keeping Burden Resulting from the Collection of Information

NHTSA estimates that each respondent in the sample would require an average of 20 minutes to complete the telephone interview. Thus, the number of estimated reporting burden hours a year on the general public (12,000 respondents multiplied by 1 interview multiplied by 20 minutes) would be 4000 for the proposed survey. The respondents would not incur any reporting cost from the information collection. The respondents also would not incur any record keeping burden or record keeping cost from the information collection.

Rose A. McMurray,

Associate Administrator, Traffic Safety Programs.

[FR Doc. 02–4562 Filed 2–27–02; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34148]

Genesee & Wyoming Inc.—Control Exemption—ETR Acquisition Corporation and Emons Transportation Group, Inc.

Genesee & Wyoming Inc. (GWI), a noncarrier holding company,[1] has filed a verified notice of exemption to (i) acquire all of the stock of Emons Transportation Group, Inc. (Transportation), a noncarrier holding company, and (ii) continue in control of ETR Acquisition Corporation (Acquisition), a noncarrier wholly owned subsidiary of GWI. Transportation directly controls Emons Railroad Group, Inc. (Emons Rail), a noncarrier holding company, and indirectly controls the following wholly owned Class III rail carrier subsidiaries (subsidiaries) of Emons Rail: York Railway Company (York), operating in the State of Pennsylvania; Penn Eastern Rail Lines, Inc., operating in the State of Pennsylvania; St. Lawrence & Atlantic Railroad Company (SLR), operating in the States of Vermont, New Hampshire, and Maine; and St. Lawrence & Atlantic Railroad (Quebec) Inc., operating in the State of Vermont via trackage rights over a portion of the rail line owned by SLR.[2] Acquisition will be the mechanism used by GWI to acquire ownership of Transportation.[3] Through GWI's acquisition of Transportation, GWI will have indirect control of the subsidiaries.

The transaction is expected to be consummated on or shortly after February 22, 2002.

GWI states that: (i) The properties of subsidiaries and affiliates will not connect with each other; (ii) the acquisition and continuance in control are not part of a series of anticipated transactions that would connect the rail lines of subsidiaries and affiliates with each other; and (iii) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Because the transaction involves one Class II and one or more Class III rail carriers, the exemption is

[1] The verified notice indicates that GWI has direct control of one Class II rail carrier subsidiary and 14 Class III rail carrier subsidiaries. In addition, GWI has indirect control of three Class III rail carrier subsidiaries, through its ownership of noncarrier Rail Link, Inc. The direct and indirect subsidiary rail carriers of GWI are collectively referred to as Affiliates.

[2] The verified notice states that Transportation also controls Maryland and Pennsylvania Railroad, LLC, and Yorkrail, LLC, two non-operating common carriers, which separately hold the rail assets over which York operates.

[3] According to the verified notice, the shareholders of Transportation will become entitled to payment of money and their shares will be cancelled. Further, Acquisition will be merged into the surviving Transportation with each share of Acquisition being converted into a share of stock of the surviving Transportation and GWI thereby becoming the sole shareholder of Transportation.

subject to the labor protection requirements of 49 U.S.C. 11326(b).

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. 34148, 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 Troy W. Garris, Esq., Weiner Brodsky Sidman Kider PC, 1300 Nineteenth Street, N.W., Fifth Floor, Washington, DC 20036–1609.

Board decisions and notices are available on our website at *www.stb.dot.gov.*

Decided: February 21, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–4666 Filed 2–27–02; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Transportation Security Administration

[Docket No. TSA–2002–11334]

RIN 2110–AA02

Reports, Forms and Record Keeping Requirements; OMB Approval of Agency Information Collection Activity

AGENCY: Transportation Security Administration, DOT.

ACTION: Notice.

SUMMARY: Pursuant to the Aviation and Transportation Security Act, Public Law 107–71, November 19, 2001, the Transportation Security Administration (TSA) imposed a fee, known as the Aviation Security Infrastructure Fee, on air carriers and foreign air carriers engaged in air transportation, foreign air transportation, and intrastate air transportation that is necessary to help defray the costs of providing U.S. civil aviation security services. The Interim Final Rule (IFR) imposing the Aviation Security Infrastructure Fee contains information collection requirements. On February 20, 2002, the **Federal Register** published this IFR, which was effective February 18, 2002, and it may be reviewed at 67 FR 7926.

The IFR indicates that, pursuant to 5 CFR 1320.13, Emergency processing, TSA has asked the Office of Management and Budget (OMB) for temporary emergency approval for the information collection contained therein. The IFR states TSA's estimated costs, estimated burden hours, and other calculations regarding the information collection that TSA submitted to OMB. It also solicits comments regarding any aspect of the information collection requirements.

This Notice serves to inform the public that on February 13, 2002, OMB approved the information collection contained in the IFR and assigned it OMB control number 2110–0002. The information collection is approved through August 31, 2002. During this time period, TSA will apply to OMB for a three-year extension of the information collection approval.

FOR FURTHER INFORMATION CONTACT: Rita Maristch, Office of the General Counsel, Office of Environmental, Civil Rights, and General Law, Department of Transportation (C–10), 400 Seventh Street, SW., Room 10102, Washington, DC 20590, (202) 366–9161 (voice), (202) 366–9170 (fax). You may also contact Steven Cohen, Office of the General Counsel (C–10), at (202) 366–4684.

Issued on: February 25, 2002.

Rosalind A. Knapp,

Deputy General Counsel, Department of Transportation.

[FR Doc. 02–4946 Filed 2–26–02; 2:45 pm]

BILLING CODE 4910–62–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCIES: Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the OCC, the Board, and the FDIC (the ''agencies'') may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. On October 18, 2001, the OCC, the Board, and the FDIC (the agencies) requested public comment for 60 days on proposed revisions to the Consolidated Reports of Condition and Income (Call Report), which are currently approved collections of information. After considering the comments the agencies received, the Federal Financial Institutions Examination Council (FFIEC), of which the agencies are members, adopted the proposed revisions after making certain modifications to them.

DATES: Comments must be submitted on or before April 1, 2002.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies. All comments, which should refer to the OMB control number(s), will be shared among the agencies.

OCC: Written comments should be submitted to the Communications Division, Office of the Comptroller of the Currency, 250 E Street, SW., Public Information Room, Mailstop 1–5, Attention: 1557–0081, Washington, DC 20219. Due to recent temporary disruptions in the OCC's mail service, commenters are encouraged to submit comments by fax or electronic mail. Comments may be sent by fax to (202) 874–4448, or by electronic mail to *regs.comments@occ.treas.gov.* Comments will be available for inspection and photocopying at the OCC's Public Information Room, 250 E Street, SW., Washington, DC 20219. Appointments for inspection of comments may be made by calling (202) 874–5043.

Board: Written comments should be addressed to Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, submitted by electronic mail to *regs.comments@federalreserve.gov*, or delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, NW. Comments received may be inspected in room M–P–500 between 9 a.m. and 5 p.m., except as provided in section 261.12 of the Board's Rules Regarding Availability of Information, 12 CFR 261.12(a).

FDIC: Written comments should be addressed to Robert E. Feldman,

Executive Secretary, Attention: Comments/OES, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429. All comments should refer to ''Consolidated Reports of Condition and Income.'' Comments may be hand-delivered to the guard station at the rear of the 550 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 be inspected and photocopied in the FDIC Public Information Center, Room 100, 801 17th Street, NW., Washington, DC, between 9 a.m. and 4:30 p.m. on business days.

A copy of the comments may also be submitted to the OMB desk officer for the agencies: Alexander T. 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: Sample copies of the revised Call Report forms for March 31, 2002, can be obtained at the FFIEC's web site (*www.ffiec.gov*). Sample copies of the revised Call Report forms also may be requested from any of the agency clearance officers whose names appear below.

OCC: Jessie Dunaway, OCC Clearance Officer, or Camille Dixon, (202) 874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

Board: Mary M. West, Chief, Financial Reports Section, (202) 452–3829, Division of Research and Statistics, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact Diane Jenkins, (202) 452–3544, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551.

FDIC: Tamara R. Manly, Management Analyst (Regulatory Analysis), (202) 898–7453, Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: Request for OMB approval to extend, with revision, the following currently approved collections of information:

Report Title: Consolidated Reports of Condition and Income.

Form Number: FFIEC 031 (for banks with domestic and foreign offices) and FFIEC 041 (for banks with domestic offices only).

Frequency of Response: Quarterly.

Affected Public: Business or other for-profit.

For OCC

OMB Number: 1557–0081.

Estimated Number of Respondents: 2,200 national banks.

Estimated Time per Response: 42.02 burden hours.

Estimated Total Annual Burden: 369,776 burden hours.

For Board

OMB Number: 7100–0036.

Estimated Number of Respondents: 978 state member banks.

Estimated Time per Response: 48.00 burden hours.

Estimated Total Annual Burden: 187,776 burden hours.

For FDIC

OMB Number: 3064–0052.

Estimated Number of Respondents: 5,480 insured state nonmember banks.

Estimated Time per Response: 32.64 burden hours.

Estimated Total Annual Burden: 715,503 burden hours.

The estimated time per response is an average which varies by agency because of differences in the composition of the banks under each agency's supervision (e.g., size distribution of banks, types of activities in which they are engaged, and number of banks with foreign offices). The time per response for a bank is estimated to range from 15 to 550 hours, depending on individual circumstances.

General Description of Report

This information collection is mandatory: 12 U.S.C. 161 (for national banks), 12 U.S.C. 324 (for state member banks), and 12 U.S.C. 1817 (for insured state nonmember commercial and savings banks). Except for selected items, this information collection is not given confidential treatment. Small businesses (i.e., small banks) are affected.

Abstract

Banks file Call Reports with the agencies each quarter for the agencies' use in monitoring the condition, performance, and risk profile of reporting banks and the industry as a whole. In addition, Call Reports provide the most current statistical data available for evaluating bank corporate applications such as mergers, for identifying areas of focus for both on-site and off-site examinations, and for monetary and other public policy purposes. Call Reports are also used to calculate all banks' deposit insurance and Financing Corporation assessments and national banks' semiannual assessment fees.

Current Actions

On October 18, 2001, the OCC, the Board, and the FDIC jointly published a notice soliciting comments for 60 days on proposed revisions to the Call Report (66 FR 52973). The notice described the specific changes that the agencies, with the approval of the FFIEC, were proposing to implement as of March 31, 2002. The proposed revisions included:

- Separating the existing balance sheet (Schedule RC) items for federal funds sold and securities resale agreements and for federal funds purchased and securities repurchase agreements into two asset and two liability items and adding a new item to Schedule RC–M, Memoranda, for the amount of overnight Federal Home Loan Bank advances included in federal funds purchased;
- Adding new items for:
- The fair value of credit derivatives to Schedule RC–L, Derivatives and Off-Balance Sheet Items;
- Year-to-date merchant credit card sales volume for acquiring banks and for agent banks with risk to Schedule RC–L; and
- Loans and leases held for sale that are past due 30–89 days, past due 90 days or more, and in nonaccrual status to the past due and nonaccrual schedule (Schedule RC–N);
- Breaking down the existing items for past due and nonaccrual closed-end 1–4 family residential mortgages in Schedule RC–N and for the charge-offs and recoveries of such mortgages in Schedule RI–B, part I, into separate items for first lien and junior lien mortgages;
- Revising the manner in which banks report on the estimated amount of their uninsured deposits in the deposit insurance assessments schedule (Schedule RC–O) and, for banks with foreign offices, modifying the scope of the existing items for the number and amount of deposit accounts in domestic offices to include accounts in insured branches in Puerto Rico and U.S. territories and possessions;
- Inserting a subtotal in the Tier 1 capital computation in Schedule RC–R, Regulatory Capital, to facilitate the calculation of certain disallowed assets and adding a new item to the schedule in which banks with financial subsidiaries would report the adjustment they must make to Tier 1 capital for their investment in these subsidiaries;
- Splitting the existing income statement (Schedule RI) item for intangible asset amortization expense into separate items for impairment losses on goodwill and for the

amortization expense and impairment losses on other intangible assets on account of a new accounting standard; and

• Simplifying the disclosure of write-downs arising from transfers of loans to a held-for-sale account in the changes in allowance for loan and lease losses schedule (Schedule RI-B, part II).

After considering the comments the agencies received, the FFIEC and the agencies decided to modify certain aspects of the proposal relating to the reporting of federal funds transactions and securities resale/repurchase agreements and to proceed with all of the other revisions that had been proposed.

In addition, on November 29, 2001, the agencies published a final rule revising the regulatory capital treatment of recourse arrangements and direct credit substitutes, including residual interests and credit-enhancing interest-only strips, as well as asset-backed and mortgage-backed securities (66 FR 59613). This final rule took effect on January 1, 2002. Any transactions settled on or after that date are subject to the rule. However, for transactions settled before January 1, 2002, that result in increased capital requirements under the final rule, banks may delay the application of the final rule to those transactions until December 31, 2002. In response to this final rule, the FFIEC and the agencies are revising the instructions for reporting these types of exposures in Schedule RC–R, Regulatory Capital, so that the capital calculations in this schedule are consistent with the amended regulatory capital standards.

Type of Review: Revisions of currently approved collections.

Comments

In response to their October 18, 2001, notice, the agencies received two comment letters, one from the New York Clearing House (NYCH), an association of 11 major commercial banks, and another from the Federal Home Loan Bank (FHLB) of Atlanta. The agencies and the FFIEC have considered the comments received from these two respondents.

Federal Funds Transactions and Securities Resale/Repurchase Agreements

As indicated above, the agencies originally proposed to separate the existing balance sheet (Schedule RC) items for ''Federal funds sold and securities purchased under agreements to resell'' and for ''Federal funds purchased and securities sold under agreements to repurchase'' into two asset and two liability items. As proposed, the reporting of amounts as ''Federal funds sold'' (the asset item) and ''Federal funds purchased'' (the liability item) would have been based on the longstanding definition of ''federal funds transactions,'' i.e., the lending and borrowing of immediately available funds for one business day or under a continuing contract, regardless of the nature of the contract or of the collateral, if any. Under this definition, securities resale/repurchase agreements involving the receipt of immediately available funds that mature in one business day or roll over under a continuing contract are considered federal funds transactions. In addition, because overnight advances that a bank obtains from a Federal Home Loan Bank also met the definition of federal funds purchased, the agencies further proposed to add a new item to Schedule RC–M, Memoranda, in order to identify the amount of these overnight Federal Home Loan Bank advances. All other Federal Home Loan Bank advances are reported as part of ''Other borrowed money.''

The NYCH cited several concerns with this aspect of the agencies' proposal. The NYCH noted that the federal funds market, which generally involves transactions that are not collateralized, is different from the securities resale/repurchase markets, which involves collateralized transactions. As a result, its member banks typically manage these two types of transactions separately. Moreover, their member banks' existing data collection systems do not separately identify overnight securities resale/repurchase agreements and reclassify them as federal funds transactions, which the proposed Call Report change would require their systems to do. The NYCH also recommended that federal funds transactions should be limited to transactions in domestic offices, noting that if this were done, conforming changes would need to be made to the related items in Schedule RC–H, Selected Balance Sheet Items for Domestic Offices.

The FHLB of Atlanta supported the agencies' proposal to have banks report federal funds transactions separately from securities resale/repurchase agreements on the balance sheet and to add an item to Schedule RC–M for overnight Federal Home Loan Bank advances. However, the FHLB of Atlanta questioned the treatment of overnight Federal Home Loan Bank advances as federal funds purchased. Because all other Federal Home Loan Bank advances are reported as part of ''Other borrowed money'' on the Call Report balance sheet, the FHLB of Atlanta suggested that, at present, banks may be including overnight advances in ''Other borrowed money'' instead of reporting them as federal funds purchased. Therefore, the FHLB of Atlanta urged the agencies to clarify this matter in the Call Report instructions.

After considering these comments, the FFIEC and the agencies have decided to modify their original proposal to address the concerns that were raised. The FFIEC and the agencies will proceed with the separation of the existing asset and liability items on Schedule RC, Balance Sheet, into federal funds items and securities resale/repurchase agreement items. In so doing, however, the definition of ''federal funds transactions'' in the Call Report instructions will be revised. As revised, federal funds sold and purchased will be limited to transactions in domestic offices only and will not include:

• Any securities resale/repurchase agreements,

• Overnight Federal Home Loan Bank advances, or

• Lending and borrowing transactions in foreign offices involving immediately available funds with an original maturity of one business day or under a continuing contract.

This definitional revision eliminates the need for the proposed item for overnight Federal Home Loan Bank advances because they will be included in ''Other borrowed money'' on the balance sheet. As a consequence, these advances will also be reported in the existing maturity distribution of ''Other borrowed money'' in Schedule RC–M as Federal Home Loan Bank advances with a remaining maturity of one year or less.

On the FFIEC 031 report form for banks with foreign offices, lending and borrowing transactions in foreign offices involving immediately available funds with an original maturity of one business day or under a continuing contract that are not securities resale/repurchase agreements will begin to be reported on the Call Report balance sheet in ''Loans and leases, net of unearned income'' and ''Other borrowed money,'' respectively. In addition, since federal funds transactions will include only transactions in domestic offices, the scope of two items on Schedule RC–H will be modified so that they exclude federal funds transactions. As a result, revised items 3 and 4 of Schedule RC–H will cover only ''Securities purchased under agreements to resell'' and ''Securities sold under agreements to repurchase'' in domestic offices, respectively.

Merchant Credit Card Sales Volume

The agencies proposed to add new items to the Call Report on year-to-date merchant credit card sales volume. The NYCH indicated that it was uncertain as to how the agencies would use the data on merchant credit sales volume to assess risk, particularly with respect to capital, and urged the agencies ''not to jump to conclusions about the risks represented by the data.''

The agencies recognize that the sales data are but one indicator of risk associated with the merchant acquiring business. The sales data are intended to provide information for off-site monitoring of the risk profiles of individual institutions and will enable the agencies to identify and monitor institutions involved in and entering this business. Significant changes in the sales volume at individual institutions would warrant supervisory follow-up to determine whether adequate risk management processes and controls are in place for the higher level of processing activity. Nevertheless, this follow-up activity, as well as assessments of capital adequacy, would consider a variety of factors besides the sales volume data. In addition, any changes to the agencies' regulatory capital standards to address the off-balance sheet risks arising from merchant processing activities would be subject to formal rulemaking.

Reporting Uninsured Deposits

The agencies proposed to revise the approach by which banks report an estimate of their uninsured deposits in Call Report Schedule RC–O, Other Data for Deposit Insurance and FICO Assessments. Under the revised approach, all banks would be required to provide an estimate of these deposits subject to certain reporting criteria that are intended to permit banks to take advantage of automated systems to the extent that they are in place today and as they improve over time. As proposed, the caption for this item would have been changed from ''Estimated amount of uninsured deposits of the bank'' to ''Uninsured deposits.''

The NYCH stated that the amount banks report in the revised item should still be viewed as a ''best estimate'' and recommended that the current caption be maintained. The FFIEC and the agencies have agreed to retain the words ''estimated amount'' in the caption.

The NYCH also observed that, although the reporting criteria for the estimation process for the revised item relate to specific types of deposits, ''different banks will have varying degrees of success in obtaining the information required and therefore the results may not be as consistently derived as intended.'' The NYCH added that this could lead to different levels of performance within an individual bank and across all banks as well as different levels of individual bank performance over time as banks improve their automated systems. The NYCH acknowledged that the proposal recognized that this would be a likely outcome. In this regard, the FDIC is more interested at present in obtaining uninsured deposit estimates from banks that are better than the estimates that are developed under the current reporting approach than about the consistency of the methods banks use to determine the estimate under the revised approach. Accordingly, the instructions for the revised item for estimated uninsured deposits will state that the agencies recognize that a bank may have multiple automated information systems for its deposits and that the capabilities of these systems to provide an estimate of uninsured deposits will differ from bank to bank at any point in time and, within an individual institution, may improve over time.

Request for Comment

Comments are invited on:

(a) Whether the proposed revisions to the Call Report collections of information are necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

(b) The accuracy of the agencies' estimates of the burden of the information collections as they are proposed to be revised, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start up costs and costs of operation, maintenance, and purchase of services to provide information.

Comments submitted in response to this notice will be shared among the agencies. All comments will become a matter of public record. Written comments should address the accuracy of the burden estimates and ways to minimize burden as well as other relevant aspects of the information collection request.

Dated: February 21, 2002.

Mark J. Tenhundfeld,

Assistant Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

Board of Governors of the Federal Reserve System, February 22, 2002.

Jennifer J. Johnson,

Secretary of the Board.

Dated at Washington, D.C., this 22nd day of February, 2002.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 02–4741 Filed 2–27–02; 8:45 am]

BILLING CODE 4810–33–P; 6210–01–P; 6714–01–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies acceptable on Federal Bonds: Liquidation—Acceleration National Insurance Company

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: Liquidation of an insurance company formerly certified by this Department as an acceptable surety/reinsurer on Federal bonds.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874–6850.

SUPPLEMENTARY INFORMATION: ACCELERATION NATIONAL INSURANCE COMPANY, an Ohio company, formerly held a Certificate of Authority as an acceptable surety on Federal bonds and was last listed as such at 57 FR 29357, July 1, 1992. The Company's authority was terminated by the Department of the Treasury effective June 4, 1993. Notice of the termination was published in the **Federal Register** of June 15, 1993, on page 33141.

On February 28, 2001, upon a petition by the Superintendent of Insurance for the State of Ohio, the court of Common Pleas, Franklin County, Ohio, issued an Order of Liquidation with respect to ACCELERATION NATIONAL INSURANCE COMPANY. J. Lee Covington II, Superintendent of Insurance for the Ohio Department of Insurance, and his successors in office were appointed as the Liquidator. All persons having claims against ACCELERATION NATIONAL INSURANCE COMPANY must file their claims by February 28, 2002, or be barred from sharing in the distribution of assets.

All claims must be filed in writing and shall set forth the amount of the claim, the facts upon which the claim is based, any priorities asserted, and any other pertinent facts to substantiate the claim. Federal Agencies should assert claim priority status under 31 USC 3713, and send a copy of their claim, in writing, to: Department of Justice, Civil Division, Commercial Litigation Branch, P.O. Box 875, Ben Franklin Station, Washington, DC 20044–0875. Attn: Ms. Sandra P. Spooner, Deputy Director.

The above office will consolidate and file any and all claims against ACCELERATION NATIONAL INSURANCE COMPANY, on behalf of the United States Government. Any questions concerning filing of claims may be directed to Ms. Spooner at (202) 514–7194.

The Circular may be viewed and downloaded through the Internet *(http://www.fms.treas.gov/c570/index.html).* A hard copy may be purchased from the Government Printing Office (GPO), Subscription Service, Washington, DC, (202) 512–1800. When ordering the Circular from GPO, use the following stock number 769–004–04067–1.

Questions concerning this notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Financial Accounting and Services Division, Surety Bond Branch, 3700 East-West Highway, Room 6F07, Hyattsville, MD 20782.

Dated: February 21, 2002.

Wanda Rogers,

Director, Financial Accounting and, Services division, Financial Management Service.

[FR Doc. 02–4694 Filed 2–27–02; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0408]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine claim payment to holders of terminated VA guaranteed manufactured home unit loans.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 29, 2002.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 or e-mail: *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0408'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501—3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles: Manufactured Home Loan Claim Under Loan Guaranty (Manufactured Home Unit Only), VA Form 26–8629 and Manufactured Home Loan Claim Under Loan Guaranty (Combination Loan—Manufactured Home Unit and Lot or Lot Only), VA Form 26–8630.

OMB Control Number: 2900–0408.

Type of Review: Extension of a currently approved collection.

Abstract: This notice solicits comments for information needed to determine claim payments to holders of terminated VA guaranteed manufactured home unit loans.

Affected Public: Business or other for-profit and Individuals or households.

Estimated Annual Burden: 36 hours.

Estimated Average Burden Per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 110.

Dated: February 14, 2002.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 02–4688 Filed 2–27–02; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0353]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine the number of lessons completed by a student and serviced by the correspondence school and to determine the completion or termination date of correspondence training.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 29, 2002.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 or e-mail: *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0353'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44

U.S.C., 3501—3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Certification of Lessons Completed (Chapters 30, 32, and, 35, Title 38, U.S.C.; Chapter 1606, Title 10, U.S.C., and Section 903, Public Law 96–342), VA Forms 22–6553b and 22–6553b–1.

OMB Control Number: 2900–0353.

Type of Review: Extension of a currently approved collection.

Abstract: These forms are used to determine the number of lessons completed by the student and serviced by the correspondence school, and if necessary to determine the date of completion or termination of correspondence training. Without this information, VA would be unable to determine the proper payment or the student's training status. These forms are considered to be one and the same.

Affected Public: Individuals or households, Business or other for-profit.

Estimated Annual Burden: 1,780 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 3,559.

Estimated Annual Responses: 10,617.

Dated: February 14, 2002.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 02–4689 Filed 2–27–02; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0068]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine a veteran's eligibility for Service Disabled Veterans Insurance.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 29, 2002.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail: *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0068'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Application for Service Disabled Insurance, VA Form 29–4364.

OMB Control Number: 2900–0068.

Type of Review: Extension of a currently approved collection.

Abstract: The form is used by veterans to apply for Service Disabled Veterans Insurance, to designate a beneficiary and to select an optional settlement. The data collected on the form is used by VA to determine the veteran's eligibility for insurance.

Affected Public: Individuals or households.

Estimated Annual Burden: 4250 hours.

Estimated Average Burden Per Respondent: 40 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 2833.

Dated: February 14, 2002.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 02–4690 Filed 2–27–02; 8:45 am]

BILLING CODE 8320–01–P

Notices

Federal Register
Vol. 67, No. 40
Thursday, February 28, 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. 01–129–1]

Notice of Request for Extension of Approval of an Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension 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 an extension of approval of an information collection in support of the Cooperative State-Federal Bovine TuberculosisEradication Program.

DATES: We will consider all comments we receive that are postmarked, delivered, or e-mailed by April 29, 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. 01–129–1, 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. 01–129–1. 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.01–129–1'' 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 andIndependence 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 CooperativeState-Federal Bovine Tuberculosis Eradication Program, contact Dr. Joseph Van Tiem, SeniorStaff Veterinarian, National Animal Health Programs Staff, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231; (301) 734–7716. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS'' Information CollectionCoordinator, at (301) 734–7477.

SUPPLEMENTARY INFORMATION:

Title: Tuberculosis.

OMB Number: 0579–0084.

Type of Request: Extension of approval of an information collection.

Abstract: The Animal and Plant Health Inspection Service (APHIS) of the United StatesDepartment of Agriculture is responsible for, among other things, preventing the spread of serious communicable animal diseases from one State to another, and for eradicating such diseases from the United States when feasible.

In connection with this mission, APHIS participates in the Cooperative State-FederalBovine Tuberculosis Eradication Program, which is a national program to eliminate bovine tuberculosis (a serious disease of livestock) from the United States.

The disease also affects humans through contact with infected animals or their byproducts.

Our program is conducted under the various States' authorities supplemented by Federal regulations on the interstate movement of affected animals. A concerted effort (State andFederal) requires that we conduct epidemiologic investigations to locate the disease and provide an effective means of controlling it. Also, this program includes provisions for the payment of indemnity to owners of animals that must be destroyed because of tuberculosis.

Implementing our Bovine Tuberculosis Eradication Program necessitates the use of a number of information-gathering documents, including various forms needed to properly identify, test, and transport animals that have been infected with tuberculosis, or that may have been exposed to tuberculosis. We also employ national epidemiology forms for the purposes of recording, reporting, and reviewing epidemiological data. Still other documents provide us with the information we need to pay indemnity to the owners of animals destroyed because of tuberculosis.

The information provided by these documents is critical to our ability to locate herds infected with tuberculosis and to prevent the interstate spread of tuberculosis. The collection of this information is therefore crucial to the success of our Bovine Tuberculosis EradicationProgram.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from 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 for 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 0.32 hours per response.

Respondents: State Veterinarians, livestock inspectors, shippers, herd owners, slaughter establishment personnel.

Estimated annual number of respondents: 5,032.

Estimated annual number of responses per respondent: 10.64.

Estimated annual number of responses: 53,540.

Estimated total annual burden on respondents: 17,132.80 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the 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 22nd day of February 2002 .

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–4803 Filed 2–27–02; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 01–130–1]

Notice of Request for Extension of Approval of an Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension 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 an extension of approval of an information collection in support of the regulations for pork and poultry products from Mexico transiting the United States.

DATES: We will consider all comments we receive that are postmarked, delivered, or e-mailed by April 29, 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. 01–130–1, 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. 01–130–1. 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. 01–130–1'' 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 regulations for pork and poultry products from Mexico transiting the United States, contact Dr. Michael David, Chief, Sanitary International Standards Team, VS, APHIS, 4700 River Road Unit 33, Riverdale, MD 20737–1231; (301) 734–3577. 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: Poultry and Pork Products From Mexico Transiting the United States.

OMB Number: 0579–0145.

Type of Request: Extension of approval of an information collection.

Abstract: The Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture is responsible for, among other things, regulating the importation into the United States of certain animals and animal products to prevent the introduction of communicable animal diseases (such as hog cholera or exotic Newcastle disease) into the United States.

The regulations under which we conduct these disease prevention activities are contained in title 9, chapter I, subchapter D, parts 91 through 99 of the Code of Federal Regulations. These regulations govern the importation of animals and animal products.

Under our regulations in 9 CFR 94.15, we allow fresh (chilled or frozen) pork and pork products from specified States in Mexico to transit the United States, under certain conditions, for export to another country. We also allow poultry carcasses, parts, and products (except eggs and egg products) from specified States in Mexico that are not eligible for entry into the UnitedStates to transit the United States, via land ports, for immediate export.

We have determined that fresh pork and pork products, as well as poultry carcasses, parts, and products, from these Mexican States can transit the United States under the conditions set forth in the regulations with minimal risk of introducing hog cholera or exotic Newcastle disease.

Allowing fresh pork and pork products and poultry carcasses, parts, and products from certain Mexican States to transit the United States necessitates the use of several information collection activities, including the completion of an import permit application, the placement of serially numbered seals on product containers, and the forwarding of a pre-arrival notification to APHIS port personnel.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from 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 for 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 0.77 hours per response.

Respondents: Exporters in Mexico and full-time, salaried veterinarians employed by Mexico's Federal Animal Health Protection Service.

Estimated annual number of respondents: 75.

Estimated annual number of responses per respondent: 10.

Estimated annual number of responses: 750.

Estimated total annual burden on respondents: 578 hours. (Due to averaging, the total annual burden hours

may not equal the product of the annual number of responses multiplied by the 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 22nd day of February 2002 .

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–4804 Filed 2–27–02; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 02–013–1]

Notice of Request for Extension of Approval of an Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension 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 an extension of approval of an information collection in support of the specifications for the humane handling, care, treatment, and transportation of marine mammals under the Animal Welfare Act regulations.

DATES: We will consider all comments we receive that are postmarked, delivered, or e-mailed by April 29, 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. 02–013–1, 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. 02–013–1. 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. 02–013–1'' 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 Animal Welfare Act regulations and standards for marine mammals, contact Dr. Barbara Kohn, Senior Staff Veterinarian, Animal Care, APHIS, 4700 River Road Unit 84, Riverdale, MD 20737–1234; (301) 734–7833. 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: Animal Welfare.

OMB Number: 0579–0115.

Type of Request: Extension of approval of an information collection.

Abstract: The Animal Welfare Act standards and regulations have been promulgated to promote and ensure the humane care and treatment of regulated animals. The regulations in 9 CFR part 3, subpart E, address specifications for the humane handling, care, treatment, and transportation of marine mammals. These specifications require facilities to keep certain records and provide certain information that are needed to enforce the Animal Welfare Act and the regulations.

The regulations (9 CFR part 3, subpart E) require facilities to complete many information collection activities, such as written protocols for cleaning, contingency plans, daily records of animal feeding, water quality records, documentation of facility-based employee training, plans for any animals kept in isolation, medical records, a description of the interactive program, and health certificates. These information collection activities do not mandate the use of any official government form and are necessary to enforce regulations intended to ensure the humane care and treatment of marine mammals.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 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 0.5952 hours per response.

Respondents: Employees or attendants of USDA licensed/registered marine mammal facilities.

Estimated annual number of respondents: 3,170.

Estimated annual number of responses per respondent: 8.6208.

Estimated annual number of responses: 27,328.

Estimated total annual burden on respondents: 16,265 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the 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 22nd day of February 2002.

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–4807 Filed 2–27–02; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 02–009–1]

Fruit Fly Cooperative Control Program; Record of Decision Based on Final Environmental Impact Statement—2001

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice advises the public of the Animal and Plant Health Inspection Service's record of decision for the Fruit Fly Cooperative Control Program final environmental impact statement.

ADDRESSES: Copies of the record of decision and the final environmental impact statement on which the record of decision is based are available for public inspection 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 someone is there to help you, please call (202) 690–2817 before coming. The documents may also be viewed on the Internet at *http://www.aphis.usda.gov/ppd/es/ppq/fffeis.pdf.*

Copies of the record of decision and the final environmental impact statement may be obtained from:

Environmental Services, PPD, APHIS, USDA, 4700 River Road Unit 149, Riverdale, MD 20737–1237; (301) 734–6742; Western Regional Office, PPQ, APHIS, USDA, 1629 Blue Spruce, Suite 204, Ft. Collins, CO 80524; or

Eastern Regional Office, PPQ, APHIS, USDA, 920 Main Campus, Suite 200, Raleigh, NC 27606–5202.

FOR FURTHER INFORMATION CONTACT: Mr. Harold Smith, Environmental ProtectionOfficer, Environmental Services, PPD, APHIS, 4700 River Road Unit 149, Riverdale, MD 20737–1237; (301) 734–6742.

SUPPLEMENTARY INFORMATION: This notice advises the public that the Animal and Plant Health Inspection Service (APHIS) has prepared a record of decision based on the Fruit Fly Cooperative Control Program final environmental impact statement. This record of decision has been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (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 1), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

The Agency record of decision is set forth below.

Record of Decision; Fruit Fly Cooperative Control Program; Final Environmental Impact Statement—2001

Decision

The U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS) has prepared a final environmental impact statement (EIS) for its Fruit Fly Cooperative Control Program. The EIS analyzed alternatives for control of various exotic fruit fly pests that threaten United States agricultural and environmental resources. After considering fully the analysis presented in the EIS (including supportive documents cited or incorporated by reference), I have accepted the findings of the EIS.

The selection of alternatives for individual future fruit fly programs will be on an individual basis, made only after site-specific assessment of the individual program areas. The selection of an alternative (and its associated control methods) will consider the findings of the EIS, the site-specific assessment, the public response, and any other relevant information available to APHIS at the time. APHIS will conduct environmental monitoring, and prepare environmental monitoring plans that are specific to each program, which will describe the purpose of the monitoring and the nature of the samples to be collected and analyzed. Also, APHIS will implement an emergency response communication plan for each future program that has been designed to reduce risk to the public. I have determined that this course of action includes all practicable means to avoid or minimize environmental harm from fruit fly control measures that may be employed by APHIS in future fruit fly control programs.

Alternatives Considered

The alternatives considered within the EIS include: No action, a nonchemical program, and an integrated program (the preferred alternative). The integrated program alternative includes both nonchemical and chemical component methods. The alternatives are broad in scope and reflect the major choices that must be made for future programs. In addition to control methods, the action alternatives include exclusion (quarantines and inspections) and detection and prevention (including sterile insect technique) methods. The EIS considered and compared the potential impacts of the alternatives as well as their component control methods.

Decisional Background

In arriving at this decision, I have considered pertinent risk analyses, chemical background statements, information on endangered and threatened species, and other technical documents whose analyses and conclusions were integrated into and summarized within the EIS. I have also considered APHIS' responsibilities under various statutes or regulations, the technological feasibilities of the alternatives and control methods, and public perspectives relative to environmental issues. Although scientific controversy may exist relative to the severity of potential impacts, especially with regard to pesticide impacts, I am satisfied that APHIS has estimated correctly the impacts of alternatives for fruit fly control.

APHIS understands the potential consequences of control methods (especially chemical control methods) used for fruit fly control. Chemical control methods have greater potential for direct adverse environmental consequences than nonchemical control methods. Chemical pesticides have the potential to adversely affect human health, nontarget species, and physical components of the environment. APHIS fully appreciates the dangers pesticides may pose, especially to sensitive members of communities, and consequently has made a significant effort to research and develop the use of newer, less harmful pesticides. One such pesticide, the microbially produced biological insecticide spinosad, shows great promise and will be used as a direct replacement for malathion where possible in future fruit fly programs.

APHIS is committed to the rational use of chemical pesticides and strives to reduce their use wherever possible. However, APHIS has statutory obligations that require it to act decisively to eliminate foreign fruit fly pests that invade our country. Given the current state of control technology, we believe that nonchemical control methods (used exclusively) are not capable of eradicating most fruit fly species. We know too that the net result of a decision not to use chemicals would be that other government entities or commercial growers would be likely to use even more chemicals over a wider area, with correspondingly greater environmental impact. APHIS is convinced that coordinated and well-run government programs that limit the use of pesticides to the minimum necessary to do the job are in the best interests of the public and the environment. APHIS continues to support and favor the use of integrated pest management strategies for control of fruit fly pests.

Final Implementation

In all cases, a site-specific assessment will be made prior to the time a decision is made on the control methods that will be used on a particular program. That

assessment will consider characteristics such as unique and sensitive aspects of the program area, applicable environmental and program documentation, and applicable new developments in environmental science or control technologies. The site-specific assessment will also confirm the adequacy or need for additional program mitigative measures. Site-specific assessments will be made available to the public, and APHIS will consider the public's perspective relative to individual programs.

To avoid or minimize environmental harm, APHIS will implement appropriate risk reduction strategies, as described in chapter VI of the EIS. These strategies are fully described in the EIS and include but are not limited to the following: Pesticide applicat or certification, training and applicator orientation, special pesticide handling, precautions for pesticide application, identification of sensitive sites, public notification procedures, and interagency coordination and consultation.

(The record of decision was signed by Richard L. Dunkle, Deputy Administrator, Plant Protection and Quarantine, APHIS, on February 5, 2002.)

Done in Washington, DC, this 22nd day of February 2002.

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–4806 Filed 2–27–02; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 02–006–1]

Monsanto Co.; Availability of Environmental Assessment for Extension of Determination of Nonregulated Status for Canola Genetically Engineered for Glyphosate Herbicide Tolerance

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that an environmental assessment has been prepared for a proposed decision to extend to one additional canola event our determination that a canola line developed by Monsanto Company, which has been genetically engineered for tolerance to the herbicide glyphosate, is no longer considered a regulated article under our regulations governing the introduction of certain genetically engineered organisms. We are making this environmental assessment available to the public for review and comment.

DATES: We will consider all comments we receive that are postmarked, delivered, or e-mailed by April 1, 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. 02–006–1, 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. 02–006–1. 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. 02–006–1'' on the subject line.

You may read the extension request, the environmental assessment, and any comments 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. James White, Plant Protection and Quarantine, APHIS, Suite 5B05, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 734–5940. To obtain a copy of the extension request or the environmental assessment, contact Ms. Kay Peterson at (301) 734–4885; e-mail: *Kay.Peterson@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered organisms and products are considered ''regulated articles.''

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. Further, the regulations in § 340.6(e)(2) provide that a person may request that APHIS extend a determination of nonregulated status to other organisms. Such a request must include information to establish the similarity of the antecedent organism and the regulated article in question.

Background

On November 20, 2001, APHIS received a request for an extension of a determination of nonregulated status (APHIS No. 01–324–01p) from Monsanto Company (Monsanto) of St. Louis, MO, for a canola (*Brassica napus* L.) transformation event designated as glyphosate-tolerant canola event GT200 (GT200), which has been genetically engineered for tolerance to the herbicide glyphosate. The Monsanto request seeks an extension of a determination of nonregulated status that was issued for Roundup Ready® canola line RT73, the antecedent organism, in response to APHIS petition number 98–216–01p (see 64 FR 5628–5629, Docket No. 98–089–2, published February 4, 1999). Based on the similarity of GT200 to the antecedent organism RT73, Monsanto requests a determination that glyphosate-tolerant canola event GT200 does not present a plant pest risk and, therefore, is not a regulated article under APHIS' regulations in 7 CFR part 340.

Analysis

Like the antecedent organism, canola event GT200 has been genetically engineered to express an enzyme, 5-enolpyruvylshikimate-3-phosphate synthase (EPSPS), from *Agrobacterium* sp. strain CP4, and the glyphosate oxidoreductase (GOX) gene/protein from *Ochrobactrum anthropi* strain LBAA, both of which impart tolerance to the herbicide glyphosate. The subject canola and the antecedent organism were produced through use of the *Agrobacterium tumefaciens* method to transform the parental canola variety Westar. Expression of the added genes in GT200 and the antecedent organism is controlled in part by gene sequences derived from the plant pathogen figwort mosaic virus.

Canola event GT200 and the antecedent organism were genetically

engineered using the same transformation method and contain the same enzymes that make the plants tolerant to the herbicide glyphosate. Accordingly, we have determined that canola event GT200 is similar to the antecedent organism in APHIS petition number 98–216–01p, and we are proposing that canola event GT200 should no longer be regulated under the regulations in 7 CFR part 340.

The subject canola has been considered a regulated article under APHIS' regulations in 7 CFR part 340 because it contains gene sequences derived from plant pathogens. However, GT200 has been approved for commercial use in Canada since 1996, with no subsequent reports of deleterious effects on plants, nontarget organisms, or the environment as a result of its environmental release.

Should APHIS approve Monsanto's request for an extension of a determination of nonregulated status, canola event GT200 would no longer be considered a regulated article under APHIS' regulations in 7 CFR part 340. Therefore, the requirements pertaining to regulated articles under those regulations would no longer apply to the field testing, importation, or interstate movement of the subject canola or its progeny.

National Environmental Policy Act

An environmental assessment (EA) has been prepared to examine any potential environmental impacts associated with this proposed extension of a determination of nonregulated status. The EA was prepared in accordance with: (1) The National Environmental Policy Act of 1969 (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). Copies of Monsanto's extension request and the EA are available upon request from the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Done in Washington, DC, this 22nd day of February 2002.

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–4805 Filed 2–27–02; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 01–108–2]

Public Meeting; Veterinary Biologics

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: This is the second notice to producers and users of veterinary biological products and other interested individuals that we are holding our 11th annual public meeting to discuss regulatory and policy issues related to the manufacture, distribution, and use of veterinary biological products. This notice provides information on the agenda as well as the dates, times, and place of the meeting.

DATES: The public meeting will be held Tuesday, April 2, through Thursday April 4, 2002, from 8 a.m. to approximately 5 p.m. on Tuesday and Wednesday, and from 8 a.m. to approximately noon on Thursday.

ADDRESSES: The public meeting will be held in the Scheman Building at the Iowa State Center, Iowa State University, Ames, IA.

FOR FURTHER INFORMATION CONTACT: For further information concerning registration and agenda topics, contact Ms. Kay Wessman, Center for Veterinary Biologics, Veterinary Services, APHIS, 510 South 17th Street, Suite 104, Ames, IA 50010–8197; phone (515) 232–5785 extension 127; fax (515) 232–7120; or e-mail *Kay.Wessman@aphis.usda.gov*.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** on November 30, 2001 (66 FR 59773–59774, Docket No. 01–108–1), we announced that we will be holding our 11th annual veterinary biologics public meeting and requested that interested persons submit suggestions for agenda topics. Based on the responses and on other considerations, the agenda for the 11th public meeting will include, but is not limited to, the following:

- Veterinary biologics perspectives relating to emergency animal health management, both global and domestic;
- Safeguarding animal health;
- Importation activities;
- Transmissible spongiform encephalopathies;
- Biosecurity;
- The U.S. Department of Agriculture's response to animal health issues;
- International harmonization; and
- Animal care.

In addition, we will provide updates on regulations, aquaculture, reticuloendotheliosis virus, in vitro potency testing, and compliance with the Government Paperwork Elimination Act (including electronic submissions/filing, the Ames Information Management System, summary information format for biotechnology products, and processing labels and outlines of production). During the ''roundtable discussion'' portion of the meeting, participants will have the opportunity to present their views on matters concerning the Animal and Plant Health Inspection Service's veterinary biologics program.

Registration forms, lodging information, and copies of the agenda for the 11th public meeting may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT**. This information is also available on the Internet at *http://www.aphis.usda.gov/vs/cvb*.

The registration deadline is March 19, 2002. A block of hotel rooms has been set aside for this meeting until March 19. Early reservation of rooms is strongly encouraged.

Done in Washington, DC, this 22nd day of February, 2002.

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–4802 Filed 2–27–02; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Forest Service

Lost Granite Squirrel, Colville National Forest, Pend Oreille and Stevens Counties, WA

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service, USDA, will prepare an environmental impact statement (EIS) on a proposal to implement vegetation, riparian and road management projects. The Proposed Action will be in compliance with the 1988 Colville National Forest Land and Resource Management Plan (Forest Plan) as amended, which provides the overall guidance for management of this area. The Proposed Action is within portions of the Lost Creek and Ruby Creek drainages on the Sullivan Lake and Newport Ranger Districts. The project will be located approximately 45 miles north of Newport, Washington. Project implementation is scheduled for fiscal year 2004. The Colville National Forest invites written comments and suggestions on the scope of the analysis.

The agency will give notice of the full environmental analysis and decision-making process so interested and affected people may be able to participate and contribute in the final decision.

DATES: Comments concerning the scope of the analysis should be received by April 1, 2002.

ADDRESSES: Send written comments and suggestions concerning the management of this area to Dan Dallas, District Ranger, 315 North Warren, Newport, Washington 99156. Comments may also be sent by FAX (509–447–7301). Include your name and mailing address with your comments so documents pertaining to this project may be mailed to you.

FOR FURTHER INFORMATION CONTACT: Questions about the Proposed Action and EIS should be directed to Dan Dallas, District Ranger, 315 North Warren, Newport, Washington 99156 (phone 509–447–7300), or to Amy Dillon, Interdisciplinary Team Leader, 12641 Sullivan Lake Road, Metaline Falls, Washington 99153 (phone 509–446–7500).

SUPPLEMENTARY INFORMATION: The Lost Granite Squirrel Planning Area is within the Lost Creek and Ruby Creek drainages on the Newport and Sullivan Lake Ranger Districts. The project would be located approximately 45 miles north of Newport, Washington, in the area south and west of State Route 20. The Proposed Action includes vegetation management on approximately 6,500 acres. This includes commercial treatments on approximately 4,600 acres and precommercial thinning on approximately 1,900 acres. Prescribed fire may be applied on up to 12,000 acres. The road management projects will include local governments and adjacent landowners in a transportation analysis for these drainages. Part of that analysis will consider both building and closing roads. The riparian and wetland management proposals include active stream corridor improvement along Lost Creek and Ruby Creek and using native riparian plants for soil stabilization. The following will also be included as part of this project: review of current dispersed recreation condition and future opportunities (including dispersed camping at Nile and Browns Lakes and winter recreation uses); review of the Ruby and Lost Creek grazing allotments; and analysis of noxious weed populations along Ruby Creek road and all Forest Service system roads within the analysis area.

This analysis will evaluate a range of alternatives for implementation of the project activities. The area being analyzed is approximately 47,500 acres, of which 37,335 acres are National Forest System lands. The other ownership areas are included only for analysis of effects. The project area does not include any wilderness, RARE II, or other inventoried roadless land.

The preliminary issues identified include: water quality and watershed restoration; forest stand density; forest road management and maintenance; lynx habitat management; deer winter range management, grazing allotment management, noxious weed treatments, and reintroduction of prescribed fire. Initial scoping began in February 2001. The scoping process will include the following: Identify and clarify issues; identify key issues to be analyzed in depth; explore alternatives based on themes which will be derived from issues recognized during scoping activities; and identify potential environmental effects of the Proposed Action and alternatives. A range of alternatives will be considered, including a No-Action alternative. The Forest Service is seeking information, comments, and assistance from other agencies, organizations, Indian Tribes, and individuals who may be interested in or affected by the Proposed Action. This input will be used in preparation of the draft EIS. Your comments are appreciated throughout the analysis process.

Comments received in response to this notice, including names and addresses of those who comment, will be considered part of the public record on this Proposed Action and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR part 215. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that under the FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within a specified number of days.

The draft EIS is to be filed with the Environmental Protection Agency (EPA) and to be available for public review by November 2002. The EPA will publish a notice of availability of the draft EIS in the **Federal Register**. The comment period on the draft EIS will be 45 days from the date the EPA notice appears in the **Federal Register**. Copies of the draft EIS will be distributed to interested and affected agencies, organizations, Indian Tribes, and members of the public for their review and comment. It is important that those interested in the management of the Colville National Forest participate at that time.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 533 (1978). Also, environmental objections that could be raised at the draft EIS stage but are not raised until after completion of the final EIS may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 f. 2d 1016, 1022 (9th Cir, 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this Proposed Action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the Proposed Action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft EIS. Comments may also address the adequacy of the draft EIS or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

The final EIS is scheduled to be available by March 2003. In the final EIS, the Forest Service is required to respond to substantive comments received during the comment period for the draft EIS. The Responsible Official is Nora Rasure, Colville National Forest Supervisor. She will decide which, if

any, of the alternatives will be implemented. Her decision and rationale for the decision will be documented in the record of decision, which will be subject to Forest Service Appeal Regulations (36 CFR part 215).

Dated: February 12, 2002.

Nora Rasure,

Forest Supervisor.

[FR Doc. 02–4770 Filed 2–27–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Upper Desolation Vegetation Recovery Projects, Umatilla National Forest, Grant County, OR

AGENCY: Forest Service, USDA.

ACTION: Cancellation notice.

SUMMARY: On February 10, 2000, a Notice of Intent (NOI) to prepare an environmental impact statement for the Upper Desolation Vegetation Recovery Projects, was published in the **Federal Register** (65 FR 6582). Since the project proposed action has been postponed, and conditions on the ground related to fire salvage harvest have changed, the 2000 NOI is hereby rescinded.

FOR FURTHER INFORMATION CONTACT: Janel Lacey, District Planner, North Fork John Day Ranger District, P.O. Box 158, Ukiah, Oregon 97880, telephone 541–427–3231.

Dated: February 11, 2002.

Jeff Blackwood,

Forest Supervisor.

[FR Doc. 02–4769 Filed 2–27–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Siskiyou Resource Advisory Committee (RAC)

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Siskiyou Resource Advisory Committee (RAC) will meet on Thursday, March 28, and Friday, March 29, 2002. Thursday's meeting will begin at 10 a.m. and conclude at approximately 5 p.m. Friday's meeting will begin at 8 a.m. and will conclude at approximately 5 p.m. The meetings will be held at the Anne Basker Auditorium, 600 NW 6th Street, Grants Pass, Oregon. The agenda for March 28 includes: (1) Review of the Title II projects; (2) Agreements of the process for the RAC to recommend projects; (3) Recommendation of projects to be funded; (4) Election of the RAC vice-chairperson; and (5) Public Forum. The public forum will begin at 3 p.m. on Thursday. The time allotted for individual presentations during the public forum segment will be limited to 3–4 minutes (depending on the number of presenters) on both days. The agenda for Friday, March 29 includes: (1) Continuation of the projects to be recommended by the RAC: and (2) Public Forum. The public forum will begin at 11 a.m. on Friday. 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 March 28 and 29 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: February 22, 2002.

Jack E. Williams,

Forest Supervisor, Rogue River and Siskiyou National Forests.

[FR Doc. 02–4771 Filed 2–27–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022202A]

Proposed Information Collection; Comment Request; Alaska License Limitation Program for Groundfish, Crab, and Scallops

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 April 29, 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 Patsy A. Bearden, F/AKR2, P.O. Box 21668, Juneau, AK 99802–1668 (telephone 907–586–7008).

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Oceanic and Atmospheric Administration is seeking renewed Paperwork Reduction Act clearance for requirements currently cleared under OMB Numbers 0648–0420 (scallops) and 0648–0334 (groundfish and crab), but proposes to merge these requirements under the latter number. These two collections of information originally were needed to make eligibility determinations to obtain a License Limitation Permit (LLP) to deploy a harvesting vessel in the king or Tanner crab fisheries in the Bering Sea/Aleutian Islands Management Area (BSAI), in the scallop fisheries, and in the directed groundfish fisheries (except for IFQ sablefish and for demersal shelf rockfish east of 140 degrees West longitude) in the GOA or the BSAI. The LLP has no expiration date; consequently, the application for eligibility was a one-time procedure. This collection now supports LLP transfer activities for crab, scallops, and groundfish, and any appeals resulting from denied actions.

II. Method of Collection

The information is submitted to respond to requirements set forth in regulations at 50 CFR part 679.4. Paper applications are required from participants, and methods of submittal include facsimile transmission or mailing of paper forms.

III. Data

OMB Number: 0648–0334.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Individuals or households, business or other for-profit organizations.

Estimated Number of Respondents: 244.

Estimated Time Per Response: 1 hour for a LLP Transfer Application; and 4 hours for a LLP appeal.

Estimated Total Annual Burden Hours: 544.

Estimated Total Annual Cost to Public: $928.

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: February 21, 2002.

Madeleine Clayton,

Departmental Paperwork Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 02–4835 Filed 2–27–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

[I.D. 022202B]

Submission for OMB Review; Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Coastal Impact Assistance Program: Project Review Checklist.

Form Number(s): None.

OMB Approval Number: 0648–0440.

Type of Request: Regular submission.

Burden Hours: 2,150.

Number of Respondents: 154.

Average Hours Per Response: 5.

Needs and Uses: The Coastal Impact Assistance Program (CIAP) provides funds to seven states and 147 local governments to conduct a variety of projects, including construction and land acquisition. The National Oceanic and Atmospheric Administration (NOAA) must review the projects in accordance with the CIAP legislation before disbursing funds. To expedite review, NOAA developed the CIAP Project Checklist for the construction and land acquisition projects. The Checklist, whose use is voluntary, asks applicants to provide project information to allow NOAA to determine their eligibility under the CIAP as well as eligibility under other relevant statutes (NEPA, etc.).

Affected Public: State, local, or tribal government.

Frequency: One-time.

Respondent's Obligation: Voluntary.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Madeleine Clayton, Departmental Paperwork Clearance Officer, (202) 482–3129, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at MClayton@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503.

Dated: February 21, 2002.

Madeleine Clayton,

Departmental Paperwork Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 02–4836 Filed 2–27–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

Economics and Statistics Administration

Bureau of Economic Analysis Advisory Committee

AGENCY: Bureau of Economic Analysis, DOC.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Public Law 92–463 as amended by Public Law 94–409, Public Law 96–523, and Public Law 97–375), we are giving notice of a meeting of the Bureau of Economic Analysis Advisory Committee. The meeting's agenda is as follows: 1. the National Income and Product Accounts (NIPA) and fiscal policy: the role of the NIPA in the Federal government macroeconomic forecasts, and in the budgets presented by the President and enacted by the Congress; 2. update Advisers on BEA's response to their earlier comments and suggestions; and 3. discussion of topics for future meeting agendas.

DATES: On Friday, May 3, 2002, the meeting will begin at 9:30 a.m. and adjourn at approximately 4 p.m.

ADDRESSES: The meeting will take place at the Bureau of Economic Analysis, 2nd floor, Conference Room A&B, 1441 L Street, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: James F. Plante, Chief, Public Information Office, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; telephone number: (202) 606–9619.

Public Participation: This meeting is open to the public. Because of security procedures, anyone planning to attend the meeting must contact Verna Learnard of BEA at (202) 606–9690 in advance. The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Robert Wehausen at (202) 606–9687.

SUPPLEMENTARY INFORMATION: The Committee was established on September 2, 1999, to advise the Bureau of Economic Analysis (BEA) on matters related to the development and improvement of BEA's national, regional, and international economic accounts. This will be the Committee's fifth meeting.

Dated: February 22, 2002.

Suzette Kern,

Associate Director for Management and Chief Administrative Officer.

[FR Doc. 02–4796 Filed 2–27–02; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No 001102309–2028–02; I.D 010802D

Announcement of Funding Opportunity to Submit Proposals for the Coral Reef Ecosystem Studies (CRES–2002)

AGENCY: Center for Sponsored Coastal Ocean Research/Coastal Ocean Program (CSCOR/COP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of Funding Availability for financial assistance for project grants and cooperative agreements.

SUMMARY: The purpose of this notice is to advise the public that CSCOR/COP is soliciting three to five year proposals to support coral reef ecosystem studies in regions under U.S. jurisdiction where coral reefs occur. Funding is contingent upon the availability of Federal appropriations. It is anticipated that projects funded under this announcement will have an August 1, 2002 start date.

DATES: The deadline for receipt of proposals at the CSCOR/COP office is 3 p.m., e.s.t. April 17, 2002. (Note that late-arriving applications provided to a delivery service on or before April 16, 2002 with delivery guaranteed before 3 p.m., e.s.t. on April 17,2002 will be accepted for review if the applicant candocument that the application was provided to the delivery service with delivery to the address listed below guaranteed prior to the specified closing date and time, and, in any event, the proposals are received in the CSCOR/COP office by 3 p.m., e.s.t., no later than 2 business days following the closing date.)

ADDRESSES: Submit the original and 19 copies of your proposal to Center for Sponsored Coastal Ocean Research/Coastal Ocean Program (N/SCI2), SSMC1 4, 8th Floor, Station 8243, 1305 East-West Highway, Silver Spring, MD 20910. NOAA and Standard Form Applications with instructions are accessible on the following CSCOR/COP Internet Site: http://www.cop.noaa.gov under the COP Grants Information section, Part D, Application Forms for Initial Proposal Submission. Forms may be viewed and, in most cases, filled in by computer. All forms must be printed, completed, and mailed to CSCOR/COP with original signatures. If you are unable to access this information, you may call CSCOR/COP at 301–713–3338 to leave a mailing request.

FOR FURTHER INFORMATION CONTACT: *Technical Information*.Dr. Ruth Kelty, CRES–2002 Program point of contact, CSCOR/COP, 301–713–3020/ext 133, Internet: Ruth.Kelty@noaa.gov.

Business Management Information.Leslie McDonald, CSCOR/COP Grants Administrator, 301–713–3338/ext 155, Internet: Leslie.McDonald@noaa.gov

SUPPLEMENTARY INFORMATION:

Electronic Access

Long-term coral reef ecosystem research addresses one of the priority research needs identified by the Ecosystem Science and Conservation Working Group and is outlined at the Internet site: http://coralreef.gov/wg-reports.html.

University-National Oceanographic Laboratory System (UNOLS) Ship Time Request Form is available in electronic format at: http://www.gso.uri.edu/unols/ship/shiptime.html. UNOLS' vessel requirements are identified later in this document under ''Part I, Section (5) Budget.

Background

Program Description

For complete program description and other requirements criteria for the Center for Sponsored Coastal Ocean Research/Coastal Ocean Program, see the COP General Grant Administration Terms and Conditions annual notification in the **Federal Register** (66 FR 63019, December 4, 2001) and at the CSCOR/COP home page.

Coral reefs and associated seagrass and mangrove communities are among the most complex and diverse ecosystems on earth. They support important fishing and tourism industries, protect coasts from wave and storm damage, build tropical islands, contain an array of potential pharmaceuticals, and provide local communities with a source of food, materials and traditional activities. As shallow-water, near shore communities, coral reef ecosystems are ecologically closely linked to adjacent watersheds and are highly vulnerable to human activity. Anthropogenic stresses include poor water quality from runoff and inadequate sewage treatment, over-harvesting of reef resources, sedimentation, shoreline development, and damage from tourists and divers. Larger-scale changes in global climate also potentially affect coral reef ecosystems through changes in sea temperature, sea level, irradiance, wind and precipitation patterns, and frequency and severity of tropical storms. Natural and human-induced forces act separately and in combination, to degrade coral reef ecosystems. Symptoms of stress include mass bleaching (loss of symbiotic algae) of corals, regional reductions of certain reef framework corals, and disease outbreaks leading to mass mortalities of reef-building corals and associated organisms.

According to the 2000 report by the Global Coral Reef Monitoring Network, the world has lost an estimated 11 percent of coral reefs and a further 16 percent are not fully functional. Significant further reductions in coral reef health, accompanied by major losses in biological diversity, are expected to continue for the next few decades unless coordinated action to manage and conserve these ecosystems is undertaken soon.

The 1998 Executive Order on Coral Reef Protection (E.O. 13089) directs Federal agencies to map, research, monitor, manage, and restore coral reef ecosystems. In response to the Executive Order, a U.S. Coral Reef Task Force established interagency working groups to address six areas: (1) Coastal Uses, (2) Ecosystem Science and Conservation, (3) Mapping and Information Synthesis, (4) Water and Air Quality, (5) International Dimensions, and (6) Education and Outreach. One of the key components of the Task Force Action Plan is long-term regional ecosystem research, which this announcement addresses.

Coral Reef Ecosystem Studies Description

This notice solicits proposals that address causes of regional declines in coral abundance and degradation of coral ecosystems. CSCOR/COP's interest is to provide timely and high-quality scientific results that can be used to develop alternative management strategies to restore and protect coral reef ecosystems. To meet this goal, highest consideration will be given to multi-disciplinary team proposals incorporating hypothesis-driven research involving both the natural and social sciences, which includes participation by the territory, state, or Federal resource management community. Because of the complex relationships among land-based activities, watershed/reef interactions, and local economies and values, the overall research proposal should include a component study that addresses social and economic aspects of the study area, and integrate this research into the study as a whole.

The development of predictive models is encouraged (e.g., bio-physical models to investigate larval transport of reef organisms and their recruitment to reef systems in the context of variable oceanographic conditions; water quality models to investigate the relationship between watershed-based pollutant inputs and effects on reef ecosystems; economic models to investigate the relationship between coral reef health and local economies). Results from such research must be applicable to ecosystem sustainability studies and assessments for alternative management strategies. Scientific information, syntheses, and models from this multi-disciplinary, long-term effort will enable resource managers to make more informed decisions on managing US coral reef ecosystems.

Research should focus on coral reef ecosystems in the Atlantic or Pacific subject to the jurisdiction or control of the United States. CSCOR/COP will select the strongest and most balanced proposal(s) that focuses on one of the following geographic areas of special interest beginning with the highest priority: The (1) Caribbean (includes U.S. Virgin Islands, Puerto Rico, and Navassa Island); (2) Western Pacific

(includes Guam, the Commonwealth of Northern Marinas Islands, Marshall Islands, Federated States of Micronesia, and the Freely Associated States of the Republic of Palau); (3) American Samoa; (4) Hawaiian Islands; and (5) Florida. The specific area of study within these regions will be defined by the selected proposal.

Within a study region, more than one specific area may be included for comparative purposes. Where remote sites are included, ship requirements (ship type, time, and cost) should be identified.

Research Objectives

This solicitation seeks proposals to:

(1) Identify and evaluate factors critical to the decline of coral reefs in the study region and evaluate management approaches to reversing their loss;

(2) Develop tools, such as models and/or data syntheses, to assist resource managers (e.g., assessing impacts of climate change, coastal land-use impacts, recruitment/retention mechanisms).

(3) Understand the social, cultural, and economic context in developing tools and evaluating factors critical to the success of reef management strategies.

Focus of the Research Program

To accomplish the above three objectives, proposals must address the following four research focus areas:

(1) Relationship(s) between watershed-based activities and changes in coral reef ecosystems, for example: the mechanisms by which watershed-based pollutants are transported to and distributed within coral reef ecosystems.

(2) Primary causes of ecological stresses in reef ecosystems of the study region (such as, overfishing, reef destruction and pollution, climate change, disease, invasive species, sedimentation, etc.) and prioritization of these stresses.

(3) The effect of changes in faunal components on the integrity of the reef ecosystem (such as, oceanic and ecological processes that regulate species recruitment, species interactions, population dynamics, and identification of keystone species).

(4) Evaluation of Marine Protected Areas (MPAs) as management tools for improving coral reef structure and function, and identification of important linkages among coral reef ecosystems in the study region.

The duration of the study is anticipated to be three to five years. Typically CSCOR/COP programs of a size and design similar to CRES include five to eight lead researchers along with a management team, and with a management team chair that serves as a main point of contact with the CRES program manager. Management teams typically include three to four individuals from different institutions that, as a group, provide strong leadership and solid partnerships that enable the program to be effectively implemented and produce meaningful results. Management teams can include representatives from Federal laboratories, universities, local governments, and non-governmental organizations. Proposers are strongly encouraged to include MPAs, or potential MPAs in the study design if possible, especially where collaborative research within MPAs would enhance the understanding of regional coral reef ecosystems and human use of these ecosystems. Therefore, priority will be given to funding an omnibus proposal that includes a suite of projects and a collaborative team of multi-institutional, multi-disciplinary lead researchers. See Part II: Further Supplementary Information Section (11) Project Funding Priorities.

Continuation of out year funding will be contingent upon the determination by the awarding agency that the selected project(s) is/are on course to provide both interim and final products that will be useful to improve the condition of coral reefs in the study region.

Expected Products and Outcomes

Long-term multi-disciplinary research will provide a better understanding of the nature, extent, and consequences of anthropogenic and natural stress on coral reef ecosystems. Research results may be used to distinguish anthropogenic factors from natural variability in determining coral reef ecosystem health and potential impacts that may result from climate variability. Project proposals should clearly address a timetable and major program elements that will lead to specific interim and final management deliverables. In order for the study results to be useful to resource managers and decision makers, the study design and implementation should include a clear means to incorporate the information needs of the targeted region. Examples for accomplishing this type of input could include annual workshops and Management and Technical Advisory Committees that include a broad spectrum of regional interests. Proposers are strongly encouraged to develop an approach in the proposal to ensure regional stakeholder input and participation.

A final synthesis report will be required as part of the NOAA ''Decision Analysis Series'' that concisely summarizes the project results and their potential application to improving the condition of degraded reefs, protecting healthy reefs in the study region, and other critical information relevant to reef management. Guidelines for producing this report will be made available to the project management team early in the project cycle.

CRES Products Will Include:

(1) Research data, assessments, publications, synoptic accounts, and any other useful activity or product that will provide resource managers and the public with timely information that is readily understandable;

(2) Syntheses of the research, including specific recommendations for management action, that lead to improved coral reef ecosystem health through novel and/or traditional approaches, particularly with respect to integrated watershed management and MPAs, and;

(3) Predictive tools such as simulation models and data syntheses (including ecological forecasts) that will help managers make informed decisions, and assess alternative management strategies (e.g., watershed and coastal water quality models to assess changes in land inputs and impacts on reefs and related habitats; larval transport and recruitment of reef organisms in the context of variable oceanographic conditions, and information for optimizing site selection for MPAs).

Part I: Schedule and Proposal Submission

This document requests full proposals only. The provisions for proposal preparation provided here are mandatory. Proposals received after the published deadline or proposals that deviate from the prescribed format will be returned to the sender without further consideration. Information regarding this announcement, additional background information, and required Federal forms are available on the CSCOR/COP home page.

Full Proposals

Applications submitted in response to this announcement require an original proposal and 19 proposal copies at time of submission. This includes color or high-resolution graphics, unusually sized materials, or otherwise unusual materials submitted as part of the proposal. For color graphics, submit either color originals or color copies. The stated requirements for the number of proposal copies provide for a timely

review process. Facsimile transmissions and electronic mail submission of full proposals will not be accepted.

Required Elements

All recipients must follow the instructions in the preparation of the CSCOR/COP application forms included in this document in Part II: Further Supplementary Information, (10) Application forms and kit. Each proposal must also include the following seven elements, or will be returned to sender without further consideration:

(1) *Signed Summary title page*. The title page should be signed by the Principal Investigator (PI). The Summary Title page identifies the project's title starting with the acronym: CRES 2002 (Coral Reef Ecosystem Studies), a short title (less than 50 characters); and the PI's name and affiliation, complete address, phone, FAX and E-mail information. The requested budget for each fiscal year should be included on the Summary title page. Multi-institution proposals must include signed Summary title pages from each institution.

(2) *One-page abstract/project summary*. The Project Summary (Abstract) Form, which is to be submitted at time of application, shall include an introduction of the problem, rationale, scientific objectives and/or hypotheses to be tested, and a brief summary of work to be completed. The prescribed CSCOR/COP format for the Project Summary Form can be found on the CSCOR/COP Internet site under the Grants Information section, Part D.

The summary should appear on a separate page, headed with the proposal title, institution(s), investigator(s), total proposed cost and budget period. It should be written in the third person. The summary is used to help compare proposals quickly and allows the respondents to summarize these key points in their own words.

(3) *Statement of work/project description.* The proposed project must be completely described, including identification of the problem, scientific objectives, proposed methodology, relevance to the CRES program goals and objectives. The project description section (including relevant results from prior support) should not exceed 15 pages. Page limits are inclusive of figures and other visual materials, but exclusive of references and milestone chart.

This section should clearly identify project management with a description of the functions of each PI within a team. It should provide a full scientific justification for the research, do not simply reiterate justifications presented in this document. It should also include:

(a) The objective for the period of proposed work and its expected significance;

(b) The relation to the present state of knowledge in the field and relation to previous work and work in progress by the proposing principal investigator(s);

(c) A discussion of how the proposed project lends value to the program goal;

(d) Potential coordination with other investigators; and

(e) References cited.

Reference information is required. Each reference must include the name(s) of all authors in the same sequence in which they appear in the publications, the article title, volume number, page numbers and year of publications. While there is no established page limitation, this section should include bibliographic citations only and should not be used to provide parenthetical information outside the 15–page project description.

(4) *Milestone chart.* Provide time lines of major tasks covering the duration of the proposed project.

(5) *Budget and Application Forms.* Both NOAA and CSCOR/COP-specific application forms may be obtained at the CSCOR/COP Grants website. Forms may be viewed and, in most cases, filled in by computer. All forms must be printed, completed, and mailed to CSCOR/COP; original signatures are required. If applicants are unable to access this information, they may contact the CSCOR/COP grants administrator previously listed in the section **FOR FURTHER INFORMATION CONTACT.**

At time of proposal submission, all applicants must submit the Standard Form, SF–424 (Rev 7–97) Application for Federal Assistance to indicate the total amount of funding proposed for the whole project period. Applicants must also submit a COP Summary Proposal Budget Form for each fiscal year increment. Multi-institution proposals must include a Summary Proposal Budget Form for each institution. Use of this budget form will provide for a detailed annual budget and for the level of detail required by the CSCOR/COP program staff to evaluate the effort to be invested by investigators and staff on a specific project. The COP budget form is compatible with forms in use by other agencies that participate in joint projects with CSCOR/COP and can be found on the CSCOR/COP home page under COP Grants Information, Part D. All applications must include a budget narrative and a justification to support all proposed budget categories. The SF–424A, Budget Information (Non-Construction) Form, will be requested only from those applicants subsequently recommended for award.

Requests for ship time should be identified in the proposal budget. The investigator is responsible for requesting ship time and for meeting all requirements to ensure the availability of requested ship time. Copies of relevant ship time request forms should be included with the proposal. For example, the UNOLS Ship Time Request Form is available in electronic format at the website referenced earlier in this document under the section ''ELECTRONIC ACCESS.'' Paper copies may also be requested from UNOLS, but the electronic version is strongly preferred for ease of information exchange and processing.

(6) Biographical sketch. With each proposal, the following must be included: Abbreviated curriculum vitae, two pages per investigator; a list of up to five publications most closely related to the proposed project and up to five other significant publications; and list of all persons (including their organizational affiliation), in alphabetical order, who have collaborated on a project, book, article, or paper within the last 48 months. If there are no collaborators, this should be so indicated. Students, post-doctoral associates, and graduate and postgraduate advisors of the PI should also be disclosed. This information is used to help identify potential conflicts of interest or bias in the selection of reviewers.

(7) Proposal format and assembly. The original proposal should be clamped in the upper left-hand corner, but left unbound. The 19 additional copies can be stapled in the upper left-hand corner or bound on the left edge. The page margin must be 1 inch (2.5 cm) margins at the top, bottom, left and right, and the typeface standard 12–point size must be clear and easily legible. Proposals should be single spaced.

Part II: FURTHER SUPPLEMENTARY INFORMATION

(1) *Program authorities.* For a list of all program authorities for the Center for Sponsored Coastal Ocean Research/ Coastal Ocean Program, see the General Grant Administration Terms and Conditions of the Coastal Ocean Program published in the **Federal Register** (66 FR 63019, December 4, 2001) and at the CSCOR/COP home page. Specific Authority cited for this announcement is the 16 USC 6401 *et seq.*

(2) *Catalog of Federal Domestic Assistance (CFDA) Number.* The CFDA

number for the Coastal Ocean Program is 11.478.

(3) *Program description.* For complete CSCOR/COP program descriptions, see the General Grant Administration Terms and Conditions of the Coastal Ocean Program published in the **Federal Register** (66 FR 63019, December 4, 2001).

(4) *Funding availability.* It is anticipated that one CRES regional project will be funded at approximately $1,500,000 per year for up to five years, beginning in fiscal year 2002. Actual funding levels will depend upon the final budget appropriations for each fiscal year. Each CSCOR/COP project typically consists of several coordinated investigations, as part of an overall omnibus proposal as described in more detail earlier in this announcement, with separate sub-awards. For this announcement, sub-awards within an omnibus proposal would be expected to range from approximately $50,000 to $500,000. Announcements for additional CRES regional projects in fiscal year 2003 and beyond will depend on availability of funds.

If an application is selected for funding, NOAA has no obligation to provide any additional prospective funding in connection with that award in subsequent years. Renewal of an award to increase funding or to extend the period of performance is based on satisfactory performance and is at the total discretion of the funding agency.

Publication of this notice does not obligate any agency to any specific award or to obligate any part of the entire amount of funds available. Recipients and subrecipients are subject to all Federal laws and agency policies, regulations and procedures applicable to Federal financial assistance awards.

(5) *Matching requirements.* None.

(6) *Type of funding instrument.* Project Grants for non-Federal applicants, interagency transfer agreements, or any other appropriate mechanisms other than project grants or cooperative agreements for Federal applicants.

(7) *Eligibility criteria*: For complete eligibility criteria for the CSCOR/COP, see the COP General Grant Administration Terms and Conditions annual document in the **Federal Register** (66 FR 63019, December 4, 2001) and the CSCOR/COP home page. Eligible applicants are institutions of higher education, not-for-profit institutions, state, local and Indian tribal governments and Federal agencies. CSCOR/COP will accept proposals that include foreign researchers as collaborators with a researcher who is affiliated with a U.S. academic institution, Federal agency, or any other non-profit organization.

Applications from non-Federal and Federal applicants will be competed against each other. Proposals selected for funding from non-Federal applicants will be funded through a project grant or cooperative agreement under the terms of this notice. Proposals selected for funding from NOAA employees shall be effected by an intra-agency fund transfer. Proposals selected for funding from a non-NOAA Federal agency will be funded through an inter-agency transfer.

Note: Before non-NOAA Federal applicants may be funded, they must demonstrate that they have legal authority to receive funds from another Federal agency in excess of their appropriation. Because this announcement is not proposing to procure goods or services from applicants, the Economy Act (31 U.S.C. 1535) is not an appropriate legal basis.

(8) *Award period.* Full Proposals can cover a project period from three to five years. Multi-year project period funding will be funded incrementally on an annual basis. Each annual award shall require an Implementation Plan and statement of work that can be easily divided into annual increments of meaningful work representing solid accomplishments (if prospective funding is not made available, or is discontinued).

(9) *Indirect costs.* If indirect costs are proposed, the total dollar amount of the indirect costs proposed in an application must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award.

(10) *Application forms and kit.* For complete information on application forms for the CSCOR/COP, see the COP General Grant Administration Terms and Conditions annual Document in the **Federal Register** (66 FR 63019, December 4, 2001) at the CSCOR/COP home page; and the information given under Required Elements, paragraph (5) Budget.

(11) *Project funding priorities.* For description of project funding priorities, see the COP General Grant Administration Terms and Conditions annual notification in the **Federal Register** (66 FR 63019, December 4, 2001) and at the CSCOR/COP home page.

(l2) *Evaluation criteria.* For complete information on evaluation criteria, see the COP General Grant Administration Terms and Conditions annual Document in the **Federal Register** (66 FR 63019, December 4, 2001) and at the CSCOR/COP home page.

(13) *Selection procedures.* For complete information on selection procedures, see the COP General Grant Administration Terms and Conditions annual Document in the **Federal Register** (66 FR 63019, December 4, 2001) and at the CSCOR/COP home page. All proposals received under this specific Document will be evaluated and ranked individually in accordance with the assigned weights of the above evaluation criteria by independent peer mail review and/or panel review. No consensus advice will be given by the independent peer mail review or the review panel.

(14) *Other requirements.* (a) For a complete description of other requirements, see the COP General Grant Administration Terms and Conditions annual Document in the **Federal Register** (66 FR 63019, December 4, 2001) and at the CSCOR/COP home page. NOAA has specific requirements that environmental data be submitted to the National Oceanographic Data Center (see Section 16 below). (b) The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the **Federal Register** (66 FR 49917, October 1, 2001) are applicable to this solicitation. However, please note that the Department of Commerce will not implement the requirements of Executive Order 13202 (66 FR 49921), pursuant to guidance issued by the Office of Management and Budget in light of a court opinion which found that the Executive Order was not legally authorized. See Building and Construction Trades Department v. Allbaugh, 172 F. Supp. 2d 138 (D.D.C. 2001). This decision is currently on appeal. When the case has been finally resolved, the Department will provide further information on implementation of Executive Order 13202.

(c) Please note that NOAA is developing a policy on internal overhead charges, NOAA scientists considering submission of proposals should contact the appropriate CSCOR/COP Program Manager for the latest information.

(15) *Intergovernmental review.* Applications under this program are not subject to Executive Order l2372, ''Intergovernmental Review of Federal Programs.'' It has been determined that this notice is not significant for purposes of Executive Order 12866. Because notice and comment are not required under 5 U.S.C. 553, or any other law, for this notice relating to public property, loans, grants benefits or contracts (5U.S.C. 553(a)), a Regulatory Flexibility Analysis is not required and

has not been prepared for this notice, 5 U.S.C. 603(a). It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

(16) *Data archiving.* Any data collected in projects supported by CSCOR/COP must be delivered to a National Data Center (NDC), such as the National Oceanographic Data Center (NODC), in a format to be determined by the institution, the NODC, and Program Officer. It is the responsibility of the institution for the delivery of these data; the DOC will not provide additional support for delivery beyond the award. Additionally, all biological cultures established, molecular probes developed, genetic sequences identified, mathematical models constructed, or other resulting information products established through support provided by CSCOR/COP are encouraged to be made available to the general research community at no or a modest handling charge (to be determined by the institution, Program Officer, and DOC). For more details, refer to COP data policy posted at the CSCOR/COP home page.

(17) This notification involves collection-of-information requirements subject to the Paperwork Reduction Act. The use of Standard Forms 424, 424A, 424B, and SF-LLL has been approved by the Office of Management and Budget (OMB) under control numbers 0348–0043, 0348–0044, 0348–0040 and 0348–0046.

The following requirements have been approved by OMB under control number 0648–0384: a Summary Proposal Budget Form (30 minutes per response), a Project Summary Form (30 minutes per response), a standardized format for the Annual Performance Report (5 hours per response), a standardized format for the Final Report (10 hours per response) and the submission of up to 20 copies of proposals (10 minutes per response). The response estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Leslie.McDonald@noaa.gov. Copies of these forms and formats can be found on the CSCOR/COP home page under Grants Information sections, Parts D and F.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection displays a currently valid OMB control number.

Dated: February 20, 2002.

Jamison S. Hawkins,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 02–4834 Filed 2–27–02; 8:45 am]

BILLING CODE 3510–JS–S

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before April 29, 2002.

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. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: February 22, 2002.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Educational Research and Improvement

Type of Review: Revision.

Title: Public Libraries Survey, 2002–2004.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 56.

Burden Hours: 2,520.

Abstract: Mandated under PL 103–382, this survey collects annual descriptive data on the universe of public libraries in the U.S. and the Outlying Areas. Information such as public service hours per year, circulation of library books, etc., number of librarians, population of legal service area, expenditures for library collection, staff salary data, and access to technology are collected.

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 or to the e-mail address *vivian.reese@ed.gov.* 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 Kathy Axt at (540) 776–7742 or via her internet address *Kathy.Axt@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. 02–4740 Filed 2–27–02; 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 April 1, 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: February 22, 2002.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: New.

Title: Annual Performance Report for Title III and Title V Grantees.

Frequency: Annually.

Affected Public: Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden:

Responses: 631.

Burden Hours: 11,358.

Abstract: Titles III and V of the Higher Education Act (HEA), provide discretionary and formula grant programs that make competitive awards to eligible Institutions of Higher Education and organizations (Title III, Part E) to assist these institutions expand their capacity to serve minority and low-income students. Grantees annually submit a yearly performance report to demonstrate that substantial progress is being made towards meeting the objectives of their project. This request is to implement a new, web-based Annual Performance Report to more effectively elicit program-specific information to be used for program monitoring and Government Performance and Results Act (GPRA) reporting purposes. The Annual Performance Report will be the cornerstone of a new Performance Measurement System tailored to strengthen the Department of Education's program monitoring efforts, streamline our processes, and enhance our customer service.

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 or to the e-mail address *vivian.reese@ed.gov.* 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 SCHUBART at (202) 708–9266. 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. 02–4739 Filed 2–27–02; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Under Review by the Office of Management and Budget

AGENCY: Department of Energy.

ACTION: Submission for Office of Management and Budget review for extension of currently approved collection; comment request.

SUMMARY: The Department of Energy (DOE) intends to extend for three years, a currently approved information collection package with the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. The Information Management collection package, OMB No. 1910–0100, collects the information from the Department's Management and Operating (M&O) contractors concerning the management and administration of their information resources. The collection of this data is critical to the Department. It is used to ensure that the Department's information resources are properly managed. The data collected involves telecommunications and printing management.

DATES AND ADDRESSES: Written comments and recommendations for this collection package must be mailed within April 1, 2002 to the OMB Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the OMB Desk Officer of your intention to make a submission as soon as possible. The Desk Officer maybe telephoned at (202) 395–7318. In addition, please notify the DOE contact listed in this notice.

FOR FURTHER INFORMATION CONTACT: Requests for copies of the Department's Paperwork Reduction Act Submission and other information should be directed to Ms. Susan L. Frey, U.S. Department of Energy, Director, Records Management Division, (IM–11), Office of the Chief Information Officer, Germantown, MD 20874–1290. Ms. Frey can be contacted by telephone at (301) 903–3666 or e-mail at *Susan.Frey@hq.doe.gov*.

SUPPLEMENTARY INFORMATION: This package contains (1) Current OMB No. 1910–0100; (2) Package Title: Information Management; (3) Summary: Request for a three-year extension of a currently approved information collection package with the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995; (4) Purpose: This information is required for management oversight of DOE M&O contracts/contractors and to ensure that the administrative and information management requirements of the contract are managed efficiently and effectively; (5) Type of

Respondents: 438 DOE management and operating contractors; (6) Estimated Number of Burden Hours: 6,814; (7) Number of collections: This package contains eight (8) collections.

Statutory Authority: Sections 3507(h)(1) of the Paperwork Reduction Act of 1995 (Public Law 104–13) (44 U.S.C. 3501 et seq).

Issued in Washington, DC on February 13, 2002.

Susan L. Frey,

Director, Records Management Division, Office of the Chief Information Officer.

[FR Doc. 02–4779 Filed 2–27–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

National Energy Technology Laboratory; Notice of intent to issue a Financial Assistance Solicitation (PS)

AGENCY: National Energy Technology Laboratory (NETL), Department of Energy (DOE).

ACTION: Notice of Intent to Issue a Financial Assistance Solicitation.

SUMMARY: Notice is hereby given of the intent to issue Financial Assistance Solicitation No. DE–PS26–02NT41434 entitled ''Deep Trek Program Solicitation.'' The general goal of this research and development effort is to support development of new and/or innovative technologies that are required to meet the needs of the U.S. natural gas industry in gaining improved access to natural gas resources at depths beyond 20,000 feet. The ''Deep Trek Program Solicitation'' supports the DOE/NETL's Strategic Center for Natural Gas' 2020 Vision of increased benefits to the U.S. public from an affordable supply, reliable delivery, and increased environmental protection from an increase in natural gas usage. Industry input on the solicitation objectives was obtained during a workshop in Houston, Texas on March 20–21, 2001. The objective of this solicitation is to increase the overall effective rate-of-penetration (ROP) for deep drilling, including technologies such as ''Smart'' systems and materials for the hostile environment normally found at depths beyond 20,000 feet.

DATES: The solicitation will be available on the ''Industry Interactive Procurement System'' (IIPS) Web page located at *http://e-center.doe.gov* on or about March 12, 2002. Applicants can obtain access to the solicitation from the address above or through DOE/NETL's Web site at *http://www.netl.doe.gov/business.*

ADDRESSES: The solicitation and any subsequent amendments will be published on the DOE/NETL's Internet address at *http://www.netl.doe.gov/business* and on the IIPS Web page located at *http://e-center.doe.gov.* Comments and/or questions prior to the issuance of the solicitation shall be forwarded to the mailing address or e-mail address provided below.

FOR FURTHER INFORMATION CONTACT: Kelly A. McDonald, MS I07, U.S. Department of Energy, National Energy Technology Laboratory, 3610 Collins Ferry Road, P.O. Box 880, Morgantown, WV 26507–0880. E-mail Address: *kelly.mcdonald@netl.doe.gov.* Telephone Number: (304) 285–4113.

SUPPLEMENTARY INFORMATION: It is anticipated that this action will consist of a single solicitation with multiple closing dates. It is also anticipated that a pre-application process will be used. After consideration of the technical discussion of the pre-application, each applicant will be notified as to whether the applicant can submit a subsequent comprehensive application. The program solicitation will focus on the following two specific topic areas:

1. Improved economics in deep well drilling, including, but not limited to: (1) Innovative drilling hardware concepts to improve rate-of-penetration (ROP) in deep hostile environments, with a focus on material science, electronics, software development and advanced drilling fluid technology advancements; and, (2) Improvements in diagnostic capability during drilling operations.

2. Improved economics in deep well completions, including, but not limited to: Drilling and completion fluid optimization for deep wells.

It is anticipated that the work performed under this action will consist of three (3) phases similar to the following:

Phase I—Feasibility Concept Definition;
Phase II—Prototype Development or Research, Development, and Testing;
Phase III—Field/System Demonstration and Commercialization.

The maximum period of performance for all three (3) phases is estimated at forty-eight (48) months. The goal of this procurement is to work toward a demonstration of concepts at a commercially scalable size. It is recognized that each applicant may propose varying scopes of effort for one or more of the three (3) phases, and consequently, an applicant is not required to perform all Phase I activities if significant work on Phase I type activities has been previously completed. If the applicant proposed to initially proceed to Phase II or III efforts, information must be included in their application which demonstrates the merit of the previous research and reference to the results. For successful applicants proposing to Phase II or III, the cost of work performed by the applicant to satisfy the Phase I or II requirements prior to the execution of the resulting agreement will not be considered when calculating cost share. Due to the nature and objective of this solicitation, it is anticipated that a mixture of applications will be accepted with staggered beginning dates, and it is therefore anticipated that any applicant selected for award shall proceed on it's own schedule, independent of any other application. The schedule will be based on the best estimate of the time it will take the team to complete the three (3)-phase effort and address the solicitation objective.

DOE anticipates multiple cooperative agreement awards under each topic area resulting from this solicitation, and no fee or profit will be paid to a Recipient or Subrecipient under the awards. This particular program is covered by Section 3001 and 3002 of the Energy Policy Act (EPAct), 42 U.S.C. 13542. EPAct 3002 requires a cost-share commitment of at least 20 percent from non-Federal sources for research and development projects and at least 50 percent for demonstration and commercial projects. Depending on the phase and maturation stage of the agreement, cost-share expectations will range from 20 to 50 percent. This particular program is also covered by section 2306 of EPAct, 42 U.S.C. 13525. In order for a company to be eligible for an award under this solicitation, the company's participation must be in the economic interest of the U.S. and the company must either be a U.S.-owned company or incorporated in the U.S. with its parent company incorporated in a country that (i) affords to U.S.-owned companies opportunities, comparable to those afforded to any other company, to participate in any joint venture similar to those authorized under the Act; (ii) affords to U.S-owned companies local investment opportunities comparable to those afforded to any other company; and (iii) affords adequate and effective protection for the intellectual property rights of U.S.-owned companies. This eligibility requirement also applies to all companies participating in any joint venture, ''team'' arrangement, or as a major subcontractor. The solicitation will contain as part of the application package the applicable EPAct representation form(s). In addition to EPAct, applicant's must incur at least 75

percent of the direct labor cost for the project (including subcontractor labor) in the U.S.. At current planning levels, and subject to the availability of funds, DOE expects to provide up to approximately $3,400,000 to support work under this solicitation. Applications which include performance of Federal agencies and agents (i.e. Management and Operations (M&O) contractors and/or National Laboratories) as a team member will be acceptable under this solicitation if the proposed use of any such entities is specifically authorized by the executive Federal agency managing the M&O or National Laboratory, and the work is not otherwise available from the private sector. Such work, if approved, would be accomplished through a direct transfer of funding from the NETL to the M&O contractor and/or National Laboratory. Even though participation of an M&O and/or National Laboratory may be appropriate, their participation cannot exceed thirty-five (35) percent of the applicant's total estimated project cost.

Once released, the solicitation will be available for downloading from the IIPS Internet page. At this Internet site you will also be able to register with IIPS, enabling you to submit an application. If you need technical assistance in registering or for any other IIPS function, call the IIPS Help Desk at (800) 683–0751 or e-mail the Help Desk personnel at *IIPS_HelpDesk@e-center.doe.gov.* The solicitation will only be made available in IIPS, no hard (paper) copies of the solicitation and related documents will be made available.

Prospective applicants who would like to be notified as soon as the solicitation is available should subscribe to the Business Alert Mailing List at *http://www.netl.doe.gov/business.* Once you subscribe, you will receive an announcement by e-mail that the solicitation has been released to the public. Telephone requests, written requests, e-mail requests, or facsimile requests for a copy of the solicitation package will not be accepted and/or honored. Applications must be prepared and submitted in accordance with the instructions and forms contained in the solicitation. The actual solicitation document will allow for requests for explanation and/or interpretation.

Issued in Morgantown, WV, on February 15, 2002.

Randolph L. Kesling,

Director, Acquisition and Assistance Division.

[FR Doc. 02–4778 Filed 2–27–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Fernald

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Fernald. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Saturday, March 16, 2002, 8:30 p.m.–12 p.m.

ADDRESSES: Public Environmental Information Center, 10995 Hamilton-Cleves Highway, Harrison, OH.

FOR FURTHER INFORMATION CONTACT: Doug Sarno, Phoenix Environmental, 6186 Old Franconia Road, Alexandria, VA 22310, at (703) 971–0030 or (513) 648–6478, or e-mail; *djsarno@theperspectivesgroup.com.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

8:30 a.m. Call to Order
8:30–8:45 a.m. Chair's Remarks and Ex Officio Announcements
8:45–9:15 a.m. Current Remediation Issues, Silos, Efficiency Efforts
9:15–10:15 a.m. Ground Water Workshop Statements
10:15–10:30 a.m. Break
10:30–11:30 a.m. Results of the Records Workshop
11:30–11:45 a.m. Planning for Chairs Meeting
11:45–12:00 p.m. Public Comment
12:00 p.m. Adjourn

Public Participation: The meeting is open to the public. Written statements may be filed with the Board chair either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact the Board chair at the address or telephone number listed below. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer, Gary Stegner, Public Affairs Office, Ohio Field Office, U.S. Department of Energy, is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, 20585 between 9 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available by writing to the Fernald Citizens' Advisory Board, % Phoenix Environmental Corporation, MS–76, Post Office Box 538704, Cincinnati, OH 43253–8704, or by calling the Advisory Board at (513) 648–6478.

Issued at Washington, DC on February 22, 2002.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 02–4780 Filed 2–27–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR02–5–000]

Big West Oil, LLC, Chevron Products Company and Tesoro Refining and Marketing Company, Complainants, v. Alberta Energy Company, Ltd., Express Pipeline LLC and Platte Pipe Line Company, Respondents; Notice of Complaint

February 22, 2002.

Take notice that on February 21, 2002, Big West Oil LLC (Big West), Chevron Products Company (Chevron), and Tesoro Refining and Marketing Company (Tesoro) tendered for filing a Complaint against Alberta Energy Company, Ltd. (AEC), Express Pipeline LLC (Express) and Platte Pipe Line Company (Platte).

Big West, Chevron and Tesoro state in their Complaint that in order to transport crude oil and synthetic crude oil to their refineries in Salt Lake City, Utah, they must utilize a ''pump over'' facility that Platt Pipe Line Company operates in Casper, Wyoming. That pump over facility is used to transfer crude petroleum and synthetic crude oil in Casper, Wyoming from the Express pipeline to a pipeline operated by Frontier Pipeline Company. Big West, Chevron, and Tesoro allege that the fees being charged for the use of the Platte pump over facility are unjust and unreasonable and unduly discriminatory and unduly preferential and, therefore, in violation of the Interstate Commerce Act. Big West,

Chevron and Tesoro further maintain that AEC and Express are directly responsible for the pump over fees and that these fees improperly inure to their benefit.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before March 14, 2002. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Answers to the complaint shall also be due on or before March 14, 2002. 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, interventions and answers may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. 02–4756 Filed 2–27–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER02–506–000]

Bluegrass Generation Company, L.L.C.; Notice of Issuance of Order

February 22, 2002.

Bluegrass Generation Company, L.L.C. (Bluegrass) submitted for filing a tariff under which Bluegrass will engage in the sales of energy and capacity services at market-based rates and the reassignment of transmission capacity. Bluegrass also requested waiver of various Commission regulations. In particular, Bluegrass requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Bluegrass.

On February 1, 2002, pursuant to delegated authority, the Director, Office of Markets, Tariffs and Rates-Central, granted requests for blanket approval under Part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Bluegrass should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, Bluegrass is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Bluegrass, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Bluegrass' issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 4, 2002.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (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 at http://www.ferc.fed.us/efi/doorbell.htm.

Magalie R. Salas,

Secretary.

[FR Doc. 02–4755 Filed 2–27–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–383–038]

Dominion Transmission, Inc.; Notice of Negotiated Rate Filing

February 22, 2002.

Take notice that on February 15, 2002, Dominion Transmission, Inc. (DTI) submitted the following tariff sheets disclosing a negotiated rate transaction:

Eighth Revised Sheet No. 1300
Original Sheet No. 1419
First Revised Sheet No. 1419
Sheet Nos. 1420–1499

DTI states that the tariff sheets relate to a negotiated rate transaction between DTI and Dominion Field Services, Inc. (Field Services). DTI inherited a service agreement between Conoco, Inc. and Great Lakes Gas Transport, LLC when it acquired gas transportation facilities from Great Lakes Gas Transport, LLC effective November 1, 2001. Conoco, Inc., after approval of the merger, assigned its rights and obligations under the agreement to Field Services. The tariff sheets are being filed to reflect the resulting agreement. Because the service agreement does not conform to the Form of Service Agreement contained in DTI's tariff, these tariff sheets are being filed to report a possible non-conforming service agreement. DTI requests an effective date of November 1, 2001 for Sheet Nos. 1419 and an effective date of February 16, 2002 for Eighth Revised Sheet No. 1300 and Sheet Nos. 1420–1499.

DTI states that copies of its filing have been served upon DTI's customers and interested state commissions. DTI also states that copies of its filing are available for public inspection during regular business hours, at DTI's offices in Clarksburg, West Virginia.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. 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.

Magalie R. Salas,

Secretary.

[FR Doc. 02–4763 Filed 2–27–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER02–538–000]

LSP Pike Energy, LLC; Notice of Issuance of Order

February 22, 2002.

LSP Pike Energy, LLC (LSP Energy) submitted for filing a tariff under which LSP Energy will engage in the sales of energy, capacity, and ancillary service at market-based rates. LSP Energy also requested waiver of various Commission regulations. In particular, LSP Energy requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by LSP Energy.

On February 1, 2002, pursuant to delegated authority, the Director, Office of Markets, Tariffs and Rates-Central, granted requests for blanket approval under Part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by LSP Energy should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, LSP Energy is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of LSP Energy, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of LSP Energy's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 4, 2002.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (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 at http://www.ferc.fed.us/efi/doorbell.htm.

Magalie R. Salas,

Secretary.

[FR Doc. 02–4754 Filed 2–27–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–114–001]

Tennessee Gas Pipeline Company; Notice of Cash-Out Report

February 22, 2002.

Take notice that on February 15, 2002, Tennessee Gas Pipeline Company (Tennessee) tendered for filing its revised refund plan to its Cashout Report for the period September 2000 through August 2001.

Tennessee's Cashout Report reflects a net cashout gain of $10,600,893. Pursuant to its tariff, Tennessee proposes to credit $2,448,806 to the Supply Area Volumetric Surcharge Account and $31,608 to the Market Area Volumetric Surcharge Account. Tennessee proposes to refund the remaining amount to firm shippers pro rata based on contract quantities in effect from September 1, 2000 through August 31, 2001.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before March 5, 2002. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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.

Magalie R. Salas,

Secretary.

[FR Doc. 02–4764 Filed 2–27–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–160–000]

Transcontinental Gas Pipe Line Corporation; Notice of Revised Tariff Sheets

February 22, 2002.

Take notice that on February 19, 2002, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing with the Federal Energy Regulatory Commission (Commission) Fifth Revised Twenty-First Revised Sheet No, 28 to its FERC Gas Tariff, Third Revised Volume No. 1. The tariff sheet is proposed to be effective February 1, 2002.

Transco states that the purpose of the instant filing is to track rate changes attributable to storage service purchased from Texas Eastern Transmission Corporation (TETCO) under its Rate Schedule X–28, the costs of which are included in the rates and charges payable under Transco's Rate Schedule S–2. This filing is being made pursuant to tracking provisions under Section 26 of the General Terms and Conditions of Transco's Third revised Volume No. 1 Tariff.

Included in Appendix B attached to the filing is the explanation of the rate changes and details regarding the computation of the revised S–2 rates.

Transco states that copies of the filing are being mailed to affected customers and interested State Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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.

Magalie R. Salas,

Secretary.

[FR Doc. 02–4765 Filed 2–27–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–2493–002, et al.]

Central Maine Power Company, et al.; Electric Rate and Corporate Regulation Filings

February 21, 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. Central Maine Power Company

[Docket No. ER01–2493–002]

Take notice that on February 19, 2002, in compliance with the Commission's order issued in this proceeding on January 4, 2002, Central Maine Power Company (CMP) filed a report summarizing the refunds recently paid to its wholesale customers. Such refunds are due to implementation of the settlement agreement filed and accepted in this docket.

Comment Date: March 12, 2002.

2. TEC Trading, Inc.

[Docket Nos. ER01–2783–002, ER01–2783–003]

Take notice that on February 7, 2002, TEC Trading, Inc., f/k/a ODEC Power Trading, Inc. (TEC) filed with the Federal Energy Regulatory Commission (Commission) a compliance filing (Docket No. ER01–2783–002), and on February 19, 2002 filed an amended compliance filing (Docket No. ER01–2783–003), each in response to the Commission's Order granting its application for blanket authority to sell wholesale power at market-based rates. TEC's compliance filing is filed pursuant to Section 205 of the Federal Power Act and Rules 205 and 207 of Commission's rules of Practice and Procedure, 18 CFR 385.205 and 385.207.

Comment Date: March 12, 2002.

3. Mirant Delta, LLC, Mirant Potrero, LLC

[Docket No. ER02–198–003]

Take notice that on February 15, 2002, Mirant Delta, LLC submitted for filing certain limited errata to its October 31, 2001 filing in the captioned docket.

Comment Date: March 8, 2002.

4. Reliant Energy Desert Basin, LLC

[Docket No. ER02–310–002]

Take notice that on February 19, 2002, pursuant to the letter order issued in the captioned docket on January 11, 2002, Reliant Energy Desert Basin, LLC (RE Desert Basin) submitted to the Federal Energy Regulatory Commission a revised filing of an umbrella service agreement under RE Desert Basin's FERC Electric Tariff, Original Volume No. 1, with the service agreement properly designated as required by Order No. 614.

Comment Date: March 12, 2002.

5. Duke Energy Southaven, LLC

[Docket No. ER02–583–001]

Take notice that on February 19, 2002, Duke Energy Southaven, LLC filed a notice of status change with the Federal Energy Regulatory Commission in connection with the pending change in upstream control of Engage Energy America LLC and Frederickson Power L.P. resulting from a transaction involving Duke Energy Corporation and Westcoast Energy Inc.

Copies of the filing were served upon all parties on the official service list compiled by the Secretary of the Federal Energy Regulatory Commission in these proceedings.

Comment Date: March 12, 2002.

6. Central Hudson Gas & Electric Corporation

[Docket No. ER02–1018–000]

Take notice that on February 14, 2002, Central Hudson Gas & Electric Corporation (Central Hudson), tendered for filing proposed changes in its Rate Schedule FERC No. 202 which sets forth the terms and charges for substation service provided by Central Hudson to Consolidated Edison Company of New York, Inc.

Central Hudson requests waiver on the notice requirements set forth in 18 CFR 35.11 of the Regulations to permit charges to become effective January 1, 2001 as agreed to by the parties. Central Hudson states that a copy of its filing was served on Con Edison and the State of New York Public Service Commission.

Comment Date: March 7, 2002.

7. Progress Energy on behalf of Florida Power Corporation

[Docket No. ER02–1019–000]

Take notice that on February 14, 2002, Florida Power Corporation (FPC) tendered for filing a Service Agreement for Firm Point-to-Point Transmission Service with Reliant Energy Services, Inc. Service to this Eligible Customer will be in accordance with the terms and conditions of the Open Access Transmission Tariff filed on behalf of FPC.

FPC is requesting an effective date of March 31, 2002 for this Service Agreement. A copy of the filing was served upon the Florida Public Service Commission and the North Carolina Utilities Commission.

Comment Date: March 7, 2002.

8. Pacific Gas and Electric Company

[Docket No. ER02–1020–000]

Take notice that on February 14, 2002, Pacific Gas and Electric Company (PG&E) tendered for filing three agreements entitled Wholesale Distribution Tariff Service Agreement (WDT Service Agreement), Generator Interconnection Agreement (GIA) and Generation Operating Agreement (GOA) (collectively, Agreements) with West Contra Costa Energy recovery Company (WCCERC), submitted pursuant to the PG&E Wholesale Distribution Tariff (WDT).

The Agreements provide the terms and conditions for the interconnection and parallel operation of WCCERC's generating facility with PG&E's electric system and for the ownership, operation and maintenance of the existing facilities, and establish operating responsibilities and procedures for communications and safe work practices. PG&E has requested certain waivers.

Copies of this filing have been served upon WCCERC, the California Independent System Operator Corporation and the California Public Utilities Commission.

Comment Date: March 7, 2002.

9. Ontario Energy Trading International Corp.

[Docket No. ER02–1021–000]

Take notice that on February 14, 2002, Ontario Energy Trading International Corp. (Ontario Energy), tendered for filing an application for an order accepting its FERC Electric Tariff No. 1, which will permit Ontario Energy to make wholesale sales of electric power at market rates.

Comment Date: March 7, 2002.

10. Green Country Energy, LLC

[Docket No. ER02–1022–000]

Notice that on February 14, 2002, Green Country Energy, LLC (Green Country) tendered for filing with the Federal Energy Regulatory Commission (Commission) under its market-based rate tariff a long-term service agreement between Green Country and PECO Energy Company and an assignment of that agreement to Exelon Generating Company, LLC . By letter dated February 15, Green Country requests confidential treatment of its filing, pending the Commission's decision in *Southern Company Services, Inc.,* Docket No. ER00–2998–000, *et al., reh'g pending.*

Comment Date: March 7, 2002.

11. Public Service Electric and Gas Company

[Docket No. ER02–1030–000]

Take notice that on February 15, 2002, pursuant to Section 205 of the Federal Power Act, Public Service Electric and Gas Company (PSE&G) filed with the Federal Energy Regulatory Commission (Commission) an amendment to PSE&G Tariff No. 111 concerning frequency conversion services, and related transmission services, performed by PSE&G for PECO Energy Company (PECO). PSE&G states that the amendment, dated as of January 30, 2002, settles areas of dispute between the companies concerning terms and conditions of service under their existing January 12, 1932 agreement, amended as of October 21, 1982, and increases rates for the services provided. PSE&G has requested a retroactive effective date for the January 30, 2002 amendment, of September 1, 2000, based upon the date that PSE&G and PECO reached an agreement in principle concerning the basic terms of the amendment.

Comment Date: March 8, 2002.

12. Commonwealth Edison Company

[Docket No. ER02–1031–000]

Take notice that on February 15, 2002, Commonwealth Edison Company (ComEd) submitted for filing an executed Service Agreement for Network Integration Transmission Service (NSA) and the associated executed Network Operating Agreement (NOA) between ComEd and Exelon Generation Company, LLC (Exelon). These agreements govern ComEd's provision of network service to serve retail load under the terms of ComEd's Open Access Transmission Tariff (OATT). The executed NSA and associated executed NOA replace the unexecuted NSA and unexecuted NOA between ComEd and Exelon which were previously filed with the Commission on March 29, 2001, designated as Docket No. ER01–1645–000, and accepted for filing on May 4, 2001.

ComEd requests an effective date of March 1, 2001 for both the executed NSA and the associated executed NOA, which is the same effective date that ComEd requested and was granted by the Commission for the unexecuted NSA and associated unexecuted NOA with Exelon filed in Docket No. ER01–1645–000. Accordingly, ComEd requests waiver of the Commission's notice requirements. A copy of this filing was served on Exelon.

Comment Date: March 8, 2002.

13. Commonwealth Edison Company

[Docket No. ER02–1032–000]

Take notice that on February 15, 2002, Commonwealth Edison Company (ComEd) submitted for filing an executed Service Agreement for Short-Term Firm Point-to-Point Transmission Service (Service Agreement) and the associated executed Dynamic Scheduling Agreement (DSA) with Exelon Generation Company, LLC (Exelon) under ComEd's Open Access Transmission Tariff (OATT). The executed Service Agreement and associated executed DSA replace the unexecuted Service Agreement and unexecuted DSA between ComEd and Exelon which were previously filed with the Commission on January 31, 2002, designated as Docket No. ER02–934–000.

ComEd requests an effective date of February 1, 2002 for both the executed Service Agreement and the associated executed DSA, which is the same effective date that ComEd requested for the unexecuted Service Agreement and associated unexecuted DSA with Exelon filed in Docket No. ER02–934–000. Accordingly, ComEd requests waiver of the Commission's notice requirements. A copy of this filing was served on Exelon.

Comment Date: March 8, 2002.

14. FirstEnergy Solutions Corp.

[Docket No. ER02–1033–000]

Take notice that on February 15, 2002, FirstEnergy Solutions Corp. (FE Solutions) submitted for informational purposes a First Revised Service Agreement No. 3 under FE Solutions' market-based rate power sales tariff, FirstEnergy Solutions Corp., FERC Electric Tariff, Original Volume No. 1.

Comment Date: March 8, 2002.

15. The Detroit Edison Company

[Docket No. ER02–1034–000]

Take notice that on February 15, 2002, The Detroit Edison Company (Detroit Edison) tendered for filing Service Agreements for wholesale power sales transactions (Service Agreements) under Detroit Edison's Wholesale Power Sales Tariff (WPS–2), FERC Electric Tariff No. 3 (WPS–2 Tariff) between Detroit Edison and the following parties: Ameren Energy, Inc.; Energy International; Energy USA-TPC Corp.; and Florida Power Corporation.

Comment Date: March 8, 2002.

16. Entergy Services, Inc.

[Docket No. ER02–1035–000]

Take notice that on February 15, 2002, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc., tendered for filing a unilaterally executed Interconnection and Operating Agreement with AES River Mountain L.P. (AES), and a Generator Imbalance Agreement with AES.

Comment Date: March 8, 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, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). 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.

Magalie R. Salas,

Secretary.

[FR Doc. 02–4753 Filed 2–27–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 8864–016]

Calligan Hydro Inc.; Notice of Availability of Final Environmental Assessment

February 22, 2002.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for amendment of the license for the Calligan Creek Hydroelectric Project, located on Calligan Creek in King County, Washington, and has prepared a Final Environmental Assessment (FEA) for the project. No federal lands are affected by this project.

The FEA contains the staff's analysis of the potential environmental impacts of modifications to the project and concludes that amending the license for the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The FEA is attached to a Commission order issued on February 21, 2002, for the above application. Copies of the FEA are available for review at the Commission's Public Reference Room, located at 888 First Street, N.E., Washington, DC 20426, or by calling (202) 208–1371. The FEA may also be viewed on the web at http://www.ferc.gov (call (202) 208–2222 for assistance).

For further information, contact Kenneth Hogan at (202) 208–0434.

Magalie R. Salas,

Secretary.

[FR Doc. 02–4759 Filed 2–27–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9025–012]

Hancock Hydro Inc.; Notice of Availability of Final Environmental Assessment

February 22, 2002.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for amendment of the license for the Hancock Creek Hydroelectric Project, located on Hancock Creek in King County, Washington, and has prepared a Final Environmental Assessment (FEA) for the project. No federal lands are affected by this project.

The FEA contains the staff's analysis of the potential environmental impacts of modifications to the project and concludes that amending the license for the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The FEA is attached to a Commission order issued on February 21, 2002, for the above application. Copies of the FEA can be obtained by calling the Commission's Public Reference Room at (202) 208–1371. Copies of the FEA can also be obtained through the Commission's homepage at *http://www.ferc.gov.*

For further information, contact Kenneth Hogan at (202) 208–0434.

Magalie R. Salas,

Secretary.

[FR Doc. 02–4760 Filed 2–27–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP02–32–000]

Texas Eastern Transmission, LP; Notice of Intent To Prepare an Environmental Assessment for the Proposed Time Project, Request for Comments on Environmental Issues, and Notice of Site Visits

February 20, 2002.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Time Project involving construction and operation of facilities by Texas Eastern Transmission, LP (Texas Eastern) in several counties in Pennsylvania, New Jersey, and New York.[1] These facilities would consist of about 15.8 miles of 36-inch diameter pipeline; 27,200 horsepower (hp) of additional compression, and uprate an existing meter and regulation station. This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

If you are a landowner receiving this notice, you may be or have been contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' was attached to the project notice Texas Eastern provided to landowners. This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet website (*www.ferc.gov*).

This notice is being sent to landowners of property affected by Texas Eastern's proposed facilities; Federal, state, and local agencies; elected officials; Indian tribes that might attach religious and cultural significance to historic properties in the area of potential effects; environmental and public interest groups; and local libraries and newspapers. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

Summary of the Proposed Project

Texas Eastern wants to expand the capacity of its pipeline in Pennsylvania to transport an additional 100,000 dekatherms (Dth/day) per day of natural gas to New Jersey Natural Gas. Transco seeks authority to construct, operate and maintain the following facilities:

—four new segments of 36-inch-diameter pipeline loop in Perry County (Perulack), Lebanon County (Grantville), Berks County (Bernville), and Bucks County (Bechtelsville), Pennsylvania, totaling 15.8 miles; (The Perulack and Bechtelsville discharges were modified in position

[1] Texas Eastern's application was filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

of a section of the pipeline, which did not change the length of each line.)[2]
—8,600 horsepower (hp) uprates, from 13,400 to 22,000 hp, for each of two existing compressor stations, the Entriken in Huntingdon County, Pennsylvania, and the Armagh in Indiana County, Pennsylvania, totaling 17,200 hp;
—one new 10,000 hp electric driven compressor unit at the existing Lambertville Compressor Station in Hunterdon County, New Jersey; and
—Upgrading the existing meter and regulation station M&R No. 70058 in Richmond County, New York.

The general location of the project facilities is shown in appendix 1.[3]

Land Requirements for Construction

Construction of the proposed pipeline additions would affect about 271 acres of land. Following construction, about 50 acres would be maintained as new pipeline right of way. The remaining 221 acres of land would be restored and allowed to revert to its former use.

Construction of new facilities at the three existing compressor stations would require a total of about 5 acres of land area. However, about 2 acres would be required for operation of these facilities.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section of this notice.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Texas Eastern. This preliminary list of issues may be changed based on your comments and our analysis.

Geology and Soils
—Erosion control and right-of-way restoration.
—Potential for mixing of topsoil and subsoil.

Water Resources and Wetlands
—A total of 16 perennial streams would be crossed by the pipelines (14) or access roads (2).
—Ten wetlands, totaling 8 acres, would be crossed by the pipeline during construction. About 2 acres would be affected during operation.

Biological Resources
—Impacts on about 155 acres of upland forest and scrub-shrub habitat.

Cultural Resources
—Impacts on prehistoric and historic sites.
—Native American concerns.

Land Use
—Impacts on about 5 acres of residential areas.
—Impacts on 11 residents within 50 feet of the proposed construction area.
—Visual effects of the aboveground facilities on surrounding areas.

Air and Noise Quality
—Impacts on local air and noise environment as a result of operation of the new compressor upgrades.

Alternatives
—Evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations/routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

—-Send two copies of your letter to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission 888 First St., N.E., Room 1A, Washington, DC 20426.
—Label one copy of the comments for the attention of Gas/Hydro Group.
—Reference Docket No. CP02–032–000.
—Mail your comments so that they will be received in Washington, DC on or before March 22, 2002.

Please note that we are continuing to experience delays in mail deliveries from the U.S. Postal Service. As a result, we will include all comments that we receive within a reasonable time frame in our environmental analysis of this project. However, the Commission encourages electronic filing of any comments or interventions or protests to this proceeding. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.gov* under the ''e-Filing'' link and the link to the User's Guide. Before you can file comments you will need to create an account which can be created by clicking on ''Login to File'' and then ''New User Account.''

All commentors will be retained on our mailing list. If you do not want to send comments at this time but still want to stay informed and receive copies of the EA, *if it is released for further public comment,* you must return the attached Information Request (appendix 3). If you do not send comments or return the Information Request, you will be taken off the mailing list.''

Site Visit

We will also be conducting site visits to the project area. Anyone interested in

[2] On February 19, 2002, Texas Eastern made a supplemental filing revising the Perulack Discharge by moving the beginning point approximately 15,000 feet east or downstream of the currently filed starting point; and the Bechtelsville Discharge by moving the beginning point for the loop approximately 5,800 feet east or downstream of the currently filed starting point.

[3] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available on the Commission's website at the ''RIMS'' link or from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE., Washington, DC 20426, or call (202) 208–1371. For instructions on connecting to RIMS refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

participating in the site visit may contact the Commission's Office of External Affairs identified at the end of this notice for more details.

Schedule of Site Visits

The Commission staff will be conducting an environmental site visit of the following proposed facilities for the Time project on Tuesday and Wednesday, March 5 and 6, 2002: Lambertville Compressor Station, NJ; Bechtelsville Discharge, PA; Bernville Discharge, PA; Perulack Discharge, PA; and Grantville Discharge, PA. The following list specifies the time and location to meet staff at each project facility.

Tuesday, March 5, 2002:

—*Lambertville Compressor Station:* 7:45 am, Lambertville Construction Wareyard, Highway 179 and Mill Road, Lambertville, NJ.
—*Bechtelsville Discharge:* 9 am, Bethel Baptist Church parking lot, 754 East Rockhill Road, Sellersville, PA.
—*Bernville Discharge:* 2 pm, Bernville Project Wareyard, Jake's Flea Market, 1372 Route 100, Barto, PA.

Wednesday, March 6, 2002:

—*Perulack Discharge:* 9:30 am, Blain Family Restaurant, Main Street, Blain, PA.
—*Grantville Discharge:* 12:00 pm, Heisey's Diner, 1740 Route 72 North, Lebanon, PA

Anyone interested in participating in the site visit may meet at the appropriate, above-specified time and location, and may contact the Commission's Office of External Affairs at (202) 208–1088 with any questions, or to obtain updates on the above schedule should changes occur while staff is en route to the meeting locations. Participants must provide their own transportation.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an ''intervenor''. Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2). Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Additional information about the proposed project is available from the Commission's Office of External Affairs at (202) 208–1088 (direct line) or you can call the FERC operator at 1–800–847–8885 and ask for External Affairs. Information is also on the FERC website (www.ferc.gov) using the ''RIMS'' link to information in this docket number. Click on the ''RIMS'' link, select ''Docket #'' from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222.

Similarly, the ''CIPS'' link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the ''CIPS'' link, select ''Docket #'' from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2474.

Magalie R. Salas,

Secretary.

[FR Doc. 02–4565 Filed 2–27–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2232–439]

Notice of Non-Project Use of Project Lands and Waters and Soliciting Comments, Motions To Intervene, and Protests

February 22, 2002.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Project Use of Project Lands and Waters

b. *Project No:* 2232–439

c. *Date Filed:* February 7, 2002

d. *Applicant:* Duke Energy Corporation

e. *Name of Project:* Catawba-Wateree Hydroelectric Project

f. *Location:* On Lake Norman at the Wildwood Cove Subdivision, in Iredell County, North Carolina. The project does not utilize federal or tribal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 USC 791(a)-825(r).

h. *Applicant Contact:* Mr. E.M. Oakley, Duke Energy Corporation, P.O. Box 1006 (EC12Y), Charlotte, NC 28201–1006. Phone: (704) 382–5778

i. *FERC Contact:* Any questions on this notice should be addressed to Brian Romanek at (202) 219–3076, or e-mail address: brian.romanek@ferc.gov.

j. *Deadline for filing comments and motions:* March 25, 2002.

All documents (original and eight copies) should be filed with Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington DC 20426. Please include the project number (2232–439) on any comments or motions filed.

k. *Description of Proposal:* Duke Energy Corporation proposes to lease to Crescent Resources, Inc. one parcel of land underlying the project reservoir (a total of 0.615 acre) for a proposed commercial residential marina. The proposed lease area would accommodate 3 cluster boat docks accommodating 20 boats and would provide access to the reservoir for residents of the Wildwood Cove Subdivision. No dredging is proposed.

l. *Locations of the Application:* 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.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must

be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,

Secretary.

[FR Doc. 02–4757 Filed 2–27–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2232–440]

Notice of Non-Project Use of Project Lands and Waters and Solicting Comments, Motions To Intervene, and Protests

February 22, 2002.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Project Use of Project Lands and Waters

b. *Project No:* 2232–440

c. *Date Filed:* January 29, 2002

d. *Applicant:* Duke Energy Corporation

e. *Name of Project:* Catawba-Wateree Hydroelectric Project

f. *Location:* On Lake Wylie at the RiverFront Subdivision, in Gaston County, North Carolina. The project does not utilize federal or tribal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 USC 791(a)–825(r).

h. *Applicant Contact:* Mr. E.M. Oakley, Duke Energy Corporation, P.O. Box 1006 (EC12Y), Charlotte, NC 28201–1006. Phone: (704) 382–5778

i. *FERC Contact:* Any questions on this notice should be addressed to Brian Romanek at (202) 219–3076, or e-mail address: brian.romanek@ferc.gov.

j. *Deadline for filing comments and motions:* March 25, 2002.

All documents (original and eight copies) should be filed with Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington DC 20426. Please include the project number (2232–440) on any comments or motions filed.

k. *Description of Proposal:* Duke Energy Corporation proposes to lease to Squires Enterprises, Inc. four parcels of land underlying the project reservoir (a total of 4.87 acres) for a proposed commercial/ non-residential marina (C/NR) and a commercial/residential (C/R) marina. At the proposed C/R lease area there would be 7 cluster boat docks (accommodating 67 boats) and providing access to the reservoir for residents of the RiverFront Subdivision. At the proposed C/NR lease area there would be 12 cluster boat docks (accommodating 124 boats) and providing access to the reservoir for marina patrons. In total the proposed docks would accommodate 191 boats. No dredging is proposed.

l. *Locations of the Application:* 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.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,

Secretary.

[FR Doc. 02–4758 Filed 2–27–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Regulations Governing Off-the-Record Communications; Public Notice

February 22, 2002.

This constitutes notice, in accordance with 18 CFR 385.2201(h), of the receipt of exempt and prohibited off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who

make or receive an exempt or a prohibited off-the-record communication relevant to the merits of a contested on-the-record proceeding, to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary.

Prohibited communications will be included in a public, non-decisional file associated with, but not part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such requests only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication should serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications will be included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of exempt and prohibited off-the-record communications received in the Office of the Secretary within the preceding 14 days. Copies of this filing are on file with the Commission and are available for public inspection. The documents may 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).

Take note that this notice will now be issued by the Commission on a weekly rather than bi-weekly basis.

Docket No.	Date filed	Presenter
Exempt		
1. Project No. 1354–000	02–20–02	Brandi Bradford.
2. RT01–77–000, RT01–100–000	02–21–02	Terri K. Eaton.
Prohibited		
1. Project No. 2016–044	2–21–02	Debbie C. Young.
2. RT01–75–000	2–21–02	Terri K. Eaton.

Magalie R. Salas,

Secretary.

[FR Doc. 02–4762 Filed 2–27–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11842–003]

Hydro Energy Development Corporation; Notice of Surrender of Preliminary Permit

February 22, 2002.

Take notice that Hydro Energy Development Corporation, permittee for the proposed Big and Grade Creeks Project, has requested that its preliminary permit be terminated. The permit was issued on January 9, 2001, and would have expired on December 31, 2003. The project would have been located on Big and Grade Creeks in Skagit County, Washington.

The permittee filed the request on February 7, 2002, and the preliminary permit for Project No. 11842 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday, or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Magalie R. Salas,

Secretary.

[FR Doc. 02–4761 Filed 2–27–02; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00760; FRL–6825–6]

Environmental Modeling Work Group; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Modeling Work Group (EMWG) will hold a 1–day meeting on March 20, 2002. This notice announces the location and time for the meeting and sets forth the tentative agenda topics.

DATES: The meeting will be held on Wednesday, March 20, 2002, from 9 a.m. to 3 p.m.

ADDRESSES: This meeting will be held in room 1126 at Crystal Mall Building #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Comments 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 OPP–00760 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: James N. Carleton, Environmental Fate and Effects Division (7507C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–5736; fax number: (703) 305–6309; e-mail address: carleton.jim@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 Tribes with pesticide programs or pesticide interests. 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 and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this 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,'' ''Regulations and Proposed Rules,'' 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 OPP–00760. The official record consists of the documents specifically referenced in this action, 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 in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00760 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–00760. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI 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 listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the notice or collection activity.

7. Make sure to submit your comments by the deadline in this notice.

8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Tentative Agenda:

This unit provides tentative agenda topics for the 1–day meeting.

1. Welcome and introductions.
2. Old action items.
3. Model status updates.
4. Spray drift exposure modeling.
5. Rice modeling and ricenet.
6. Turf monitoring progress report.
7. USDA Root Zone Water Quality Model (RZWQM) update.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: February 20, 2002.

Elizabeth Leovey,

Acting Director, Environmental Fate and Effects Division, Office of Pesticide Programs.

[FR Doc. 02–4792 Filed 2–27–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OW–FRL–7151–2]

Nutrient Criteria Development; Notice of Ecoregional Nutrient Criteria

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Ecoregional Nutrient Criteria for Lakes and Reservoirs, and Rivers and Streams.

SUMMARY: Pursuant to Section 304(a) of the Clean Water Act (CWA), the Environmental Protection Agency (EPA) announces the publication and availability of nine additional Section 304(a) ecoregional nutrient criteria documents for lakes and reservoirs, and rivers and streams within specific geographic regions (ecoregions) of the United States. These nine documents supplement the seventeen ecoregional nutrient criteria documents for lakes and reservoirs, rivers and streams and wetlands announced by EPA on January 9, 2001 (66 FR 1671). These documents give States, Territories, and authorized Tribes (Hereafter, this **Federal Register** Notice refers to these entities as ''States and authorized Tribes.'' Throughout this document, reference to States and

Authorized Tribes is intended to include Territories) information to develop numeric nutrient criteria for lakes and reservoirs, rivers and streams, and wetlands within several different nutrient ecoregions. An ecoregion is a geographic area with assumed relative homogeneity of ecological characteristics. EPA's section 304(a) criteria recommendations represent enrichment conditions (total phosphorous, total nitrogen, chlorophyll *a* and some form of water clarity, i.e. Secchi depth or turbidity) of surface waters that are minimally affected by human activities and to provide for the protection and propagation of aquatic life and recreation. Draft criteria documents have undergone external peer review, and a summary of these comments is available on EPA's Internet website: (http://www.epa.gov/ost/standards/nutrient.html).

While the nine documents available today contain EPA's scientific recommendations regarding ecoregional nutrient criteria, the information and recommendations are not regulations and do not impose legally binding requirements on EPA, States, authorized Tribes, or the public. They may not apply to a particular situation based upon the circumstances. States and authorized Tribes retain the discretion to adopt water quality criteria that differ from these recommendations based on other scientifically defensible approaches to developing regional or local nutrient criteria. EPA may revise these section 304(a) water quality criteria recommendations in the future.

EPA is making these recommended section 304(a) nutrient water quality criteria available to the public in accordance with the Agency's process for publishing new and revised criteria (see **Federal Register**, December 10, 1998, 63 FR 68354 and in the EPA document titled, ''National Recommended Water Quality—Correction,'' EPA 822–Z–99–001, April 1999). EPA invites the public to provide scientific views on these criteria. EPA will review and consider information submitted on significant scientific issues and site-specific data that might not have otherwise been identified by the Agency during development of these criteria. After EPA reviews the new information, the Agency may publish revised nutrient water quality criteria recommendations or publish a notice informing the public that the submitted information does not warrant revision of the criteria.

EPA encourages the public to provide additional data that could help States and or authorized Tribes refine these recommended nutrient water quality criteria. EPA identified specific sections within each document where the public could greatly assist States and authorized Tribes in the task of augmenting the database for deriving ecoregional nutrient water quality criteria. For example, the public can provide information about the historical conditions and trends of the water resources within an ecoregion related to eutrophication resulting from human activities. EPA will forward all comments received on a particular ecoregional criterion or set of criteria to the appropriate State or Tribe to help foster water quality criteria refinement.

EPA's Office of Water, Office of Science and Technology prepared this document. Mention of trade names or commercial products does not constitute endorsement or recommendation for use.

DATES: EPA will accept significant scientific information submitted to the Agency within 90 days of publication of this notice in the **Federal Register**. You should adequately document any scientific information and provide enough supporting information to indicate that acceptable and scientifically defensible procedures were used and that the results are reliable.

ADDRESSES: You can get copies of the set or any document from the U.S. National Service Center for Environmental Publications (NSCEP), 11029 Kenwood Road, Cincinnati, OH 45242; (513) 489–8190 or toll free (800) 490–9198. The documents are also available electronically at *http://www.epa.gov/waterscience/standards/nutrient.html.* The waterbody-specific technical guidance manuals, which present the nutrient criteria derivation methodology used by EPA to develop the nutrient water quality criteria, are also available from EPA's nutrient website. Please send an original and two copies of written significant scientific information to Robert Cantilli (MC–4304), U.S. EPA, Ariel Rios Building, 1200 Pennsylvania Ave., NW , Washington, DC 20460. Written significant scientific information may be submitted electronically in ASCII or Word Perfect 5.1, 5.2, 6.1, 8.0 or 9.0 formats to *OW-General@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Robert Cantilli, U.S. EPA, Health and Ecological Criteria Division (4304), Office of Science and Technology, Ariel Rios Building, 1200 Pennsylvania Ave., NW, Washington, DC 20460; or call (202) 566–1091; or e-mail *cantilli.robert@epa.gov.*

SUPPLEMENTARY INFORMATION: States and Tribes consistently identify excessive levels of nutrients as a major reason why as much as half of the surface waters surveyed in this country do not meet water quality objectives, such as full support of aquatic life. In 2000, EPA published nutrient criteria technical guidance manuals for lakes and reservoirs and for rivers and streams, and in 2001 EPA published a draft guidance manual for estuarine and coastal marine waters. These manuals provide techniques for assessing nutrient conditions as well as methods for developing nutrient criteria for specific water body types. These and related documents are available from EPA's nutrient website: *http://www.epa.gov/waterscience/standards/nutrient.html.* EPA is currently developing a guidance manual for wetlands.

In addition to developing guidance for specific waterbody types, EPA will publish specific nutrient water quality criteria recommendations under section 304(a) for every type of waterbody (where applicable) for all of the 14 nutrient ecoregions that EPA identified in the continental United States. On January 9, 2001, EPA announced the availability of ecoregional nutrient criteria documents for lakes and reservoirs in eight ecoregions, for rivers and streams in eight ecoregions (several of which overlap with the eight ecoregions for lakes and reservoirs), and for wetlands in one ecoregion. Those ecoregions were chosen based on the availability of nutrient data within each ecoregion. Today, EPA announces the availability of nine additional ecoregional nutrient criteria documents for lakes and reservoirs, and rivers and streams in ecoregions for which criteria recommendations were not developed in January 2001. These nine bring the total of ecoregional nutrient criteria documents to 26 and results in nutrient criteria covering about 90% of the freshwater waterbodies of the U.S. (excluding wetlands).

EPA also provided guidance on development and adoption of nutrient criteria into water quality standards. More recently, on November 14, 2001, Geoffrey H. Grubbs, Director of the Office of Science and Technology, in EPA's Office of Water provided this guidance to EPA, and State and Interstate Water Program Directors. This memorandum can be viewed electronically at: *http://www.epa.gov/waterscience/standards/nutrient.html*

Dated: February 15, 2002.

Geoffrey H. Grubbs,

Director, Office of Science and Technology.

[FR Doc. 02–4790 Filed 2–27–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7151–4]

EPA Draft Human Health and Ecological Risk Assessment of Perchlorate

AGENCY: Environmental Protection Agency.

ACTION: Notice of second extension of public comment period.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is extending the public comment period on the revised draft report, ''Perchlorate Environmental Contamination: Toxicological Review and Risk Characterization'' (NCEA–1–0503), by 45 days to April 5, 2002. On January 2, 2002, EPA published a **Federal Register** notice (67 FR 75) announcing: (1) The public availability, expected on January 9, 2002, of the revised draft document; (2) the beginning of a 30-day public comment period; and (3) an external peer review workshop in Sacramento, California, on March 5 and 6, 2002. In addition, a notice correcting the address for electronic registration and electronic submission of public comments was published on January 14, 2002 (67 FR 1759). Because of an approximately one-week delay in public release and availability of the perchlorate external review draft, EPA extended the public comment period to February 19, 2002 (67 FR 3493, January 24, 2002). EPA has decided to extend the comment period to April 5, 2002, in response to the high level of interest in this draft document and because of several requests for extension of the comment period.

Therefore, comments postmarked by February 19, 2002, will be made available to the peer review panel prior to the peer review. Comments received between February 19 and March 5, 2002, will be made available to the peer reviewers at the peer review meeting. Comments received after the peer review meeting and up until April 5, 2002, will also be made available to the peer reviewers. It should be noted that, as with all peer review meetings, the panelists are not charged directly with reading or considering all observer comments. Rather, it is up to the professional judgment of the reviewers to consider observer comments as they deem appropriate. In addition, the review of and response to public comments is the responsibility of the EPA, as the Agency moves forward with the development of the assessment.

In order to be most effective, external comments need to be provided to the Agency contractor, Eastern Research Group, Inc. (ERG), by April 5, 2002. As is the EPA's normal procedure, the Agency will summarize and indicate the disposition of all major comments provided by April 5, 2002, in preparation for its release of the assessment in final form.

DATES: Comments should be in writing and must be received (not postmarked) by April 5, 2002.

ADDRESSES: Written comments on the draft document should be submitted to Eastern Research Group (ERG), Attn: Meetings, 110 Hartwell Avenue, Lexington, MA 02421. Comments under 50 pages may be sent via e-mail attachment (in Word, WordPerfect, or pdf) to meetings@erg.com. The external review draft of the perchlorate document is available on EPA's National Center for Environmental Assessment (NCEA) Web site at *http://www.epa.gov/ncea*.

FOR FURTHER INFORMATION CONTACT: Questions regarding observer registration for the workshop and submission of written comments should be directed to EPA's contractor, ERG, at 781–674–7374. For technical inquiries, please contact: Annie M. Jarabek, U.S. Environmental Protection Agency (MD 52), U.S. EPA Mailroom, Research Triangle Park, NC 27711; telephone 919–541–4847; facsimile 919–541–1818; e-mail *jarabek.annie@epa.gov*.

Dated: February 22, 2002.

George W. Alapas,

Acting Director, National Center for Environmental Assessment.

[FR Doc. 02–4789 Filed 2–27–02; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00757; FRL–6820–6]

Pesticides; Determination of the Appropriate FQPA Safety Factor(s) in Tolerance Assessment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: EPA announces the availability of the revised version of the pesticide science policy document entitled ''Determination of the Appropriate FQPA Safety Factor(s) in Tolerance Assessment.'' This notice is one in a series concerning science policy documents related to the implementation of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA).

FOR FURTHER INFORMATION CONTACT: Vicki Dellarco, Environmental Protection Agency (7503C), 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–1803; fax number: (703) 305–5147–; e-mail address: dellarco.vicki@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you manufacture or formulate pesticides. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of potentially affected entities
Pesticide Producers.	32532 ..	Pesticide manufacturers
.....	.....	Pesticide formulators

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this notice affects certain entities. 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 document, the science policy documents, and certain other related documents that might be available from the Office of Pesticide Programs' Home Page at http://www.epa.gov/pesticides. On the Office of Pesticide Programs' Home Page select ''FQPA'' and then look up the entry for this document under ''Science Policies.'' You can also go directly to the listings at the EPA Home page at http://www.epa.gov. On the Home Page select ''Laws and Regulations,''‘‘ Regulations and Proposed Rules,'' and then look up the entry to this document under ''**Federal Register**—-Environmental Documents.'' You can 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 OPP–00757. In addition, the documents

referenced in the framework notice, which published in the **Federal Register** on October 29, 1998 (63 FR 58038) (FRL–6041–5) under docket control number OPP–00557, are considered as part of the official record for this action under docket control number OPP–00757 even though not placed in the official record. The official record consists of the documents specifically referenced in this action, 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 in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall# 12, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background Information

On August 3, 1996, FQPA was signed into law. The FQPA significantly amended the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and FFDCA. Among other changes, FQPA established a stringent health-based standard (a reasonable certainty of no harm) for pesticide residues in foods to assure protection from unacceptable pesticide exposure and strengthened health protections for infants and children from pesticide risks.

Thereafter, the Agency established the Food Safety Advisory Committee (FSAC) as a subcommittee of the National Advisory Council for Environmental Policy and Technology (NACEPT) to assist in soliciting input from stakeholders and to provide input to EPA on the broad policy choices facing the Agency and on strategic direction for the Office of Pesticide Programs (OPP). The Agency has used the interim approaches developed through discussions with FSAC to make regulatory decisions that meet the new FFDCA standard, but that could be revisited if additional information became available or as the science evolved. In addition, the Agency seeks independent review and public participation, generally through presentation of the science policy issues to the FIFRA Scientific Advisory Panel, a group of independent, outside experts who provide peer review and scientific advice to OPP.

During 1998 and 1999, EPA and the U.S. Department of Agriculture (USDA) established a second subcommittee of NACEPT, the Tolerance Reassessment Advisory Committee (TRAC) to address FFDCA issues and implementation. TRAC comprised more than 50 representatives of affected user, producer, consumer, public health, environmental, states, and other interested groups. The TRAC met from May 27, 1998, through April 29, 1999.

In order to continue the constructive discussions about FFDCA, EPA and USDA have established, under the auspices of NACEPT, the Committee to Advise on Reassessment and Transition (CARAT). The CARAT provides a forum for a broad spectrum of stakeholders to consult with and advise the Agency and the Secretary of Agriculture on pest and pesticide management transition issues related to the tolerance reassessment process. The CARAT is intended to further the valuable work initiated by the FSAC and TRAC toward the use of sound science and greater transparency in regulatory decisionmaking, increased stakeholder participation, and reasonable transition strategies that reduce risks without jeopardizing American agriculture and farm communities.

As a result of the 1998 and 1999 TRAC process, EPA decided that the implementation process and related policies would benefit from providing notice and comment on major science policy issues. The TRAC identified nine science policy areas it believed were key to implementation of tolerance reassessment. EPA agreed to provide one or more documents for comment on each of the nine issues by announcing their availability in the **Federal Register**. In a notice published in the **Federal Register** of October 29, 1998 (63 FR 58038), EPA described its intended approach. Since then, EPA has been issuing a series of draft documents concerning the nine science policy issues. This notice announces the availability of the revised science policy document concerning the FPQA safety factor.

III. Summary of ''Determination of the Appropriate FQPA Safety Factor(s) in Tolerance Assessment''

On August 3, 1996, the Food Quality Protection Act of 1996 was signed into law, significantly amending the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Food, Drug, and Cosmetic Act. Among other changes, the new law provides heightened protections for infants and children, directing EPA, in setting pesticide tolerances, to use an additional tenfold margin of safety to protect infants and children, taking into account the potential for pre- and postnatal toxicity and the completeness of the toxicology and exposure databases. The statute authorizes EPA to replace this tenfold FQPA safety factor with a different FQPA factor only if reliable data demonstrate that the resulting level of exposure would be safe for infants and children.

EPA established a Task Force of senior scientists, knowledgeable in the fields of hazard and exposure assessment, to help it identify the types of information that would be appropriate for evaluating the safety of pesticides for infants and children. The Task Force included representatives from the Agency's Office of Prevention, Pesticides and Toxic Substances, Office of Research and Development, Office of Children's Health Protection, Office of Water, and Office of Solid Waste and Emergency Response. The Task Force made many useful recommendations considered by the Office of Pesticide Programs during the development of this guidance. Comments from the public and from the FIFRA Scientific Advisory Panel also contributed to this document.

This document describes how the Office of Pesticide Programs (OPP) determines the appropriate FQPA safety factor(s) when developing aggregate risk assessments and regulatory decisions for single active and ''other'' (i.e., inert) ingredients of pesticide products. The guidance is specifically addressed to OPP risk assessors but also serves as an important source of information for the public and the regulated community. This guidance explains the legal framework for the FQPA safety factor and key interpretations of statutory terms (See Appendix 1) and describes how the FQPA safety factor provision both formalizes and expands OPP's past practice of applying uncertainty factors to account for deficiencies in the toxicological database. Because this guidance only addresses the statutory provisions of FQPA, it does not apply to any of the Agency's other regulatory programs or risk assessment processes which are carried out under different statutory authorities. As explained below, this guidance explains how OPP intends to ''take into account...potential pre- and post-natal toxicity and completeness of the data with respect to exposure and toxicity to infants and children'' as directed by FFDCA Section 408(b)(2)(C)(i).

A primary consideration in implementation of the FQPA safety factor provision is assessing the degree of concern regarding the potential for pre- and postnatal effects. In many cases, concerns regarding pre- and postnatal toxicity can be addressed by calculating a Reference Dose (RfD) or Margin of Exposure (MOE) from the pre- or postnatal endpoints in the offspring and traditional uncertainty factors (i.e., use of a factor to account for estimating a No-Observed-Adverse-Effect-Level from a Lowest-Observed Adverse-Effect-Level, estimating chronic effects from a subchronic study, and an incomplete toxicology data base) are fully considered. In some instances, however, data may raise uncertainties or a high concern for infants or children which cannot be addressed in the derivation of an RfD or MOE. OPP intends to analyze the degree of concern and to assess the weight of all relevant evidence for each case. This involves examining the level of concern for sensitivity/susceptibility and assessing whether traditional uncertainty factors already incorporated into the risk assessment are adequate to protect the safety of infants and children, as well as the adequacy of the exposure assessment.

The guidance also explains how data deficiency uncertainty factors will be used to address the FQPA safety factor provision's expressed concern as to the ''completeness of the data with respect to ... toxicity to infants and children...'' The FQPA safety factor provision regarding the completeness of the toxicity database is similar to the traditional data deficiency uncertainty factors used by the Agency to address inadequate or incomplete data. Thus, when deriving RfDs and evaluating the protection provided by FQPA safety factors, OPP intends to consider current Agency practice regarding data deficiency uncertainty factors.

Another important consideration for the FQPA safety factor is the completeness of the exposure database. Whenever appropriate data are available, OPP estimates exposure using reliable empirical data on specific pesticides. In other cases, exposure estimates may be based on models and assumptions (which in themselves are based on other reliable empirical data). This document explains how, in the absence of case specific exposure data, OPP will evaluate the safety of the exposure estimate as to infants and children and correspondingly, the appropriate FQPA safety factor.

Finally, the decision to retain the default 10X FQPA safety factor or to assign a different FQPA safety factor is informed by the conclusions presented in the risk characterization, and is not determined as part of the RfD process. This guidance document describes the integrated approach used when making FQPA safety factor decisions. This is a ''weight-of-the-evidence'' approach in which all of the data, concerning both hazard and exposure, are considered together for the pesticide under evaluation. The FQPA safety factor determination includes an evaluation of the level of confidence in the hazard and exposure assessments and an explicit judgement of whether there are any residual uncertainties identified in the risk characterization. It is at this integration stage that OPP determines how the completeness of the toxicology and exposure databases and the potential for pre and postnatal toxicity were handled in the risk assessment.

IV. Policies Not Rules

The policy document discussed in this notice is intended to provide guidance to EPA personnel and decision-makers, and to the public. As a guidance document and not a rule, the policy in this guidance is not binding on either EPA or any outside parties. Although this guidance provides a starting point for EPA risk assessments, EPA will depart from its policy where the facts or circumstances warrant. In such cases, EPA will explain why a different course was taken. Similarly, outside parties remain free to assert that a policy is not appropriate for a specific pesticide or that the circumstances surrounding a specific risk assessment demonstrate that a policy should not be applied.

List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: February 20, 2002.

Stephen L. Johnson,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 02–4793 Filed 2–27–02; 8:45 a.m.]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00759; FRL–6822–3]

Pesticides; Consideration of the FQPA and Other Safety Factors in Cumulative Risk Assessment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: To assure that EPA's policies related to implementing the Food Quality Protection Act of 1996 (FQPA) are transparent and open to public participation, EPA is soliciting comments on the pesticide draft science policy document titled, ''Consideration of the FQPA Safety Factor and Other Uncertainty Factors in Cumulative Risk Assessment of Chemicals Sharing a Common Mechanism of Toxicity.'' This notice is one in a series concerning science policy documents related to the implementation of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by FQPA.

DATES: Comments for the draft science policy document, identified by docket control number OPP–00759, must be received on or before April 29, 2002.

ADDRESSES: Comments 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 OPP–00759 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Randy Perfetti, Health Effects Division (7509C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–5381; e-mail address: perfetti.randolph@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you manufacture or formulate pesticides. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Pesticide producers	32532	Pesticide manufacturers Pesticide formulators

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and

others in determining whether or not this action affects certain entities. 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 document, the draft science policy document, and certain other related documents that might be available from the Office of Pesticide Programs' Home Page at http://www.epa.gov/pesticides/. On the Office of Pesticide Programs' Home Page select ''FQPA'' and then look up the entry for this document under ''Science Policies.'' You can also go directly to the listings at the EPA Home Page at http://www.epa.gov/. On the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under ''**Federal Register**—Environmental Documents.'' You can go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *Fax-on-demand*. You may request a faxed copy of the draft science policy document, as well as supporting information, by using a faxphone to call (202) 401–0527. Select item 6050 for the document titled ''Consideration of the FQPA Safety Factor and Other Uncertainty Factors in Cumulative Risk Assessment of Chemicals Sharing a Common Mechanism of Toxicity.'' You may also follow the automated menu.

3. *In person*. The Agency has established an official record for this action under docket control number OPP–00759. In addition, the documents referenced in the framework notice, which published in the **Federal Register** of October 29, 1998 (63 FR 58038) (FRL–6041–5), under docket control number OPP–00557, are considered as part of the official record for this action under docket control number OPP–00759 even though not placed in the official record. The official record consists of the documents specifically referenced in this action, and 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 in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00759 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania, Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–00759. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI 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 listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider As I Prepare My Comments for EPA?

EPA invites you to provide your views on the various draft science policy documents, new approaches we have not considered, the potential impacts of the various options (including possible unintended consequences), and any data or information that you would like the Agency to consider. You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide solid technical information and/or data to support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate.

5. Indicate what you support, as well as what you disagree with.

6. Provide specific examples to illustrate your concerns.

7. Make sure to submit your comments by the deadline in this notice.

8. At the beginning of your comments (e.g., as part of the ''subject'' heading), be sure to properly identify the document you are commenting on. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00759 in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background Information

On August 3, 1996, FQPA was signed into law. The FQPA significantly amended the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the FFDCA. Among other changes, FQPA established a stringent health-based standard (''a reasonable certainty of no harm'') for pesticide residues in foods to assure protection from unacceptable pesticide exposure and strengthened health protections for

infants and children from pesticide risks.

Thereafter, the Agency established the Food Safety Advisory Committee (FSAC) as a subcommittee of the National Advisory Council for Environmental Policy and Technology (NACEPT) to assist in soliciting input from stakeholders and to provide input to EPA on the broad policy choices facing the Agency and on strategic direction for the Office of Pesticide Programs (OPP). The Agency has used the interim approaches developed through discussions with FSAC to make regulatory decisions that meet the new FFDCA standard, but that could be revisited if additional information became available or as the science evolved. In addition, the Agency seeks independent review and public participation, generally through presentation of the science policy issues to the FIFRA Scientific Advisory Panel, a group of independent, outside experts who provide peer review and scientific advice to OPP.

During 1998 and 1999, EPA and the U.S. Department of Agriculture (USDA) established a second subcommittee of NACEPT, the Tolerance Reassessment Advisory Committee (TRAC) to address FFDCA issues and implementation. TRAC comprised more than 50 representatives of affected user, producer, consumer, public health, environmental, States, and other interested groups. The TRAC met from May 27, 1998, through April 29, 1999.

In order to continue the constructive discussions about FFDCA, EPA and USDA have established, under the auspices of NACEPT, the committee to advise on reassessment and transition (CARAT). The CARAT provides a forum for a broad spectrum of stakeholders to consult with and advise the Agency and the Secretary of Agriculture on pest and pesticide management transition issues related to the tolerance reassessment process. The CARAT is intended to further the valuable work initiated by the FSAC and TRAC toward the use of sound science and greater transparency in regulatory decision-making, increased stakeholder participation, and reasonable transition strategies that reduce risks without jeopardizing American agriculture and farm communities.

As a result of the 1998 and 1999 TRAC process, EPA decided that the implementation process and related policies would benefit from providing notice and comment on major science policy issues. The TRAC identified nine science policy areas it believed were key to implementation of tolerance reassessment. EPA agreed to provide one or more documents for comment on each of the nine issues by announcing their availability in the **Federal Register**. In a notice published in the **Federal Register** of October 29, 1998 (63 FR 58038), EPA described its intended approach. Since then, EPA has been issuing a series of draft documents concerning the nine science policy issues. This notice announces the availability of a pesticide draft science policy document concerning the Agency's use of the FQPA safety factor in cumulative risk assessments.

III. Summary of Draft Document

The guidance document provides the current thinking of OPP on application of the provision in FFDCA section 408(b)(2)(C), regarding an additional safety factor for the protection of infants and children in the context of cumulative risk assessments. OPP, in an earlier science policy paper for individual chemicals, addressed how its risk assessments will consider the FQPA safety factor provision for individual chemicals (EPA, 1999, and EPA, 2002a). Additionally, OPP has prepared guidance on how to conduct a cumulative risk assessment for two or more pesticides sharing a common mechanism of toxicity (EPA, 2002b). Each of these papers provided some general information and guidance on the FQPA safety factor, but did not address in detail the application of the FQPA safety factor provision on cumulative risk assessment.

OPP has developed the current document to provide a more expansive discussion of the use of uncertainty and safety factors in the context of cumulative risk assessment and to restructure its presentation to follow more closely the framework and terminology presented in the FQPA safety factor guidance for individual chemicals (EPA, 2002a). This document also draws on definitions contained in the revised cumulative risk assessment guidance, which has been revised and issued (EPA, 2002b).

OPP believes that it is critical to the protection of infants and children that it not rely on and not apply a default value or presumption in making decisions under section 408 where reliable data are available that support use of a different safety factor in the assessment of risk. Use of the default value may result in an under-or over-statement of risk. OPP's reasoning applies with even more force in the context of cumulative risk assessments due to the additional complexities involved. Accordingly, for cumulative risk assessments, OPP also intends to make specific case-by-case determinations as to the size of the additional FQPA safety factor rather than rely on the 10X default value if reliable data permit. Further, this individualized determination may involve application of FQPA safety factors to both the individual chemical members as well as to the entire cumulative assessment group (referred to as the ''CAG'') of common mechanism chemicals. This guidance document focuses primarily on the considerations relevant to determining a safety factor ''different'' than the default 10X that protects the safety of infants and children.

V. Policies Not Rules

The draft science policy document discussed in this notice is intended to provide guidance to EPA personnel and decision-makers, and to the public. As a guidance document and not a rule, the policy in this guidance is not binding on either EPA or any outside parties. Although this guidance provides a starting point for EPA risk assessments, EPA will depart from its policy where the facts or circumstances warrant. In such cases, EPA will explain why a different course was taken. Similarly, outside parties remain free to assert that a policy is not appropriate for a specific pesticide or that the circumstances surrounding a specific risk assessment demonstrate that a policy should be abandoned.

EPA has stated in this notice that it will make available revised guidance after consideration of public comment. Public comment is not being solicited for the purpose of converting any policy document into a binding rule. EPA will not be codifying this policy in the Code of Federal Regulations. EPA is soliciting public comment so that it can make fully informed decisions regarding the content of each guidance document.

The ''revised'' guidance will not be unalterable. Once a ''revised'' guidance document is issued, EPA will continue to treat it as guidance, not a rule. Accordingly, on a case-by-case basis EPA will decide whether it is appropriate to depart from the guidance or to modify the overall approach in the guidance. In the course of inviting comment on each guidance document, EPA would welcome comments that specifically address how a guidance document can be structured so that it provides meaningful guidance without imposing binding requirements.

List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: February 20, 2002.

Stephen L. Johnson,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 02–4794 Filed 2–27–02; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

[DA 02–405]

Consumer/Disability Telecommunications Advisory Committee

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the date, time, and agenda for the next meeting of the Consumer/Disability Telecommunications Advisory Committee (hereinafter ''the Committee''), whose purpose is to make recommendations to the Commission regarding consumer and disability issues within the jurisdiction of the Commission and to facilitate the participation of consumers (including people with disabilities and underserved populations) in proceedings before the Commission.

DATES: The meeting of the Committee will take place on March 15, 2002, from 9 a.m. to 5 p.m.

ADDRESSES: The Committee will meet at the Federal Communications Commission, Room TW–C305, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Scott Marshall, Designated Federal Officer, Consumer/Disability Telecommunications Advisory Committee, Consumer Information Bureau, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. Telephone 202–418–2809 (voice) or 202–418–0179 (TTY); e-mail: *cdtac@fcc.gov.*

SUPPLEMENTARY INFORMATION: By Public Notice dated and released February 21, 2002, the Federal Communications Commission announced the next meeting of its Consumer/Disability Telecommunications Advisory Committee. The establishment of the Committee had been announced by Public Notice dated November 30, 2000, 15 FCC Rcd 23798, as published in the **Federal Register** (65 FR 76265, December 6, 2000).

At the March 15, 2002 meeting, the Committee will consider and make recommendations concerning various proposed rules currently before the Commission of particular interest to consumers. The Committee's agenda will include, but is not limited to, proposals relating to the Commission's consumer complaint process, hearing aid compatible wireless telephones, and the Lifeline and Link-up universal service support programs.

Availability of Copies and Electronic Accessibility

A copy of the February 20, 2002 Public Notice is available in alternate formats (Braille, cassette tape, large print or diskette) upon request. It is also posted on the Commission's Web site at *www.fcc.gov/cib/cdtac.* The Committee meeting will be broadcast on the Internet in Real Audio/Real Video format with captioning at *www.fcc.gov/cib/cdtac.* The meeting will be sign language interpreted and realtime transcription and assistive listening devices will also be available. The meeting site is fully accessible to people with disabilities. Copies of meeting agendas and handout material will also be provided in accessible formats. Meeting minutes will be available for public inspection at the FCC headquarters building and will be posted on the Commission's Web site at *www.fcc.gov/cib/cdtac.*

Committee meetings will be open to the public and interested persons may attend the meetings and communicate their views. Members of the public will have an opportunity to address the Committee on issues of interest to them and the Committee. Written comments for the Committee may also be sent to the Committee's Designated Federal Officer, Scott Marshall. Notices of future meetings of the Committee will be published in the **Federal Register**.

Margaret Egler,

Deputy Bureau Chief, Consumer Information Bureau.

[FR Doc. 02–4695 Filed 2–27–02; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Board of Governors of the Federal Reserve System (Board).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Board, the Federal Deposit Insurance Corporation (FDIC), and the Office of the Comptroller of the Currency (OCC) (the ''agencies'') may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid OMB control number. The Board hereby gives notice that it plans to submit to the Office of Management and Budget (OMB) on behalf of the agencies a request for review of the information collections described below.

On December 5, 2001, the agencies, under the auspices of the Federal Financial Institutions Examination Council (FFIEC), requested public comment for 60 days on the extension, without revision, of the currently approved information collections: Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (FFIEC 002) and Report of Assets and Liabilities of Non-U.S. Branches that are Managed or Controlled by a U.S. Branch or Agency of a Foreign Bank (FFIEC 002s). The comment period expired February 4, 2002. No comments were received.

DATES: Comments must be submitted on or before April 1, 2002.

ADDRESSES: Interested parties are invited to submit written comments to the agency listed below. All comments, which should refer to the OMB control number, will be shared among the agencies.

Written comments should be addressed to Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, submitted by electronic mail to *regs.comments@federalreserve.gov*, or delivered to the Board's mailroom between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mailroom and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, NW. Comments received may be inspected in room M–P–500 between 9 a.m. and 5 p.m., except as provided in section 261.12 of the Board's Rules Regarding Availability of Information, 12 CFR 261.12(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Alexander T. 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: A copy of the FFIEC 002 and FFIEC 002s reporting forms may be obtained at the FFIEC's Web site (*www.ffiec.gov*). Additional information or a copy of the

reporting forms may also be requested from Mary M. West, Federal Reserve Board Clearance Officer, (202) 452–3829, Division of Research and Statistics, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551. Users of Telecommunications Device for the Deaf (TDD) may contact (202) 263–4869.

SUPPLEMENTARY INFORMATION: Proposal to extend, without revision, the following currently approved collections of information:

1. *Report Title*: Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks.

Form Number: FFIEC 002.

OMB Number: 7100–0032.

Frequency of Response: Quarterly.

Affected Public: U.S. branches and agencies of foreign banks.

Estimated Number of Respondents: 354.

Estimated Total Annual Responses: 1,416.

Estimated Time per Response: 22.50 burden hours.

Estimated Total Annual Burden: 31,860 burden hours.

General Description of Report

This information collection is mandatory: 12 U.S.C. 3105(b)(2), 1817(a)(1) and (3), and 3102(b). Except for select sensitive items, this information collection is not given confidential treatment (5 U.S.C. 552(b)(8)). Small businesses (that is, small U.S. branches and agencies of foreign banks) are affected.

Abstract

On a quarterly basis, all U.S. branches and agencies of foreign banks (U.S. branches) are required to file a detailed schedule on their assets and liabilities in the form of a condition report and a variety of supporting schedules. This information is used to fulfill the supervisory and regulatory requirements of the International Banking Act of 1978. The data are also used to augment the bank credit, loan, and deposit information needed for monetary policy and other public policy purposes. The Federal Reserve System collects and processes this report on behalf of all three agencies.

2. *Report Title:* Report of Assets and Liabilities of a Non-U.S. Branch that is Managed or Controlled by a U.S. Branch or Agency of a Foreign (Non-U.S.) Bank.

Form Number: FFIEC 002s.

OMB Number: 7100–0273.

Frequency of Response: Quarterly.

Affected Public: U.S. branches and agencies of foreign banks.

Estimated Number of Respondents: 114.

Estimated Total Annual Responses: 456.

Estimated Time per Response: 6 burden hours.

Estimated Total Annual Burden: 2,736 burden hours.

General Description of Report

This information collection is mandatory: 12 U.S.C. 3105(b)(2), 1817(a)(1) and (3), and 3102(b) and is given confidential treatment (5 U.S.C. 552(b)(8)). Small businesses (that is, small U.S. branches and agencies of foreign banks) are affected.

Abstract

On a quarterly basis, all U.S. branches and agencies of foreign banks are required to file detailed schedules on their assets and liabilities in the form FFIEC 002. The FFIEC 002s is a separate supplement to the FFIEC 002 that collects information on assets and liabilities of any non-U.S. branch that is ''managed or controlled'' by a U.S. branch or agency of the foreign bank. Managed or controlled means that a majority of the responsibility for business decisions, including but not limited to decisions with regard to lending or asset management or funding or liability management, or the responsibility for recordkeeping in respect of assets or liabilities for that foreign branch resides at the U.S. branch or agency. A separate FFIEC 002s must be completed for each managed or controlled non-U.S. branch. The FFIEC 002s must be filed quarterly along with the U.S. branch's or agency's FFIEC 002.

The data are used: (1) to monitor deposit and credit transactions of U.S. residents; (2) to monitor the impact of policy changes; (3) to analyze structural issues concerning foreign bank activity in U.S. markets; (4) to understand flows of banking funds and indebtedness of developing countries in connection with data collected by the International Monetary Fund (IMF) and the Bank for International Settlements (BIS) that are used in economic analysis; and (5) to provide information to assist in the supervision of U.S. offices of foreign banks, which often are managed jointly with these branches.

Request for Comment

Comments submitted in response to this Notice will be shared among the agencies. All comments will become a matter of public record. Written comments should address the accuracy of the burden estimates and ways to minimize burden as well as other relevant aspects of the information collection requests. Comments are invited on:

(a) Whether the proposed collection of information is necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

(b) The accuracy of the agencies' estimate 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;

(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; and

(e) Estimates of capital or start up costs and costs of operation, maintenance, and purchase of services to provide information.

Board of Governors of the Federal Reserve System, February 25, 2002.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 02–4840 Filed 2–27–02; 8:45 am]

BILLING CODE 6210–01–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 March 14, 2002.

A.. Federal Reserve Bank of Richmond (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. Frederick Willetts, III, individually and together with Myrna Todd Willetts, Helen Messick Willetts, Elizabeth Messick Willetts, Helen Margaret Willetts, Sarah Jennings Willetts, Margaret Ellen Willetts, Susan Rothwell Willetts, Frederick Willetts, Jr., Trust, Willetts Building Trust, Elizabeth

Messick Willetts Medical Trust, Sarah Jennings Willetts Trust, Margaret Ellen Willetts Trust, Susan Rothwell Willetts Trust, and Stephanie Rose Willetts Trust, all of Wilmington, North Carolina; to acquire voting shares of Cooperative Bankshares, Inc., Wilmington, North Carolina, and thereby indirectly acquire voting shares of Cooperative Bank for Savings, Inc., SSB, Wilmington, North Carolina.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. The Jeff Austin Jr., Dynasty Trust, and The Laural P. (''Sissy'') Austin Dynasty Trust, both of Jacksonville, Texas; to acquire voting shares of JSA Family Limited Partnership, Jacksonville, Texas, and thereby indirectly acquire voting shares of First State Bank, Athens, Texas; Austin Bank, Texas National Association, Jacksonville, Texas; Capital Bank, Jacinto City, Texas, and First State Bank, Frankston, Texas.

Board of Governors of the Federal Reserve System, February 22, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–4702 Filed 2–27–02; 8:45 am]

BILLING CODE 6210–01–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 March 25, 2002.

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. SBN Community Bancorp, Inc., Newburg, Wisconsin; to become a bank holding company by acquiring 100 percent of the voting shares of State Bank of Newburg, Newburg, Wisconsin.

Board of Governors of the Federal Reserve System, February 22, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–4703 Filed 2–27–02; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. 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 the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 14, 2002.

A.Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045–0001:

1. Bayerische Landesbank Girozentrale, Munich, Germany; to acquire Kommanditgesellschaft Allgemeine Leasing GmbH & Co., Grunwald, Germany, and thereby to conduct leasing in the United States, pursuant to section 225.28(b)(3) of Regulation Y.

Board of Governors of the Federal Reserve System, February 22, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc.02–4701 Filed 2–27–02; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary; Agency Information Collection Activities: Proposed Collections; Comment Request

The Department of Health and Human Services, Office of the Secretary will periodically publish summaries of proposed information collections projects and solicit public comments in compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995. To request more information on the project or to obtain a copy of the information collection plans and instruments, call the OS Reports Clearance Office at (202) 619–2118 or e-mail *Geerie.Jones@HHS.gov.*

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 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.

Proposed Project 1

Financial Summary of Obligation and Expenditure of Block Grant Funds (45 CFR 96.30)–0990–0236–Public Law 101–510 amended 31 U.S.C. Chapter 15 to provide that, by the end of the fifth fiscal year after the fiscal year in which the Federal government obligated the

funds, the account will be canceled. If valid charges to a canceled account are presented after cancellation, they may be honored only by charging them to a current appropriation account, not to exceed an amount equal to 1 percent of the total appropriations of that account. Because of the need to determine the status of grant accounts to comply with this statutory provision, we have determined that it is appropriate to require an annual report on obligations and/or expenditures from all grantees under the block grant programs. *Respondents:* State, local or tribal Government. *Reporting Burden Information: Number of Respondents:* 620; *Annual Frequency of Response:* one time; *Average Burden per Response:* one hour; *Total Annual Burden:* 620 hours.

Send comments via e-mail to *Geerie.Jones@HHS.gov,* or mail to Cynthia Agens Bauer, OS Reports Clearance Officer, Room 503H, Humphrey Building, 200 Independence Avenue SW., Washington, DC, 20201. Written comments should be received within 60 days of this notice.

Dated: February 14, 2002.

Kerry Weems,

Acting Deputy Assistant Secretary, Budget.

[FR Doc. 02–4799 Filed 2–27–02; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

Agency Information Collection Activities: Proposed Submission to the Office of Management and Budget (OMB) for Clearance: Comment Request; Revision of Information Collection

AGENCY: Administration on Aging, HHS.

The Administration of Aging (AoA), Department of Health and Human Services, is submitting the following proposal for the collection of information in compliance with the Paperwork Reduction Act (Pub. L. 96–511): State Annual Long-Term Care Ombudsman Report and Instructions for Older Americans Act Title VII.

Type of Request: Revision of a currently approved collection.

Use: To continue an existing information collection, State Annual Long-Term Care Ombudsman Report (and Instructions), from Older Americans Act Title VII grantees. Under section 712(c), section 712(h)(1) and section 712(h)(2)(B) of the Older Americans Act, as amended, states are required to provide information on ombudsman activities to AoA, which AoA is then required to present to Congress. The information on complaints and conditions in long-term care facilities and the ombudsman program is also used by the states, other federal agencies, researchers and consumer groups for a variety of purposes.

Frequency: Annually.

Respondent: State Long-Term Care Ombudsman Programs.

Estimated number of responses: 53.

Estimated Burden Hours: Approximately 3 hours per state program.

Additional Information or Comments: The reporting system, the National Ombudsman Reporting System (NORS), was developed in response to needs identified and directives in the Older Americans Act and approved by the Office of Management and Budget for use in FY 1995–96. It was twice extended, with slight modifications, for use through August 2004. Although the NORS is approved through August 2004, we are planning to revise the form and instructions for use by the states in FY 2003 (beginning October 2002), with the first report using the revised form due to AoA in January 2004.

The proposed revisions, provided in the attached table, were developed by state and local ombudsmen and have been reviewed by all state ombudsmen. The revised NORS form, with instructions, and a proposed expenditure certification form are posted on the AoA Web site, *www.aoa.gov/notices/2002/LTCO–01.html.*

Written comments and recommendations for the proposed information collection should be sent by Internet or postal mail to the following address within 60 days of the publication of this notice, via e-mail to *sue.wheaton@aoa.gov* or regular mail at the following address: Administration on Aging, ATTN: Sue Wheaton, Cohen Building, Room 4737, Washington, DC 20101.

Josefina G. Carbonell,

Assistant Secretary for Aging.

PROPOSED CHANGES IN NATIONAL OMBUDSMAN REPORTING SYSTEM (NORS)

Current	Proposed change
Cases, complainants and complaints by type of facility; action taken on the complaints; a summary of long-term care issues; a detailed profile of the program and its activities, including the number and type of facilities licensed and operating in the state (and the number beds this represents); a description of geographic program coverage, by type of facility; the staffing and funding of local programs; and an overview of other ombudsman activities (including: training, technical assistance, resident visitation, community education, and all other items in Part III F of the current form).	No change.
The current NORS instructions provide general guidance but no specific direction on how to code specific complaints.	Direction on which codes to use for which types of problems is provided in an attachment to the NORS instructions.
The current form has nine categories for types of complainants (cases) and 133 categories for types of problems (complaints). The specific complaint categories are organized by major types of complaints (Residents Rights, Resident Care, etc.) and the specific categories are listed alphabetically within each major group.	Retain the same number of case and complaint fields currently in use and the alphabetical order within the major groups, but adjust the wording on some of the categories to capture problems not specified in the current complaint codes (see italicized words in this column below). (If they wish, states may add additional categories in their own systems and ''fold'' these back into the NORS categories for the report to AoA.).

PROPOSED CHANGES IN NATIONAL OMBUDSMAN REPORTING SYSTEM (NORS)—Continued

Current	Proposed change
For cases and complaints, the current form has a type of facility heading which reads ''Board & Care (or similar)''.	Add ''ALF'' (for assisted living facility) and RCF (residential care facility) to the board and care case and complaint column heading so the heading reads: ''B&C, ALF, RCF, etc.,'' with a footnote explaining the types of facilities that are included. In response to an ombudsman recommendation, the footnote clarifies that complaints may be from unregulated as well as regulated facilities.
Complaint Category F. 40 reads ''Accidents, improper handling''	Change to ''Accidental or injury of unknown origin; falls; improper handling.''
Category 41 reads ''Call lights, requests for assistance''	Change to ''Call lights, response to requests for assistance.''
Category F.47 reads ''Pressure sores''	Change to ''Pressure sores, not turned.''
Category F.49 reads ''Toileting''	Change to ''Toileting, incontinent care.''
Category P. 117 reads ''Abuse/abandonment by family member/friend/guardian or, while on visit out of facility, any other person''.	Change to ''Abuse/neglect/abandonment by family member/friend/guardian or, while on visit out of facility, any other person.''
Category P. 121 reads ''Financial exploitation by family or other not affiliated with facility''.	Change to read: ''Financial exploitation or neglect by family or other not facility'' and emphasize in the instructions this addition and how to use this complaint category.
Major Category Q. reads ''Complaints in Other Than Nursing or Board and Care/Similar Settings'' and Q. 132 reads ''Shelters''.	Strike ''Shelters'' from Q.132 and use Q.132 to capture ''Services from outside provider'' (i.e., personal care, transportation or other service provided to a facility resident by an outside provider). Change the heading of Q to read ''Complaints About Services in Settings Other Than Long-Term Care Facilities or By Outside Provider'' and emphasize/clarify in the instructions how to use the new Q.132.
NORS instructions providegeneral guidance but emphasis and increased clarity are required on some items.	Emphasize in the NORS instructions that category A.6 ''Resident-to-resident physical or sexual abuse'' is for willful abuse of one resident by another resident, not for unintentional harm or altercations between residents who require staff supervision, which should be coded in category I.66. (For example, a confused resident who strikes out is categorized at I.66 and an alert resident who strikes out is A.6.) Add to the instructions that resident requests for assistance in moving out of the facility should be coded under P. (System/Others) 128 ''Other.''
Part I E.2.(a) under ''Disposition'' reads (number of complaints) ''for which government policy or regulatory change or legislative action was required to resolve * * *''.	Change the verb tense so it reads ''for which government policy or regulatory change or legislative action is required to resolve * * *''.
	For Part III F. ''Other Ombudsman Activities,'' item 6, the instructions define more prominently and specifically that resident visitation on a ''regular basis'' means no less frequently than quarterly. (NOTE: ''Regular visitation'' is not a federal ombudsman program requirement, but it is an activity in the NORS which requires definition.) The instructions clarify Part III F.7., ''Participation in Facility Surveys,'' means participating in any aspect of both regular surveys and surveys held in response to complaints. This may include conferring with the certification agency prior to or following a survey. It is not limited to actually going with the team on the survey. The instructions emphasize that under Part I A and B, a ''case'' means ''opening of a case file and includes ombudsman investigation, fact gathering, setting of objectives and/or strategy to resolve, and follow-up'' (which is the definition of ''case'' on the NORS form). Other calls reporting incidents or seeking advice but not requiring ombudsman involvement to the degree specified in this definition should be counted as consultations to individuals or facilities in Part III F.4. or documented in some way specific to the state's needs but not included in the NORS system. For example, in those few states where state law requires reporting instances of nursing home abuse to the ombudsman program, the reports should not be counted as a case and as an abuse complaint unless the ombudsman program investigates and is actively involved in working out a resolution. Unless the ombudsman program is actively engaged in investigating and working to resolve the problems reported, the program should keep its own list of such reports and not include them in the data submitted in the NORS system.
The instructions, at the bottom of page 3, direct ombudsmen to document primary complaints in Part I D but not to document problems which are incidental to, or even causal to, the primary complaint.	This direction is deleted from the instructions. (The effect will be to leave such documenting decisions up to the states. One state ombudsman staff member strongly objected to this change because it could lead to inconsistent documentation among the states, but the majority of those on the task force thought the directive should be deleted because it causes confusion and inaccuracies in reporting complaints and problems experienced by residents.)

PROPOSED CHANGES IN NATIONAL OMBUDSMAN REPORTING SYSTEM (NORS)—Continued

Current	Proposed change
	The instructions clarify the distinctions between complaint categories B.14, D.29, and M.96, all of which involve communication/language barriers and yet are different types of problems (as explained. in the ''Complaint Codes'' attachment to the instructions). The instructions emphasize that supplies not provided as part of the daily rate should be coded under E.36, ''Billing, etc.'' The instructions as well as the form emphasize that problems with a referral agency failing to substantiate a complaint should be coded under the Part III E.2.d.2) disposition category. The instructions emphasize in that complaints about ''nutrients out-of-date'' should be categorized under J.71 dealing with food quality. The instructions clarify that ''percentage of staff time spent on technical assistance for volunteers'' under ''other ombudsman activities'' includes staff resources devoted to the management and administration of the volunteer program as a whole. Add the following to the narrative issues section, Part II: B. Facility Closures: If your program has worked on facility closures, please include a description of these activities, including reasons for the closure(s) and outcomes of ombudsman activities.'' C. Alternative Care Systems: If your program has been involved in planning for alternatives to institutional care and/or has assisted individual residents to move to less restrictive settings of their choice, please describe these activities and provide an approximate number of the individuals who have been assisted.
OMB-approved form for certifying compliance with minimum funding requirement expired in FY 1997.	Add a form for state certification of compliance with the ombudsman minimum funding and non-supplantation provisions in the Act and to confirm expenditures reported in the NORS.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 02045]

Cardiovascular Health Programs; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2002 funds for a cooperative agreement for Cardiovascular Health (CVH) Programs. The cardiovascular diseases (CVD) to be addressed are primarily heart disease and stroke. This program addresses the ''Healthy People 2010'' focus area of Heart Disease and Stroke and associated risk factors (*e.g.*, tobacco use, high cholesterol, high blood pressure, physical inactivity, and poor nutrition).

The Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP) is issuing this Program Announcement in an effort to simplify and streamline the grant pre- and post-award administrative process, provide increased flexibility in the use of funds, measure performance related to each grantee's stated objectives and identify and establish the long-term goals of a CVH program through stated performance measures. Some examples of the benefits of the streamline process are: elimination of separate documents (continuation application and semi-annual progress report) to issue a continuation award; consistency in reporting expectations; elevation to a Comprehensive Program based on performance when funds are available; and increased flexibility within approved budget categories.

Existing grantees under Program Announcement numbers 98084 or 00091 will have their grant project periods extended to FY 2007 upon receipt of a technically acceptable application. Other eligible applicants will have an opportunity to compete for funding.

The purpose of the program is to assist States in developing, implementing, and evaluating cardiovascular health promotion, disease prevention, and control programs and eliminating health disparities; and to assist States in developing their Core Capacity Programs into Comprehensive Programs. Core Capacity Programs are the foundation upon which comprehensive cardiovascular health programs are built. (See Logic Model for the State Cardiovascular Health program in Attachment I Background and Attachment III Performance Measures for a Comprehensive Program) in the application kit.

To improve the cardiovascular health of all Americans, every State health department should have the capacity, commitment, and resources to carry out a comprehensive cardiovascular health promotion, disease prevention and control program (*See* Attachment II Core Capacity and Comprehensive Program Descriptions) in the application kit.

B. Eligible Applicants

Assistance will be provided only to the health departments of States or their bona fide agents, including the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, under a competitive review process.

States currently receiving CDC funds for Core Capacity Programs under Program Announcements 98084 or 00091, entitled State Cardiovascular Health Programs, are eligible to apply for Core Capacity or Comprehensive Program funding.

The following 22 Core Capacity States/Health Departments are eligible to apply for Core Capacity or Comprehensive Program funding:

Alabama, Alaska, Arkansas, Colorado, Connecticut, District of Columbia, Georgia, Illinois, Kentucky, Louisiana,

Massachusetts, Minnesota, Mississippi, Montana, Nebraska, Ohio, Oklahoma, Oregon, Tennessee, Utah, West Virginia, and Wisconsin.

States currently receiving CDC funds for Comprehensive Programs under Program Announcements 98084 or 00091, entitled State Cardiovascular Health Programs, are eligible to apply for Comprehensive Program funding only.

The following 6 Comprehensive Program States/Health Departments are eligible to apply for Comprehensive Program funds only:

Commonwealth of Virginia, Maine, Missouri, New York, North Carolina, and South Carolina Health Departments.

All applications received from current grant recipients under Program Announcements 98084 or 00091 will be funded for either Core Capacity or Comprehensive Programs, pending approval of a technically acceptable application.

Applications for Comprehensive funding received from current grant recipients that are not funded will continue with Core Capacity funding.

As a contingency, currently funded Core Capacity recipients should provide a separate Core Work plan, budget, and budget justification that address Core Capacity recipient activities to expedite the award process.

State health departments are uniquely qualified to define the cardiovascular disease problem throughout the State, to plan and develop statewide strategies to reduce the burden of CVD, to provide overall State coordination of cardiovascular health promotion, disease prevention, and control activities among partners, lead and direct communities, to direct and oversee interventions within overarching State policies, and to monitor critical aspects of CVD.

Note: Title 2 of the United States Code section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant or loan.

C. Availability of Funds

Approximately $16,000,000 is available in FY 2002 to fund approximately 31 awards. Approximately $6,700,000 is available to fund 22 existing Core Capacity Programs grantees under Program Announcement numbers 98084 and 00091. It is expected that the average award will be $300,000, ranging from $250,000 to $400,000. Approximately $7,300,000 is available to fund 6 existing Comprehensive Programs grantees under Program Announcement 98084 and 00091. It is expected that the average award will be $1,000,000, ranging from $850,000 to $1,400,000.

Approximately $1,000,000 is available in FY 2002 for one or two existing Core Capacity Programs grantees under Program Announcement numbers 98084 and 00091 to receive Comprehensive level funding.

In addition, approximately $1,000,000 is available in FY 2002 to fund one to three new Core Capacity Programs or approximately one new Comprehensive Program. Requests for these funds will be competitive and will be reviewed by an independent objective review panel. It is expected that the average award will be $300,000, ranging from $250,000 to $400,000 for new Core Capacity Programs. It is expected that the average award will be $1,000,000, ranging from $850,000 to $1,400,000 for new Comprehensive Programs. It is expected that Core Capacity and Comprehensive Program awards under this Program Announcement will begin on or about June 30, 2002 and will be made for a 12-month budget period within a project period of up to five years. Funding estimates may change.

Applicants should submit two (2) separate budgets in response to this Program Announcement: (1) A detailed budget and narrative justification that supports the activities for year one funding in response to this Program Announcement for FY 2002 support, and (2) a categorical budget consistent with budget Form 424A for each year 2 through 5 that describes the financial resources that would be needed for these funding years to fully fund a Cardiovascular Health program over a five-year project period.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required progress reports and the availability of funds.

1. Use of Funds

Cooperative agreement funds may be used to support personnel and to purchase equipment, supplies, and services directly related to program activities and consistent with the scope of the cooperative agreement. Funds provided under this Program Announcement are not intended to be used to conduct research projects. Cooperative agreement funds may not be used to supplant State or Local funds. Cooperative agreement funds may not be used to provide patient care, personal health services, medications, patient rehabilitation, or other cost associated with the treatment of CVD. Although public health may have an assurance role in health screening, it is not recommended that these funds be used to provide health screening.

As part of the increased flexibility efforts, applicants are encouraged to maximize the public health benefit from the use of CDC funding within the approved budget line items and to enhance the grantee's ability to achieve stated goals and objectives and to respond to changes in the field as they occur within the scope of the award. Recipients also have the ability to redirect up to 25 percent of the total approved budget or $250,000, whichever is less, to achieve stated goals and objectives within the scope of the award except from categories that require prior approval such as contracts, change in scope, and change in key personnel. A list of required prior approval actions will be included in the Notice of Grant Award.

Applicants are encouraged to identify and leverage opportunities, which will also enhance the recipient's work with other State health department programs that address related chronic diseases or risk factors. This may include cost sharing to support a shared position such as Chronic Disease epidemiologist, health communication specialist, program evaluator, or policy analyst to work on risk factors or other activities across units/departments within the State health department. This may include, but is not limited to, joint planning activities, joint funding of complementary activities based on program recipient activities, coalition alliances and joint public health education, combined development and implementation of environmental, policy, systems, or community interventions and other cost sharing activities that cut across Chronic Disease Programs and related to recipient program activities.

2. Recipient Financial Participation

Under the Comprehensive Program of this Program Announcement, matching funds are required from State sources in an amount not less than $1 for each $5 of Federal funds awarded. Applicants for the Comprehensive Program must provide evidence of State-appropriated resources targeting cardiovascular health promotion, disease prevention, and control of at least 16 percent of the total approved budget. A cost sharing or match requirement may not be met by costs borne by another federal grant. For example, the Preventive Health and Health Services (PHHS) Block Grant may not be included as State resource evidence.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for conducting the activities under 1.a. (Recipient Activities for Core Capacity Programs), 1.b. (Recipient Activities for Comprehensive Programs), and CDC will be responsible for the activities listed under 2. (CDC Activities). For all Core Capacity and Comprehensive Program Recipient Activities, efforts to address tobacco use, poor nutrition, physical inactivity, diabetes and school health should be coordinated with State tobacco, nutrition, physical activity, diabetes and coordinated school health programs; activities of these programs should not be duplicated.

1.a. Recipient Activities for Core Capacity Programs

(1) Develop and Coordinate Partnerships

Identify, consult with, and appropriately involve State cardiovascular health partners to identify areas critical to the development of a State level cardiovascular health promotion, disease prevention, and control program, coordinate activities, avoid duplication of effort, and enhance the overall leadership of the State with its partners. Within the State health department, coordinate and collaborate with partners such as tobacco, nutrition, physical activity, secondary prevention, diabetes, school health, health education, PHHS Block Grant, state minority health liaison, office on aging, public information officer, laboratory, as well as with data partners such as vital statistics and the State's Behavioral Risk Factor Surveillance System (BRFSS). Within State government, collaborate and partner with other departments such as education, transportation, agriculture, agency on aging, parks and recreation and with State agency data partners, such as the Youth Risk Behavioral Surveillance System (YRBSS).

Within the State, collaborate with organizations that address heart disease and stroke or related risk factors (*e.g.*, tobacco use, high cholesterol, high blood pressure, physical inactivity, and poor nutrition) such as the American Heart Association, Biking and Walking Federation, smoke-free coalitions, Federally Qualified Health Centers, State Quality Improvement Organization, State medical society, and association of managed care organizations. Partners should also include organizations that improve health and quality of life (*e.g.*, smart growth coalition) or provide access to a setting (*e.g.*, business coalition on health) or a Priority Populations (*e.g.*, State black nurses' association, association of Hispanic congregations, State Indian health boards). Partnerships and collaborative efforts may develop into memorandums of agreement (MOA) or similar formalized arrangements. The State health department should organize a statewide work group with representation from many of the groups mentioned above as well as other agencies, professional and voluntary groups, academia, community organizations, the media, and the public to develop a comprehensive CVH State plan.

(2) Develop Scientific Capacity To Define the Cardiovascular Disease Burden

Enhance chronic disease epidemiology, statistics, monitoring, and data analysis from existing data systems such as vital statistics, hospital discharges, BRFSS and YRBSS. This should include the collection of cardiovascular-related data using the BRFSS protocols and time line. It is recommended that, as an essential element of defining the burden, funded States collect data on the BRFSS sections or modules on Hypertension Awareness, Cholesterol Awareness, and Cardiovascular Disease in odd years (i.e., 2003, 2005).

It is recommended that funded States collect data using the Module on Heart Attack and Stroke Signs and Symptoms in 2005 and every four years after 2005 as a minimum. It is recommended that State CVD burden data be analyzed for program planning at least every two years or as needed and that a CVD Burden document be published every five years. The enhanced scientific capacity should include efforts to determine:

(a) Trends in cardiovascular diseases, including age of onset of disease and age at death.

(b) Geographic distribution of cardiovascular diseases.

(c) Disparities in cardiovascular diseases and related risk factors by race, ethnicity, gender, geography, and socio-economic status.

(d) Ways to integrate systems to provide comprehensive data needed for assessing and monitoring the cardiovascular health of populations and for program planning and assessment of program outcomes.

Monitoring and program evaluation are considered essential components of building scientific capacity.

The evaluation plan should address measures considered critical to determine the success of the program in meeting the required program activities, and program results should be used for program improvement. Evaluation should also address implementation of required program activities.

(3) Develop an Inventory of Policy and Environmental Strategies

Develop an assessment of existing polices and environmental supports related to CVD risk factors (*e.g.*, tobacco use, high cholesterol, high blood pressure, physical inactivity, and poor nutrition) and related conditions (*e.g.*, diabetes and obesity). Information from the assessment or environmental scan should be used for program planning and priority setting related to key polices and environmental supports to be addressed by the CVH State program. For example, if the inventory shows that the State has policies restricting tobacco use in public buildings, then the CVH State program might not focus on this policy issue.

The inventory would assess public policies (*e.g.*, State policies, regulations, and legislation), as well as organizational policies (*e.g.*, policies in schools, worksites, health care, and communities). The inventory should address the needs of Priority Populations, and should focus on primary and secondary prevention of cardiovascular diseases and related risk factors (*e.g.*, tobacco use, high cholesterol, high blood pressure, physical inactivity, and poor nutrition) and related conditions (*e.g.*, diabetes and obesity). The initial focus of the inventory should be on assessing policies at the State level that have an impact on settings: schools, worksites, health care, and communities (*e.g.*, State legislation or Department of Education polices that may affect CVH-related policies in schools (*see www.cdc.gov/nccdphp/dash/shpps* for school policy data), State-level agency policies which affect whether a percentage of highway funds are dedicated to transportation alternatives which encourage people to be physically active, and association policies that provide guidance for use of accepted guidelines for the prevention and control of CVD in health care settings. During the project period, the inventory should assess supports at the State-level and then at other levels (*e.g.*, district, local) for each of the four settings (*e.g.*, schools, worksites, health care, and communities).

Items inventoried could include issues related to food service policies; availability of environmental strategies for being active such as recreation centers, parks, walking trails; and restrictions on tobacco use. Health care-related policy and environmental issues

should relate to the guidelines on standards of care for primary and secondary prevention and should be assessed in collaboration with the State Quality Improvement Organization, purchasers of medical care, managed care organizations, and consumers.

(4) Develop or Update a CVH State Plan

Develop or update a comprehensive State Plan for cardiovascular health promotion, disease prevention, and control to include specific objectives for future reductions in heart disease and stroke and related risk factors and the promotion of heart health. Develop a thorough description of the cardiovascular disease burden geographically and demographically, set objectives, and include population-specific strategies for achieving the objectives. The strategies should emphasize population-based policy and environmental approaches and education as well as the increased awareness of signs and symptoms of primarily heart attack and stroke. It should address the needs of Priority Populations. The strategies may also include planning for program development within settings, particularly culturally appropriate strategies to reach Priority Populations. Partners should be involved in the development and implementation of the cardiovascular health State Plan. The CVH State Plan may be a stand alone plan or an identifiable section within another State plan.

(5) Provide Training and Technical Assistance

Increase the skill-level of State and local health department staff and partners in areas such as population-based interventions, policy and environmental strategies, CVD and related risk factors (*e.g.*, tobacco use, high cholesterol, high blood pressure, physical inactivity, and poor nutrition), secondary prevention, communication, epidemiology, cultural competence, use of data in program planning, and program planning and evaluation. Training may include provision of technical assistance to communities, worksites, health care sites, schools, and faith-based organizations.

(6) Develop Population-Based Strategies

Develop plans for population-based intervention strategies to promote cardiovascular health, primary and secondary prevention of cardiovascular diseases and related risk factors (*e.g.*, tobacco use, high cholesterol, high blood pressure, physical inactivity, and poor nutrition); increase awareness of signs and symptoms of primarily heart attack and stroke, educate about the need for policy and environmental approaches, and reduce the burden of cardiovascular diseases in the State. The strategies may include working with State-level organizations, health systems, worksites, schools, media, community organizations, non-traditional partners and government agencies as effective means to reach people.

System changes are encouraged in four settings: schools, worksites, health care, and communities. Interventions within systems are encouraged at the highest level possible, for example, activities with business coalitions and unions rather than individual worksites and with managed care organizations (MCOs) and State medical associations rather than individual healthcare settings or physicians. Information regarding the CVD burden in the State and information from the inventories should be used to identify priority areas for interventions.

(7) Develop Culturally-Competent Strategies for Priority Populations

Develop plans for enhanced program efforts to address Priority Populations. Specify how interventions would be designed appropriately for the Priority Populations to be addressed. Strategies should focus on policy and environmental approaches specific for the population to be addressed but may, on a limited basis, include interventions such as community events and campaigns designed to increase awareness of the cardiovascular disease burden and risk factors (e.g., tobacco use, high cholesterol, high blood pressure, physical inactivity, and poor nutrition) in the Priority Populations and to promote policy and environmental strategies to improve cardiovascular health and reduce risk factors. Initiatives may be used to demonstrate the effectiveness of selected strategies or as a means to generate community support for policy and environmental strategies.

1.b. Recipient Activities for Comprehensive Programs

In addition to continuing and enhancing the Recipient Activities for Core Capacity Programs, Activities 1–5, Comprehensive Program will:

(1) Implement Population-Based Intervention Strategies Consistent With the State Plan

Strategies should include policy and environmental approaches, education and awareness supportive of the need for policy and environmental approaches, and other population-based approaches. Priority intervention strategies include changes in policies and physical and social environments or settings to make the settings supportive of heart health and the prevention of CVD. Priority education and awareness strategies would include communication efforts to address CVD and risk factors, need for policy and environmental approaches and awareness of signs and symptoms, primarily of heart attack and stroke. The CDC Cynergy, CVH edition, is a communication planning tool in CD-ROM format that may be used by States to plan health communication activities within a public health context.

These strategies/interventions may be disseminated through various settings and groups including State-level organizations, health care systems, worksites, schools, community organizations, governments, and the media. Interventions should be population-based, with objectives established that specify the population-wide changes sought. Approaches should emphasize State-level activities that bring about policy and environmental systems changes. Any approach should extend to a relatively large proportion of the population to be addressed, rather than a few selected communities. Interventions should be coordinated such that health messages, policies, and environmental measures are consistent, the most cost-effective methods are used for reaching the populations, and duplication of effort is avoided. Interventions should address tobacco use, elevated blood pressure, elevated cholesterol, physical inactivity, poor nutrition, diabetes, and secondary prevention. Implementation may extend to grants and contracts with local health agencies, communities, and nonprofit organizations.

(2) Implement Strategies Addressing Priority Populations

These strategies may include interventions directed to specific communities and segments of the population, and may include all appropriate modes of interventions needed to reach the populations to be addressed. These strategies may include more intensive, directed interventions by organizations concerned with improving the health and quality of life of Priority Populations, including State-level organizations, work sites, health care sites, communities, and schools. Priority intervention strategies include changes in policies and physical and social environments or settings to make the settings supportive of heart health and the prevention of CVD. Priority education and awareness strategies

should include health communication efforts to address CVD and risk factors, need for policy and environmental approaches and awareness of signs and symptoms, primarily of heart attack and stroke.

(3) Specify and Evaluate Intervention Components

Design and implement a program evaluation system. The evaluation plan should address measures considered critical to determine the success of the program, and evaluation results should be used for program improvement. Evaluation should be limited in scope to address strategy implementation, changes in policies and the physical and social environments affecting cardiovascular health. Evaluation should not include comparison communities or quasi-experimental designs. Evaluation should cover both population-based strategies as well as targeted strategies focused on Priority Populations. Evaluation should rely primarily upon existing data systems.

(4) Implement Professional Education Activities

Provide or collaborate with partners to provide professional education to health providers and others to assure appropriate standards of care for primary and secondary prevention of CVD are offered routinely to all.

(5) Collaborate on Secondary Prevention Strategies

Secondary prevention activities should be integrated into such things as partnerships, policy and environmental changes, and training and education in areas such as hypertension, high cholesterol, stroke, heart attack, diabetes, and congestive heart failure to ensure that recognized guidelines for secondary guidelines are followed. Activities in secondary prevention should include monitoring the delivery of secondary prevention practices (*e.g.,* drug therapy, physical activity regimens, dietary changes, and hypertension and lipid management) and collaborating with partners on professional education and policy and practice change related to the implementation of the guidelines on standards of care for CVD. Development of monitoring systems and implementation of approaches for secondary prevention practices should be coordinated with partners such as the State Quality Improvement Organization, Federally Qualified Health Centers, managed care providers, Medicaid, major employers, insurers, other organized health care providers, and purchasers of health care. Secondary prevention strategies may be integrated with professional education initiatives.

2. CDC Activities

a. Provide technical assistance in the coordination of monitoring and other data systems to measure and characterize the burden of cardiovascular diseases. Provide technical assistance in the design of monitoring instruments and sampling strategies, and provide assistance in the processing of data for States. Provide data on populations at highest risk. Provide data for national-level comparisons.

b. Collaborate with the States and other appropriate partners to develop and disseminate programmatic guidance and other resources for specific interventions, media campaigns, and coordination of activities.

c. Collaborate with the States and other appropriate partners to develop and disseminate recommendations for policy and environmental interventions including the measurement of progress in the implementation of such interventions.

d. Collaborate with appropriate public, private, and nonprofit organizations to coordinate a cohesive national program.

e. Provide technical assistance to the State public health laboratory or contract laboratory to standardize cholesterol, high density lipoproteins, and triglyceride measurements.

f. Provide training and technical assistance regarding the coordination of interventions, policy and environmental strategies, and population-based strategies.

E. Content

Applications

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated using the criteria listed, so it is important to follow them in laying out your program plan. Applications for the Core Capacity Program should not exceed 52 double-spaced pages, printed on one side, with one inch margins, in 12-point font, excluding budget, justification, and appendixes. Applications for the Comprehensive Program should not exceed 90 double-spaced pages, printed on one side, with one inch margins, in 12-point font, excluding budget, justification, and appendixes. All applicants should also submit appendices including resumes, job descriptions, organizational chart, facilities, and any other supporting documentation as appropriate. All materials must be suitable for photocopying (*i.e.,* no audiovisual materials, posters, tapes, etc.).

Applicants may apply for funding of either Core Capacity Program or Comprehensive Program, but not both, and must designate in the Executive Summary of their application the component (Core Capacity Program or Comprehensive Program) for which they are applying. Provide the following information:

1. Executive Summary

All applicants must provide a summary of the program described in the proposal (two pages maximum

2. Core Capacity Program

(Application portion of the Core Capacity Program application may not exceed 50 double-spaced pages using 12-point font):

a. Staffing (not included in 50-page limitation). Describe program staffing and qualifications including access to expertise in tobacco, physical activity, nutrition, secondary prevention, epidemiology, and evaluation. Provide organizational chart, resumes, job descriptions, and experience for all budgeted positions. Describe lines of communication between various related chronic disease programs and risk factors. It is recommended that staff include a full-time program manager and a one-half time chronic disease epidemiologist. Assurance should be given that staff have the skills to carry out Recipient Activities, such as program development, health education, and partnership development.

b. Facilities (not included in 50-page limitation). Describe facilities and resources available to the program, including equipment available, communications systems, computer capabilities and access, and laboratory facilities if appropriate.

c. Background and Need. Describe the need for funding and the current resources available for Core Capacity activities, to include:

(1) The overall State cardiovascular disease problem.

(2) The geographic patterns, trends, age, gender, racial and ethnic patterns, and other measures or assessments.

(3) The barriers the State currently faces in developing and implementing a Statewide program for the prevention of cardiovascular diseases.

(4) The advisory groups, partnerships, or coalitions currently involved with the State health department for cardiovascular disease prevention and control, including the current chronic

disease programs within the State health department and present linkages with those programs.

(5) The gaps in resources, staffing, capabilities, and programs that, if addressed, might further the progress of cardiovascular disease prevention.

d. Core Capacity Work Plan. Provide a work plan that addresses each of the required Core Capacity elements cited in the Recipient Activities section above, to include the following information:

(1) Program objectives for each of the Recipient Activities. Objectives should describe what is to happen, by when, and to what degree.

(2) The proposed methods for achieving each of the objectives.

(3) The proposed partnerships and collaborations for achieving each of the objectives.

(4) The proposed plan for evaluating progress toward attainment of the objectives.

(5) A milestone, time line, and completion chart for all objectives for the project period.

e. Core Capacity Program Budget. Provide a detailed line-item budget with justifications consistent with the purpose and proposed objectives, using the format on PHS Form 5161–1. Applicants are encouraged to include budget items for travel for two trips to Atlanta, Georgia for two individuals to attend a three-day training and technical assistance workshops.

Supporting materials such as organizational charts, tables, position descriptions, relevant publications, letters of support that specify the type of support, MOA, etc., should be included in the appendixes and be reproducible. Materials included in the appendixes should be responsive to the Program Announcement. Including extensive materials is not recommended.

3. Comprehensive Program (Application portion of the Comprehensive Program application may not exceed 90 double-spaced pages using 12 point font)

a. Background and Need.

(1) Provide evidence that the State health department has significant core capacity as specified in the Core Capacity Program Recipient Activities 1 through 5.

(2) Provide a description of the overall burden of Cardiovascular disease and related risk factors in the State and the need for support in the State; the geographic and demographic distribution, age, sex, racial and ethnic groups, educational, and economic patterns of the diseases as well as the trends over time. Describe the key barriers to successful implementation of a statewide program for prevention of cardiovascular diseases within the State; partnerships and collaboration with related agencies, and the status of policies and environmental approaches in place that influence risk factors and public awareness. Provide a description of the populations to be addressed, including Priority Populations, and their constituencies and leadership potential to develop and conduct program activities.

b. Staffing (not included in 90-page limitation). Describe project staffing and qualifications including access to expertise in tobacco, physical activity, nutrition, secondary prevention, evaluation, and epidemiology. Provide organizational chart, curriculum vitae, job descriptions, and experience needed for all budgeted positions. Describe lines of communication between various related chronic disease programs. It is recommended that staff include a full-time program manager and at least a one-half time chronic disease epidemiologist. Assurance should be given that staff have the skills to carry out Recipient Activities, such as program development, health education, partnership development, policy development, evaluation, and training.

c. State Plan. Provide the current State plan (dated January 1997 or later) that includes population-based policy and environmental strategies as well as strategies for implementing programs which utilize health care settings, worksites, the media, schools, and communities; and which includes strategies addressing specific Priority Populations and communities.

d. Comprehensive Program Work Plan. Address briefly how each of the Core Capacity recipient activities, cited in the Recipient Activities section above will be continued and enhanced. Address each of the required Comprehensive Program recipient activities cited in the Recipient Activities section above in sufficient detail to describe the results expected and how the State will achieve the results. Objectives and strategies should be consistent with the State Plan and specify Priority Populations to be addressed, communities, or geographic areas of concern; complete listings of the policy and environmental changes sought to create heart-healthy environments for the population; other intervention strategies; coordination among State partners; and strategies for closing the gaps in cardiovascular disease disparities. Interventions should be expressed in terms of changes sought for the general population as well as changes in Priority Populations to be addressed. Population-based approaches should extend to a relatively large proportion of the State population rather than a few selected communities. Targeted strategies should clearly define the Priority Populations to be addressed. Objectives should describe what is to happen, by when, and to what degree. A milestone and activities completion chart or time line should be provided for all objectives for the project period.

e. Evaluation. Provide a description of monitoring activities that include mortality, changes in environmental and policy indicators, and behavioral risk factors including statistically valid estimates for populations to be addressed. Describe the capability for special one-time surveys to be conducted by the State. Describe how each of the program elements will be evaluated and which measures are considered critical to monitor for evaluating the success of the program. Describe the various existing data systems to be employed, how the systems might be adapted, and the specific program elements to be evaluated by those systems. Describe the schedules for data collection and when analyses of the data will become available.

f. Collaboration. Provide letters of support describing the nature and extent of involvement by outside partners and coordination among State health department programs, other State agencies, and non-governmental health and non-health organizations. Describe how the overall delivery of interventions for Priority Populations will be enhanced by these collaborative activities.

g. Training Capability. Provide a description of training sessions for health professionals provided within the past three years. Include agendas, dates, professional status or occupation, and number of attendees. Provide other evidence of training capabilities deemed appropriate to the program.

h. Comprehensive Program Budget Justification. Provide a line-item budget consistent with CDC Form 0.1246 along with appropriate justifications. Applicants are encouraged to include budget items for travel for two trips to Atlanta, Georgia for two individuals to attend a three-day training and technical assistance workshops. State matching funds should be listed on question 15 (estimated funding) of the application face page and Section C of the Budget Information worksheet.

F. Submission and Deadline

Application

Submit the original and two copies of CDC form 0.1246. Forms are available in the application kit and at the following Internet address: *www.cdc.gov/od/pgo/forminfo.htm.*

On or before April 17, 2002, submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Deadline: Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date; or

2. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late: Applications which do not meet the criteria in 1. or 2. will be returned to the applicant.

G. Evaluation Criteria

Each competitive application will be evaluated individually against the following criteria by an independent review group appointed by CDC. Applications received from grantees funded under Program Announcement number 98094 or 00091 will be reviewed by independent reviewers utilizing the Technical Acceptability Review (TAR) process.

Applications Received From

1. Core Capacity Program (Total 100 points)

a. Staffing (10 Points).

The degree to which the proposed staff have the relevant background, qualifications, and experience; and the degree to which the organizational structure supports staffs' ability to conduct proposed activities. The degree to which recommended staffing allow for needed skills. Confirmation of staffing that allows for one FTE program manager and .5 FTE of a chronic disease epidemiologist.

b. Facilities (5 Points).

The extent to which the applicant's description of available facilities and resources are adequate.

c. Background and Need (15 Points).

The extent to which the applicant identifies specific needs and resources available for Core Capacity activities. The extent to which the funds will successfully fill the gaps in State capabilities.

d. Core Capacity Work Plan (60 Points).

(1) (20 Points) The extent to which the plan for achieving the proposed activities appears realistic and feasible and relates to the stated program requirements and purposes of this cooperative agreement.

(2) (20 Points) The extent to which the proposed methods for achieving the activities appear realistic and feasible and relate to the stated program requirements and purposes of the cooperative agreement.

(3) (10 Points) The extent to which the proposed plan for evaluating progress toward meeting objectives and assessing impact appears reasonable and feasible.

(4) (10 Points) The degree to which partnerships, within and external to the State health department, are demonstrated through documented and collaborative activities and letters of support that describe the nature and extent of involvement and commitment.

e. Objectives (10 Points).

The degree to which objectives are specific, time-phased, measurable, realistic, and related to identified needs, program requirements, and purpose of the program.

f. Budget (Not Scored).

The extent to which the budget appears reasonable and consistent with the proposed activities and intent of the program.

2. Comprehensive Program (Total 100 points)

a. Background and Need (35 Points).

(1) (25 points) The extent to which the applicant provides evidence that it has significant core capacity as specified in the Core Capacity Program Recipient Activities 1–5 (see Program Recipient Activities section).

(2) (10 Points) The extent to which the applicant identifies specific needs in relation to geographic and demographic distribution of cardiovascular diseases with particular emphasis on Priority Populations; identifies trends in mortality and risk factors (e.g., tobacco use, high cholesterol, high blood pressure, physical inactivity, and poor nutrition) and related conditions (e.g., diabetes and obesity); identifies barriers to successful program implementation; describes current partnerships and collaborations; and describes existing policy and environmental influences in terms of their affect on public awareness and the risk factors (e.g., tobacco use, high cholesterol, high blood pressure, physical inactivity, and poor nutrition) for cardiovascular diseases.

b. Staffing (10 points).

The degree to which the proposed staff have the relevant background, qualifications, and experience; the degree to which the organizational structure supports staffs' ability to conduct proposed activities; the degree to which the recommended staffing and skills are addressed. Confirmation of staffing that allows for one FTE program manager and .5 FTE of a chronic disease epidemiologist.

c. Comprehensive Work Plan (40 Points).

(1) (20 Points) The extent to which the work plan addresses briefly how the Core Capacity recipient activities will be continued and enhanced and, in detail, how they will address the Comprehensive Program recipient activities. The extent to which the work plan addresses primary and secondary prevention of CVD and promotion of CVH, policy and environmental strategies, education and awareness, and other appropriate population-based approaches and the extent of program activities that appropriately use settings (e.g., schools, worksites, health care, and communities). The extent to which the plan identifies and addresses the needs of Priority Populations.

(2) (15 Points) The degree to which the objectives are specific, time-phased, measurable, realistic, and relate to identified needs and purposes of the program, for both the general population as well as the Priority Populations. The extent to which the work plan for achieving the proposed activities appears realistic and feasible, is consistent with the State Plan, and relates to the stated program requirements and purposes of this cooperative agreement. The extent to which the plan addresses the needs of the State and the appropriateness of the planned interventions to the cardiovascular disease problem.

(3) (5 Points) The extent to which collaboration with State tobacco, nutrition, physical activity, health promotion, data systems (BRFSS), diabetes, coordinated school health and other chronic disease programs and with external partners is used to deliver the program; the extent to which coordination with other State chronic disease programs and other State agencies enhances the cardiovascular disease program; and the extent of involvement of other organizations within the State in the implementation of the program.

d. Training Capability (5 Points).

The extent to which the applicant demonstrates the provision of training sessions for health professionals and provides evidence of other training

capabilities deemed appropriate to the program.

e. Evaluation (10 Points).

The extent to which the evaluation plan appears capable of monitoring progress toward meeting specific project objectives, assessing the impact of the program on the general population, assessing changes in the Priority Populations, monitoring utilization of secondary prevention strategies, and assessing the implementation of policy and environmental strategies.

f. Budget (Not Scored).

The extent to which the budget appears reasonable and consistent with the proposed activities and intent of the program. For the Comprehensive application, matching funds should be provided.

H. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of:

1. Semi-Annual Progress Reports

The first report is due March 15, 2003, outlining the requirements under items a through e, and subsequent semi-annual reports will be due on the 15th of March each year through March 15, 2006. The second report is due 90 days after the end of the budget period, outlining the requirements under items a through c. Semi-annual progress reports should include the following information. (The March 15th semi-annual progress report and accompanying budget and budget justification will be used to process your continuation award):

a. A succinct description of the program accomplishments/narrative and progress made in meeting each program objective during the first six months of the budget period (June 30 through December 31) and should consist of no more than 50 pages,

b. The reason for not meeting established program goals and strategies to be implemented to achieve unmet objectives (see performance measures below),

c. A description of any new objectives including the expected impact on the overall burden of cardiovascular diseases and related risk factors and method of evaluating effectiveness and,

d. A one-year line item budget and budget justification, and

e. For all proposed contracts, provide the name of contractor, period of performance, method of selection, method of accountability, scope of work, and itemized budget and budget justification. If the information is not available when the application is submitted, please indicate To Be Determined until the information is available. When the information becomes available, it should be submitted to the CDC Procurement and Grants Management Office contact identified in this Program Announcement.

The semiannual progress report will be used as evidence of Core Capacity Program's attainment of Core Capacity goals and objectives and the program's readiness to compete for a Comprehensive Program award should funds be available. Core Capacity Program grantees wishing to compete for a Comprehensive Program, should submit an application that is responsive to the Core Capacity Performance Measures, Application Content and Recipient Activities section of this program announcement including a line item budget and budget justification. Competitive Comprehensive applications will be reviewed by CDC staff utilizing the Technical Acceptability Review (TAR) process. Applications can be submitted in fiscal year 2003, 2004, 2005, or 2006. Applications must be submitted (post mark) by March 15 of the fiscal in which the applicant wishes to be considered for Comprehensive funding.

Funding decisions will be made on the basis of satisfactory progress on the Core Capacity Performance Measures as evidenced by required reports (semi-annual report), application score, and the availability of funds.

Core Capacity Performance Measures include evidence that the applicant has significant core capacity as specified in the Core Capacity Program Recipient Activities 1–5.

(1) Evidence of at least 8 diverse and active partnerships: documentation such as minutes of meetings that delineates partners leadership for completing tasks, lists of work group members, memoranda of understanding, outcomes or products of the partnership, training agendas, and other documents that demonstrate collaboration on CVH program activities with partners that include State health department programs, other States agencies, organizations that promote CVH or address CVD or related risk factors; organizations that improve health and quality of life, and organizations that address the needs of Priority Populations.

(2) Evidence that the cardiovascular disease burden has been defined: provision of a CVD Burden Document (published in the past three years) or description of the burden of CVD and related risk factors, geographic and demographic distribution of CVD, including racial and ethnic disparities, and trends in CVD.

(3) Evidence that an assessment of existing policy and environmental strategies has been completed for state-level organizations and groups that impact on the four settings (*i.e.,* worksites, health care, schools, and communities) and performed at other levels (*e.g.,* district, local) for at least 1 of the 4 settings; provision of summaries of the data collected and methods used.

(4) Evidence that a comprehensive CVH State Plan has been developed: provision of the CVH State Plan that uses CVD burden data and other assessment data to identify priorities, addresses primary and secondary prevention of CVD and related risk factors; promotes CVH, population-based approaches, and policy and environmental strategies; addresses Priority Populations; and confirms that it was developed with the input of partners within and external to the State health department.

(5) Evidence that training and technical assistance has been provided or coordinated by the State CVH Program within the state for State health department staff, local health department staff, and partners: provision of agendas, documents confirming training and assistance provided in at least 4 of the following priority areas (i.e., population-based interventions, policy and environmental strategies, CVD and related risk factors, secondary prevention, health communication, epidemiology, cultural competence, use of data in program planning, and program planning and evaluation).

2. Financial status reports are due, no more than 90 days after the end of the budget period; and

3. Final financial and performance reports are due, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment IV in the application kit.

AR–7 Executive Order 12372 Review
AR–8 Public Health System Reporting Requirements
AR–9 Paperwork Reduction Act Requirements
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under section 301(a) and 317(k)(2) of the Public Health Service Act, (42 U.S.C. section 241(a) and 247b(k)(2)), as amended. The Catalog of Federal Domestic Assistance number is 93.945.

J. Where To Obtain Additional Information

This and other CDC announcements can be found on the CDC home page Internet address—*http://www.cdc.gov.* Click on ''Funding,'' then ''Grants and Cooperative Agreements.''

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Michelle Copeland, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Room 3000, Atlanta, GA 30341–4146. Telephone number: 770–488–2686. E-mail address: *stc8@cdc.gov.*

For program technical assistance, contact: Nancy B. Watkins, M.P.H., Team Leader for Program Services, Intervention and Evaluation Cardiovascular Health Branch, Centers for Disease Control and Prevention, Division of Adult and Community Health, 4770 Buford Highway, NE, MS K–47, Atlanta, GA 30341. Telephone number: 770–488–8004. Fax: 770–488–8151. E-mail address: *NWatkins@cdc.gov.*

Dated: February 22, 2002.

Robert L. Williams,

Chief, Acquisition and Assistance Branch B, Procurement and Grants Office, Center for Disease Control and Prevention (CDC).

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 02041]

Traumatic Injury Biomechanics Research;Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2002 funds for a grant program for Extramural Grants for Traumatic Injury Biomechanics Research. This program addresses the ''Healthy People 2010'' focus areas of Injury and Violence Prevention.

The purposes of the program are to:

1. Solicit research applications that address the priorities reflected under the heading, ''Programmatic Interests.''

2. Build the scientific base for the prevention of injuries, disabilities, and deaths.

3. Encourage professionals from a wide spectrum of disciplines such as engineering, bioengineering, medicine, health care, public health, health care research, behavioral and social sciences, and others, to undertake research to prevent and control injuries.

4. Encourage investigators to propose research that involves intervention development and testing as well as research on methods, to encourage individuals, organizations, or communities to adopt and maintain effective intervention strategies.

B. Eligible Applicants

Applications may be submitted by public and private nonprofit and for-profit organizations and by governments and their agencies; that is, universities, colleges, research institutions, hospitals, other public and private nonprofit and for-profit organizations, State and local governments or their bona fide agents, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, federally recognized Indian tribal governments, Indian tribes, or Indian tribal organizations, and small, minority, and women-owned businesses.

Current grantees are also eligible to apply for supplemental funding to enhance or expand existing projects, or to conduct one year pilot studies.

Note: Title 2 of the United States code section 1611 states that an organization described in section 501 (c)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant or loan.

Applications that are incomplete or non-responsive to the below requirements will be returned to the applicant without further consideration. The following are applicant requirements:

1. A principal investigator, who has conducted research, published the findings in peer-reviewed journals, and has specific authority and responsibility to carry out the proposed project.

2. Demonstrated experience on the applicant's project team in conducting, evaluating, and publishing injury control research in peer-reviewed journals.

3. Effective and well-defined working relationships within the performing organization and with outside entities which will ensure implementation of the proposed activities.

4. The ability to carry out injury control research projects as defined under Attachment 2 (1.a–c) in the application kit.

5. The overall match between the applicant's proposed theme and research objectives, and the program interests as described under the heading, ''Programmatic Interests.''

C. Availability of Funds

Approximately $1,000,000 is available in FY 2002 to fund approximately four to five awards. The specific program priorities for these funding opportunities are outlined with examples in this announcement under the section, ''Programmatic Interests.''

It is expected that the awards will begin on or about September 30, 2002, and will be made for a 12-month budget period within a three year project period. The maximum funding level will not exceed $300,000 (including both direct and indirect costs) per year or $900,000 for the three-year project period. Those grantees applying for supplemental funding may request up to $150,000 (including both direct and indirect costs) for one year. Supplemental awards will be made for the budget period to coincide with the actual budget period of the grant, and are based on the availability of end-of-fiscal year funds. Applications that exceed the funding cap of $300,000 per year will be excluded from the competition and returned to the applicant. The availability of Federal funding may vary and is subject to change.

Continuation awards within the project period will be made based on satisfactory progress demonstrated by investigators at work-in-progress monitoring workshops (travel expenses for this annual one-day meeting should be included in the applicant's proposed budget), and the achievement of work plan milestones reflected in the continuation application.

Note: Grant funds will not be made available to support the provision of direct care. Eligible applicants may enter into contracts, including consortia agreements (as set forth in the PHS Grants Policy Statement, dated April 1, 1994), as necessary to meet the requirements of the program and strengthen the overall application.

Funding Preferences

While extending and adapting results and conclusions of the above efforts to

the entire population is desirable, additional consideration will be given to proposals that emphasize research especially applicable to young children, women (and, in particular, pregnant women), and/or the elderly.

D. Program Requirements

The National Center of Injury Prevention and Control (NCIPC) is soliciting investigator-initiated research that will help expand and advance our understanding of injury causation. Traumatic injury biomechanics research is especially needed to understand the injury mechanisms that lead to long-term disability from brain and spinal cord injuries.

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the following activities:

1. Research to advance the biomechanical understanding of traumatic brain and spinal cord injuries (TBI/SCI), thoracic and abdominal injuries resulting from blunt impact, and injuries occurring to the extremities and joints.

2. Evaluate, from a biomechanical perspective, intervention concepts and strategies such as multi-use recreational helmets, mouth- and face-protection devices for athletes, energy-absorbing playground surfaces, hip pads, and motor vehicle side-impact and rollover countermeasures.

3. Define human tolerance limits for injury; develop biofidelic models to elucidate injury physiology as well as pharmacologic, surgical, rehabilitation, and other interventions; improve injury assessment technology; increase understanding of impact injury mechanisms; and quantify injury-related biomechanical responses for critical areas of the human body (e.g., brain and vertebral injury with spinal cord involvement).

4. Applicants are required to provide Measures of Effectiveness that will demonstrate the accomplishment of the various identified objectives of the grant. Measures must be objective/quantitative and must measure the intended outcome. These Measures of Effectiveness shall be submitted with the application and shall be an element of the evaluation (See Attachment 4 in the application kit).

E. Content

Letter of Intent (LOI)

A LOI is optional for this program. The narrative should be no more than two double-spaced pages, printed on one side, with one inch margins, and unreduced font. The letter should identify the announcement number, the name of the principal investigator, and briefly describe the scope and intent of the proposed research work. The letter of intent does not influence review or funding decisions, but the number of letters received will enable CDC to plan the review more effectively and efficiently.

Application

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan.

Applications should follow the PHS–398 (Rev. 5/2001) application and Errata sheet (See attachment 3 in the application kit), and should include the following information:

1. The project's focus that justifies the research needs and describes the scientific basis for the research, the expected outcome, and the relevance of the findings to reduce injury morbidity, mortality, disability, and economic losses. This focus should be based on recommendations in ''Healthy People 2010'' and should seek creative approaches that will contribute to a national program for injury control.

2. Specific, measurable, and time-framed objectives.

3. A detailed plan describing the methods by which the objectives will be achieved, including their sequence. A comprehensive evaluation plan is an essential component of the application.

4. A description of the principal investigator's role and responsibilities.

5. A description of all the project staff regardless of their funding source. It should include their title, qualifications, experience, percentage of time each will devote to the project, as well as that portion of their salary to be paid by the grant.

6. A description of those activities related to, but not supported by the grant.

7. A description of the involvement of other entities that will relate to the proposed project, if applicable. It should include commitments of support and a clear statement of their roles.

8. A detailed first year's budget for the grant with future annual projections, if relevant.

9. An explanation of how the research findings will contribute to the national effort to reduce the morbidity, mortality and disability caused by injuries within three to five years from project start-up.

An applicant organization has the option of having specific salary and fringe benefit amounts for individuals omitted from the copies of the application which are made available to outside reviewing groups. To exercise this option: on the original and five copies of the application, the applicant must use asterisks to indicate those individuals for whom salaries and fringe benefits are not shown; however, the subtotals must still be shown. In addition, the applicant must submit an additional copy of page 4 of Form PHS–398, completed in full, with the asterisks replaced by the salaries and fringe benefits. This budget page will be reserved for internal staff use only.

F. Submission and Deadline

Letter of Intent (LOI)

On or before March 18, 2002, submit the LOI to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Application

Submit the original and five copies of PHS–398 (OMB Number 0925–0001) (adhere to the instructions on the Errata Instruction Sheet for PHS 398). Forms are available in the application kit and at the following Internet address: *www.cdc.gov/od/pgo/forminfo.htm*

On or before April 16, 2002, submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Deadline: Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date; or

2. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late: Applications which do not meet the criteria in 1. or 2. above will be returned to the applicant.

G. Evaluation Criteria

Upon receipt, applications will be reviewed by CDC staff for completeness and responsiveness as outlined under the Eligible Applicants Section (Items 1–5).

Incomplete applications and applications that are not responsive will be returned to the applicant without further consideration. It is especially

important that the applicant's abstract reflects the project's focus, because the abstract will be used to help determine the responsiveness of the application.

Applications which are complete and responsive may be subjected to a preliminary evaluation (triage) by a peer review committee, the Injury Research Grant Review Committee (IRGRC), to determine if the application is of sufficient technical and scientific merit to warrant further review by the IRGRC; CDC will withdraw from further consideration applications judged to be noncompetitive and promptly notify the principal investigator/program director and the official signing for the applicant organization. Those applications judged to be competitive will be further evaluated by a dual review process.

Competing supplemental grant awards may be made when funds are available, to support research work or activities not previously approved by the IRGRC. Applications should be clearly labeled to denote their status as requesting supplemental funding support. These applications will be reviewed by the IRGRC and the secondary review group.

Awards will be determined by the Director of the NCIPC based on priority scores assigned to applications by the primary review committee IRGRC, recommendations by the secondary review committee Advisory Committee for Injury Prevention and Control (ACIPC), consultation with NCIPC senior staff, and the availability of funds.

1. The primary review will be a peer review conducted by the IRGRC. All applications will be reviewed for scientific merit by a committee of no less than three reviewers with appropriate expertise using current National Institutes of Health (NIH) criteria to evaluate the methods and scientific quality of the application. Factors to be considered will include:

a. *Significance.* Does this study address an important problem? If the aims of the application are achieved, how will scientific knowledge be advanced? What will be the effect of these studies on the concepts or methods that drive this field?

b. *Approach.* Are the conceptual framework, design, methods, and analyses adequately developed, well-integrated, and appropriate to the aims of the project? Does the applicant acknowledge potential problem areas and consider alternative tactics? Does the project include plans to measure progress toward achieving the stated objectives? Is there an appropriate work plan included?

c. *Innovation.* Does the project employ novel concepts, approaches or methods? Are the aims original and innovative? Does the project challenge or advance existing paradigms, or develop new methodologies or technologies?

d. *Investigator.* Is the principal investigator appropriately trained and well-suited to carry out this work? Is the proposed work appropriate to the experience level of the principal investigator and other significant investigator participants? Is there a prior history of conducting injury-related research?

e. *Environment.* Does the scientific environment in which the work will be done contribute to the probability of success? Does the proposed research take advantage of unique features of the scientific environment or employ useful collaborative arrangements? Is there evidence of institutional support? Is there an appropriate degree of commitment and cooperation of other interested parties as evidenced by letters detailing the nature and extent of the involvement?

f. *Ethical Issues.* What provisions have been made for the protection of human subjects and the safety of the research environments? How does the applicant plan to handle issues of confidentiality and compliance with mandated reporting requirements, e.g., suspected child abuse? Does the application adequately address the requirements of 45 CFR 46 for the protection of human subjects? (An application can be disapproved if the research risks are sufficiently serious and protection against risks is so inadequate as to make the entire application unacceptable.) The degree to which the applicant has met the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed research. This includes:

(1) The proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation.

(2) The proposed justification when representation is limited or absent.

(3) A statement as to whether the design of the study is adequate to measure differences when warranted.

(4) A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits.

g. *Study Samples.* Are the samples sufficiently rigorously defined to permit complete independent replication at another site? Have the referral sources been described, including the definitions and criteria? What plans have been made to include women and minorities and their subgroups as appropriate for the scientific goals of the research? How will the applicant deal with recruitment and retention of subjects?

h. *Dissemination.* What plans have been articulated for disseminating findings?

i. *Measures of Effectiveness.* The Peer Review Panel shall assure that measures set forth in the application are in accordance with CDC's performance plans (See attachment 4 in the application kit). How adequately has the applicant addressed these measures?

The IRGRC will also examine the appropriateness of the proposed project budget and duration in relation to the proposed research and the availability of data required for the project.

2. The secondary review will be conducted by the Science and Program Review Committee (SPRC) from the ACIPC. The ACIPC Federal ex officio members will be invited to attend the secondary review and will receive modified briefing books (i.e., abstracts, strengths and weaknesses from summary statements, and project officer's briefing materials). Federal ex officio members will be encouraged to participate in deliberations when applications address overlapping areas of research interest so that unwarranted duplication in federally-funded research can be avoided and special subject area expertise can be shared. The NCIPC Division Associate Directors for Science (ADS) or their designees will attend the secondary review in a similar capacity as the Federal ex officio members to assure that research priorities of the announcement are understood and to provide background regarding current research activities. Only SPRC members will vote on funding recommendations, and their recommendations will be carried to the entire ACIPC for voting by the ACIPC members in closed session. If any further review is needed by the ACIPC, regarding the recommendations of the SPRC, the factors considered will be the same as the factors that the SPRC considered.

The committee's responsibility is to develop funding recommendations for the NCIPC Director based on the results of the primary review, the relevance and balance of proposed research relative to the NCIPC programs and priorities, and to assure that unwarranted duplication of federally-funded research does not occur. The Secondary Review Committee has the latitude to recommend to the NCIPC Director, to reach over better ranked proposals in

order to assure maximal impact and balance of proposed research. The factors to be considered will include:

a. The results of the primary review including the application's priority score as the primary factor in the selection process.

b. The relevance and balance of proposed research relative to the NCIPC programs and priorities.

c. The significance of the proposed activities in relation to the priorities and objectives stated in ''Healthy People 2010'' and the Institute of Medicine report, ''Reducing the Burden of Injury''.

d. Budgetary considerations.

3. Continued Funding. Continuation awards made after FY 2002, but within the project period, will be made on the basis of the availability of funds and the following criteria:

a. The accomplishments reflected in the progress report of the continuation application indicate that the applicant is meeting previously stated objectives or milestones contained in the project's annual work plan and satisfactory progress demonstrated through presentations at work-in-progress monitoring workshops.

b. The objectives for the new budget period are realistic, specific, and measurable.

c. The methods described will clearly lead to achievement of these objectives.

d. The evaluation plan will allow management to monitor whether the methods are effective.

e. The budget request is clearly explained, adequately justified, reasonable and consistent with the intended use of grant funds.

H. Other Requirements

Technical Reporting Requirements

Provide CDC with an original plus two copies of:

1. Annual progress report (the results of the Measures of Effectiveness shall be a data requirement to be submitted with or incorporated into the progress report. See Attachment 4 in the application kit);

2. A financial status report, no more than 90 days after the end of the budget period;

3. Final financial report and performance report, no more than 90 days after the end of the project period; and

4. At the completion of the project, the grant recipient will submit a brief (2,500 to 4,000 words written in non-scientific [laymen's] terms) summary highlighting the findings and their implications for injury prevention programs, policies, environmental changes, etc. The grant recipient will also include a description of the dissemination plan for research findings. This plan will include publications in peer-reviewed journals and ways in which research findings will be made available to stakeholders outside of academia, (e.g., state injury prevention program staff, community groups, public health injury prevention practioners, and others). CDC will place the summary report and each grant recipient's final report with the National Technical Information Service (NTIS) to further the agency's efforts to make the information more available and accessible to the public.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

The following additional requirements are applicable to this program. For a complete description of each see Attachment 1 in the application kit.

AR–1—Human Subjects Certification
AR–2—Requirements for inclusion of Women and Racial and Ethnic Minorities in Research
AR–3—Animal Subjects Requirement
AR–9—Paperwork Reduction Requirements
AR–10—Smoke-Free Workplace Requirement
AR–11—Healthy People 2010
AR–12—Lobbying Restrictions
AR–13—Prohibition on Use of CDC funds for Certain Gun Control Activities
AR–21—Small, Minority, and Women-owned Business
AR–22—Research Integrity

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under section 301 (a) [42 U.S.C. 241(a)] of the Public Health Service Act, and section 391 (a) [42 U.S.C. 280(b)] of the Public Service Health Act, as amended. The catalog of Federal Domestic Assistance number is 93.136.

J. Where To Obtain Additional Information

This and other CDC announcements can be found on the CDC home page on the Internet. The address for the CDC home page is *http://www.cdc.gov.* Click on ''Funding Opportunities'' then ''Grants and Cooperative Agreements.''

To receive additional written information and to request an application kit, call 1–888–GRANTS4 (1–888–472–6874). You will be asked to leave your name and address and will be instructed to identify the Announcement number of interest.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Van A. King, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Program Announcement #02041, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Room 3000, Atlanta, Georgia 30341, Telephone: (770) 488–2751, Internet address: *vbk5@cdc.gov.*

For program technical assistance, contact: Ted Jones, Program Manager, Office of Research Grants, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway, NE, Mailstop K–58, Atlanta, GA 30341–3724, Telephone: (770) 488–4824, Internet address: *tmj1@cdc.gov.*

Robert L. Williams,

Branch Chief, Acquisition and Assistance Branch B, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 02–4775 Filed 2–27–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 02040]

Violence-Related Injury Prevention Research; Notice of Availability; of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2002 funds for a grant program for Extramural Grants for Violence-Related Injury Prevention Research. This announcement addresses the ''Healthy People 2010'' focus area of Violence Prevention.

The purposes of the program are to:

1. Solicit research applications that address the priorities reflected under the section ''Programmatic Interests.''

2. Build the scientific base for the prevention of injuries, disabilities, and deaths due to violence.

3. Encourage professionals from a wide spectrum of disciplines such as public health, health care, medicine, criminal justice, and behavioral and social sciences, to work together and undertake research to prevent and control injuries that result from violence.

4. Encourage investigators to propose research that involves intervention development and testing as well as

research on methods, to encourage individuals, organizations, or communities to adopt and maintain effective intervention strategies.

B. Eligible Applicants

Applications may be submitted by public and private nonprofit and for-profit organizations and by governments and their agencies; that is, universities, colleges, research institutions, hospitals, other public and private nonprofit and for-profit organizations, State and local governments or their bona fide agents, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, federally recognized Indian tribal governments, Indian tribes, or Indian tribal organizations, and small, minority, and women-owned businesses.

Current grantees are also eligible to apply for funding to enhance or expand existing projects, or to conduct one year pilot studies.

Note: Title 2 of the United States Code section 1611 states that an organization described in section 501(C)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant or loan.

Applications that are incomplete or non-responsive to the below requirements will be returned to the applicant without further consideration. The following are applicant requirements:

1. A principal investigator, who has conducted research, published the findings in peer-reviewed journals, and has specific authority and responsibility to carry out the proposed project.

2. Demonstrated experience on the applicant's project team in conducting, evaluating, and publishing injury control research in peer-reviewed journals.

3. Effective and well-defined working relationships within the performing organization and with outside entities which will ensure implementation of the proposed activities.

4. The ability to carry out injury control research projects as defined under Attachment 2, (1.a-c) in the application kit.

5. The overall match between the applicant's proposed theme and research objectives, and the program interests as described in Attachment 3 in the application kit.

C. Availability of Funds

Approximately $1,800,000 is expected to be available in FY 2002 for injury research grants. Of that amount, approximately $1,300,000 is available to fund 4–6 programs addressing Youth Violence and Suicide, and approximately $500,000 to fund 1–3 programs addressing Intimate Partner Violence and programs for Sexual Violence. The specific program priorities for these funding opportunities are outlined under Attachment 3 in the application kit.

It is expected that the awards will begin on or about September 30, 2002, and will be made for a 12–month budget period within a three-year project period. The maximum funding level will not exceed $300,000 (including both direct and indirect costs) per year or $900,000 for the three-year project period for Youth Violence and Suicide. The maximum funding level will not exceed $500,000 (including both direct and indirect costs) per year or $1,500,000 for the three-year project period for Intimate Partner Violence and Sexual Violence. The National Center for Injury Prevention and Control (NCIPC) will also consider applications with project periods of one and two years, and for smaller funding amounts. Consideration will also be given to current grantees who submit a competitive supplement requesting one year of funding to enhance or expand existing projects, or to conduct one-year pilot studies. These awards will not exceed $150,000, including both direct and indirect costs. Funding for these competitive supplements is contingent upon the availability of end-of-fiscal year funds.

Applications that exceed the funding caps noted above will be excluded from the competition and returned to the applicant. The availability of Federal funding may vary and is subject to change.

Continuation awards within the project period will be made based on satisfactory progress demonstrated by investigators at work-in-progress monitoring workshops (travel expenses for this annual one day meeting should be included in the applicant's proposed budget), and the achievement of work plan milestones reflected in the continuation application.

Note: Grant funds will not be made available to support the provision of direct care. Eligible applicants may enter into contracts, including consortia agreements (as set forth in the PHS Grants Policy Statement, dated April 1, 1994), as necessary to meet the requirements of the program and strengthen the overall application.

Funding Preferences

Priority will be given to studies which focus on under served populations including ethnic populations, persons with disabilities, gay, lesbian, transgender and bisexual populations, or immigrant and refugee populations. These populations are considered under served because substantial research has not been devoted to determining risk and protective factors or mediating or moderating influences which may affect intimate partner violence or sexual violence in these groups.

D. Program Requirements

NCIPC is soliciting investigator-initiated research that will help expand and advance our understanding of violence, its causes, and prevention strategies.

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the following activities:

(1) Evaluate the efficacy and effectiveness of interventions, programs, and policies to prevent intimate partner violence, sexual violence (includes both sexual violence against adults and child sexual abuse), child maltreatment, youth violence or suicidal behavior.

(2) Evaluate strategies for disseminating and implementing evidence-based interventions or policies for the prevention of intimate partner violence, sexual violence, child maltreatment, youth violence or suicidal behavior.

(3) Identify shared and unique risk and protective factors for the perpetration of intimate partner violence, sexual violence, child maltreatment, youth violence or suicidal behavior, and examine the relationships among these forms of violence.

(4) Provide Measures of Effectiveness that will demonstrate the accomplishment of the various identified objectives of the grant. Measures must be objective/quantitative and must measure the intended outcome. These Measures of Effectiveness shall be submitted with the application and shall be an element of the evaluation (See Attachment 5 in the application kit).

Additional information may be found in Attachment 3 entitled ''Programmatic Interests'' in the application kit.

E. Content

Letter of Intent (LOI)

A LOI is optional for this program. The narrative should be no more than two double-spaced pages, printed on one side, with one inch margins, and unreduced font. The letter should

identify the announcement number, the name of the principal investigator, and briefly describe the scope and intent of the proposed research work. The letter of intent does not influence review or funding decisions, but the number of letters received will enable CDC to plan the review more effectively and efficiently.

Application

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan.

Applications should follow the PHS–398 (Rev. 5/2001) application and Errata sheet (See Attachment 4 in the application kit), and should include the following information:

1. The project's focus that justifies the research needs and describes the scientific basis for the research, the expected outcome, and the relevance of the findings to reduce injury morbidity, mortality, disability, and economic losses. This focus should be based on recommendations in ''Healthy People 2010,'' and should seek creative approaches that will contribute to a national program for injury control.

2. Specific, measurable, and time-framed objectives.

3. A detailed plan describing the methods by which the objectives will be achieved, including their sequence. A comprehensive evaluation plan is an essential component of the application.

4. A description of the principal investigator's role and responsibilities.

5. A description of all the project staff regardless of their funding source. It should include their title, qualifications, experience, percentage of time each will devote to the project, as well as that portion of their salary to be paid by the grant.

6. A description of those activities related to, but not supported by the grant.

7. A description of the involvement of other entities that will relate to the proposed project, if applicable. It should include commitments of support and a clear statement of their roles.

8. A detailed first year's budget for the grant with future annual projections, if relevant.

9. An explanation of how the research findings will contribute to the national effort to reduce the morbidity, mortality and disability caused by violence-related injuries within 3–5 years from project start-up.

An applicant organization has the option of having specific salary and fringe benefit amounts for individuals omitted from the copies of the application which are made available to outside reviewing groups. To exercise this option: On the original and five copies of the application, the applicant must use asterisks to indicate those individuals for whom salaries and fringe benefits are not shown; however, the subtotals must still be shown. In addition, the applicant must submit an additional copy of page 4 of Form PHS–398, completed in full, with the asterisks replaced by the salaries and fringe benefits. This budget page will be reserved for internal staff use only.

F. Submission and Deadline

Letter of Intent (LOI)

On or before March 18, 2002, submit the LOI to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Application

Submit the original and five copies of PHS 398 (OMB Number 0925–0001) (adhere to the instructions on the Errata Instruction sheet for PHS 398). Forms are in the application kit and at the following Internet address: *www.cdc.gov/od/pgo/forminfo.htm.*

On or before April 16, 2002, submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Deadline: Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date; or

2. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late: Applications which do not meet the criteria in 1. or 2. above will be returned to the applicant.

G. Evaluation Criteria

Upon receipt, applications will be reviewed by CDC staff for completeness and responsiveness as outlined under the Eligible Applicants Section (Items 1–5). Incomplete applications and applications that are not responsive will be returned to the applicant without further consideration. It is especially important that the applicant's abstract reflects the project's focus, because the abstract will be used to help determine the responsiveness of the application.

Applications which are complete and responsive may be subjected to a preliminary evaluation (triage) by a peer review committee, the Injury Research Grant Review Committee (IRGRC), to determine if the application is of sufficient technical and scientific merit to warrant further review by the IRGRC; CDC will withdraw from further consideration applications judged to be noncompetitive and promptly notify the principal investigator/program director and the official signing for the applicant organization. Those applications judged to be competitive will be further evaluated by a dual review process.

Competing supplemental grant awards may be made when funds are available, to support research work or activities not previously approved by the IRGRC. Applications should be clearly labeled to denote their status as requesting supplemental funding support. These applications will be reviewed by the IRGRC and the secondary review group.

Awards will be determined by the Director of the NCIPC based on priority scores assigned to applications by the primary review committee IRGRC, recommendations by the secondary review committee Advisory Committee for Injury Prevention and Control (ACIPC), consultation with NCIPC senior staff, and the availability of funds.

1. The primary review will be a peer review conducted by the IRGRC. All applications will be reviewed for scientific merit by a committee of no less than three reviewers with appropriate expertise using current National Institutes of Health (NIH) criteria to evaluate the methods and scientific quality of the application. Factors to be considered will include:

a. *Significance.* Does this study address an important problem? If the aims of the application are achieved, how will scientific knowledge be advanced? What will be the effect of these studies on the concepts or methods that drive this field?

b. *Approach.* Are the conceptual framework, design, methods, and analyses adequately developed, well-integrated, and appropriate to the aims of the project? Does the applicant acknowledge potential problem areas and consider alternative tactics? Does the project include plans to measure progress toward achieving the stated objectives? Is there an appropriate work plan included?

c. *Innovation.* Does the project employ novel concepts, approaches or methods? Are the aims original and innovative? Does the project challenge or advance existing paradigms, or develop new methodologies or technologies?

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e. *Environment.* Does the scientific environment in which the work will be done contribute to the probability of success? Does the proposed research take advantage of unique features of the scientific environment or employ useful collaborative arrangements? Is there evidence of institutional support? Is there an appropriate degree of commitment and cooperation of other interested parties as evidenced by letters detailing the nature and extent of the involvement?

f. *Ethical Issues.* What provisions have been made for the protection of human subjects and the safety of the research environments? How does the applicant plan to handle issues of confidentiality and compliance with mandated reporting requirements, e.g., suspected child abuse? Does the application adequately address the requirements of 45 CFR part 46 for the protection of human subjects? (An application can be disapproved if the research risks are sufficiently serious and protection against risks is so inadequate as to make the entire application unacceptable.) The degree to which the applicant has met the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed research. This includes:

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g. *Study Samples.* Are the samples sufficiently rigorously defined to permit complete independent replication at another site? Have the referral sources been described, including the definitions and criteria? What plans have been made to include women and minorities, and their subgroups as appropriate for the scientific goals of the research? How will the applicant deal with recruitment and retention of subjects?

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b. The relevance and balance of proposed research relative to the NCIPC programs and priorities.

c. The significance of the proposed activities in relation to the priorities and objectives stated in ''Healthy People 2010'' and the Institute of Medicine report, ''Reducing the Burden of Injury.''

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a. The accomplishments reflected in the progress report of the continuation application indicate that the applicant is meeting previously stated objectives or milestones contained in the project's annual work plan and satisfactory progress demonstrated through presentations at work-in-progress monitoring workshops.

b. The objectives for the new budget period are realistic, specific, and measurable.

c. The methods described will clearly lead to achievement of these objectives.

d. The evaluation plan will allow management to monitor whether the methods are effective.

e. The budget request is clearly explained, adequately justified, reasonable and consistent with the intended use of grant funds.

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3. A final financial report and performance report, no more than 90 days after the end of the project period; and

4. At the completion of the project, the grant recipient will submit a brief (2,500 to 4,000 words written in non-scientific [laymen's] terms) summary highlighting the findings and their implications for injury prevention programs, policies, environmental changes, etc. The grant recipient will

also include a description of the dissemination plan for research findings. This plan will include publications in peer-reviewed journals and ways in which research findings will be made available to stakeholders outside of academia, (e.g., state injury prevention program staff, community groups, public health injury prevention practitioners, and others). CDC will place the summary report and each grant recipient's final report with the National Technical Information Service (NTIS) to further the agency's efforts to make the information more available and accessible to the public.

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The following additional requirements are applicable to this program. For a complete description of each, see Attachment 1 in the application kit.

AR–1—Human Subjects Certification
AR–2—Requirements for inclusion of Women and Racial and Ethnic Minorities in Research
AR–3—Animal Subjects Requirement
AR–9—Paperwork Reduction Requirements
AR–10—Smoke-Free Workplace Requirement
AR–11—Healthy People 2010
AR–12—Lobbying Restrictions
AR–13—Prohibition on Use of CDC funds for Certain Gun Control Activities
AR–21—Small, Minority, and Women-owned Business
AR–22—Research Integrity

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under section 301 (a) (42 U.S.C. 241(a)) of the Public Health Service Act and section 391 (a) (42 U.S.C. 280(b)) of the Public Service Health Act, as amended. The catalog of Federal Domestic Assistance number is 93.136.

J. Where To Obtain Additional Information

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To receive additional written information and to request an application kit, call 1–888–GRANTS4 (1–888-472–6874). You will be asked to leave your name and address and will be instructed to identify the Announcement number of interest.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Van A. King, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Program Announcement #02040, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Room 3000, Atlanta, Georgia 30341, Telephone: (770) 488–2751, Internet address: vbk5b@cdc.gov.

For program technical assistance, contact: Ted Jones, Program Manager, Office of Research Grants, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway, NE, Mail Stop K–58, Atlanta, GA 30341–3724, Telephone: (770) 488–4824, Internet address: *tmj1@cdc.gov.*

Robert L. Williams,

Branch Chief, Acquisition and Assistance Branch B, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 02–4773 Filed 2–27–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Breast and Cervical Cancer Early Detection and Control Advisory Committee Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting:

Name: Breast and Cervical Cancer Early Detection and Control Advisory Committee (BCCEDCAC).

Time and Date: 1:30 p.m.—3:30 p.m., March 13, 2002.

Place: The Sheraton Colony Square Hotel, 188 14th Street, NE, Atlanta, Georgia 30361. Telephone: (404) 892–6000.

Status: Open to the public limited only by the space available. The meeting room accommodates approximately 50 people.

Purpose: This committee is charged with providing advice and guidance to the Secretary, and the Director of CDC, regarding the need for early detection and control of breast and cervical cancer and to evaluate the Department's current breast and cervical cancer early detection and control activities.

Matters To Be Discussed: The discussion will primarily focus on committee rechartering.

Agenda items are subject to change as priorities dictate.

Contact Person for Additional Information: Kevin Brady, Division of Cancer Prevention and Control, National Center for Chronic Disease Prevention and Health Promotion, CDC, 4770 Buford Highway, NE, M/S K–57, Atlanta, Georgia 30341–3724, telephone 770/488–4226.

The Director, Management Analysis and Services Office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: February 22, 2002.

Alvin Hall,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 02–4774 Filed 2–27–02; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

The Advisory Committee to the Director of the National Center for Environmental Health (NCEH) of the Centers for Disease Control and Prevention (CDC); Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting:

Name: Advisory Committee to the Director, NCEH.

Times and Dates: 1 p.m.–4:30 p.m., March 21, 2002, 9 a.m.–2 p.m., March 22, 2002.

Place: Sheraton Buckhead Atlanta, 3405 Lenox Road NE, Atlanta, GA 30326 Phone: 404/261–9250

Status: Open to the public for observation and comment, limited only by the space available. The meeting room accommodates approximately 100 people.

Purpose: The Secretary, and by delegation, the Director, Centers for Disease Control and Prevention, are authorized under section 301(42 U.S.C. 241) and section 311(42 U.S.C. 243) of the Public Health Service Act, as amended, to (1) conduct, encourage, cooperate with, and assist other appropriate public authorities, scientific institutions, and scientists in the conduct of research, investigations, experiments, demonstrations, and studies relating to the causes, diagnosis, treatment, control, and prevention of physical and mental diseases, and other impairments; (2) assist States and their political subdivisions in the prevention of infectious diseases and other preventable conditions, and in the promotion of health and well being; and (3) train State and local personnel in health work.

Matters To Be Discussed: Agenda items will include: status reports on the progress of

the Birth Defects, Biomonitoring and Genomics workgroups; presentations from NCEH staff regarding current activities focusing on Environmental Health & Homeland Security. Agenda items are tentative and subject to change.

Contact Person for More Information: Michael J. Sage, Designated Federal Official, CDC, 4770 Buford Highway, NE, MS F–29, Atlanta, Georgia 30341–3724; telephone 770–488–7020, fax 770–488–7024; e-mail: *mjs6@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: February 22, 2002.

Alvin Hall,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 02–4776 Filed 2–27–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 02N–0054]

Agency Information Collection Activities; Proposed Collection; Comment Request; Labeling Requirements for Color Additives (Other Than Hair Dyes) and Petitions

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on requirements relating to the approval and labeling of color additives.

DATES: Submit written or electronic comments on the collection of information by April 29, 2002.

ADDRESSES: Submit electronic comments on the collection of information to http://www.accessdata.fda.gov/scripts/oc/dockets/edockethome.cfm. Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane., rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, rm. 16B–26; Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed extension of a collection of information including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Labeling Requirements for Color Additives (other than hair dyes)—21 CFR 70.25 and Petitions—21 CFR 71.1 (OMB Control No. 0910–01850—Extension

Section 721(a) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 379e) provides that a color additive shall be deemed to be unsafe unless the additive and its use are in conformity with a regulation that describes the condition(s) under which the additive may safely be used, or unless the additive and its use conform to the terms of an exemption for investigational use issued under section 721(f) of the act. Color additive petitions are submitted by individuals or companies to obtain approval of a new color additive or a change in the conditions of use permitted for a color additive that is already approved. Section 71.1 (21 CFR 71.1) specifies the information that a petitioner must submit in order to establish the safety of a color additive and to secure the issuance of a regulation permitting its use.

FDA scientific personnel review color additive petitions to ensure that the intended use of the color additive in or on food, drugs, cosmetics, and medical devices is suitable and safe. Color additive petitions were specifically provided for by Congress when it enacted the Color Additive Amendments of 1960 (Public Law 94–295). If FDA stopped accepting color additive petitions or stopped requiring them to contain the information specified in § 71.1, there would be no way to bring new uses of listed color additives or new color additives to market.

FDA's color additive labeling requirements in § 70.25 (21 CFR 70.25) require that color additives that are to be used in food, drugs, devices, or cosmetics be labeled with sufficient information to ensure their safe use.

Respondents are businesses engaged in the manufacture or sale of color additives for use in food, drugs, cosmetics, or medical devices.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Average Hours per Response	Total Operating & Maintenance Costs	Total Hours
70.25	3	1	3			3
71.1	3	1	3	2,000	$8,600	6,000

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN [1]—Continued

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Average Hours per Response	Total Operating & Maintenance Costs	Total Hours
Total			3		$8,600	6,003

[1] There are no capital costs associated with this collection of information.

This estimate is based on the number of new color additive petitions received in fiscal year 2000 and the total hours expended by petitioners to prepare the petitions. Although the burden varies with the type of petition submitted, a color additive petition involves analytical work and appropriate toxicology studies, as well as the work of drafting the petition itself. Because labeling requirements under § 70.25 for a particular color additive involve information required as part of the color additive petition safety review process, the estimate for the number of respondents is the same for § 70.25 as for § 71.1, and the burden hours for labeling are included in the estimate for § 71.1.

Color additives are subjected to payment of fees for the petitioning process. The listing fee for a color additive petition ranges from $1,600 to $3,000, depending on the intended use of the color and the scope of the requested amendment. A complete schedule of fees is set forth in 21 CFR 70.19. An average of one Category A and two Category B color additive petitions are expected per year. The maximum color additive petition fee for a Category A petition is $2,600 and the maximum color additive petition fee for a Category B petition is $3,000. Since an average of three color additive petitions are expected per calendar year, the estimated total annual cost burden to petitioners for this start-up cost would be less than or equal to $8,600.

Dated: February 22, 2002.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 02–4859 Filed 2–27–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98N–0583]

Agency Information Collection Activities; Announcement of OMB Approval; Exports: Notification and Recordkeeping Requirements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Exports: Notification and Recordkeeping Requirements'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: JonnaLynn P. Capezzuto, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: In the**Federal Register** of December 19, 2001 (66 FR 65429), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0482. The approval expires on January 31, 2005. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: February 22, 2002.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 02–4860 Filed 2–27–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01E–0229]

Determination of Regulatory Review Period for Purposes of Patent Extension; PAYLEAN

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for PAYLEAN and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that animal drug product.

ADDRESSES: Submit written comments and petitions 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.

FOR FURTHER INFORMATION CONTACT: Claudia V. Grillo, Office of Regulatory Policy (HFD–007), Food and Drug Administration,5600 Fishers Lane, Rockville, MD 20857, 301–594–5645.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Public Law 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For animal drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the animal drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for an animal drug product will include all

of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(4)(B).

FDA recently approved for marketing the animal drug product PAYLEAN (ractopamine hydrochloride). PAYLEAN is indicated for increased rate of weight gain, improved feed efficiency, and increased carcass leanness in finishing swine fed a complete ration containing at least 16 percent crude protein from 150 pounds (lb) (68 kilograms (kg)) to 240 lb (109 kg) body weight. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for PAYLEAN (U.S. Patent No. 4,690,951) from Eli Lilly & Co., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated October 2, 2001, FDA advised the Patent and Trademark Office that this animal drug product had undergone a regulatory review period and that the approval of PAYLEAN represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for PAYLEAN is 5,707 days. Of this time, 1,211 days occurred during the testing phase of the regulatory review period, while 4,496 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 512(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(j)) became effective:* May 9, 1984. FDA has verified the applicant's claim that the date the investigational new animal drug application (INAD) became effective was on May 9, 1984.

2. *The date the application was initially submitted with respect to the animal drug product under section 512(b) of the Federal Food, Drug, and Cosmetic Act:* September 1, 1987. FDA has verified the applicant's claim that the new animal drug application (NADA) for PAYLEAN (NADA 140–863) was initially submitted on September 1, 1987.

3. *The date the application was approved:* December 22, 1999. FDA has verified the applicant's claim that NADA 140–863 was approved on December 22, 1999.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,095 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Dockets Management Branch (address above) written or electronic comments and ask for a redetermination by April 29, 2002. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 27, 2002. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above). Three copies of any information are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 24, 2002.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. 02–4747 Filed 2–27–02; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01E–0365]

Determination of Regulatory Review Period for Purposes of Patent Extension; NEXIUM

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for NEXIUM and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent that claims that human drug product.

ADDRESSES: Submit written comments and petitions 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.

FOR FURTHER INFORMATION CONTACT: Claudia V. Grillo, Office of Regulatory Policy (HFD–007), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–5645.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Public Law 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted, as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product NEXIUM (esomeprazole magnesium). NEXIUM is indicated for: (1) healing of erosive esophagits, (2) maintenance of healing of erosive esophagitis, and 3) treatment of symptomatic gastroesophageal reflux disease. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for NEXIUM (U.S. Patent No. 4,738,974) from Astrazenica, and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated October 2, 2001, FDA advised the Patent

and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of NEXIUM represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for NEXIUM is 1,284 days. Of this time, 838 days occurred during the testing phase of the regulatory review period, while 446 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(i)) became effective*: August 18, 1997. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on August 18, 1997.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the act*: December 3, 1999. FDA has verified the applicant's claim that the new drug application (NDA) for NEXIUM (NDA 21–153) was initially submitted on December 3, 1999.

3. *The date the application was approved*: February 20, 2001. FDA has verified the applicant's claim that NDA 21–153 was approved on February 20, 2001.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 865 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may submit to the Dockets Management Branch (address above) written or electronic comments and ask for a redetermination by April 29, 2002. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 27, 2002. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch. Three copies of any information are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 24, 2002.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. 02–4681 Filed 2–27–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99E–5114]

Determination of Regulatory Review Period for Purposes of Patent Extension; EVISTA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for EVISTA and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Submit written comments and petitions 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.

FOR FURTHER INFORMATION CONTACT: Claudia V. Grillo, Office of Regulatory Policy (HFD–007), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–5645.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Public Law 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product EVISTA(raloxifene hydrochloride). EVISTA is indicated for the treatment of osteoporosis in postmenopausal women. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for EVISTA (U.S. Patent No. 4,418,068) from Eli Lilly and Co., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated April 12, 2000, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of EVISTA represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for EVISTA is 5,412 days. Of this time, 5,228 days occurred during the testing phase of the regulatory review period, while 184 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(i)) became effective*: February 16, 1983. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on February 16, 1983.

2. *The date the application was initially submitted with respect to the*

human drug product under section 505(b) of the act: June 9, 1997. FDA has verified the applicant's claim that the new drug application (NDA) for EVISTA (NDA 20–815) was initially submitted on June 9, 1997.

3. *The date the application was approved*: December 9, 1997. FDA has verified the applicant's claim that NDA 20-815 was approved on December 9, 1997.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,103 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Dockets Management Branch (address above) written or electronic comments and ask for a redetermination by April 29, 2002. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 27, 2002. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above). Three copies of any information are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 24, 2002.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. 02–4682 Filed 2–27–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01E–0364]

Determination of Regulatory Review Period for Purposes of Patent Extension; REMINYL

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for REMINYL and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent that claims that human drug product.

ADDRESSES: Submit written comments and petitions 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.*

FOR FURTHER INFORMATION CONTACT: Claudia V. Grillo,Office of Regulatory Policy (HFD–007),Food and Drug Administration,5600 Fishers Lane,Rockville, MD 20857,301–594–5645.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted, as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product REMINYL (galatamine hydrobromide). REMINYL is indicated for the treatment of mild to moderate dementia of the Alzheimer's type. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for REMINYL (U.S. Patent No. 4,663,318) from Janssen Research Foundation, and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated October 2, 2001, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of REMINYL represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for REMINYL is 1,608 days. Of this time, 1,089 days occurred during the testing phase of the regulatory review period, while 519 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(i)) became effective:* October 6, 1996. The applicant claims October 4, 1996, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was October 6, 1996, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the act:* September 29, 1999. FDA has verified the applicant's claim that the new drug application (NDA) for REMINYL (NDA 21–169) was initially submitted on September 29, 1999.

3. *The date the application was approved:* February 28, 2001. FDA has verified the applicant's claim that NDA 21–169 was approved on February 28, 2001.

This determination of the regulatory review period establishes the maximum

potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,063 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Dockets Management Branch (address above) written or electronic comments and ask for a redetermination by April 29, 2002. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 27, 2002. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch. Three copies of any information are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 23, 2002.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. 02–4683 Filed 2–27–02; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01E–0362]

Determination of Regulatory Review Period for Purposes of Patent Extension; TRAVATAN

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for TRAVATAN and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Submit written comments and petitions 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.*

FOR FURTHER INFORMATION CONTACT: Claudia V. Grillo,Office of Regulatory Policy (HFD–007),Food and Drug Administration,5600 Fishers Lane,Rockville, MD 20857,301–594–5645.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted, as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product TRAVATAN (travoprost). TRAVATAN is indicated for the reduction of elevated intraocular pressure (IOP) in patients with open-angle glaucoma or ocular hypertension who are intolerant of other intraocular pressure lowering medications or insufficiently responsive (failed to achieve target IOP determined after multiple measurements over time) to another IOP lowering medication.

Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for TRAVATAN (U.S. Patent No. 5,889,052) from Alcon Laboratories, Inc., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated October 2, 2001, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of TRAVATAN represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for TRAVATAN is 1,694 days. Of this time, 1,441 days occurred during the testing phase of the regulatory review period, while 253 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355) became effective:* July 28, 1996. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on July 28, 1996.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the act:* July 7, 2000. FDA has verified the applicant's claim that the new drug application (NDA) for TRAVATAN (NDA 21–257) was initially submitted on July 7, 2000.

3. *The date the application was approved:* March 16, 2001. FDA has verified the applicant's claim that NDA 21–257 was approved on March 16, 2001.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 484 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Dockets Management Branch (address above) written or electronic comments and ask for a redetermination by April 29, 2002. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by

August 27, 2002. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch. Three copies of any information are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 25, 2002.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. 02–4684 Filed 2–27–02; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01E–0090]

Determination of Regulatory Review Period for Purposes of Patent Extension; ABREVA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for ABREVA and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Submit written comments and petitions 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.*

FOR FURTHER INFORMATION CONTACT: Claudia Grillo, Office of Regulatory Policy (HFD–007), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–5645.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product ABREVA (docosanol). ABREVA is indicated for the treatment of cold sores and fever blisters. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for ABREVA (U.S. Patent No. 4,874,794) from Avanir Pharmaceuticals, and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated May 3, 2001, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of ABREVA represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for ABREVA is 3,270 days. Of this time, 2,323 days occurred during the testing phase of the regulatory review period, while 947 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355) became effective:* August 14, 1991. The applicant claims July 11, 1991, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was August 14, 1991, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the act:* December 22, 1997. FDA has verified the applicant's claim that the new drug application (NDA) for ABREVA (NDA 20–941) was initially submitted on December 22, 1997.

3. *The date the application was approved:* July 25, 2000. FDA has verified the applicant's claim that NDA 20–941 was approved on July 25, 2000.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,825 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Dockets Management Branch (address above) written or electronic comments and ask for a redetermination by April 29, 2002. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 27, 2002. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch. Three copies of any information are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 5, 2001.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. 02–4685 Filed 2–27–02; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00E–1347]

Determination of Regulatory Review Period for Purposes of Patent Extension; AVELOX

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for AVELOX and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Submit written comments and petitions 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.*

FOR FURTHER INFORMATION CONTACT: Claudia Grillo, Office of Regulatory Policy (HFD–007), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–5645.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Public Law 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted, as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product AVELOX (moxifloxacin hydrochloride). AVELOX is indicated for uncomplicated skin and skin structure infections. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for AVELOX (U.S. Patent No. 4,490,517) from Bayer Corp., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated May 11, 2001, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of AVELOX represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for AVELOX is 1,435 days. Of this time, 1,069 days occurred during the testing phase of the regulatory review period, while 366 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355) became effective*: January 7, 1996. The applicant claims January 27, 1996, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was January 7, 1996, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the act*: December 10, 1998. FDA has verified the applicant's claim that the new drug application (NDA) for AVELOX (NDA 21–085) was initially submitted on December 10, 1998.

3. *The date the application was approved*: December 10, 1999. FDA has verified the applicant's claim that NDA 21–085 was approved on December 10, 1999.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 889 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may submit to the Dockets Management Branch (address above) written or electronic comments and ask for a redetermination by April 29, 2002. Furthermore, any interested person may petition FDA, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 27, 2002. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the 2 docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 24, 2002.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. 02–4748 Filed 2–27–02; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Allergenic Products Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of Committee: Allergenic Products Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on March 15, 2002, from 8 a.m. to 4:15 p.m.

Location: Holiday Inn, Versailles Ballrooms I and II, 8120 Wisconsin Ave., Bethesda, MD.

Contact Person: William Freas or Pearline Muckelvene, Center for Biologics Evaluation and Research (HFM–71), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–0314, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12388. Please call the Information Line for up-to-date information on this meeting.

Agenda: On March 15, 2002, the committee will hear updates on: (1) Personnel and lot release activities of the Laboratory of Immunobiochemistry (LIB), (2) LIB research programs, (3) particulates in allergen extracts, (4) reduction of possible risk of exposure to transmissible spongiform encephalopathy (TSE) agents in allergen extracts, and (5) the statistical power of clinical studies used to assess bioequivalence of allergen extracts. The committee will discuss: (1) Considerations for the regulation of recombinant allergens for the diagnosis and treatment of allergic disease, and (2) glycerol in allergen extracts.

Procedure: On March 15, 2002, from 8 a.m. to 3:15 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by March 7, 2002. Oral presentations from the public will be scheduled between approximately 11:30 a.m. and 12 noon, and between 2:45 p.m. and 3:15 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before March 7, 2002, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Closed Committee Deliberations: On March 15, 2002, from approximately 3:15 p.m. to 4:15 p.m., the meeting will be closed to permit discussion where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)). This portion will be closed to permit discussion of the report of the site visit review of the Laboratory of Immunobiochemistry, in the Division of Bacterial, Parasitic & Allergenic Products, in the Office of Vaccines Research and Review, Center for Biologics Evaluation and Research.

Persons attending FDA advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact William Freas or Pearline Muckelvene at least 7 days in advance of meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 22, 2002.

Linda A. Suydam,

Senior Associate Commissioner for Communications and Constituent Relations.

[FR Doc. 02–4686 Filed 2–27–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Blood Products Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Blood Products Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on March 14, 2002, from 8 a.m. to 5:30 p.m. and on March 15, 2002, from 8 a.m. to 4 p.m.

Location: Gaithersburg Holiday Inn, Two Montgomery Village Ave., Gaithersburg, MD.

Contact Person: Linda A. Smallwood, Center for Biologics Evaluation and Research (HFM–302), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–3514, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 19516. Please call the Information Line for up-to-date information on this meeting.

Agenda: On March 14, 2002, the following committee updates are tentatively scheduled: (1) Nucleic acid testing for whole blood, including standards for human immune deficiency virus and hepatitis C virus RNA; (2) nucleic acid testing for parvovirus B19; (3) nucleic acid testing for hepatitis A virus; and (4) announcement of planned FDA workshops. The committee will hear an informational presentation on emergency preparedness for the blood supply. In the afternoon, the committee will hear presentations, discuss and make recommendations on percutaneous exposure of blood and plasma donors: Tattoos and body piercing. On March 15, 2002, the committee will hear informational presentations and have discussion on the review of data supporting extension of the dating period for platelets, and in the afternoon, bacterial and fungal safety of tissue.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by March 1, 2002. Oral presentations from the public will be scheduled between approximately 12:30 p.m. and 1 p.m., and 3:45 p.m. and 4:45 p.m. on March 14, 2002, and between approximately 9:30 a.m. and 10 a.m., and 2:30 p.m. and 3 p.m. on March 15, 2002. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before March 1, 2002, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Persons attending FDA's advisory committees are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Linda A. Smallwood, or Jane Brown at 301–827–1296 at least 7 days in advance of meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 22, 2002.

Linda A. Suydam,

Senior Associate Commissioner for Communications and Constituent Relations.

[FR Doc. 02–4680 Filed 2–27–02; 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 contacting Catherine Joyce, Ph.D., J.D., at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3821; telephone: 301/496–7056 ext. 258; fax: 301/402–0220; e-mail: *joycec@od.nih.gov.* A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Methods of Generating Human CD4+ Th1 Cells

Dr. Daniel H. Fowler et al. (NCI).

[DHHS Reference No. E–335–01/0 filed 31 Aug 2001]

This technology pertains to the identification of specific culture conditions that yield human CD4+ T cells highly enriched for Th1 cytokine production. Recently, techniques have been developed that enable the *in vitro* expansion of mixed populations of T cells (CD4+ T-cells and CD8+ T-cells) using magnetic microbeads to which monoclonal antibodies to CD3 and CD28 have been attached. This technology is being developed commercially as the Xcellerate'' technology by Xcyte Therapies, Inc., Seattle, Washington.

The instant invention is directed to the use of the 3/28 bead-stimulated expansion of CD4+ cells, under specific culture conditions, to yield highly pure populations of Th1 cells. The reported conditions permit the production of large numbers of pure Th1 CD4+ cells from human CD4+ cells. Autologous populations of pure Th1 CD4+ cells may be useful for anti-cancer therapy and/or to enhance the immune response against infectious agents.

Methods of Generating Human CD4+ Th2 Cells

Dr. Daniel H. Fowler et al. (NCI).

[DHHS Reference No. E–114–01/0 filed 02 Jul 2001]

This technology pertains to the identification of specific culture conditions that yield a high purity of Th2 cells. Recently, techniques have been developed that enable the *in vitro* expansion of mixed populations of T cells (CD4+ T-cells and CD8+ T-cells) using magnetic microbeads to which monoclonal antibodies to CD3 and CD28 have been attached. This technology is being developed commercially as the Xcellerate'' technology by Xcyte Therapies, Inc., Seattle, Washington.

The instant invention is directed to the use of the 3/28 bead-stimulated expansion of CD4+ cells, under specific culture conditions, to yield highly pure populations of Th2 cells. The reported conditions permit the production of large numbers of pure Th2 CD4+ cells from human CD4+ cells. This technology is potentially applicable for the treatment of several medical conditions. Particularly, research regarding the clinical application of using pure Th2 cells for reducing graft-versus-host disease (GVHD) during allogeneic stem cell transplantation (used in the treatment of leukemia and lymphoma) has proceeded to the stage of Phase I clinical trials.

Transforming Growth Factor-Beta (TGF-Beta) Antagonist Selectively Neutralizes ''Pathological'' TGF-Beta

Drs. Lalage Wakefield and Yu-an Yang (NCI).

[DHHS Reference No. E–059–01/0 filed 21 Jun 2001]

This technology pertains to the use of a soluble transforming growth factor-beta (TGF-beta) antagonist (SR2F) for the suppression of metastasis. The SR2F antagonist is composed of the soluble extracellular domain of the type II TGF-beta receptor fused to the Fc domain of human IgG. In accordance with the invention, it has been discovered that overexpression of the SR2F antagonist in transgenic mice significantly protects against experimentally induced metastasis without inducing the negative effects associated with loss of TGF-beta function in the TGF-beta knock out mice. Lifetime exposure to the antagonist did not result in any increase in spontaneous or induced tumorigenesis, and there was no evidence for significant manifestations of autoimmune disease or increase in inflammatory lesions. The inventors speculate that this apparent ability of SR2F to discriminate between ''physiological'' and ''pathological'' TGF-beta relates to the relative accessibility of the two forms of TGF-beta, with only pathological TGF-beta being accessible to the antagonist.

Dated: February 20, 2002.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 02–4831 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

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.

Production of Adeno-Associated Virus in Insect Cells

Robert M Kotin et al. (NHLBI)

Serial No. 09/986,618 filed 09 Nov 01

Licensing Contact: Susan Rucker; 301/496–7735 ext 245; e-mail: ruckers@od.nih.gov

The invention, described and claimed in this patent application, relates to the field of production of recombinant adeno-associated virus (rAAV). More particularly, the invention relates to systems for producing rAAV in a baculovirus-based system. The systems

for producing rAAV can use the AAV Rep protein and an AAV ITR or the insect counterpart thereof, NS–1 and a chimeric ITR derived from AAV but containing the NS–1 binding site and the NS1-nicking site. The invention provides for increased production of rAAV when compared to mammalian systems employing 293 cells which are typically used for rAAV production.

This work has been published in part in C Ding et al., J. Virol. 76(1): 338–45 (Jan. 2002).

Microbial Identification Databases

Jon G. Wilkes et al. (FDA)

Serial No. 09/975,530 filed 10 Oct 2001

Licensing Contact: Dale Berkley; 301/496–7735 ext. 223; e-mail: berkleyd@od.nih.gov

The invention is a method for assembling a coherent database containing an essentially unlimited number of pyrolysis mass spectra to enable rapid chemotaxonomy of unknown microbial samples. The invention corrects for short and long-term drift of microbial pyrolysis mass spectra by using spectra of similar microbes as internal standards. The invention provides for the first time a practical way to assemble a coherent database containing an essentially unlimited number of pyrolysis mass spectra or other instrumental ''fingerprints'', where one or more is representative of each relevant strain, and representative of additional strains as they are added to the pool of microbial agents. Microorganisms can be identified using the invention from their fingerprint spectra regardless of the growth medium used to culture the bacteria. This is a result of the discovery that corrections made to the fingerprint spectrum of one type of bacterium to compensate for changes in growth medium may be applied successfully to metabolically similar bacteria. Fingerprint spectra to which the method of the invention may be applied include pyrolysis MALDI or other types of mass spectra, infrared spectra, chromatograms, NMR spectra and ion-mobility spectra. The present invention is especially useful for the rapid identification of microorganisms, including human pathogens.

Dated: February 20, 2002.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 02–4832 Filed 2–27–02; 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, Cancer Intervention and Surveillance Modeling Network (CISNET).

Date: March 21, 2002.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Joyce C. Pegues, PhD., Scientific Review Administrator, Special Review and Resources Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 7149, Bethesda, MD 20892, 301/594–1286.

(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: February 22, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4811 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

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 section 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 to evaluate and Review One T32 Application

Date: March 19, 2002.

Time: 1:15 PM to 2:15 PM.

Agenda: To review and evaluate grant applications.

Place: 6116 Executive Boulevard, Room 3068A, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: David E. Maslow, PhD, Scientific Review Administrator, Grants Review Branch, Division of Extramural Activities, National Cancer Institutes, National Institutes of Health, 6116 Executive Boulevard—Room 8117, Bethesda, MD 20892–7405, 301/496–2330.

(Catalog 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: February 22, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4818 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute, Notice of Closed Meeting

Pursuant of 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, Spores in Lymphoma.

Date: March 18–19, 2002.

Time: 6 PM to 5 PM.

Agenda: To review and evaluate grant applications.

Place: Radisson Barcelo Hotel, 2121 P St., NW, Washington, DC 20037.

Contact Person: Bratin K. Saha, PhD, Scientific Review Administrator, Grants Review Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 8123, Bethesda, MD 20892. (301) 402–0371. *sahab@mail.nih.gov.*

(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 Institute of Health, HHS)

Dated: February 22, 2002.

Laverne Y. Stringfield

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4820 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

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 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 Cancer Institute Special Emphasis Panel.

Date: March 21, 2002.

Time: 8:00 AM to 3:00 PM.

Agenda: To review and evaluate contract proposals.

Place: Ramada Inn Rockville, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Kenneth L. Bielat, PhD, Scientific Review Administrator, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 8043, Bethesda, MD 20892. (301) 496–7576.

(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: February 22, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4821 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; 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 Center for Research Resources Special Emphasis Panel, Comparative Medicine.

Date: March 18, 2002.

Time: 1 p.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Office of Review, National Center for Research Resources, 6705 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Camille M. King, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, One Rockledge Centre, MSC 7965, 6705 Rockledge Drive, Suite 6018, Bethesda, MD 20892–7965, (301) 435–0810. *kingc@ncrr.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.

Name of Committee: National Center for Research Resources Initial Review Group, Research Centers in Minority Institutions Review Committee.

Date: June 14, 2002.

Open: 8 a.m. to 9 a.m.

Agenda: To discuss program planning and other issues.

Place: Bethesda Residence Inn, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Closed: 9 a.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Bethesda Residence Inn, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: C. William Angus, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, 6705 Rockledge Drive, MSC 7965, Room 6018, Bethesda, MD 20892–7965, 301/435–0812. *angusw@ncrr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333; 93.371, Biomedical Technology; 93.389, Research Infrastructure, National Institutes of Health, HHS)

Dated: February 22, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4814 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung and Blood 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 Heart, Lung, and Blood Institute Special Emphasis Panel, Trials Assessing Innovative Strategies to Improve Clinical Practice Through Guidelines in Heart, Lung, and Blood Diseases

Date: March 12–13, 2002.

Time: 7 PM to 3 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Robert B. Moore, PhD, Scientific Review Administrator, Review Branch, Room 7192, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, Bethesda, MD 20892, 301–435–3541, *mooreb@nhlbi.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. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 22, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4812 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood, 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 provisionls set forth in sections 552(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 Heart, Lung, and Blood Institute Special Emphasis Panel, Retroviral Epidemiology Donor Study (REDS).

Date: March 4, 2002.

Time: 10 AM to 10:30 AM.

Agenda: To review and evaluate contract proposals.

Place: Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Peson: Chitra Krishnamurti, PhD, Scientific Review Administrator, Review Branch, Room 7206, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, Bethesda, MD 20892, 301–435–0398.

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.

(Catalog of Federal Domestic Assistance Program Nos. 93.223, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 22, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4813 Filed 2–27–02; 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 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 Human Genome Research Institute Special Emphasis Panel.

Date: March 1, 2002.

Time: 8 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Agencourt Bioscience, 100 Commings Center, Suite 107G, Beverly, MA 01915.

Contact Person: Ken D. Nakamura, PHD, Scientific Review Administrator, Office of Scientific Review, National Human Genome Research Institute, National Institutes of Health, Bethesda, MD 20892, 301–402–0838.

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. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: February 20, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4830 Filed 2–27–02; 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 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 of Neurological Disorders and Stroke Special Emphasis Panel.

Date: March 21, 2002.

Time: 8 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20892.

Contact Person: Andrea Sawczuk, DDS, PhD, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–0660.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel.

Date: March 21, 2002.

Time: 2 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20892.

Contact Person: Andrea Sawczuk, DDS, PhD, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–0660.

(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: February 22, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4808 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; 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 of Dental and Craniofacial Research Special Emphasis Panel 02–53, Review of RFA DE–02–001, Oral Transmission of HIV.

Date: March 12, 2002.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Lynn M. King, PhD, Scientific Review Administrator, Scientific Review Branch, 45 Center Dr., Rm 4AN–38K, National Institute of Dental & Craniofacial Research, National Institutes of Health, Bethesda, MD 20892–6402, 301–594–5006.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel 02–42, Review of R 13 Grants.

Date: March 27, 2002.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Natcher Building, Conference Room C, Bethesda, MD 20892. (Telephone Conference Call)

Contact Person: H. George Hausch, PhD, Acting Director, 4500 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel 02–66, Review of R44 Grants.

Date: April 4, 2002.

Time: 1:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Natcher Building, Conference Room E1/2, Bethesda, MD 20892. (Telephone Conference Call)

Contact Person: Philip Washko, PhD, DMD, Scientific Review Administrator, 45 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel 02–54, Review of R44 Grants.

Date: April 16, 2002.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Natcher Building, Conference Room E1/2, Bethesda, MD 20892. (Telephone Conference Call)

Contact Person: Philip Washko, PhD, DMD, Scientific Review Administrator, 45 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel 02–55, Review of R44 Grants.

Date: April 24, 2002.

Time: 10 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Bethesda, MD 20892. (Telephone Conference Call)

Contact Person: Philip Washko, PhD, DMD, Scientific Review Administrator, 45 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: February 22, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4809 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; 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 Institute of Child Health and Human Development Special Emphasis Panel, The Network on the Neurobiology & Genetics of Autism: Collaborative Programs of Excellence in Autism (CPEAs).

Date: March 18–20, 2002.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Madison Hotel, Fifteenth & M Streets NW., Washington, DC 2005.

Contact Person: Norman Chang, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, 6100 Executive Blvd., Room 5E03, Bethesda, MD 20892, (301) 496–1485.

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. 93.209. Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: February 22, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4816 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; 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 552(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: Minority Programs Review Committee, MBRS Review Subcommittee B.

Date: March 18–19, 2002.

Time: 8:30 AM to 5 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Michael A Sesma, PhD, Office of Scientific Review, NIGMS, Natcher Building, Room 1AS19, 45 Center Drive, Bethesda, MD 20892, (301) 594–2048.

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. 93.375, Minority Biomedical Research Support, 93.821, Cell Biology and Biophysics Research, 93.859, Pharmacology, Physiology, and Biological Chemistry Research, 93,862. Genetics and Developmental Biology Research, 93.88, Minority Access to Research Careers, 93.96, Special Minority Initiatives National Institutes of Health, HHS)

Dated: February 22. 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4817 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; 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 Institute of Child Health and Human Development Special Emphasis Panel.

Date: March 12, 2002.

Time: 10 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: 6100 Executive Blvd 5th Floor, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Jon M. Ranhand, PhD, Scientist Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5E03, Bethesda, MD 20892, (301) 435–6884.

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. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: February 22, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4819 Filed 2–27–02; 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 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 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 Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: March 7, 2002.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: Marriott Pooks Hill, 5151 Pooks Hill Road, Bethesda, MD 20814

Contact Person: Tracy A. Shahan, PhD, Scientific Review Administrator, National Institute of Arthritis and Musculoskeletal and Skin Diseases, Natcher Building, MSC 6500, 45 Center Drive, 5AS–25H, Bethesda, MD 20892, (301) 594–4952.

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. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: February 21, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4822 Filed 2–27–02; 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 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 section 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 of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: March 22, 2002.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Tracy A. Shahan, PhD, Scientific Review Administrator, National Institutes of Health, National Institute of Arthritis and Musculoskeletal and Skin Diseases, Bldg. 45/Room 5as–25h, Bethesda, MD 20892. (301) 594–4952.

(Catalog of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: February 21, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4823 Filed 2–27–02; 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 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 Institute of Allergy and Infectious Diseases Special Emphasis Panel.

Date: March 7, 2002.

Time: 11 AM to 12 PM.

Agenda: To review and evaluate grant applications.

Place: 6700–B Rockledge, Room 2217, Bethesda, MD 20892. (Telephone Conference Call).

Contact Person: Anna L Ramsey-Ewing, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2217, 6700–B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616. (310) 496–2550. *ar15o@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. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 21, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4824 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute of Health

National Institute of Child Health and Human Development; 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 Institute of Child Health and Human Development Special Emphasis Panel.

Date: April 9, 2002.

Time: 9 AM to 10 AM.

Agenda: To review and evaluate grant applications.

Place: 6100 Executive Blvd., Room 5E01, Rockville, MD 20852. (Telephone Conference Call)

Contact Person: Anne Krey, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, 6100 Executive Blvd., RM, 5E03, Bethesda, MD 20892. (301) 435–6908.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National institutes of Health, HHS)

Dated: February 20, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4825 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; 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 Institute on Deafness and Other Communications Disorders Special Emphasis, Panel.

Date: April 4, 2002.

Time: 8 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Washington, 1400 M Street, Washington, DC 20005.

Contact Person: Craig A. Jordan, PhD, Chief, Scientific Review Branch, NIH/NIDCD/DER, Executive Plaza South, Room 400C, Bethesda, MD 20892–7180, 301–496–8683.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: February 20, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4826 Filed 2–27–02; 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 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 of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis, Panel.

Date: April 16, 2002.

Time: 8:30 am to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Pooks Hill Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Aftab A. Ansari, PhD, Scientific Review Administrator, National Institute of Arthritis and Musculoskeletal and Skin Diseases, Natcher Building, MSC 6500, 45 Center Drive, 5AS–25S, Bethesda, MD 20892, (301) 594–4952.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis, Panel.

Date: April 22–23, 2002.

Time: 8:30 am to 5:30 pm.

Agenda: To review and evaluate grant applications.

Place: Pooks Hill Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Richard J. Bartlett, PhD, Scientific Review Administrator, National Institute of Arthritis and Musculoskeletal and Skin Diseases, Natcher Bldg./Bldg. 45, MSC 6500/Room 5AS–37B, Bethesda, MD 20892, (301) 594–4952.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal, and Skin Diseases Research, National Institutes of Health, HHS)

Dated: February 20, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4827 Filed 2–27–02; 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 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: Arthritis and Musculoskeletal and Skin Diseases Special Grants Review Committee.

Date: March 5, 2002.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: John R. Lymangrover, PhD., Scientific Review Administrator, National Institutes of Health, NIAMS, Natcher Bldg., Room 5As25N, Bethesda, MD 20892, 301–594–4952.

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. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: February 20, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4828 Filed 2–27–02; 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; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Allergy and Infectious Diseases Special Emphasis Panel, February 27–28, 2002, 8:30 PM, Holiday Inn—Georgetown, 2101 Wisconsin Avenue, Washington, DC, which was published in the **Federal Register** on February 7, 2002, 67 FR 5839.

This meeting date has been changed to March 25–26, 2002, and will begin at 8:30 AM.

Dated: February 20, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4829 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; 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 Library of Medicine Special Emphasis Panel.

Date: March 20, 2002.

Time: 2 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, Division of Extramural Programs, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892. (Telephone Conference Call)

Place: Merlyn M. Rodrigues, MD., PhD, Medical Officer/SRA, National Library of Medicine, Extramural Programs, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20894.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: February 22, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4810 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, February 27, 2002, 8 PM to March 1, 2002, 2 PM, Monarch Hotel, 2400 M Street, NW., Washington, DC, 20037 which was published in the **Federal Register** on February 13, 2002, 67 FR 6728–6731.

The meeting times have been changed to 8 AM to 3 PM. The meeting dates and location remain the same. The meeting is closed to the public.

Dated: February 22, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–4815 Filed 2–27–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a list of information collection requests under OMB review, in compliance with the

Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Assessment of the National Leadership Institute Program and Services and the Minority Community-based Organization Program—(OMB No. 0930—0203, Revision) '' The Substance Abuse and Mental Health Administration's (SAMHSA) Center for Substance Abuse Treatment (CSAT) is conducting an assessment of its National Leadership Institute (NLI). The goal underlying the technical assistance and training opportunities provided through the NLI is to strengthen the competitive position of nonprofit community-based organizations (CBOs) which are essential components of local substance abuse services for the uninsured and under-insured.

Both a process and an impact assessment are being conducted. The process assessment describes the needs faced by CBOs, the types of training and technical assistance that CBOs receive through the NLI, and CBO satisfaction with services. The impact assessment focuses on specific changes made by CBOs in response to NLI recommendations, and improvements in self-rated organizational performance and several organization status measures.

The assessment design for technical assistance is a pre-post-post design that collects identical information from the TA recipient organizations at initiation of NLI contact and again after 12 and 24 months. These time frames are necessary to allow CBOs the opportunity to address NLI technical assistance recommendations and to plan and implement their changes. In addition, the assessment collects satisfaction measures from the TA recipient organization after each technical assistance event and at 12 and 24 months after the initial TA event.

The training component of NLI is also a pre-post-post design. Participants complete a brief questionnaire prior to receiving either onsite or online training, as well as immediately upon completion of the training. Training participants are also sent a 30-day follow-up questionnaire in the mail. With the introduction of online training, the 30-day follow-up may be submitted via e-mail, as well.

Most of the assessment forms for both TA and training have undergone minor revisions. The Organizational Self-Assessment and the 12-Month Follow-Up Organizational Self-Assessment were revised to eliminate some of the items that were confusing to respondents and to capture some key indicators that will be more useful to TA providers and for evaluation purposes. The Activity Summary has been revised to better capture GPRA data and to better record the nature of the recommendations an agency receives from a TA provider. The training forms have undergone minor revisions that include rewording and the addition and/or deletion of questions to tailor the instrument to persons who participate in NLI's online training. In addition, the program will program will use the Government Performance and Results Act Customer Satisfaction Surveys for the Center for Substance Abuse Treatment Knowledge Application Programs (OMB No. 0930–0197).

NLI data collection burden is borne primarily by directors of the CBOs who provide initial contact information, pre- and post-test versions of organizational self-assessments, satisfaction forms, and activity summaries/telephone interviews. Finally, individuals who attend NLI onsite training events and/or complete an online training course will receive a brief questionnaire prior to the training and satisfaction questionnaires immediately after the training, as well as 30 days after the training (5 minutes each).

In addition, CSAT also wishes to have its new Minority Community-Based Organization (MCBO) program become an approved user of the Organizational Self-Assessment and Organizational Self-Assessment Follow-Up forms. The MCBO program is designed to identify and cultivate substance abuse treatment partnerships with a maximum of 30 service MCBOs/providers that use culturally specific interventions that address the substance abuse treatment and HIV/AIDS service needs of African-American, Hispanic/Latino and other ethnic and racial minority populations and to provide developmental consultations as well as specialized technical assistance to these MCBOs/service providers to optimize organizational and service capacity and to achieve success in obtaining competitive grant funding.

Under the MCBO program, CSAT will address the challenges that impact sustainability, including under capitalization, limited administrative and support staff, and unfamiliarity with the complex competitive grant writing process. The contractor implementing the program will provide technical assistance and coordinated training opportunities to strengthen the indigenous service providers' ability to successfully obtain funding from a range of sources. To assess participant satisfaction with specific training and meetings, the MCBO program will use the Government Performance and Results Act Customer Satisfaction Surveys for the Center for Substance Abuse Treatment Knowledge Application Programs (OMB No. 0930–0197).

The charts below summarize the estimated total three-year burden and annual average burden.

NLI Annual Burden Estimates and Costs

Form	Number of respondents	Responses/respondent	Burden/response	Total hours
Technical Assistance Recipients:				
Initial Contact Form	240	1	.10	24
Organization Self Assessment—Part 1	210	1	.75	158
Organization Self Assessment—Part 2	210	1	.75	158
Short Organization Self Assessment Follow-up	210	2	.75	315
Technical Assistance Event Satisfaction	210	1	.05	11
12-month Activity Summary	210	1	.25	53
24-month Activity Summary	210	1	.20	42
Comprehensive NLI Satisfaction	210	1	.07	15
Training Participants:				
Training Participant Information Form—Pre-Training	1,500	1	.08	120
Training Participant Information Form—Post-Training	1,500	1	.05	75
Training Participant 30 day follow-up	1,500	1	.05	75

NLI ANNUAL BURDEN ESTIMATES AND COSTS—Continued

Form	Number of respondents	Responses/respondent	Burden/response	Total hours
Total	1,740			1,046
Annual average	580			349

MCBO PROGRAM ANNUAL ESTIMATES AND COSTS

Form	Number of respondents	Responses/respondent	Burden/response (hrs.)	Total hours
Technical Assistance Recipients:				
Organization Self Assessment—Part 1	30	1	.75	23
Organization Self Assessment—Part 2	30	1	.75	23
Short Organization Self Assessment—Follow-up	30	1	.75	23
Total	30			69
Annual average	10			23

Note: The MCBO is a 2-year program and will, thus, only collect the Follow-Up one time, 12 months after the initial assessment.

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Lauren Wittenberg, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: February 21, 2002.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 02–4777 Filed 2–27–02; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4739–N–04]

Notice of Proposed Information Collection: Comment Request; Real Estate Settlement Procedures Act (RESPA) Disclosures

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* April 29, 2002.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8001, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Ivy M. Jackson, Acting Director, Interstate Land Sales and RESPA Division, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708–0501 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for reviews, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (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; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Real Estate Settlement Procedures Act (RESPA) Disclosures.

OMB Control Number, if applicable: 2502–0265.

Description of the need for the information and proposed use: The Real Estate Settlement Act requires settlement providers to give homebuyers certain disclosure information at or before settlement and pursuant to the servicing of the loan and escrow account. This includes a Special Information Booklet, a Good Faith Estimate, and Initial Servicing Disclosure, the Form HUD–1 or HUD–1A, and when applicable, an Initial Escrow Account Statement, an Annual Escrow Account Statement, an Escrow Account Disbursement Disclosure, an Affiliated Business Arrangement Disclosure, and a Servicing/Transfer Disclosure. This information collection combines six previously approved collections under OMB control number 2502–0265. The OMB control numbers of the previous information collections are 2502–0265, 2502–0458, 2502–0491, 2502–0501, 2502–0516, and 2502–0517.

Agency form numbers, if applicable: HUD–1 or HUD–1A.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The total number of annual hours needed to prepare the information is 6,500,000; the number of respondents is estimated to be 20,000 generating approximately 105,300,000 responses annually; the frequency of response is annually and also third

party disclosures; and the estimated time per response varies from 2 minutes to 15 minutes.

Status of the proposed information collection: Reinstatement, with change, of previously approved collections for which approval have expired.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: February 19, 2002.

John C. Weicher,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 02–4716 Filed 2–27–02; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

2002 Migratory Bird Hunting and Conservation Stamp (Federal Duck Stamp) Contest

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Fish and Wildlife Service announces the dates and locations of the 2002 Federal Duck stamp contest; the public is invited to enter and to attend.

DATES: 1. The official date to begin submission of entries to the 2002 contest is July 1, 2002. All entries must be postmarked no later than midnight, Saturday, August 31, 2002.

2. The public may view the 2002 Federal Duck Stamp Contest entries on Tuesday, October 15, 2002, from 10 a.m. to 2 p.m.

Judging will be held on Wednesday, October 16, 2002, from 10:30 a.m. to 5 p.m. and Thursday, October 17, 2002, from 9 a.m. to 2 p.m.

ADDRESSES: Requests for complete copies of the regulations, reproduction rights agreement, and display and participation agreement may be requested by calling 1–202–208–4354, or requests may be addressed to: Federal Duck Stamp Contest, U.S. Fish and Wildlife Service, Department of the Interior, 1849 C Street, NW., Suite 2058, Washington, DC 20240. You may also download the information from the Federal Duck Stamp Home Page at *duckstamps.fws.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Terry Bell, telephone (202) 208–4354, or fax: (202) 208–6296.

SUPPLEMENTARY INFORMATION:

Background

On March 16, 1934, Congress passed and President Roosevelt signed the Migratory Bird Hunting Stamp Act. Popularly known as the Duck Stamp Act, it required all waterfowl hunters 16 years or older to buy a stamp annually. The revenue generated was originally earmarked for the Department of Agriculture, but 5 years later was transferred to the Department of the Interior and the U.S. Fish and Wildlife Service to buy or lease waterfowl sanctuaries.

In the years since its enactment, the Federal Duck Stamp Program has become one of the most popular and successful conservation programs ever initiated. Today, some 1.5 million stamps are sold each year, and, as of 2000, Federal Duck Stamps have generated $511 million for the preservation of more than 5 million acres of waterfowl habitat in the Untied States. Numerous other birds, mammals, fish, reptiles and amphibians have similarly prospered because of habitat protection made possible by the program. An estimated one-third of the nation's endangered and threatened species find food or shelter in refuges preserved by Duck Stamp funds. Moreover, the protected wetlands help dissipate storms, purify water supplies, store flood water, and nourish fish hatchlings important for sport and commercial fishermen.

The Contest

The first Federal Duck Stamp was designed, at President Roosevelt's request, by Jay N. ''Ding'' Darling, a nationally known political cartoonist for the *Des Moines Register* and a noted hunter and wildlife conservationist. In subsequent years, noted wildlife artists were asked to submit designs. The first contest was opened in 1949 to any U.S. artist who wished to enter, and 65 artists submitted a total of 88 design entries in the only art competition of its kind sponsored by the U.S. Government. To select each year's design, a panel of noted art, waterfowl, and philatelic authorities are appointed by the Secretary of the interior. Winners received no compensation for the work, except a pane of their stamps, but winners may sell prints of their designs, which are sought by hunters, conservationists, and art collectors.

This year's contest is being held at an earlier date to provide a platform from which to kick off the National Wildlife Refuge Centennial celebration. In 2003, the refuge system will celebrate its 100th anniversary. The contest dates coincide with the 2002 National Wildlife Refuge Week.

The public may view the 2002 Federal Duck Stamp Contest entries on Tuesday, October 15, 2002, from 10 a.m. to 2 p.m. in the Department of the Interior Auditorium (''C'' Street entrance), 1849 C Street, NW., Washington, DC. This year's judging will be held Wednesday, October 16, 2002, beginning at 10:30 a.m. and continuing at 9 a.m. on Thursday, October 17, 2002.

Dated: January 22, 2002.

Marshall Jones, Jr.,

Acting Director.

[FR Doc. 02–4704 Filed 2–27–02; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection, Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of a revision of a currently approved information collection (OMB Control Number 1010–0121).

SUMMARY: To comply with the Paperwork Reduction Act (PRA) of 1995, we are inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) is titled ''Administrative Appeal Procedures'' (formerly titled ''Preliminary Statement of Issues and Fee Waiver'').

DATES: Submit written comments on or before April 29, 2002.

ADDRESSES: Submit written comments to Carol P. Shelby, Regulatory Specialist, Minerals Management Service, Minerals Revenue Management, P.O. Box 25165, MS 320B2, Denver, Colorado 80225. If you use an overnight courier service, MMS's courier address is Building 85, Room A–614, Denver Federal Center, Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: Carol P. Shelby, telephone (303) 231–3151, FAX (303) 231–3385.

SUPPLEMENTARY INFORMATION:

Title: Administrative Appeal Procedures.

OMB Control Number: 1010–0121.

Bureau Form Number: None.

Abstract: The Department of the Interior (DOI) is responsible for matters relevant to mineral resource development on Federal and Indian lands and in the Outer Continental Shelf (OCS). The Secretary of the Interior is responsible for managing the production of minerals from Federal and Indian lands and from the OCS, collecting royalties from lessees who produce

minerals, and distributing the funds collected in accordance with applicable laws. The Secretary also has an Indian trust responsibility to manage Indian lands and seek advice and information from Indian beneficiaries.

On January 12, 1999, DOI published a proposed rule in the **Federal Register** (64 FR 1930) to revise the appeals process. Proposed 43 CFR part 4, subpart J, would have established a new 1-step process for appeals of royalty orders. Among other actions, the proposed rule would have replaced the current regulations at 30 CFR part 290 and 43 CFR part 4, subpart E, as they relate to appeals of royalty orders. The MMS submitted an information collection request entitled ''Preliminary Statement of Issues and Fee Waiver'' to cover the information collection requirements in that proposed rule. The OMB approved that request on April 13, 1999, and assigned OMB Control Number 1010–0121.

The MMS received numerous negative comments about some of the provisions in the proposed rule. Consequently, on May 13, 1999, MMS published a final rule in the **Federal Register** (64 FR 26240) making final only those portions of the January 1999 proposed rule that received few, if any, comments. For example, rather than finalizing the substantive procedural changes in the proposed rule, the regulations in 30 CFR part 290 were separated into two subparts—Subparts A and B—and rewritten using plain English principles. Subpart A relates to appeals for the Offshore Minerals Management program, and Subpart B relates to appeals for the Royalty Management Program (currently Minerals Revenue Management). Subpart J of 43 CFR part 4 was added to the final rule to incorporate specific time frames required in the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996. However, the final rule does not contain the substantive changes required to change the appeals process from a 2-step to a 1-step process as originally proposed in the proposed rule.

The MMS is revising this information collection to cover the reporting requirements contained in the final rule. These requirements are located in 30 CFR parts 250 and 290. Refer to the burden chart for identified reporting requirements and associated burden hours. Submission of the information in this collection is necessary for MMS to initiate and track appeals of disputed orders. Proprietary information that is submitted is protected, and there are no questions of a sensitive nature included in this information collection.

Frequency: On occasion.

Estimated Number and Description of Respondents: 180 Federal or Indian lessees.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: 13,615 hours.

The table below is a breakdown of the burden hours by CFR section and paragraph:

30 CFR section	Requirement	Annual number of responses	Burden hours per response	Annual burden hours
250.1409(a), (b)(1) and 2	(a) When you receive the Reviewing Officer's final decision, you have 60 days to either pay the penalty or file an appeal in accordance with 30 CFR part 290 * * * (b) If you file an appeal, you must either: (1) Submit a surety bond * * * or (2) Notify the Regional Adjudication Office * * * that you want your lease-specific/area-wide bond on file to be used as the bond for the penalty amount.	10	1	10
290.4(a) and (b)(1)	For your appeal to be filed, MMS must receive all of the following within 60 days after you receive the decision or order: (a) A written Notice of Appeal together with a copy of the decision or order you are appealing * * * (b) A nonrefundable processing fee of $150 paid with the Notice of Appeal * * * (1) Identify the order you are appealing on the check or other form of payment * * *.	10	10	100
290.7(a)(2)	The decision or order is effective during the 60-day period for filing an appeal * * * unless (2) You post a surety bond under 30 CFR 250.1409 pending the appeal * * *.	[1]		
290.105 (a)(1) and (2)	(a) You may appeal an order to the Director, Minerals Management Service * * * by filing a Notice of Appeal in the office of the official issuing the order within 30 days from service of the order * * * (1) Within the same 30-day period, you must file * * * a statement of reasons or written arguments or briefs * * * (2) If you are a designee, when you file your Notice of Appeal, you must serve your Notice of Appeal on the lessees for the leases in the order you appealed.	150	90	13,500
290.106(a)	(a) If you are a lessee, * * * you may join in that appeal * * * by filing a Notice of Joinder with the office or official that issued the order.	10	.5	5
Totals		180		13,615

[1] Burden covered in § 250.1409.

Estimated Annual Reporting and Recordkeeping ''Non-hour Cost'' Burden: We have identified no ''non-hour cost'' burdens.

Comments: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Before submitting an ICR to OMB, PRA Section 3506(c)(2)(A) requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *.'' Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its

duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

The PRA also requires agencies to estimate the total annual reporting ''non-hour cost'' burden to respondents or recordkeepers resulting from the collection of information. We have not identified non-hour cost burdens for this information collection. If you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information; monitoring, sampling, testing equipment; and record storage facilities. Generally, your estimates should not include equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

We will summarize written responses to this notice and address them in our ICR submission for OMB approval, including appropriate adjustments to the estimated burden. We will provide a copy of the ICR to you without charge upon request.

Public Comment Policy. We will make copies of the comments available for public review, including names and addresses of respondents, during regular business hours at our offices in Lakewood, Colorado. Individual respondents may request that we withhold their home address from the public record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you request that we withhold your name and/or address, state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: February 8, 2002.

Milton K. Dial,

Acting Associate Director for Minerals Revenue Management.

[FR Doc. 02–4752 Filed 2–27–02; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

National Park Service

Delaware Water Gap; National Recreation Area, New Jersey and Pennsylvania

AGENCY: National Park Service, Interior.

ACTION: Notice of realty action.

SUMMARY: With this notice the National Park Service is notifying the public of an adjustment to the boundary of the Delaware Water Gap National Recreation Area to include certain lands within the boundary of the Recreation Area.

ADDRESSES AND INFORMATION: The maps on which these tracts are depicted are Segments 5 and 83. These maps were prepared by the National Park Service, Land Resources Program Center, Philadelphia, Pennsylvania. Detailed information concerning this boundary revision, including precise legal descriptions, Land Protection Plans, environmental assessments and cultural reports are available at the Superintendent's office at Delaware Water Gap National Recreation Area, River Road, Bushkill, PA 18324 (570–588–2435); or the National Park Service, Land Resources Program Center, Northeast Region, 200 Chestnut Street, Philadelphia, Pennsylvania 19106.

SUPPLEMENTRY INFORMATION: Sec. 3(b), of Pub. L. 89–158, (authorizing Act), 79 Stat. 613, as amended, authorizes the Secretary of the Interior to make adjustments in the boundary of the area by publication of the amended description thereof in the **Federal Register** and acquire, by such means as he may deem to be in the public interest, including an exchange of excluded for included lands or interests therein with or without the payment or receipt of money to equalize the values, additional lands and interests therein included in the area by reason of the boundary adjustment.

In accordance with the Department of the Interior Departmental Manual, 245 DM 1.1 C.(7), the Director is delegated the Secretary's authority to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460*l*–1–4 through *l*–11) and Sections 6 and 7 of Executive Order 11200 including the reporting requirements found in Title 16 U.S.C., Sections 460*l*–6a(h) and 460*l*–10d.

The Director, under Director's Order #3: Delegation of Authority, Section 15, 4 states ''* * * and field directors are authorized to perform the appraisal and land acquisition functions as established in Public Law 91–646, title III (42 U.S.C. 4651–4655) and implemented by 49 CFR 24.

The boundaries mentioned above are specified in Section 2(a) of the authorizing Act as ''lands and interests therein within the boundaries of the area, as generally depicted on the drawing entitled, 'Proposed Tocks Island National Recreation Area,' dated and numbered September 1962, NRA-TI–7100.''

In a subsequent notice of Establishment published in the **Federal Register**, Vol. 42, No. 109, June 7, 1977, the Secretary of the Interior gave notice of the establishment of the Recreation Area. In this notice, he stated that ''adjustments may be subsequently made in the boundaries of the area by publication of the amendments to the boundary description thereof in the **Federal Register** as provided in the authorizing act''.

In a further Notice of Revision of Park Boundaries published in the **Federal Register**, Vol. 56, No. 132, Wednesday, July 10, 1991, the Regional Director, Mid-Atlantic Region, gave notice of a boundary revision as provided in the authorizing act.

Notice is hereby given that the boundary of the Delaware Water Gap National Recreation Area has been revised pursuant to the above Act, to include the following tracts:

Tract No.	Acreage
8306	0.20 FEE
570	0.66 FEE
572	3.12 ROW

Tract 8306 was inadvertently omitted from the boundary revision published in **Federal Register;** Vol. 56, No. 132 dated July 10, 1991, mentioned above. This tract of land is completely surrounded on three sides by park land already within the boundary. The fourth side of this tract is bounded by State Highway

51001 (Milford Road). With the inclusion of this tract the boundary is uninterrupted on the West side of Milford Road for more than a mile.

A revision to the boundary to include Tracts 570 and 572 will allow for an exchange of lands between the United States of America and Union Motor Lodge, Incorporated. The park will receive a wooded parcel of land which is contiguous with the existing boundary, and also use of an access road that parallels the fairway. The park proposed to exchange Tract 571, a 0.38 of an acre parcel of land that no longer contains values for which the park was established.

The inclusion of the above-mentioned tracts will allow for proper management of park lands.

Dated: December 20, 2001.

Pat Phelan,

Acting Regional Director, Northeast Region.

[FR Doc. 02–4845 Filed 2–27–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Keechelus Dam Safety of Dams Modification, Yakima Project, Washington

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of Availability of the Record of Decision for the Keechelus Dam Safety of Dams Modification, Yakima Project, Washington.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior, Bureau of Reclamation (Reclamation), has prepared a Record of Decision identifying the alternative to be implemented for the Keechelus Dam Safety of Dams Modification Project, located in the Yakima River basin in central Washington. The project is the subject of the Final Environmental Impact Statement (FEIS), INT–FES–01–29, **Federal Register** Notice of Availability, dated September 25, 2001 (66 FR 49039, Sep. 25, 2001).

The decision is to proceed with the preferred alternative to modify Keechelus Dam along the existing alignment to correct identified safety deficiencies as documented in the FEIS. In addition, Reclamation will seek funding under existing authorities to conduct a feasibility study for fish passage at all of the storage dams which are part of the Yakima Project.

ADDRESSES: Copies of the ROD are available for public inspection and review at the following locations:

- Bureau of Reclamation, U.S. Department of the Interior, Room 7455, 18th and C Streets NW., Washington, DC 20240.
- Bureau of Reclamation, Denver Office Library, Denver Federal Center, Building 67, Room 167, Denver, Colorado 80225.
- Bureau of Reclamation, Pacific Northwest Regional Office, 1150 North Curtis Road, Suite 100, Boise, Idaho 83706–1234.
- Bureau of Reclamation, Upper Columbia Area Office, 1917 Marsh Road, Yakima, Washington 98901.

Libraries

Carpenter Memorial Library, 302 N Pennsylvania Ave., Cle Elum, WA 98922; (509) 674–2313

Central Washington University Library, 700 E 8th Ave., Ellensburg WA 98926; (509) 963–1777

Ellensburg Public Library, 209 N Ruby, Ellensburg WA 98926; (509) 962–7250

Yakima Valley Regional Library, 102 N 3rd St, Yakima WA 98901; (509) 452–8541

University of Washington Campus, Suzzallo Library, Government Publications Division, Seattle WA 98195; (206) 543–1937

Internet

The ROD is also available on the Internet at: *http://www.pn.usbr.gov/.*

FOR FURTHER INFORMATION CONTACT: Mr. Dave Kaumheimer at (509) 575–5848, extension 232. Those wishing to obtain a copy of the ROD in the form of a printed document may contact Mr. Kaumheimer.

SUPPLEMENTARY INFORMATION: Keechelus Dam was completed in 1917 as part of Reclamation's Yakima Project, storing Yakima River water in central Washington for irrigation as part of 443,400 acres of prime farmland and for flood control. Recent investigations have shown that the wooden railroad trestle, used to deliver earth material and rocks while constructing the dam, has deteriorated, forming vertical paths where earthen materials within the dam can move, leaving voids in the dam. Examination of the seepage problems indicates the material is internally unstable and is subject to failure, with an associated potential for loss of life and property downstream. Because of the deficiencies identified, Keechelus Lake has been operated at a restricted pool elevation 7 feet below the normal full pool elevation of 2517 feet since November 1998, with increased monitoring and surveillance at the dam. This was identified as the No Action alternative in the FEIS, and elevation 2510 was used in comparing impacts of the other alternatives.

The Safety of Dams Act of 1978 (Pub. L. 95–578) and amendments of 1984 (Pub. L. 98–404) authorize the Secretary of the Interior to analyze existing Reclamation dams for changes in the state-of-the-art criteria and additional hydrologic and seismic data developed since the dams were constructed. For dams where a safety concern exists, the Secretary is authorized to modify the structure to ensure its continued safety. Section 3 of the Safety of Dams Act states that construction authorized by the Act shall be for dam safety and not for specific purposes of providing additional conservation storage capacity or developing benefits over and above those provided by the original dams and reservoirs.

Dated: January 18, 2002.

J. William McDonald,

Regional Director, Pacific Northwest Region.

[FR Doc. 02–4692 Filed 2–27–02; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Potholes Reservoir Resource Management Plan

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability of the Record of Decision for the Potholes Reservoir Resource Management Plan, Grant County, Washington.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior, Bureau of Reclamation (Reclamation), has prepared a Record of Decision identifying the alternative to be implemented for the Potholes Reservoir Resource Management Plan. This project is the subject of the Final Environmental Impact Statement (FEIS), INT–FES–01–40, **Federal Register** Notice of Availability, dated December 12, 2001 (66 FR 64272, Dec. 12, 2001). Reclamation's decision is to implement the Preferred Alternative (Alternative B) and associated environmental commitments (mitigation measures) as described in the FEIS. Implementing this alternative will support the recreational interests of visitors to the area while protecting the natural and cultural environment.

ADDRESSES: Copies of the ROD are available for public inspection and review at the following locations:

- Bureau of Reclamation, U.S. Department of the Interior, Room 7455, 18th and C Streets NW., Washington, DC 20240.
- Bureau of Reclamation, Pacific Northwest Regional Office, 1150 North Curtis Road, Suite 100, Boise, ID 83706–1234.
- Bureau of Reclamation, Upper Columbia Area Office, 1917 Marsh Road, Yakima, WA 98901.
- Bureau of Reclamation, Ephrata Field Office, 32 C Street, Ephrata, WA 98823.

FOR FURTHER INFORMATION CONTACT: Mr. Jim Blanchard at (509) 754–0239, extension 226. Those wishing to obtain a copy of the ROD in the form of a printed document may contact Mr. Blanchard.

Dated: January 19, 2002.

J. William McDonald,

Regional Director, Pacific Northwest Region.

[FR Doc. 02–4691 Filed 2–27–02; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Settlement Agreement Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act and Chapter 11 of Title 11 of the United States Bankruptcy Code

In accordance with the policy of the Department of Justice, notice is hereby given that a proposed settlement agreement in *United States* v. *American Allied Additives, Inc., et al.,* Civ. No. 1:00CV1014, was lodged with the United States District Court for the Northern District of Ohio, on December 6, 2001. The United States brought this action against 13 defendants including the Gibson-Homans Company pursuant to Sections 106 and 107 the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9606 and 9607, for *inter alia,* payment of past costs incurrred, and future costs to be incurred, by the United States at the American Allied Additives Superfund Site in Cleveland, Ohio. Gibson-Homans filed a petition for reorganization under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. 101, et seq., as amended in *In Re: The Gibson-Homans Company,* Case No. 00–50369, (Bankr. N.D. Ohio). The settlement agreements permits the United States' claim to be allowed as a pre-petition general unsecured claim in the amount of $24,050 against the Defendant, the Gibson-Homans Company, by the Bankruptcy Court thereby settling the United States' claims against the defendant.

For a period of thirty (30) days from the date of this publication, the Department of Justice will receive comments related to the proposed settlement agreement. Comments should be addressed to the Acting Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC 20530, and should refer to *United States* v. *American Allied Additives, Inc., et al.,* Civil Action No. 1:00CV1014; D.J. Ref. No. 90–11–2–1318.

The settlement agreement may be examined at the Office of the United States Attorney, 1800 Bank One Center, 600 Superior Avenue, Cleveland, Ohio 44114, and at the U.S. Environmental Protection Agency, Region V, 77 West Jackson Boulevard, Chicago, Illinois 60604. A copy of the settlement agreement may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044. In requesting a copy, please enclose a check in the amount of $2.00 (8 pages at 25 cents per page reproduction cost). When requesting a copy, please refer to *United States* v. *American Allied Additives, Inc., et al.,* Civil Action No. 00–01014; D.J. Ref. No. 90–11–2–1318.

William D. Brighton,

Assistant Chief, Environmental Enforcement Section, Environmental and Natural Resources Division.

[FR Doc. 02–3884 Filed 2–27–02; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Water Act

Notice is hereby given that on January 31, 2002 a proposed Consent Decree in *United States* v. *Deltech Corp.*, Civil Action No. 02–131–B–M1 was lodged with the United States District Court for the Middle District of Louisiana.

In this action the United States sought civil penalties and injunctive relief for violations of the Clean Water Act and Deltech's NPDES Permit at it's speciality chemical plant in Baton Rouge, Louisiana. The Consent Decree settles the United States' claims against Deltech for discharging pollutants in excess of its permit limits and failing to properly operate and maintain its facility. The Consent Decree requires that Deltech install a water recycling system and a clarifier to treat its process waste. It also requires that Deltech pay a civil penalty of $120,000 for past violations and perform a $50,000 Supplemental Environment Road Paving Project.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Deltech Corp.* No. 02–131–B–M1 (M.D. La.), D.O.J. Ref. 90–5–1–1–4494.

The Consent Decree may be examined at the Office of the United States Attorney, Middle District of Louisiana, 777 Florida Street, Room 208, Baton Rouge, Louisiana 70801, and at U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing a request to Tonia Fleetwood, fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy, please enclose a check in the amount of $5.75 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Thomas A. Mariani, Jr.,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 02–4696 Filed 2–27–02; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Partial Consent Decree Under the Clean Water Act

Under 28 CFR 50.7, notice is hereby given that on February 15, 2002, a proposed Partial Consent Decree (''decree'') in *United States and State of Ohio* v. *Board of County Commissioners of Hamilton County and the City of Cincinnati,* Civil Action Nos. C–1–02–107 and C–1–02–108, was lodged with the United States District Court for the Southern District of Ohio.

In this action the United States sought injunctive relief from defendants for unauthorized discharges from their sanitary sewer system, located in Hamilton County, Ohio. These unauthorized discharges are also known as sanitary sewer overflows, or SSOs, and are violations of the Clean Water Act. The decree requires the defendants

to implement an interim and then permanent remedy for SSO 700 and to implement certain other specified capital improvement projects, which are expected to eliminate other ''highly active'' SSOs. In addition, defendants are required to perform comprehensive modeling and analysis of their sanitary sewer system and to propose a comprehensive plan to address the rest of their SSOs and to provide adequate future system capacity. The decree specifically reserves claims of the United States for penalties related to these unauthorized discharges, as well as claims for penalties and injunctive relief concerning other sewer system violations, including among others, violations concerning defendants' wastewater treatment plants and combined sewer system.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States and State of Ohio* v. *Board of County Commissioners of Hamilton County and the City of Cincinnati,* D.J. Ref. 90–5–1–6–341A.

The decree may be examined at the Office of the United States Attorney for the Southern District of Ohio, 221 E. 4th Street, Atrium II, Suite 400, Cincinnati, Ohio 45202, and at U.S. EPA Region V, 77 West Jackson Blvd, Chicago, IL 60604–3590. A copy of the decree may also be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611. In requesting a copy of the decree, including its exhibits, please enclose a check in the amount of $209.00 (25 cents per page reproduction cost) payable to the Consent Decree Library. In requesting a copy exclusive of exhibits, please enclose a check in the amount of $18.75 (25 cents per page reproduction cost) payable to the Consent Decree Library.

William D. Brighton,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 02–4697 Filed 2–27–02; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 225–2002]

Privacy Act of 1974; Notice of the Removal of a System of Records

This notice serves to correct the notice of removal of a Privacy Act system of records of the Bureau of Prisons (BOP), published by the Department of Justice on November 13, 2001 (66 FR 56860), relating to ''Industrial Inmate Employment Record System, BOP–003''. That notice had a substantive error. The notice should have read as follows.

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Bureau of Prisons (BOP), Department of Justice is removing a published Privacy Act system of records entitled ''Industrial Inmate Employment Record System, JUSTICE/BOP–003.'' Inmate payroll records have been transferred to the system of records entitled ''Inmate Central Records, JUSTICE/BOP–005.'' The remainder of the records have been destroyed in accordance with approved records retention and disposal schedules. The National Archives and Records Administration removed the requirement that any records be offered for permanent retention. Therefore, the ''Industrial Inmate Employment Record System,'' last published in the **Federal Register** on September 28, 1978, 43 FR 44733, is removed from the Department's compilation of Privacy Act systems.

Dated: February 13, 2002.

Robert F. Diegelman,

Acting Assistant Attorney General, for Administration.

[FR Doc. 02–4700 Filed 2–27–02; 8:45 am]

BILLING CODE 4410–05–M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 252–2001]

Privacy Act of 1974; System of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a) notice is given that the Federal Bureau of Prisons (Bureau) proposes to modify its System of Records ''Office of Internal Affairs (OIA) Investigative Records, JUSTICE/BOP–012.'' This system, which was last published on August 29, 1995, (60 FR 44901), is now being modified and will become effective sixty (60) days from the date of publication.

Information in this system relates to matters for which the OIA has responsibility pursuant to the Inspector General Act of 1978, 5 U.S.C. App. 3, as amended by the Inspector General Act Amendments of 1988. Responsibilities include auditing, inspecting, and investigating BOP programs and operations with an objective to promote economy, efficiency, and effectiveness in the administration of such programs and operations and to prevent and detect fraud, waste, and abuse in such programs and operations. The system covers records relating to BOP investigations of appropriate individuals and entities, including staff misconduct.

Appropriate sections have been revised to reflect technological advances and new agency practices regarding the storage, retrieval, access, retention and disposal of records in the system. For example, digital recordings and Compact Discs (CDs) have been added to the sections describing Categories of Records and Storage. System locations and description of records have been updated. One routine use has been revised and two routine uses have been added: Routine Use (d) has been revised to permit the BOP to initiate disclosure of staff misconduct information to other government and private correctional entities, as well as responding to inquiries by them, as currently permitted. Routine Use (i) has been added to allow disclosure to contractors. Routine Use (j) has been added to allow disclosure to former employees. All other sections remain the same, including the exemptions from certain provisions of the Privacy Act, as previously promulgated.

Title 5 U.S.C. 552a(e)(4) and (11) provide that the public be provided a thirty (30) day period in which to comment. The Office of Management and Budget (OMB), which has oversight responsibilities under the Privacy Act, requires that it be given a forty (40) day period in which to review the system. Therefore, please submit any comments by April 1, 2002. The public, OMB, and the Congress are invited to send written comments to Mary Cahill, Management and Planning Staff, Justice Management Division, Department of Justice, Washington, DC 20530 (1400 National Place Building).

In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and the Congress on the proposed modification.

A description of the modified system is provided below. Although there were only a few changes to the system as previously published, the entire notice is provided below for the convenience of the public.

Dated: February 20, 2002.

Robert F. Diegelman,

Acting Assistant Attorney General for Administration.,

JUSTICE/BOP–012

SYSTEM NAME:

Office of Internal Affairs Investigative Records.

SYSTEM LOCATION:

Records may be retained at the Central Office, Regional Offices, or at any of the Federal Bureau of Prisons (Bureau) or at any location operated by a contractor authorized to provide correctional, medical, and/or computer service to the Bureau. A list of Bureau system locations may be found at 28 CFR part 503 and on the Internet at *http://www.bop.gov.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

In connection with its investigative duties, the Office of Internal Affairs (OIA) maintains records on the following categories of individuals:

(a) Individuals or entities who are or have been the subject of investigations conducted by the Bureau including current or former employees of the Bureau; current and former consultants, contractors, and subcontractors with whom the agency has contracted and their employees; grantees to whom the BOP has awarded grants and their employees; and such other individuals or entities whose association with the Bureau relates to alleged violation(s) of the Bureau's rules of conduct, the Civil Service merit system, and/or criminal or civil law, which may affect the integrity or physical facilities of the Bureau, including inmates and all visitors to Bureau facilities; and

(b) Individuals who are witnesses; complainants; confidential or nonconfidential informants; and parties who have been identified by the Bureau or by other agencies, by constituent units of the Bureau or by members of the general public as potential subjects of or parties to an investigation under the jurisdiction of the Bureau, OIA.

CATEGORIES OF RECORDS IN THE SYSTEM:

OIA records fall into the following three categories:

1. ''Information files'': Information received by OIA staff that is unrelated to current investigations and which does not suggest that administrative misconduct was probable, e.g. allegations of staff actions that are performance related.

2. ''Complaint files'': Database entries and hard copies of all allegations received, including those that are screened out and do not generally develop into OIA investigations because the matter may be too old, for example.

3. ''Investigation files'', also known as ''case files'': Information relating to OIA investigations, including:

(a) Letters, memoranda, and other documents citing complaints of alleged criminal, civil, or administrative misconduct;

(b) Reports of investigations to resolve allegations of misconduct or violations of law with related exhibits, statements, affidavits or records obtained during investigations; prior criminal or noncriminal records of individuals as they relate to the investigations; reports from or to other law enforcement bodies; information obtained from informants; nature of allegations made against suspects and identifying data concerning such suspects; and public source materials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, 5 U.S.C. App. 3, as amended by the Inspector General Act Amendments of 1988.

PURPOSE(S):

The Bureau, OIA maintains this system of records in order to conduct its responsibilities pursuant to the Inspector General Act of 1978, 5 U.S.C. App. 3, as amended by the Inspector General Act of 1988. The OIA is statutorily directed to conduct and supervise investigations relating to programs and operations of the Bureau; to promote economy, efficiency, and effectiveness in the administration of such programs and operations; and to prevent and detect fraud, waste and abuse in such programs and operations. Accordingly, the records in this system are used in the course of investigating individuals and entities suspected of having committed illegal and unethical acts in conducting related criminal prosecutions, civil proceedings, or administrative actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

RECORDS IN THIS SYSTEM MAY BE DISCLOSED AS FOLLOWS:

(a) In the event that records indicate a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order pursuant thereto, or if records indicate a violation or potential violation of the terms of a contract or grant, the relevant records may be disclosed to the appropriate agency, whether federal, state, local, foreign or international, charged with the responsibility of investigating or prosecuting such violation, enforcing or implementing such statute, rule, regulation or order, or with enforcing the terms of such contract or grant;

(b) A record may be disclosed to a federal, state, local, foreign or international agency, or to an individual or organization when necessary to elicit information which will assist an investigation, inspection or audit;

(c) A record may be disclosed to a federal, state, local, foreign or international agency maintaining civil, criminal or other relevant information if necessary to obtain information relevant to a Bureau decision concerning the assignment, hiring or retention of an individual, the issuance or revocation of a security clearance, the reporting of an investigation of an individual, the letting of a contract, or the issuance or revocation of a license, grant, or other benefit;

(d) A record may be disclosed to a federal, state, local, foreign or international agency, and/or contract correctional company, in connection with the assignment, hiring or retention of an individual, the issuance or revocation of a license, grant, or other benefit by the agency to the extent that the information is relevant and necessary to the agency's decision on the matter;

(e) A record may be disclosed to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of the individual who is the subject of the record;

(f) Relevant records may be disclosed to an administrative forum, including ad hoc forums, which may or may not include an Administrative Law Judge, and which may or may not convene public hearings/proceedings, or to other established adjudicatory or regulatory agencies, e.g., the Merit Systems Protection Board, the National Labor Relations Board, or other agencies with similar or related statutory responsibilities, where necessary to adjudicate decisions affecting individuals who are the subject of OIA investigations and/or who are covered by this system, including (but not limited to) decisions to effect any necessary remedial actions, e.g., the initiation of debt collection activity, disciplinary and/or other appropriate personnel action, and/or other law enforcement related actions, where appropriate;

(g) A record may be disclosed to complainants and/or victims to the extent necessary to provide such

persons with information concerning the results of the investigation or case arising from the matters of which they complained and/or of which they were a victim;

(h) A record may be disclosed to the National Archives and Records Administration and to the General Services Administration during a records management inspection conducted under 44 U.S.C. 2904 and 2906;

(i) To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government, when necessary to accomplish an agency function related to this system of records; and

(j) Pursuant to subsection (b)(3) of the Privacy Act, the Department of Justice may disclose relevant and necessary information to a former employee of the Department for purposes of: responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM

STORAGE:

Information maintained in the system is stored in electronic media in Bureau facilities via a configuration of personal computer, client/server, and mainframe systems architecture. Computerized records are maintained on hard disk, Compact Discs (CDs), floppy diskettes, magnetic tapes and/or optical disks. Documentary records are maintained in manual file folders, microfilm and/or index card files.

RETRIEVABILITY:

Entries are arranged alphabetically and are retrieved with reference to the surname of the individuals covered by this system of records.

SAFEGUARDS:

Information is safeguarded in accordance with Bureau rules and policy governing sensitive data and automated information system security and access. These safeguards include the maintenance of records and technical equipment in restricted areas, and the required use of proper passwords and user identification codes to access the system. Only those Bureau personnel who require access to perform their official duties may access the system equipment and the information in the system. Manual records are stored in safes and locked filing cabinets in secured rooms or in guarded buildings.

RETENTION AND DISPOSAL:

Records in this system are retained as follows: (1) ''Information files'' are maintained for one year from the time the information is received; (2) ''complaint files'' are maintained for five (5) years from the date of the database entry; and (3) ''investigation files'' are retained for thirty (30) years from the year the OIA investigation is begun. Documentary records are destroyed by shredding; computer records are destroyed by degaussing and/or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director/ General Counsel, Federal Bureau of Prisons, 320 First Street NW, Washington, D.C. 20534.

NOTIFICATION PROCEDURE:

Inquiries concerning this system should be directed to the System Manager listed above.

RECORD ACCESS PROCEDURE:

The major part of this system is exempted from this requirement pursuant to 5 U.S.C. 552a (j)(2), (k)(1), and (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for access to records contained in this system shall be made in writing, with the envelope and the letter clearly marked ''Privacy Act Request.'' Include in this request the full name of the individual involved, his or her current address, date and place of birth, notarized signature, and any other identifying number or information which may be of assistance in locating the record. The requester shall also provide a return address for transmitting the information. Access requests shall be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

The subjects of investigations; individuals with whom the subjects of investigations are associated; current and former BOP officers and employees; officials of federal, state, local and foreign law enforcement and non-law enforcement agencies; private citizens, witnesses; confidential and nonconfidential informants; and public source materials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2), (3), (5), and (8) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). In addition, the system has been exempted from subsections (c)(3), (d), and (e)(1) pursuant to 5 U.S.C. 552a(k)(1) and (k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register**.

[FR Doc. 02–4738 Filed 2–27–02; 8:45 am]

BILLING CODE 4410–05–P

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. AT&T Corporation and Telecommunications, Inc., No. 1:98CV03170 (D.D.C. August 23, 1999); United States' Notice of Proposed Termination of the Final Judgment

Notice is hereby given that the United States and both AT&T Corporation (''AT&T'') defendant in the above-captioned matter, and Liberty Media Corporation (''Liberty''), have entered into a Stipulation to terminate the Final Judgment entered by the United States District Court for the District of Columbia on August 23, 1999. In this Stipulation filed with the Court, the United States has provisionally consented to termination of the Final Judgment, but has reserved the right to withdraw its consent pending receipt of public comments.

On December 30, 1998, the United States filed the complaint in this case alleging that the merger between AT&T and Tele-Communications, Inc., which would result in the indirect acquisition by AT&T of 23.5% of the shares of Sprint PCS, a competitor of AT&T in the mobile wireless telephone business, would substantially lessen competition in the provision of mobile telephone business, would substantially lessen competition in the provision of mobile telephone service in many geographic areas of the United States and thus violate section 7 of the Clayton Act, as amended, 15 U.S.C. 18. At the same time as it filed the Complaint, the United States filed a proposal Final Judgment to resolve the competitive concerns alleged in the Complaint, and

a stipulation by defendants and the United States consenting thereto.

The Final Judgment, which was entered by consent of the parties on August 23, 1999, ordered the divestiture of the Spring PCS interest by a trustee over a five-year period and includes various provisions to ensure that AT&T's indirect partial ownership of Spring PCS would not create anticompetitive incentives. These provisions, among others, required that all economic benefits of Liberty's Sprint PCS holdings must inure exclusively to the holders of the Liberty Media Group tracking stock (which was created after the consummation of the merger between the defendants), forbade AT&T from transferring any of these benefits to AT&T shareholders, required certain amendments to the Liberty certificate of incorporation and bylaws, and imposed certain restrictions of Liberty's Board of Directors. Liberty also was restricted in its ability to acquire any interest in AT&T's wireless business.

On August 10, 2001, having received a favorable letter ruling from the Internal Revenue Service, AT&T spun off the businesses represented in the Liberty Media Tracking stock of AT&T into a separate, publicly traded company, Liberty Media Corporation (''Liberty'').

The United States, defendant AT&T and Liberty have provisionally agreed to terminate the Final Judgment because of the above-noted changed circumstances in the relationship between AT&T and Liberty. The legal and economic separation of AT&T and Liberty. As a result of the August 10, 2001 spin-off, have changed the circumstances under which the parties entered into the Final Judgment, which is no longer needed to protect competition in the mobile wireless telephone business. Therefore, terminating the Final Judgment is in the public interest.

The United States has filed a memorandum with the Court setting forth the reasons it believes termination of the Final Judgment would serve the public interest. Copies of the joint motion of the United States, AT&T, and Liberty to establish procedures to terminate the Final Judgment, the stipulation containing the United States' provisional consent to termination of the Final Judgment, the supporting memorandum, and all additional papers filed with the Court in connection with this motion are available for inspection at the Antitrust Documents Group of the Antitrust Division, U.S. Department of Justice, 325 7th Street, NW., Room 215 North, Liberty Place Building, Washington, DC 20530, and at the Office of the Clerk of the United States District Court for the District of Columbia, 333 Constitution Avenue, NW., Washington, DC. 20001. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the duplicating fee set out in Department of Justice regulations.

Interested persons may submit comments regarding the proposed termination to the Department of Justice. Such comments must be received by the Antitrust Division within sixty (60) days of the last publication of notices appearing in the *Wall Street Journal* and *Wireless Week*, and will be filed with the Court by the Department. Comments should be addressed to Nancy M. Goodman, Chief, Telecommunications and Media Enforcement Section, Antitrust Division, U.S. Department of Justice, 1401 H St., NW., Suite 8000, Washington, DC. 20530 (telephone: 202–514–5621). Comments may also be sent via electronic mail to tel.comments@usdoj.gov or faxed to the attention of Peter Gray at 202–514–6381.

Constance K. Robinson,

Director of Operations.

[FR Doc. 02–4698 Filed 2–27–02; 8:45 am]

BILLING CODE 4410–11–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 February, 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 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–40,016; AVX Corp., Myrtle Beach, SC

TA–W–40,034; D and M Tool, Inc., Meadville, PA

TA–W–40,039; TNS Mills, Inc., Rockingham Plant, Rockingham, NC

TA–W–40,753; Tresco Tool, Inc., Guy Mills, PA

TA–W–39,593; Muruta Electronics, North America, Inc., State College Operation, State College, PA

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–40,398; R.G. Barry Texas LP, San Angelo Molding Facility, San Angelo, TX

TA–W–39,626; Great Western International, Portland, OR

TA–W–39,396; Carter Industries, Inc., Brooklyn, NY

TA–W–40,059; Valeo Electrical Systems, Inc., Rochester, NY

TA–W–40,714; Ferraz Shawmut, Inc., A Division of group Carbone Lorraine, Newburyport, MA

TA–W–40;449; Clebert's Hosiery Mill, Inc., Connelly Springs, NC

TA–W–40,473; Marlan Tool, Inc., Meadville, PA

TA–W–40,693 & A; Intervet, Inc., Gainesville, GA and State College, PA

TA–W–40,407; TRW Automotive Chassis Systems, Milford, MI

TA–W–40,627; Holland Co., Hays, KS

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–40,750; Mid America Building, Maintenance, Inc., Hurley, NM

TA–W–40,127; Peak Oilfield Service Co., Anchorage, AK

TA–W–40,692; VarTec CRM, Inc., Waco, TX

TA–W–40,706; Valley City Steel LLC, Valley City, OH

TA–W–40,678; Active Transportation Co., Portland Terminal, Portland, OR

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–39,255; Potlatch Corp., Minnesota Pulp and Paper Div., Brainerd, MN: May 1, 2000.

TA–W–40,103; Asarco, Inc., Mission Complex, Sahurita, AZ: October 1, 2001.

TA–W–40,104 & A,B,C,D,E,F; Asarco, Inc., Hayden, AZ, Ray, AZ, Amarillo, TX, Silver Bell Mining, Marana, AZ, Salt Lke City, UT, Phoenix, AZ and Tucson, AR: August 31, 2000.

TA–W–40,132; Satilla Manufacturing, Inc., Blackshear, GA: September 14, 2000.

TA–W–40,263; Schott Scientific Glass, Inc., Parkersburg, WV: October 12, 2000.

TA–W–40,639; Cooper Bussmann, Goldsboro, NC: November 27, 2000.

TA–W–40,735 & A,B; VF Jeanswear Limited Partnership, Jackson Facility, Jackson, TN Prague Facility, Prague, OK and Seminole Facility, Seminole, OK: November 27, 2000.

TA–W–39,662; MM and E Machine, A Subsidiary of UNOVA Co., Fenton, MI: June 29 2000.

TA–W–40,669; Great Lakes Chemical Corp., Nitro, WV: December 14, 2000.

TA–W–40,702; Design and Cut, Inc., Cartersville, GA: October 18, 2000.

TA–W–40,730; Mears Tool and Die, Inc., Cochranton, PA: December 19, 2000.

TA–W–40,736 & A,B; VP Jeanswear Limited Partnership, Shenandoah Facility, Shenandoah, VA, Madison Facility, Madison VA and Luray Facility, Luray, VA: November 28, 2000.

TA–W–40,586 & A,B; VF Services, Inc., Greensboro, NC, VF Jeanswear Limited Partnership, Greensboro Facility, Greensboro, NC and Andrews Facility, Andrews, NC: November 26, 2000.

TA–W–40,596; Tyco International Limited, Tyco Electronics Power Systems, Acquired from Lucent Technologies, Mesquite, TX: October 22, 2000.

TA–W–40,659; Georgia-Pacific, Industrial Wood Products Div., Conway Hardboard Plant, Conway, NC: December 13, 2000.

TA–W–39,661; R and B Machine Tool Co., A Subsidiary of UNOVA Co., Saline, MI: June 29, 2000.

TA–W–40,395 & A; Lexmark International Lexington, KY and Longmont, CO: December 3, 2000.

TA–W–40,406 & A,B,C,D,E,F, and G; VF Jeanswear Limited Partnership, Oneonta Facility, Oneota, AL, Hanceville Facility, Hanceville, AL, Red Bay Facility, Red Bay, AL, Hackleburg Facility, Hackleburg, AL, Florence Facility, Florence, AL, Russellville Facility, Russellville, AL, Padget Facility, Irvington, AL, Holly Pond Facility, Holly Pond, AL: November 27, 2000.

TA–W–40,477; Precision, An Elamex USA Co., Louisville, KY: November 20, 2000.

TA–W–40,521 & A,B,C,D,E,F,G,H,I, and J; Republic Technologies, International, Headquartered in Akron, OH, Massillon, OH (Central Machine), Chicago, IL (Chicago Plant), Blasdell, NY (Lackawanna Plant), Lorain, OH, Massillon, OH (Hot Rolled Plant), Beaver Falls, PA, Gary, IN (E. Dune Hwy), Gary, In (E. Seventh Ave.), Harvey, IL and Massillon, OH (Cold Finished Plant): November 19, 2000.

TA–W–39,531 & A; Bill Levkoff, Inc., New York, NY and Long Island City, NY: June 21, 2000.

TA–W–39,837; Wirtz Manufacturing Co., Rubber Mold Div., Port Huron, MI: August 12, 2000.

TA–W–40,032; Laclede Steel Co., Alton, IL: August 29, 2000.

TA–W–40,302; Eurotherm Action, Inc., San Diego, CA: October 9, 2000.

TA–W–40,338; K2 Corp., Vashon, WA: November 2, 2000.

TA–W–40,348; Willamette Industries, Inc., Winston, OR: November 2, 2000.

TA–W–40,350; SIG Combibloc, Inc., Columbus, OH: November 6, 2000.

TA–W–40,378; Chrissann Dress Co., Inc., Franklin Square, NY: October 18, 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 February, 2002.

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 increases 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–05312B; Rockwell Automation, Components and Packaged Application Group, Department 240, Milwaukee, WI

NAFTA–TAA–05077; Carter Industries, Inc., Brooklyn, NY

NAFTA–TAA–05272; AVX Corp., Myrtle Beach, SC

NAFTA–TAA–05588; TRW Automotive, Chassis Systems, Milford, 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–05729; M S Chambers and Son, Baltic, CT

NAFTA–TAA–05747; Parker Hannifin Corp., Precision Rebuilding Div., Reading, PA

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–05804; R.G. Barry Corp., Laredo, TX: January 28, 2001.

NAFTA–TAA–05312 & A,C,D; Rockwell Automation, Components and Packaged Application Group, Department 214, Milwaukee, WI, Department 238, Milwaukee, WI, Department 250/270, Milwaukee,

WI, Department 260, Milwaukee, WI: September 10, 2000.

NAFTA–TAA–05640 & A,B,C,D,E,F, and G; VF Jeanswear Limited Partnership, Oneonta Facility, Oneonta, AL, Hanceville Facility, Hanceville, AL, Red Bay Facility, Red Bay, AL, Hackleburg Facility, Hackleburg, AL, Florence Facility, Florence, AL, Russellville Facility, Russellville, AL, Padget Facility, Irvington, AL and Holly Pond Facility, Holly Pont, AL: November 27, 2000.

NAFTA–TAA–05716; VF Jeanswear Limited Partnership, Prague Facility, Prague, OK and Seminole Div., Seminole, OK: January 8, 2001.

NAFTA–TAA–05676; Nortel Networks, Qtera/Operations, Boca Raton, FL: December 6, 2000.

NAFTA–TAA–05645; Eurotherm Action, Inc., San Diego, CA: October 10, 2000.

NAFTA–TAA–05631 & A,B; VF Jeanswear Limited Partnership, Shenandoah Facility, Shenandoah, VA, Madison Facility, Madison, VA and Luray Facility, Luray, VA: November 15, 2000.

NAFTA–TAA–05498; Willamette Industries, Inc., Winston, OR: November 2, 2000.

NAFTA–TAA–05484; Maysville Garment, Inc., Maysville, NC: October 12, 2000.

NAFTA–TAA–05225; Illbruck Automotive, Inc., Howell, MI: August 23, 2000.

NAFTA–TAA–04969; Symbol Technologies, Holtsville, NY and Bohemia, NY: May 16, 2000.

NAFTA–TAA–05669; Midcom, Inc., Huron, SD and Watertown, SD: December 3, 2000.

I hereby certify that the aforementioned determinations were issued during the month of February, 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: February 22, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–4725 Filed 2–27–02; 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 January and February, 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 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–769; JBI LP, Osseo, WI

TA–W–39,659; Tower Automotive, Sebewaing, MI

TA–W–39,993; J & J Tool, Guys Mills, PA WI

TA–W–39,808 & A; Briggs and Stratton Corp., West Allis, WI and Menomonee Falls, WI

TA–W–39,548; Plystar, Inc., Columbus, GA

TA–W–40,670; Knitcraft, Inc., Belmont, NC

TA–W–40,518; Marconi, OSP&P, Milwaukee, WI

TA–W–39,664; Maine Poly, Inc., Greene, ME

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–39,771; Philips E.T.G., South Plainfield, NJ

TA–W–39,771; Stevens Lighting, d/b/a/ Nolarec Industries, Aberdeen, NC

TA–W–40,665; P & H Mining Equipment, A Harnischfeger Industries, Co, A Div. of Joy Global, Inc., Milwaukee, WI

TA–W–40,655; Fujitsu Microelectronics, Inc., Gresham Manufacturing Div., Gresham, OR

TA–W–40,644; Kraft Foods, Cereals/ Deserts Div., Minneapolis, MN

TA–W–39,220; MK Acquisitions, Inc., d/ b/a American Commercial Vehicles, Orrville, OH

TA–W–39,150; PSC Scanning, Eugene, OR

TA–W–40,036; Polyone Corp., Long Branch, CA

TA–W–40,700; C-Mac Quartz, Crystals, Inc., Div. of C-Mac America, Mechanicsburg, PA

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–39,816; CNB International, Buffalo, NY

TA–W–40,552; Electronic Data Systems, Copley, OH

TA–W–39,629; Mastertrans Transportation, Inc., Starkville, MS

TA–W–40,641; Mobil Oil Corp., Business Resource Center, Dallas, TX

The investigation revealed that criteria (1) has not been met. A significant number or proportion of the workers did not become totally or partially separated from employment as required for certification.

TA–W–40,207; Alabama River Pulp, Perdue Hill, AL

TA–W–40,598; Parker Hannifin Corp., Tube Fittings Div., Eaton, OH

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–40,662; Rivers West Apparel, Manti, UT: January 22, 2001.

TA–W–40,656 & A; Vanity Fair Intimates, LP, Monroeville Distribution, Monroeville Cutting, Monroeville Administration, Monroeville, AL and Atmore Sewing, Atmore, AL: December 10, 2000.

TA–W–40,354; International Paper Co., Erie, PA: November 2, 2000.

TA–W–40,519; Agilent Technologies, Inc., Electronic Products and

Solutions Group-Spokane, Liberty Lake, WA: December 3, 2000.

TA–W–40,514; Senco Products, Inc., 8485 Broadwell Road, 8450 Broadwell Road, Cincinnati, OH: October 24, 2000.

TA–W–40,205 & A, B, C, D, E, F, G, H, I; Burlington Industries, Inc., Corporate Office, Greensboro, NC, Clarksville Finishing, Clarksville, VA, Halifax Plant, Halifax, VA, Hurt Plant, Hurt, VA, BM Combing Plant, Clarksville, VA Raeford Plant, Raeford, NC, Richmond Plant, Cordova, NC, Stonewall Plant, Stonewall, MS, Mt. Holly Plant, Mount Holly, NC and Burlington Performance Wear, Corp. Office, New York, NY: September 23, 2000.

TA–W–39,774; Warner Electric Brake and Clutch Co., A Subsidiary of Colfax Corp., Roscoe, IL: July 26, 2000.

TA–W–40,310; Mulox, Inc., Baxley, GA: October 19, 2000.

TA–W–40,017; Unifirst Corp., Cave City Manufacturing Plant, Cave City, AR: August 28, 2000.

TA–W–39,917; Curtron Curtains, Inc., Travelers Rest, SC: August 10, 2000.

TA–W–39,888; Alcatel USA, Raleigh, NC: August 2, 2000.

TA–W–40,401; ASARCO, Inc., Tennessee Mines Div., Coy Mines, Jefferson City, TN, Immel Mine, Mascot, TN, Young Mine, Strawberry Plains, TN: November 20, 2000.

TA–W–39,523; Minnesota Twist Drill, Chisholm, MN: June 19, 2000.

TA–W–38,964; SLI Product Lighting, Mullins, SC: March 20, 2000.

TA–W–39,945 & A; Galey and Lord Industries, Inc., Asheboro, NC and Caroleen, NC: August 17, 2000.

TA–W–39,995; Sintermet, LLC, Kittanning, PA: August 22, 2000.

TA–W–40,158; Temple Inland Forest Products Corp., Temple Clarion Div., Shippenville, PA: September 10, 2000.

TA–W–40,448; Metalloy Corp., Machining Operations, Hudson, MI: November 15, 2000.

TA–W–40,601; ArvinMeritor, Inc., Exhaust Div., Fayette, AL: December 21, 2000.

TA–W–40,652 & A; VF Jeanswear Limited Partnership, Springfield Facility, Springfield, MO and Lebanon Equipment Center, Lebanon, MO: December 13, 2000.

TA–W–40,424; Georgia-Pacific, Superior Hardboard Mill, Industrial Wood Products Div., Superior, WI: December 3, 2000.

TA–W–40,661; Osley and Whitney, Inc., An Infinite Group, Inc., Co., Westfield, MA: December 3, 2000.

TA–W–40,737 & A; VF Jeanswear Limited Partnership, Pine Springs Facility, Rojas Facility, Plaza Facility and Riverside Facility, El Paso, TX and Fabens Facility, Fabens, TX: January 16, 2001.

TA–W–39,634; Lea Industries, Div. of Ladd Furniture, Inc., Marion, VA: June 2, 2000.

TA–W–39,930; VC Sportswear, New York, NY: August 30, 2000.

TA–W–39,281 & A, B, C, D & E; Honeywell, Inc., Advanced Circuits Div., Minnetonka, MN, Advanced Circuits Div., Hopkins, MN, Roseville, MN, St. Louis Park, MN, Buffalo, MN and Chippewa Falls, WI: May 7, 2000.

TA–W–40,190; E–M Solutions, Gretna, VA: September 24, 2000.

TA–W–40,470; RBN Manufacturing, Inc., Dothan, AL: November 21, 2000.

TA–W–40,536 & A, B, C & D; Rohm and Haas Co., Moss Point Plant, Moss Point, MS, Cincinnati Service Center, Cincinnati, OH, Woodstock, IL, Virtual Office Locations Operating in the State of Illinois and Virtual Office Locations Operating in the State of North Carolina: December 19, 2000.

TA–W–A40,606; Hibbing Taconite Co., Hibbing, MN: November 16, 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 January, 2002.

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 increases 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–05192; Warner Electric Brake and Clutch Co., A Subsidiary of Colfax Corp., Roscoe, IL

NAFTA–TAA–05639 & A & B; Acme Steel Co., Riverdale, IL and Acme Coke Plant, Chicago, IL and Acme Furnace Plant, Chicago, IL

NAFTA–TAA–05112; Minnesota Twist Drill, Chisholm, MN

NAFTA–TAA–05629 & A & B; ASARCO, Inc., Coy Mines, Jefferson City, TN, Immel Mine, Mascot Mine, Strawberry Plains, TN

NAFTA–TAA–04827; MK Acquisitions, Inc., d/b/a American Commercial Vehicles, Orville, OH

NAFTA–TAA–05689; Knitcraft, Inc., Belmont, NC

NAFTA–TAA–05234; WRS Motion Picture and Video Lab, Pittsburgh, PA

NAFTA–TAA–05011; Plystar, Inc., Columbus, GA

NAFTA–TAA–05038; Muruta Electronics, North American, Inc., State College operations, State College, PA

NAFTA–TAA–05058; Tower Automotive, Sebewaing, MI

NAFTA–TAA–05170; Briggs and Stration Corp., West Allis, WI and Menomonee Falls, WI

NAFTA–TAA–05402; E–M Solutions, Gretna, VA

NAFTA–TAA–05402; Dorel Juvenile Group, Inc., Formerly Cosco, Inc., Ft. Smith, AR

NAFTA–TAA–05547; Marconi, OSP&P, Milwaukee, WI

NAFTA–TAA–05598; Kraft Foods, Cereals/Desserts, Minneapolis, MN

NAFTA–TAA–05656; Eaton Corp., Powertrain and Specialty Controls Operation, Sanford, NC

NAFTA–TAA–05687; Valhoma Corp., Nexus Management Solutions, Tulsa, OK

NAFTA–TAA–05725; Inoac Packaging Group, Inc., Leitchfield, KY

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–04861; Sonnel International LLC, Houston, TX

NAFTA–TAA–05647; Active Transportation Co., Portland Terminal, Portland, OR

NAFTA–TAA–05748; J and E International Sales, El Paso, TX

NAFTA–TAA–05221; Alcoa Fujikura Ltd,, Automotive Div., Purchasing Dept., San Antonio, TX

The investigation revealed that criteria (1) has not been met. A significant number or proportion of the workers in the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision therof) did not become totally or partially separated from employment.

NAFTA–TAA–05668; Parker Hannifin Corp., Tube Fittings Div., Eaton, OH

AFFIRMATIVE DETERMINATIONS NAFTA–TAA

NAFTA–TAA–05197; Alcatel USA, Raleigh, NC: August 2, 2000.

NAFTA–TAA–05459; Mulox, Inc., Baxley, GA: October 19, 2000.

NAFTA–TAA–05278; Unifirst Corp., Cave City Manufacturing Pliant, Cave City, AR: August 28, 2000.

NAFTA–TAA–05731; Hammond Power Solutions, Inc., Baraboo, WI: January 11, 2001.

*NAFTA–TAA–05319; Motorola, Inc., Personal Communications Sector, Wireless Messaging Div., Boynton Beach, FL: September 13, 2000.*s

NAFTA–TAA–05376; Temple Inland Forest Products Corp., Temple Clarion Div., Shippenville, PA: September 10, 2000.

NAFTA–TAA–05153; Philips E.T.G., South Plainfield, NJ: July 13, 2000.

NAFTA–TAA–05681 & A; VF Jeanswear Limited Partnership, Springfield Facility, Springfield, MO and Lebanon Equipment Center, Lebanon, MO: December 13, 2000.

NAFTA–TAA–05496 & A, B; Sony Electronics, Inc., Sony Technology Center, Aperture Grille Div. Including Leased Workers at Tops Temporary and Adecco, Mount Pleasant, PA, Projection Television Picture Tube Div., Mount Pleasant, PA, Projection Television Picture Tube Div., Mount Pleasant, PA and Pittsburgh Television Group Div., Including Leased Workers at Tops Temporary, Adecco and Burn Staffing Services, Mount Pleasant, PA: October 10, 2000.

NAFTA–TAA–05511; Control Concepts Corp., d/b/a Edco, Inc., Ocala, FL: October 2, 2000.

NAFTA–TAA–05552; Saint-Gobain Abrasives, Inc., Segro Colonial Abrasives, Aberdeen, NC: November 12, 2000.

NAFTA–TAA–05600; D.K. Mold & Engineering, Inc., Wyoming, MI: October 23, 2000.

NAFTA–TAA–04996 & A,B,C,D & E; Honeywell, Inc., Advanced Circuits Div., St. Louis Park, MN, Roseville, MN, Hopkins, MN, Minnetonka, MN, Buffalo, NY, Chippewa Falls, WI: April 27, 2000.

NAFTA–TAA–05565; R.G. Barry Texas LP, San Angelo Molding Facility, San Angelo, TX: November 20, 2000.

NAFTA–TAA—05566; Lucent Technologies (Now Known as Celestical, Columbus Workers, Columbus, OH: October 15, 2000.

NAFTA–TAA—05698; Leech tool and Die Works, Inc., Meadville, PA: December 19, 2000.

NAFTA–TAA—05734; Emerson, Appliance Motors, Oxford, MS: January 8, 2001.

NAFTA–TAA—05775; Printing Arts America, George Lithograph Div., Brisbane, CA: January 9, 2001.

I hereby certify that the aforementioned determinations were issued during the month of January and February, 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: February 19, 2002.

Edward A. Tomchick,

Director Division of Trade Adjustment Assistance.

[FR Doc. 02–4737 Filed 2–27–02; 8:45 am]

BILLING CODE 4510—30—M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,474, TA–W–40,474A, and TA–W–40,474B]

Acme Steel Company, Riverdale, IL; Acme Steel Company, Acme Coke Plant, Chicago, IL; Acme Steel Company, Acme Furnace Plant, Chicago, IL; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on December 21, 2001 in response to a worker petition which was filed on behalf of workers at Acme Steel Company, Riverdale, Illinois (TA–W–40,474); Acme Steel Company, Acme Coke Plant (TA–W–40,474B), Chicago, Illinois; and Acme Steel Company, Furnace Plant, Chicago, Illinois (TA–W–40,474B).

An active certification covering the petitioning group of workers is in effect (TA–W–40,431, TA–W–40,431A, TA–W–40,431B). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 11th day of February, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–4729 Filed 2–27–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,201]

Asia Perez, New York, NY; 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 worker petition, which was filed by the company on behalf of workers as Asia Perez, New York, New York.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, the 7th day of February 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–4730 Filed 2–27–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,549]

D8 Inc., Potlatch, ID; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 14, 2002, in response to a petition filed by a company official on behalf of workers at D8 Inc., Potlatch, Idaho.

The company official submitting the petition has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 19th day of February, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–4731 Filed 2–27–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,839]

Honeywell, Inc. Advanced Circuits Division, Roseville, MN; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on August 20, 2001 in response to a worker petition which was filed on behalf of workers at Honeywell International, Advanced Circuits Division, Roseville, Minnesota.

The petitioning group of workers is subject to an ongoing investigation for which a determination has not yet been issued (TA–W–39,281C). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 13th day of February, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–4727 Filed 2–27–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,614]

Port Townsend Paper Corporation, Portland, OR; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 22, 2002, in response to a worker petition which was filed by workers at Port Townsend Paper Corporation in Portland, Oregon.

The petitioning workers have formally withdrawn the petition and consequentially, further investigation in this case would serve no purposes, and the investigation has been terminated.

Signed in Washington, DC this 15th day of February, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–4726 Filed 2–27–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,607 and TA–W–40,607A]

Xerox Corporation, Soho Division, Small Office/Home Office Division, Xerox Inkjet Focus Factory, Canandaigua, NY and Farmington, NY; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 22, 2002 in response to a worker petition which was filed by UNITE on behalf of workers at Xerox Corporation, Soho Division, Small Office/Home Office Division, Xerox Inkjet Focus Factory, located in Canandaigua and Farmington, New York.

The petitioning group of workers is subject to an ongoing investigation for which a determination has not yet been issued (TA–W–40,405). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 14th day of February 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–4728 Filed 2–27–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–04812]

Cemex Kosmos Cement Co., Pittsburgh Plant, Pittsburgh, PA; Notice of Negative Determination On Reconsideration

On December 3, 2001, the Department issued a Notice of Affirmative Determination Regarding Application for Reconsideration for NAFTA–TAA applicable to workers and former workers of the subject firm. The notice will soon be published in the **Federal Register**.

The denial of NAFTA–TAA for workers engaged in activities related to the production of cement at Cemex Kosmos Cement Company, Pittsburgh Plant, Pittsburgh, Pennsylvania was based on the finding that criteria (3) and (4) of the group eligibility requirements of paragraph (a)(1) of section 250 of the Trade Act, as amended, 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.

The petitioner claims that jobs at the subject plant were lost after Cemex acquired Southdown Kosmos Cement Company. That is, the petitioner indicated that the acquisition of the subject plant and another Southdown Kosmos facility suddenly changed the subject plant's market area which resulted in the shutdown of the subject plant, due to the Southdown Louisville plant's market area moving North, resulting in the closure of the subject plant and the conversion of that facility to a cement terminal. The petitioner is of the opinion that this led to cheaper Mexican cement and clinker imports to be absorbed in the Southern and Western Market.

Review of the investigation and further contact with the company revealed that Southdown's (Louisville, Kentucky) market area was not reduced by additional movement North into the subject plant's market area.

According to the company, the preponderance in the declines in employment at the Pittsburgh Plant are related to the subject plant being the highest cost with the lowest capacity within Southdown's operations. The Louisville plant completed a large expansion, in which production was increased and the manufacturing cost was lowered. Therefore, with the unexpected slowdown in the economy

and market excess capacity developed within Southdown, the decision was made to discontinue manufacturing operations in Pittsburgh and maximize production at the Louisville Plant and deliver cement into the Pittsburgh market (via the Pittsburgh plant functioning as a terminal).

The company did not import products from Mexico or Canada that are like and directly competitive with what the subject plant produced.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decisions. Accordingly, the application is denied.

Signed at Washington, DC, this 5th day of February, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–4736 Filed 2–27–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–05786]

Flextronics Enclosures Systems, Inc., Kingston, PA; Notice of Termination of Investigation

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 of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on January 28, 2002, in response to a petition filed by a company official on behalf of workers at Flextronics Enclosures Systems, Inc., Kingston, Pennsylvania.

The Petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 19th day of February, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–4732 Filed 2–27–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–05745]

Gold Toe Brands, Inc., Great American Knitting Mills, Bally, PA; Notice of Termination of Investigation

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 of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on January 18, 2002, in response to a petition filed by a company official on behalf of workers at Gold Toe Brands, Inc., Great American Knitting Mills, Inc., Bally, Pennsylvania.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 20th day of February, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–4733 Filed 2–27–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–005312E]

Rockwell Automation, Department 225, Milwaukee, WI; Notice of Termination of Investigation

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 of 1974, as amended (19 U.S.C. 2331), an investigation was initiated on September 10, 2001, in response to a petition filed by United Electrical, Radio and Machine Workers (UE), Local 1111, on behalf of workers at Rockwell Automation, Department 255, Milwaukee, Wisconsin. Workers produced NEMA disconnects.

An active certification covering the petitioning group of workers remains in effect (NAFTA–004283). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 20th day of February, 2002.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 02–4734 Filed 2–27–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–4778]

Shasta View Produce, Inc., Malin, OR; Notice of Negative Determination Regarding Application for Reconsideration

By application dated August 24, 2001, the company requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for North American Free Trade Agreement-Transitional Adjustment Assistance (NAFTA–TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on July 16, 2001, and was published in the **Federal Register** on August 6, 2001 (66 FR 41053).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The denial of NAFTA–TAA for workers engaged in activities related to the production of potatoes and potato products at Shasta View Produce, Inc., Malin, Oregon was based on the finding that criteria (3) and (4) of the group eligibility requirements of paragraph (a)(1) of section 250 of the Trade Act, as amended, were not met. There were no company imports of potatoes and potato products from Mexico or Canada, nor did Shasta View Produce, Inc. shift production from Malin, Oregon to Mexico or Canada. Major customers did not import potatoes or potato products from Mexico or Canada during the relevant period.

The petitioner alleges that Canadian imports of potatoes increased significantly. Although the Department

examines industry statistics, the Department normally analyzes the impact of imports on the subject firm workers through a survey of declining customers to examine if the firm's domestic customers switched purchases from the subject firm in favor of foreign produced products during the relevant period. The survey conducted by the Department of Labor revealed that the respondents did not import products like and directly competitive with what the subject plant produced. Further, a review of potato imports (like and directly competitive with subject plant products) from Canada shows that imports declined during the relevant period (1999, 2000 and a portion of 2001).

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 4th day of February, 2002.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 02–4735 Filed 2–27–02; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment Standards Administration

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 Standards Administration is soliciting comments concerning the Report of Changes That May Affect Your Black Lung Benefits (CM–929).

DATES: Written comments must be submitted to the office listed in the addressee section below by April 29, 2002.

ADDRESSES: Ms. Patricia A. Forkel, U.S. Department of Labor, 200 Constitution Ave., NW., Room S–3201, Washington, DC 20210, telephone (202) 693–0339 (this is not a toll-free number), fax (202) 693–1451, e-mail *pforkel@fenix2.dol-esa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Coal Mine Safety and Health Act of 1977, as amended, 30 U.S.C. 936, 30 U.S.C. 941, and 20 CFR 725.633(g) provides for the reporting of certain changes which may affect a coal miner beneficiary's black lung benefits. The CM–929 is designed for this use. The form is provided to the beneficiary to review and to certify that income, marital and dependent status information contained in the files is current, or to provide updated information.

II. Review Focus

The Department of Labor is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, 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 Actions

The Department of Labor seeks approval for the extension of this information collection in order to carry out its responsibility to verify the accuracy of information in the beneficiary's claims file, and to identify changes in the beneficiary's status, to ensure that the amount of compensation being paid the beneficiary is accurate.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Report of Changes That May Affect Your Black Lung Benefits.

OMB Number: 1215–0084.

Agency Number: CM–929.

Affected Public: Individuals or households.

Frequency: Biennially.

Total Respondents/Responses: 25,000.

Time per Response: 5–8 minutes.

Estimated Total Burden Hours: 2,375.

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 will also become a matter of public record.

Dated: February 15, 2002.

Margaret J. Sherrill,

Chief, Branch of Management, Review, and Internal Control, Chief, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.

[FR Doc. 02–4795 Filed 2–27–02; 8:45 am]

BILLING CODE 4510–CK–P

LEGAL SERVICES CORPORATION

Program Letters 02–2, State Planning and the Reconfiguration Process, and 02–3, State Planning Configuration Standards

AGENCY: Legal Services Corporation.

ACTION: Notice of Issuance of Program Letters 02–2, State Planning and the Reconfiguration Process, and 02–3, State Planning Configuration Standards.

SUMMARY: LSC is providing notice of the issuance of two new Program Letters relating to State Planning. These Program Letters have been sent to each LSC grant recipient. The Programs Letters are publicly available on the LSC Web site at: *http://www.lsc.gov/FOIA/foia_pl.htm.*

FOR FURTHER INFORMATION CONTACT: Randi Youells, Vice President for Programs, Legal Services Corporation, 750 First Street, NE., Washington, DC 20002–4250; 202/336–7269 (phone); *youellsr@lsc.gov.*

SUPPLEMENTARY INFORMATION: LSC is issuing this notice to advise the public of the issuance of two Program Letters relating to State Planning. Specifically, LSC has issued Program Letter 02–2, State Planning and the Reconfiguration Process and Program Letter 02–3, State Planning Configuration Standards.

Program Letter 02–2, State Planning and the Reconfiguration Process

On November 17, 2001, the LSC Board of Directors adopted the Report of the LSC Task Force to Study and Report on Configuration of Service Areas. The Board action codifies LSC's standards for reconfiguration of service areas and amends LSC's review process for configuration decisions, previously contained in Program Letter 01–4. Program Letter 02–2 implements the review process outlined in the Report adopted by the Board. The new reconfiguration review process is based on the premise that while the LSC President, as LSC's Chief Executive Officer, should be knowledgeable about state planning, he/she should be sufficiently removed from the particulars of decision making in a given state so that he/she retains the ability to render a final decision on service area configuration that is impartial and based upon his or her independent review of the relevant materials. It also more clearly provides that the LSC Vice-President and President shall provide written notice of the reasons for their decisions. Finally, it would give some limited participation in the review process to stakeholders who may not be part of the designated state planning body (DSPB).

Program Letter 02–3, State Planning Configuration Standards

On November 17, 2001, the LSC Board of Directors adopted the Report of the LSC Task Force to Study and Report on Configuration of Service Areas. The Board action codifies LSC's standards for reconfiguration of service areas and amends LSC's review process for configuration decisions. Program Letter 02–3 formally adopts the configuration standards adopted by the LSC Board. Under these guidelines, LSC will exercise its statutory responsibility to insure that grants and contracts are made so as to provide the most economical and effective delivery of legal assistance to persons in both urban and rural areas.

These Program Letters have been sent to each LSC grant recipient. The Programs Letters are publicly available on the LSC Web site at: *http://www.lsc.gov/FOIA/foia_pl.htm,* or may be requested by contacting Ms. Youells as noted above.

Victor M. Fortuno,

General Counsel and Vice President for Legal Affairs.

[FR Doc. 02–4693 Filed 2–27–02; 8:45 am]

BILLING CODE 7050–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (02–029)]

First Flight Centennial Federal Advisory Board

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act,Public Law 92–463, as amended, the National Aeronautics and SpaceAdministration announces the second meeting of the First FlightCentennial Federal Advisory Board. The Advisory Board will offer counsel to the U.S. Centennial of Flight Commission as the Commission develops support for activities involving the public in the celebration of the 100th anniversary of powered flight,December 17, 2003.

DATES: Thursday, March 21, 2002, 10 a.m. to 3 p.m.

ADDRESSES: National Aeronautics and Space Administration, 300 E Street, SW., Room 9H40 (PRC), Washington, DC 20546. Attendees must check in at the Security Desk to be cleared to the 9th floor conference room.

FOR FURTHER INFORMATION CONTACT: Ms. Beverly Farmarco, Code I,National Aeronautics and Space Administration, Washington, DC 20546, 202/358–1903.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Welcome

—Brief Remarks

—Wright Research, Aircraft Reproduction and Educational Development

—Status of Carter Ryley Thomas Activities

—PRIMEDIA Centennial Moments

—Task Groups

—Closing Remarks

—Adjourn

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Sylvia K. Kraemer,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 02–4843 Filed 2–27–02; 8:45 am]

BILLING CODE 7510–01–P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement submitted:

1. *The title of the information collection:* Grant and Cooperative Agreement Provisions.

2. *Current OMB approval number:* OMB No. 3150–0107.

3. *How often the collection is required:* On occasion, one time.

4. *Who is required or asked to report:* Contractors, Grantees, and Cooperators.

5. *The number of annual respondents:* 60.

6. *The number of hours needed annually to complete the requirement or request:* 1,055 hours.

7. *Abstract:* The Division of Contracts and Property Management uses provisions, required to obtain or retain a benefit in its awards and cooperative agreements to ensure: adherence to Public Laws, that the Government's rights are protected, that work proceeds on schedule, and that disputes between the Government and the recipient are settled.

Submit, by April 29, 2002, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F23, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide web site (*http://www.nrc.gov/NRC/PUBLIC/*

OMB/index.html). The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T–6 E6, Washington, DC, 20555–0001, by telephone at 301–415–7233, or by Internet electronic mail at *INFOCOLLECTS@NRC.GOV*.

Dated at Rockville, Maryland, this 22nd day of February 2002.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 02–4750 Filed 2–27–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* Data Report on Spouse.

2. *Current OMB approval number:* 3180–0026.

3. *How often the collection is required:* On occasion.

4. *Who is required or asked to report:* NRC employees, contractors, licensees and applicants who marry after completing NRC's Personnel Security Forms, or marry after having been granted an NRC access authorization or employment clearance.

5. *The number of annual respondents:* 60.

6. *The number of hours needed annually to complete the requirement or request:* 12 (.20 hours or 12 minutes per response).

7. *Abstract:* Completion of the NRC Form 354 is a mandatory requirement for NRC employees, contractors, licensees, and applicants who marry after submission of the Personnel Security Forms, or after receiving an access authorization or employment clearance to permit the NRC to assure there is no increased risk to the common defense and security.

Submit, by April 29, 2002, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F23, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide web site: *http://www.nrc.gov/NRC/PUBLIC/OMB/index.html*. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T–6 E6, Washington, DC 20555–0001, by telephone at 301–415–7233, or by Internet electronic mail at *INFOCOLLECTS@NRC.GOV*.

Dated at Rockville, Maryland, this 22nd day of February 2002.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 02–4751 Filed 2–27–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–335 and 50–389]

Florida Power and Light Company, Saint Lucie Plant, Units 1 and 2; Notice of Intent To Prepare an Environmental Impact Statement and Conduct Scoping Process

Florida Power and Light Company (FPL) has submitted an application for renewal of Operating Licenses Nos. DRP–67 and NPF–16 for an additional 20 years of operation at the St. Lucie nuclear power plant (St. Lucie), Units 1 and 2. St. Lucie is located on Huchinson Island in St. Lucie County, Florida. The application for renewal was submitted by letter dated November 29, 2001, pursuant to 10 CFR part 54. A notice of receipt of application, including the environmental report (ER), was published in the **Federal Register** on December 27, 2001 (66 FR 66946). A notice of acceptance for docketing of the application for renewal of the facility operating license was published in the **Federal Register** on January 29, 2002 (67 FR 4288). The purpose of this notice is to inform the public that the U.S. Nuclear Regulatory Commission (NRC) will be preparing an environmental impact statement in support of the review of the license renewal application and to provide the public an opportunity to participate in the environmental scoping process as defined in 10 CFR 51.29.

In accordance with 10 CFR 54.23 and 10 CFR 51.53(c), FPL submitted the ER as part of the application. The ER was prepared pursuant to 10 CFR Part 51 and is available for public inspection at the NRC Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or from the Publicly Available Records component of NRC's document system (ADAMS). ADAMS is accessible at *http://www.nrc.gov/NRC/ADAMS/index.html*, (the NRC Public Electronic Reading Room (PERR)). If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room Reference staff at 1–800–397–4209, or 301–415–4737, or by e-mail to *pdr@nrc.gov*. In addition, the Indian River Community College library located at 3209 Virginia Avenue, Fort Pierce, Florida has been provided a reference copy of the ER and has agreed to make it available for public inspection.

This notice advises the public that the NRC intends to gather the information necessary to prepare a plant-specific supplement to the Commission's ''Generic Environmental Impact Statement (GEIS) for License Renewal of Nuclear Plants,'' (NUREG–1437) in support of the review of the application for renewal of the St. Lucie operating licenses for an additional 20 years. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources. 10 CFR 51.95 requires that the NRC prepare a supplement to the GEIS in connection with the renewal of an operating license. This notice is being published in accordance with the National Environmental Policy Act

(NEPA) and the NRC's regulations found in 10 CFR part 51.

The NRC will first conduct a scoping process for the supplement to the GEIS and, as soon as practicable thereafter, will prepare a draft supplement to the GEIS for public comment. Participation in this scoping process by members of the public and local, State, and Federal government agencies is encouraged. The scoping process for the supplement to the GEIS will be used to accomplish the following:

a. Define the proposed action which is to be the subject of the supplement to the GEIS.

b. Determine the scope of the supplement to the GEIS and identify the significant issues to be analyzed in depth.

c. Identify and eliminate from detailed study those issues that are peripheral or that are not significant.

d. Identify any environmental assessments and other environmental impact statements (EISs) that are being or will be prepared that are related to but are not part of the scope of the supplement to the GEIS being considered.

e. Identify other environmental review and consultation requirements related to the proposed action.

f. Indicate the relationship between the timing of the preparation of environmental analyses and the Commission's tentative planning and decision-making schedules.

g. Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the supplement to the GEIS, to the NRC, and any cooperating agencies.

h. Describe how the supplement to the GEIS will be prepared, including any contractor assistance to be used.

The NRC invites the following entities to participate in the scoping process:

a. The applicant, Florida Power and Light Company.

b. Any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved, or that is authorized to develop and enforce relevant environmental standards.

c. Affected State and local government agencies, including those authorized to develop and enforce relevant environmental standards.

d. Any affected Indian tribe.

e. Any person who requests or has requested an opportunity to participate in the scoping process.

f. Any person who intends to petition for leave to intervene.

In accordance with 10 CFR 51.26, the scoping process for an EIS may include a public scoping meeting to help identify significant issues related to a proposed activity and to determine the scope of issues to be addressed in an EIS. The NRC has decided to hold public meetings for the St. Lucie license renewal supplement to the GEIS. The scoping meetings will be held at the Council Chambers, Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida, on Wednesday, April 3, 2002. There will be two sessions to accommodate interested parties. The first session will convene at 1:30 p.m. and will continue until 4:30 p.m. The second session will convene at 7 p.m. with a repeat of the overview portions of the meeting and will continue until 10 p.m. Both sessions will be transcribed and will include (1) an overview by the NRC staff of the National Environmental Policy Act (NEPA) environmental review process, the proposed scope of the supplement to the GEIS, and the proposed review schedule; (2) an overview by FPL of the proposed action, St. Lucie license renewal, and the environmental impacts as outlined in the ER; and (3) the opportunity for interested Government agencies, organizations, and individuals to submit comments or suggestions on the environmental issues or the proposed scope of the supplement to the GEIS. Additionally, the NRC staff will host informal discussions one hour prior to the start of each session in the Port St. Lucie Council Chambers. No comments on the proposed scope of the supplement to the GEIS will be accepted during the informal discussions. To be considered, comments must be provided either at the transcribed public meetings or in writing, as discussed below. Persons may register to attend or present oral comments at the meetings on the NEPA scoping process by contacting Dr. Michael T. Masnik, by telephone at (800) 368–5642, extension 1191, or by Internet to the NRC at *mtm2@nrc.gov* no later than March 27, 2002. Members of the public may also register to speak at the meeting within 15 minutes of the start of each session. Individual oral comments may be limited by the time available, depending on the number of persons who register. Members of the public who have not registered may also have an opportunity to speak, if time permits. Public comments will be considered in the scoping process for the supplement to the GEIS. If special equipment or accommodations are needed to attend or present information at the public meeting, the need should be brought to Dr. Masnik's attention no later than March 27, 2002, so that the NRC staff can determine whether the request can be accommodated.

Members of the public may send written comments on the environmental scoping process for the supplement to the GEIS to Chief, Rules and Directives Branch,Division of Administrative Services,Office of Administration,Mailstop T–6 D 59,U.S. Nuclear Regulatory Commission,Washington, DC 20555–0001.

Comments may be hand-delivered to the NRC at 11545 Rockville Pike, Rockville, Maryland, between 7:45 a.m. and 4:15 p.m. on Federal workdays. To be considered in the scoping process, written comments should be postmarked by April 30, 3002. Electronic comments may be sent by the Internet to the NRC at St._Lucie *EIS@nrc.gov*. Electronic submissions should be sent no later than April 30, 2002, to be considered in the scoping process. Comments will be available electronically and accessible through the NRC's Public Electronic Reading Room link *http://www.nrc.gov/NRC/ADAMS/index.html* at the NRC Homepage.

Participation in the scoping process for the supplement to the GEIS does not entitle participants to become parties to the proceeding to which the supplement to the GEIS relates. Notice of opportunity for a hearing regarding the renewal application was the subject of the aforementioned **Federal Register** notice of acceptance for docketing. Matters related to participation in any hearing are outside the scope of matters to be discussed at this public meeting.

At the conclusion of the scoping process, the NRC will prepare a concise summary of the determinations and conclusions reached, including the significant issues identified, and will send a copy of the summary to each participant in the scoping process. The summary will also be available for inspection through the PERR link. The staff will then prepare and issue for comment the draft supplement to the GEIS, which will be the subject of separate notices and a separate public meeting. Copies will be available for public inspection at the above-mentioned addresses, and one copy per request will be provided free of charge. After receipt and consideration of the comments, the NRC will prepare a final supplement to the GEIS, which will also be available for public inspection.

Information about the proposed action, the supplement to the GEIS, and the scoping process may be obtained from Dr. Masnik at the aforementioned telephone number or e-mail address.

Dated at Rockville, Maryland, this 22nd day of February 2002.

For the Nuclear Regulatory Commission.

Pao-Tsin Kuo,

Acting Program Director, License Renewal and Environmental Impacts, Division of Regulatory Improvement Programs,Office of Nuclear Reactor Regulation.

[FR Doc. 02–4749 Filed 2–27–02; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Approval of Existing Information Collections:

Rule 27d–1 and Form N–27D–1, SEC File No. 270–499, OMB Control No. 3235–new,

Rule 27d–2, SEC File No. 270–500, OMB Control No. 3235–new.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 350l et seq., the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collections of information under the Investment Company Act of 1940 (''Act'') summarized below. The Commission plans to submit these collections of information to the Office of Management and Budget for approval.

Rule 27d–1 [17 CFR 270.27d–1] is entitled ''Reserve Requirements for Principal Underwriters and Depositors to Carry Out the Obligations to Refund Charges Required by Section 27(d) and Section 27(f) of the Act.'' Form N–27D–1 is entitled ''Accounting of Segregated Trust Account.'' Rule 27d–2 [17 CFR 270.27d–2] is entitled ''Insurance Company Undertaking in Lieu of Segregated Trust Account.'' Rule 27d–1 requires the depositor or principal underwriter for an issuer to deposit funds into a segregated trust account to provide assurance of its ability to fulfill its refund obligations under sections 27(d) and 27(f). The rule sets forth minimum reserve amounts and guidelines for the management and disbursement of the assets in the account. A single account may be used for the periodic payment plans of multiple investment companies. Rule 27d–1(j) directs depositors and principal underwriters to make an accounting of their segregated trust accounts on Form N–27D–1, which is intended to facilitate the Commission's oversight of compliance with the reserve requirements set forth in rule 27d–1. The form requires depositors and principal underwriters to report deposits to a segregated trust account, including those made pursuant to paragraphs (c) and (e) of the rule. Withdrawals pursuant to paragraph (f) of the rule also must be reported. In addition, the form solicits information regarding the minimum amount required to be maintained under paragraphs (d) and (e) of rule 27d–1. Depositors and principal underwriters must file the form once a year on or before January 31 of the year following the year for which information is presented.

Instead of relying on rule 27d–1 and filing Form N–27D–1, depositors or principal underwriters for the issuers of periodic payment plans may rely on the exemption afforded by rule 27d–2. In order to comply with the rule, (i) the depositor or principal underwriter must secure from an insurance company a written guarantee of the refund requirements, (ii) the insurance company must satisfy certain financial criteria, and (iii) the depositor or principal underwriter must file as an exhibit to its registration statement, a copy of the written undertaking, an annual statement that the insurance company has met the requisite financial criteria on a monthly basis, and an annual audited balance sheet.

Rules 27d–1 and 27d–2, which were explicitly authorized by statute, provide assurance that depositors and principal underwriters of issuers have access to sufficient cash to meet the demands of certificate holders who reconsider their decision to invest in a periodic payment plan. The information collection requirements in rules 27d–1 and 27d–2 enable the Commission to monitor compliance with reserve rules.

Commission staff estimates that there are three issuers of periodic payment plan certificates. The depositor or principal underwriter of each of these issuers must file Form N–27D–1 annually or comply with the requirements in rule 27d–2. One Form N–27D–1 is filed annually. The Commission estimates that a staff accountant spends 4 hours and an accounting manager spends 2 hours preparing Form N–27D–1. Therefore, the total annual hour burden associated with rule 27d–1 and Form N–27d–1 is estimated to be 6 hours. The staff estimates that two depositors or principal underwriters rely on rule 27d–2 and that each of these respondents makes three responses annually. We estimate that each depositor or underwriter expends approximately two hours per year obtaining a written guarantee from an insurance company or negotiating changes to coverage with the insurance company and 4.5 hours per year filing the two required documents from the insurance company on EDGAR. Thus, we estimate that the annual burden is approximately 13 hours.[1]

In addition to the hour burden described above, rule 27d–1 imposes certain costs. First, outside accountants review Form N–27D–1 at an annual cost of $90. Second, a financial printer files the form at an annual cost of $70. Thus, assuming that an average of one Form N–27D–1 is filed each year, the staff estimates that the total annual cost of the information collection burden in rule 27d–1 is $160. The staff believes that rule 27d–2 does not impose any cost burdens other than those arising from the hour burdens discussed above.

The estimates of average burden hours and costs are made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.[2]

Complying with the collection of information requirements of rule 27e–1 is mandatory for issuers of periodic payment plans or their depositors or underwriters in the event holders of plan certificates miss certain payments within eighteen months after issuance. Complying with the collection of information requirements of rule 27f–1 is mandatory for custodian banks of periodic payment plans for which the sales load deducted from any payment exceeds 9 percent of the payment. The information provided pursuant to rules 27e–1 and 27f–1 will be provided to third parties and, therefore, will not be kept confidential. The Commission is seeking OMB approval, because an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d)

[1] 2 funds × (2 hours negotiating coverage + 4.5 hours filing necessary proof of adequate coverage) = *13 hours*

[2] These estimates are based on telephone interviews between the Commission staff and representatives of depositors or principle underwriters of periodic payment plan issuers.

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. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: February 21, 2002.

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 02–4720 Filed 2–27–02; 8:45 am]

BILLING CODE 8010–01–U

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–25443]

Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

February 22, 2002.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of February, 2002. A copy of each application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth St., NW., Washington, DC 20549–0102 (tel. 202–942–8090). An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 19, 2002, and should be accompanied by proof of service on the applicant, 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 Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549–0609. For Further Information Contact: Diane L. Titus, at (202) 942–0564, SEC, Division of Investment Management, Office of Investment Company Regulation, 450 Fifth Street, NW., Washington, DC 20549–0506.

The Kent Funds [File No. 811–4824]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On October 29, 2001, applicant transferred its assets to corresponding series of Fifth Third Funds, based on net asset value. Expenses of $1,413,350 incurred in connection with the reorganization were paid by Fifth Third Bank, investment adviser to the acquiring fund.

Filing Date: The application was filed on February 11, 2002.

Applicant's Address: 3435 Stelzer Rd., Columbus, OH 43219.

Credit Suisse Warburg Pincus Central and Eastern Europe Fund, Inc. [File No. 811–8905]

Credit Suisse Warburg Pincus Technology Index Fund, Inc. [File No. 811–9959]

Summary: Each applicant seeks an order declaring that it has ceased to be an investment company. Prior to July 30, 2001, Credit Suisse Asset Management, LLC (''CSAM''), each applicant's investment adviser and sole shareholder, voluntarily redeemed its shares at net asset value. Expenses of approximately $2,500 incurred in connection with each liquidation were paid by CSAM or its affiliates.

Filing Date: The applications were filed on January 31, 2002.

Applicants' Address: 466 Lexington Ave., New York, NY 10017.

Threshold Advisor Funds, Inc. [File No. 811–10117]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On May 9, 2001, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of approximately $29,220 incurred in connection with the liquidation were paid by Kennedy Capital Management, Inc., applicant's investment adviser.

Filing Date: The application was filed on January 30, 2002.

Applicant's Address: 10829 Olive Blvd., St. Louis, MO 63141.

Searay Financial Funds [File No. 811–9743]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On December 14, 2001, applicant made a final liquidating distribution to its shareholders based on net asset value. Expenses of $360 incurred in connection with the liquidation were paid by applicant.

Filing Date: The application was filed on February 4, 2002.

Applicant's Address: c/o Mutual Funds Service Company, 6000 Memorial Dr., Dublin, OH 43017.

Strong International Income Funds, Inc. [File No. 811–8318]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On October 31, 2001, applicant made a final liquidating distribution to its shareholders based on net asset value. Expenses of $11,020 incurred in connection with the liquidation were paid by applicant.

Filing Dates: The application was filed on October 25, 2001, and amended on January 30, 2002.

Applicant's Address: 100 Heritage Reserve, Menomonee Falls, WI 53051.

SCM Strategic Growth Fund [File No. 811–8745]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On August 31, 2001, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of approximate $29,500 incurred in connection with the liquidation were paid by applicant and Shanklin Capital Mangement, Inc., applicant's investment adviser.

Filing Date: The application was filed on February 4, 2002.

Applicant's Address: 116 South Franklin St., P.O. Box 69, Rocky Mount, NC 27802–0069.

Merrill Lynch Growth Fund [File No. 811–4934]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On December 17, 2001, applicant transferred all of its assets to Merrill Lynch Fundamental Growth Fund, Inc. based on net asset value. Expenses of $1,835,643 incurred in connection with the reorganization will be paid by the acquiring fund.

Filing Date: The application was filed on January 25, 2002.

Applicant's Address: 800 Scudders Mill Rd., Plainsboro, NJ 08543–9011.

Schroder Series Trust II [File No. 811–8567]

*Summary:*Applicant seeks an order declaring that it has ceased to be an investment company. On December 14, 2001, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of approximately $2,500 incurred in connection with the liquidation were paid by applicant.

Filing Date: The application was filed on January 29, 2002.

Applicant's Address: 787 Seventh Ave., 34th Floor, New York, NY 10019.

Jurika & Voyles Fund Group [File No. 811–8646]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On November 28, 2001, applicant transferred its assets to corresponding series of CDC NVEST Funds Trust I and CDC NVEST Funds Trust III based on net asset value. Expenses of $377,400 incurred in connection with the reorganization were paid by Jurika & Voyles, L.P., applicant's investment adviser, and two of its affiliates.

Filing Date: The application was filed on January 16, 2002.

Applicant's Address: 1999 Harrison St., Ste. 700, Oakland, CA 94612.

The Pakistan Investment Fund, Inc. [File No. 811–6636]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On June 27, 2001, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of $76,956 incurred in connection with the liquidation were paid by applicant.

Filing Date: The application was filed on January 28, 2002.

Applicant's Address: c/o Morgan Stanley Investment Management Inc., 1221 Avenue of the Americas, New York, NY 10020.

Texas Municipals Portfolio [File No. 811–7212]

Summary: Applicant, a master fund in master-feeder structure, seeks an order declaring that it has ceased to be an investment company. On December 7, 2001, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of $23,421 incurred in connection with the liquidation were paid by Eaton Vance Texas Municipals Fund, applicant's feeder fund.

Filing Date: The application was filed on February 4, 2002.

Applicant's Address: The Eaton Vance Building, 255 State St., Boston, MA 02109.

Dreyfus Global Growth Fund [File No. 811–4695]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On August 28, 2001, applicant transferred its assets to Dreyfus Premier Worldwide Growth Fund, Inc., based on net asset value. Expenses of $65,000 incurred in connection with the reorganization were paid by applicant and the acquiring fund.

Filing Date: The application was filed on February 4, 2002.

Applicant's Address: c/o The Dreyfus Corporation, 200 Park Ave., New York, NY 10166.

COUNTRY Asset Allocation Fund, Inc. [File No. 811–2839]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On October 31, 2001, applicant transferred its assets to COUNTRY Mutual Funds Trust based on net asset value. Expenses incurred in connection with the reorganization were paid by COUNTRY Trust Bank, applicant's investment adviser.

Filing Date: The application was filed on December 21, 2001.

Applicant's Address: 808 IAA Drive, Bloomington, IL 61702–2901.

SG Cowen Standby Reserve Fund, Inc. [File No. 811–3220]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. By December 14, 2001, all of applicant's shareholders, other than SG Cowen Asset Management, Inc., applicant's investment adviser, had redeemed their shares based on net asset value. Applicant incurred no expenses in connection with the liquidation.

Filing Dates: The application was filed on January 9, 2002, and amended on February 12, 2002.

Applicant's Address: 560 Lexington Ave., New York, NY 10022.

SG Cowen Funds, Inc. [File No. 811–5388]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On December 14, 2001, applicant's series, SG Cowen Opportunity Fund, transferred its assets to TCW Galileo Funds, Inc., based on net asset value. On December 27, 2001, applicant's two remaining series, SG Cowen Intermediate Fixed Income Fund and SG Cowen Government Securities Fund, made a liquidating distribution to their shareholders based on net asset value. Expenses incurred in connection with the reorganization were paid by SG Cowen Asset Management, Inc., applicant's investment adviser, and TCW Investment Management Company, the investment adviser to the acquiring fund.

Filing Dates: The application was filed on January 7, 2002, and amended on January 24, 2002.

Applicant's Address: 560 Lexington Ave., New York, NY 10022.

SG Cowen Series Funds, Inc. [File No. 811–8487]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On December 14, 2001, applicant transferred its assets to TCW Galileo Funds, Inc., based on net asset value. Expenses incurred in connection with the reorganization were paid by SG Cowen Asset Management, Inc., applicant's investment adviser, and TCW Investment Management Company, the investment adviser to the acquiring fund.

Filing Date: The application was filed on January 9, 2002.

Applicant's Address: 560 Lexington Ave., New York, NY 10022.

AARP Growth Trust [File No. 811–4048]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On September 11, 2000, applicant's two series, AARP U.S. Stock Index Fund and AARP Global Growth Fund, transferred their assets and liabilities to Scudder S&P 500 Index Fund, a series of Investment Trust, and Scudder Global Fund, a series of Global/International Fund, Inc., respectively, based on net asset value. Expenses of $986,380 incurred in connection with the reorganization were paid by applicant, the acquiring funds and Zurich Scudder Investments, Inc., applicant's investment adviser.

Filing Dates: The application was filed on December 5, 2001, and amended on January 31, 2002.

Applicant's Address: Two International Place, Boston, MA 02110–4103.

SG Cowen Income & Growth Fund, Inc. [File No. 811–4672]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On December 14, 2001, applicant transferred its assets to TCW Galileo Funds, Inc., based on net asset value. Applicant incurred no expenses in connection with the reorganization.

Filing Date: The application was filed on January 9, 2002.

Applicant's Address: 560 Lexington Ave., New York, NY 10022.

The Innovative Funds [File No. 811–9767]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On December 6, 2001, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of $443 incurred in connection with the

liquidation were paid by EC Advisors, Inc., applicant's investment adviser.

Filing Date: The application was filed on January 14, 2002.

Applicant's Address: 7453 Watson Rd., Suite 88, St. Louis, MO 63119.

Separate Account IPL–1 [File No. 811–9213]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant is a separate account of Investors Partner Life Insurance Company (''Depositor'') that was established to fund flexible premium variable life insurance policies issued by the Depositor. As of November 5, 2001, all assets were distributed in connection with the liquidation of applicant, on the basis of net asset value. No expenses have been incurred in connection with the liquidation.

Filing Dates: The application was filed on November 6, 2001 and amended on December 20, 2001.

Applicant's Address: John Hancock Place, 200 Clarendon Street, Boston, Massachusetts 02117.

COVA Series Trust [File No. 811–5252]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On February 12, 2001, applicant transferred its assets and liabilities to corresponding portfolios of Met Investors Series Trust based on net asset value. Expenses of $470,594.76 incurred in connection with the reorganization were paid by Metropolitan Life Insurance Company, parent of applicant's investment advisor, and its subsidiaries.

Filing Date: The application was filed on December 7, 2001.

Applicant's Address: 22 Corporate Plaza Drive, Newport Beach, CA 92660.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 02–4721 Filed 2–27–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 25444; 812–11220]

Alpha Select Funds, et al.; Notice of Application

February 22, 2002.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from section 15(a) of the Act and rule 18f–2 under the Act, as well as certain disclosure requirements.

SUMMARY OF THE APPLICATION: Applicants seek an order that would permit them to enter into and materially amend subadvisory agreements without shareholder approval and would grant relief from certain disclosure requirements.

Applicants:

Alpha Select Funds (''Alpha Select''), Turner Funds (''Turner,'' collectively with Alpha Select, the ''Trusts''), Concentrated Capital Management, LP (''CCM''), and Turner Investment Partners, Inc. (''TIP,'' collectively with CCM, the ''Advisers'').

Filing Dates:

The application was filed on July 16, 1998, and amended on May 16, 2001 and February 22, 2002.

Hearing or Notification of Hearing:

An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 21, 2002 and should be accompanied by proof of service on applicant, 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 may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW, Washington, DC 20549–0609. Applicants, Alpha Select and CCM, 150 First Avenue, Suite 600, King of Prussia, PA 19406–2816, Turner and TIP, 1235 West Lakes Drive, Suite 350, Berwyn, PA 19312.

FOR FURTHER INFORMATION CONTACT: Bruce R. MacNeil, Senior Counsel, at (202) 942–0634 or Nadya B. Roytblat, Assistant Director, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 450 5th Street, NW, Washington, DC 20549–0102 (telephone (202 942–8090).

Applicants' Representations

1. Alpha Select, a Delaware business trust, and Turner, a Massachusetts business trust, are registered under the Act as open-end management investment companies. Alpha Select and Turner are comprised of one or more series (each a ''Fund,'' collectively the ''Funds''), each with its own investment objectives and policies.[1] CCM and TIP are registered as investment advisers under the Investment Advisers Act of 1940 (the ''Advisers Act''). CCM currently serves as the investment adviser to Alpha Select and TIP serves as the investment adviser to Turner.

2. Alpha Select and Turner have entered into separate investment management agreements with CCM and TIP (''Advisory Agreements''), respectively, that were approved by the Trusts' respective boards of trustees (the ''Boards''), including a majority of the trustees who are not ''interested persons,'' as defined in section 2(a)(19) of the Act (''Independent Trustees''), and each Fund's shareholders. The Advisory Agreements permit the Advisers to enter into separate investment advisory agreements (''Subadvisory Agreements'') with subadvisers (''Managers'') to whom each Adviser may delegate portfolio management responsibilities for a Fund.

3. Each Adviser monitors and evaluates the Managers and recommends to the respective Board their hiring, retention or termination. Each Manager will be an investment adviser that is registered under the Advisers Act. Each Manager's fees will be paid by the respective Adviser out of the management fees received by that Adviser from each of the Funds. In the future, some Funds may compensate the Managers directly.

4. Applicants request relief to permit the Advisers, subject to Board approval, to enter into and materially amend Subadvisory Agreements without shareholder approval. The requested relief will not extend to a Manager that is an affiliated person, as defined in section 2(a)(3) of the Act, of the Fund or the Adviser, other than by reason of serving as a Manager to one or more of the Funds (an ''Affiliated Manager'').

5. Applicants also request an exemption from the various disclosure

[1] Applicants also request relief with respect to future series of the Trusts and any other registered open-end management investment companies and series thereof that (a) are advised by the Advisers or any entity controlling, controlled by, or under common control with the Advisers; (b) use the multi-manager structure described in the application; and (c) comply with the terms and conditions in the application (''Future Funds,'' included in the term ''Funds''). If the name of any Fund should, at any time, contain the name of a Manager (as defined below), it will also contain the name of the Adviser, which will appear before the name of the Manager.

provisions described below that may require the Funds to disclose the fees paid by an Adviser to the Managers. An exemption is requested to permit the Funds to disclose (as both a dollar amount and as a percentage of a Fund's net assets): (a) Aggregate fees paid to the Adviser and Affiliated Managers; and (b) aggregate fees paid to the Managers other than Affiliated Managers (''Aggregate Fees''). If a Fund employs an Affiliated Manager, the Fund will provide separate disclosure of any fees paid to the Affiliated Manager.

Applicants' Legal Analysis

1. Section 15(a) of the Act provides, in relevant part, that it is unlawful for any person to act as an investment adviser to a registered investment company except pursuant to a written contract that has been approved by the vote of a majority of the company's outstanding voting securities. Rule 18f–2 under the Act provides that each series or class of stock in a series company affected by a matter must approve such matter if the Act requires shareholder approval.

2. Form N–1A is the registration statement used by open-end investment companies. Item 15(a)(3) of Form N–1A requires disclosure of the method and amount of the investment adviser's compensation.

3. Rule 20a–1 under the Act requires proxies solicited with respect to an investment company to comply with Schedule 14A under the Securities Exchange Act of 1934 (the ''1934 Act''). Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8), and 22(c)(9) of Schedule 14A, taken together, require a proxy statement for a shareholder meeting at which the advisory contract will be voted upon to include the ''rate of compensation of the investment adviser,'' the ''aggregate amount of the investment adviser's fees,'' a description of ''the terms of the contract to be acted upon,'' and, if a change in the advisory fee is proposed, the existing and proposed fees and the difference between the two fees.

4. Form N–SAR is the semi-annual report filed with the Commission by registered investment companies. Item 48 of Form N–SAR requires investment companies to disclose the rate schedule for fees paid to their investment advisers, including the Managers.

5. Regulation S–X sets forth the requirements for financial statements required to be included as part of investment company registration statements and shareholder reports filed with the Commission. Sections 6–07(2)(a), (b), and (c) of Regulation S–X require that investment companies include in their financial statements information about investment advisory fees.

6. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provision of the Act, or from any rule thereunder, if 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 believe that the requested relief meets this standard for reasons discussed below.

7. Applicants assert that each Fund's shareholders have determined to rely on the Adviser to select, monitor and replace Managers. Applicants contend that from the perspective of the investor, the role of the Managers is comparable to individual portfolio managers employed by other firms. Applicants contend that requiring shareholder approval of the Subadvisory Agreements would impose unnecessary costs and delays on the Funds, and may preclude the Adviser from acting promptly in a manner considered advisable by the Board. Applicants note that the Advisory Agreement will remain subject to section 15(a) of the Act and rule 18f–2 under the Act.

8. Applicants assert that many Managers charge their customers for advisory services according to a ''posted'' rate schedule. Applicants state that while Managers are willing to negotiate fees lower than those posted in the schedule, particularly with large institutional clients, they are reluctant to do so when the fees are disclosed to other prospective and existing customers. Applicants submit that the relief will encourage Managers to negotiate lower advisory fees with the Advisers, the benefits of which are likely to be passed on to Fund shareholders.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Before any Fund may rely on the requested order, the operation of the Fund in the manner described in the application will be approved by a majority of the Fund's shareholders or in the case of a Fund whose public shareholders purchase shares on the basis of a prospectus containing the disclosure contemplated by condition 2 below, by the sole initial shareholder before offering shares of the Fund to the public.

2. The prospectus for each Fund will disclose the existence, substance, and effect of any order granted pursuant to the application. In addition, each Fund will hold itself out to the public as employing the ''manager of managers'' approach described in the application. The prospectus for each Fund will prominently disclose that the Adviser has ultimate responsibility (subject to oversight by the Board) to oversee the Managers and recommend their hiring, termination, and replacement.

3. Within 90 days of the hiring of any new Manager, the Adviser will furnish shareholders all information about the new Manager that would be included in a proxy statement, except as modified by the order to permit the disclosure of Aggregate Fees. This information would include the disclosure of Aggregate Fees and any change in such disclosure caused by the addition of a new Manager. The Adviser will meet this obligation by providing shareholders with an information statement meeting the requirements of Regulation 14C, Schedule 14C, and Item 22 of Schedule 14A under the 1934 Act, except as modified by the order to permit the disclosure of Aggregate Fees.

4. The Adviser will not enter into a Subadvisory Agreement with any Affiliated Manager without such agreement, including the compensation to be paid thereunder, being approved by the shareholders of the applicable Fund.

5. At all times, a majority of each Fund's Board will be Independent Trustees, and the nomination of new or additional Independent Trustees will be at the discretion of the then-existing Independent Trustees.

6. When a Manager change is proposed for a Fund with an Affiliated Manager, the Fund's Board, including a majority of the Independent Trustees, will make a separate finding, reflected in the applicable Fund's Board minutes, that the change is in the best interests of the Fund and its shareholders and does not involve a conflict of interest from which the Adviser or the Affiliated Manager derives an inappropriate advantage.

7. The Adviser will provide general management services to each Fund, including overall supervisory responsibility for the general management and investment of each Fund's securities portfolio, and, subject to Board review and approval, will: (a) Set each Fund's overall investment strategies; (b) recommend and select Managers; (c) allocate, and when appropriate, reallocate a Fund's assets among its Managers when the Fund has more than one Manager; (d) monitor and evaluate Manager performance; and (e) implement procedures designed to

ensure that the Manager complies with the Fund's investment objectives, policies, and restrictions.

8. No Trustee, director, or officer of the Funds or officer or director of the Adviser will own directly or indirectly (other than through a pooled investment vehicle over which such person does not have control) any interest in a Manager except for (a) ownership of interests in the Adviser or any entity that controls, is controlled by, or is under common control with the Adviser; or (b) ownership of less than 1% of the outstanding securities of any class of equity or debt of a publicly-traded company that is either a Manager or an entity that controls, is controlled by, or is under common control with a Manager.

9. Each Fund will disclose in its registration statement the Aggregate Fees.

10. Independent counsel knowledgeable about the Act and the duties of Independent Trustees will be engaged to represent the Independent Trustees. The selection of such counsel will be within the discretion of the then-existing Independent Trustees.

11. The Adviser will provide the Board, no less frequently than quarterly, with information about the Adviser's profitability on a per-Fund basis. This information will reflect the impact on the profitability of the hiring or termination of any Manager during the applicable quarter.

12. Whenever a Manager is hired or terminated, the Adviser will provide the Board information showing the expected impact on the Adviser's profitability.

13. For any Fund that compensates a Manager directly, any change to a Subadvisory Agreement that would result in an increase in the overall management and advisory fees payable by the Fund will be required to be approved by the shareholders of the Fund.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–4839 Filed 2–27–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45464; File No. SR–ISE–2002–03]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the International Securities Exchange LLC To Amend Its Rules Relating to Ratio Orders

February 21, 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 February 12, 2002, the International Securities Exchange LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items, I, II, and III below, which Items have been prepared by the ISE. ISE filed the proposed rule change pursuant to section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission. 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 is proposing to amend Rule 722 to permit a spread, straddle, or combination order that consists of legs that have a different number of contracts as long as the number of contracts differ by a ratio of 0.5 or greater. Below is the text of the proposed rule change. New text is in *italics.* Proposed deletions are in [brackets].

* * * * *

International Securities Exchange LLC

Rules

* * * * *

Rule 722. Complex Orders

(a) Complex Orders Defined. A complex order is any order for the same account as defined below.

* * * * *

(6) Ratio Order. A spread, straddle or combination order may consist of *legs that have* a different number of contracts, so long as the number of contracts differs by a permissible ratio. For purposes of this paragraph, a permissible ratio of contracts is any [of the following: one-to-one, one-to-two and two-to-three.] *ratio that is equal to or greater than .5. For example, a one-to-two ratio (which is equal to .5) and a six-to-ten ratio (which is equal to .6) are permitted, but a one-to-three ratio (which is equal to .33) is not.*

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ISE 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 ISE 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

ISE Rule 722(a)(6) provides that the legs of a spread, straddle, or combination order can consist of different number of contracts, so long as the number of contracts differs by a permissible ratio. The permissible ratios are defined as one-to-one (100%), two-to-three (67%) and one-to-two (50%). Thus, the lowest percentage ratio currently permitted by Rule 722(a)(6) is 50%.

The Exchange proposes to redefine the permissible ratios as any ratio whose percentage is equal to or greater than 0.5 (*i.e.,* 50%.). This proposed change would permit ratios between 100% and 50% other than the current two-to-three ratio, but would not change the minimum percentage currently permitted under the rule. For example, a one-to-two ratio (which is equal to 0.5) and a six-to-ten ratio (which is equal to 0.6) will be permitted, but a one-to-three ratio (which is equal to 0.33) will not.

Currently, there is only one ratio between 100% and 50% allowed under the Rule—two- to three (67%). However, ISE members have indicated that their trading and hedging models often produce inexact ratios, and that the rule is unnecessarily restrictive in an electronic trading environment. As the ISE trading system has the capability to accept all ratios, the Exchange believes it is arbitrary to restrict which ratios may be entered between 100% and 50%. Moreover, ISE believes that there is no regulatory reason why a two-to-

[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).

three ratio should be permitted, while a six-to-ten should not. ISE also believes that limiting complex orders to such ''traditional'' ratios simply does not reflect the advancement of trading and hedging strategies that are common in the market today, the migration to decimal trading, or the advancement in exchange trading systems that allow such orders to be executed with ease.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)[5] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not 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 not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated the foregoing rule change as effecting a change that: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) by its terms does not become operative for 30 day from the date of filing. In addition, the Exchange provided the Commission with written notice of its intent to file the proposed rule change at least five days prior to the filing date. Accordingly, the proposed rule change has become effective pursuant to section 19(b)(3)(A) of the Act[6] and Rule 19b–4(f)(6) thereunder.[7] At any time within 60 days of the filing of such 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 Exchange 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 ISE. All submissions should refer to File No. ISE–2002–03 and should be submitted by March 21, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 02–4723 Filed 2–27–02; 8:45 am]

BILLING CODE 8010–01–M

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f)(6).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45462; File No. SR–NYSE–2002–08]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to Changes to Audit Trail Account Identification Codes

February 20, 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 23, 2002, 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 NYSE. 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 Exchange proposes to introduce a new identification code/audit trail account type, ''Q,'' to indicate a proprietary trade by a member to cover the member's own error pursuant to Exchange Rule 134. The text of the proposed rule change is available at the Office of the Secretary, the NYSE, and 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 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

NYSE Rule 134 requires a member or member organization who acquires or assumes a security position resulting from an error transaction to clear such error transaction in the member's or his or her member organization's error account, or in the error account established for a group of members.[3] Pursuant to Rule 132,[4] the Exchange is proposing to expand the use of the audit trail account type field to require designation of the identifier ''Q'' to indicate a proprietary trade by a member on the Floor which results in a position being established in the member's error account, or in the liquidation of a position in the member's error account. The Exchange believes that this new account

[3] *See* Securities Exchange Act Release No. 44769 (September 6, 2001), 66 FR 47710 (September 13, 2001). (SR–NYSE–99–25).

[4] Rule 132.30(9)–(10) requires each clearing member organization to submit trade data elements to the Exchange that specify whether the account for which the order was executed was that of a member or member organization or of a non-member or non-member organization, and such other information as the Exchange may from time to time require.

identification code will enhance its ability to conduct automated surveillance of members' error trading.

Member firms would be given a reasonable period of time (approximately three months from Commission approval) to make their own system enhancements so that they may be in compliance with the new trade type identification requirement. The Exchange will publish the entire revised list of Account Identification Codes, including the new account type, ''Q,'' in an Information Memo to be issued to all members and member organizations. For previous information memos on this subject, see 1993–7 (March 4, 1993) and 1992–34 (November 13, 1992).

2. Statutory Basis

The Exchange believes that its proposal is consistent with section 6(b) of the Act,[5] in general, and section 6(b)(5) of the Act,[6] in particular, because it is 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 Exchange believes the addition of the identifier ''Q'' for ''proprietary trades to cover the member's own error'' will add to the protection of investors by enhancing the Exchange's ability to conduct automated surveillance of members' error trading.

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 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 self-regulatory organization consents, the Commission will:

A. By order approve the proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying 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-NYSE–2002–08 and should be submitted by March 21, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 02–4722 Filed 2–27–02; 8:45 am]

BILLING CODE 8010–01–P

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3392]

State of Kansas; Amendment #1

In accordance with information received from the Federal Emergency Management Agency, dated February 15, 2002, the above numbered declaration is hereby amended to establish the incident period for this disaster as beginning on January 29, 2002 and continuing through February 15, 2002.

All other information remains the same, i.e., the deadline for filing applications for physical damage is April 8, 2002, and for loans for economic injury the deadline is November 7, 2002.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 21, 2002.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 02–4781 Filed 2–27–02; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3393]

State of Missouri; Amendment #1

In accordance with information received from the Federal Emergency Management Agency, dated February 13 and February 15, 2002, the above numbered declaration is hereby amended to include Barton, Cedar, Clark, Daviess, DeKalb, Knox, Lewis, Marion, Ralls and Scotland Counties in the State of Missouri as disaster areas due to damages caused by a severe winter ice storm, and to establish the incident period for this disaster as beginning on January 29, 2002 and continuing through February 13, 2002.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the previously designated location: Dade, Gentry and Jasper Counties in Missouri; Davis, Lee and Van Buren Counties in Iowa; and Adams, Hancock and Pike Counties in Illinois. All other counties contiguous to the above-named primary counties have been previously declared.

For economic injury the number is 9O6900 for Iowa and 9O7000 for Illinois.

All other information remains the same, i.e., the deadline for filing applications for physical damage is April 8, 2002, and for loans for economic injury the deadline is November 7, 2002.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: February 19, 2002.

Herbert L. Mitchell,

Associate Administrator, For Disaster Assistance.

[FR Doc. 02–4782 Filed 2–27–02; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 3924]

Bureau of Educational and Cultural Affairs, Office of Academic Exchange Programs (ECA/A); 30-Day Notice of Proposed Information Collection: Evaluation of DOS-Sponsored Academic Exchange Programs

ACTION: Notice.

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995. Comments should be submitted to OMB within 30 days of the publication of this notice.

The following summarizes the information collection proposal submitted to OMB:

Type of Request: New collection.

Originating Office: Bureau of Educational and Cultural Affairs, Office of Academic Exchange Programs (ECA/A).

Title of Information Collection: Evaluation of DOS-Sponsored Academic Exchange Programs.

Frequency: On occasion.

Form Number: N/A [Multiple survey questionnaires may be used for exchange programs on an on-going and per-program basis.]

Respondents: Respondents of evaluation and/or program monitoring information collections may include U.S. and foreign applicants, current grantee exchange visitor participants (J–1 visa) and alumni of the ECA/A exchange programs, program administrators, domestic grantee organizations, foreign partner organizations, domestic and foreign hosts of exchange visitor participants, and other similar types of respondents associated with ECA/A exchange programs.

Estimated Number of Respondents: 2,386.

Average Hours Per Response: 30 minutes.

Total Estimated Burden: 1,193 (2,386 total annual responses × 30 minutes).

Public comments are being solicited to permit the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER INFORMATION CONTACT: Copies of the proposed information collection and supporting documents may be obtained from the U.S. Department of State, Bureau of Educational and Cultural Affairs, Office of Policy and Evaluation, 301 4th Street, SW (SA–44), Room 357, Washington, DC 20520. Public comments and questions should be directed to the State Department Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20530, who may be reached on 202–395–3897.

Dated: December 27, 2001.

David Whitten,

ECA/EX, Executive Director, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 02–4851 Filed 2–27–02; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 3925]

Bureau of Educational and Cultural Affairs, Office of Citizen Exchanges (ECA/PE/C); 30-Day Notice of Proposed Information Collection: Evaluation of DOS-Sponsored Citizen Exchange Programs

ACTION: Notice.

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995. Comments should be submitted to OMB within 30 days of the publication of this notice.

The following summarizes the information collection proposal submitted to OMB:

Type of Request: New collection.

Originating Office: Bureau of Educational and Cultural Affairs, Office of Citizen Exchanges (ECA/PE/C).

Title of Information Collection: Evaluation of DOS-Sponsored Citizen Exchange Programs.

Frequency: On occasion.

Form Number: N/A (Multiple survey questionnaires may be used for exchange programs on an on-going and per-program basis.)

Respondents: Respondents of evaluation and/or program monitoring information collections may include U.S. and foreign applicants, current grantee exchange visitor participants (J–1 visa) and alumni of the ECA/PE/C exchange programs, program administrators, domestic grantee organizations, foreign partner organizations, domestic and foreign hosts of exchange visitor participants, and other similar types of respondents associated with ECA/PE/C exchange programs.

Estimated Number of Respondents: 1,485.

Average Hours Per Response: 30 minutes.

Total Estimated Burden: 743 (1,485 total annual responses × 30 minutes).

Public comments are being solicited to permit the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER INFORMATION CONTACT: Copies of the proposed information collection and supporting documents may be obtained from the U.S. Department of State, Bureau of Educational and Cultural Affairs, Office of Policy and Evaluation, 301 4th Street, SW (SA–44), Room 357, Washington, DC 20520. Public comments and questions should be directed to the State Department Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20530, who may be reached on 202–395–3897.

Dated: December 27, 2001.

David Whitten,

ECA/EX, Executive Director, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 02–4852 Filed 2–27–02; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 3932]

Culturally Significant Objects Imported for Exhibition Determinations: ''Anthony van Dyck: 'Ecce Homo' and 'The Mocking of Christ' ''

AGENCY: Department of State.
ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition ''Anthony van Dyck: 'Ecce Homo' and 'The Mocking of Christ' '', imported from abroad for temporary exhibition within the United States, are of cultural significance.The objects are imported pursuant to a loan agreement with the foreign owner. I also determine that the exhibition or display of the exhibit objects at The Art Museum, Princeton University, Princeton, NJ from on or about March 9, 2002 to on or about June 9, 2002, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State, (telephone: 202/619–6981). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: February 22, 2002.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 02–4858 Filed 2–27–02; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3929]

Culturally Significant Object Imported for ExhibitionDeterminations: ''Caspar David Friedrich's Giant Mountain (View of the Small Sturmhaube From Warmbrunn) c. 1810''

AGENCY: Department of State.
ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the object to be included in the exhibition ''Caspar David Friedrich's Giant Mountain (View of the Small Sturmhaube from Warmbrunn) c. 1810,'' imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner. I also determine that the exhibition or display of the exhibit object at the Russian Ambassador's residence, Washington, DC on or about March 14, 2002, and the Museum of Fine Arts, Houston, TX from on or about March 15, 2002 to on or about September 30, 2002, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State, (telephone: 202/619–6981). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: February 22, 2002.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 02–4855 Filed 2–27–02; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3930]

Culturally Significant Objects Imported for Exhibition Determinations: ''Oskar Kokoschka: Early Portraits, Vienna-Berlin, 1909–1914''

AGENCY: Department of State.
ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459),Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition ''Oskar Kokoschka: Early Portraits, Vienna-Berlin, 1909–1914,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners. I also determine that the exhibition or display of the exhibit objects at the Neue Galerie, New York, NY, from on or about March 15, 2002, to on or about June 10, 2002, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Julianne Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State, (telephone: 202/619–6529). The address is U.S. Department of State, SA–44, 301 4th Street, S.W., Room 700, Washington, D.C. 20547–0001.

Dated: February 22, 2002.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 02–4856 Filed 2–27–02; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3931]

Culturally Significant Objects Imported for Exhibition Determinations: ''Rubens, Jordaens, Van Dyck and Their Circle: Flemish Master Drawings From the Museum Boijmans Van Beuningen''

AGENCY: Department of State.
ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 [79 Stat. 985; 22 U.S.C. 2459], Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 [112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*], Delegation of Authority No. 234 of October 1, 1999 [64 FR 56014], and Delegation of Authority No. 236 of October 19, 1999 [64 FR 57920], as amended, I hereby determine that the objects to be included in the exhibition, ''Rubens, Jordaens, Van Dyck and their Circle: Flemish Master Drawings from the Museum Boijmans Van Beuningen,''

imported from abroad for temporary exhibition within the United States, are of cultural significance. These objects are imported pursuant to loan agreements with the foreign lenders. I also determine that the exhibition or display of the exhibit objects at The Frick Art Museum, Pittsburgh, Pennsylvania, from on or about April 5, 2002, to on or about June 2, 2002, the Appleton Museum of Art, Ocala, Florida, from on or about September 13, 2002, to on or about November 10, 2002, the Frist Center for the Visual Arts, Nashville, Tennessee, from on or about November 26, 2002, to on or about January 26, 2003, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of exhibit objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, 202/619–5997, and the address is United States Department of State, SA–44, Room 700, 301 4th Street, SW., Washington, DC 20547–0001.

Dated: February 19, 2002.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 02–4857 Filed 2–27–02; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3927]

Bureau of Educational and Cultural Affairs Request for GrantProposals: Balkan Educational Partnerships Program

SUMMARY: The Office of Global Educational Programs of the Bureau of Educational and Cultural Affairs announces an open competition for the Balkan Educational Partnerships Program. Public and private non-profit organizations and educational institutions meeting the provisions described in Internal Revenue Code 26 U.S.C. 501(c)(3) may submit proposals to cooperate with the Bureau in the administration of a three-year program to support the development of instruction in civic education, public administration, business administration, and the social, economic, and political sciences at eligible Balkan university faculties or departments and educational institutions. The means for achieving these objectives may include the exchange of teachers, administrators, and advanced students from the Balkan region with appropriate U.S. counterpart colleges and universities.

Program Information

Overview

The Balkan Educational Partnerships Program will fund three-year projects to permit U.S. institutions to work with counterpart university departments and educational institutions in Balkan countries and locations as specified in the RFGP. Applicants may either identify a U.S. college or university with which each Balkan educational partner would cooperate, or propose other models for exchange that will lead to the achievement of program objectives through increased cooperation by the Balkan partner institutions, their teachers and students with U.S. scholars, educators, and other professional experts. Pending availability of funds, approximately $2,010,000 is expected to be available in support of the Balkan Educational Partnerships Program in FY 2002.

Objectives

Program objectives are to assist participating Balkan institutions and individuals to: (1) Develop courses and curricula in eligible fields; (2) Improve teaching methods; (3) Develop educational materials which support new courses and curricula; (4) Train teachers or other practitioners in the effective use of these materials; and (5) Foster enduring relationships with U.S. academic institutions and educators. The program should equip participating Balkan institutions and educators to assist with the transitions to more market-oriented economies, to democratic political life, to strengthened civil societies, and to responsible administrative practices in the public sector. At the conclusion of the program, teachers at the participating Balkan institutions should be capable of teaching the newly introduced or revised courses and should be able to participate more fully in international dialogue with U.S. and other educators. Students graduating from the participating Balkan institutions should be better prepared to assume responsibilities in public service, education, and the private sector, and to exercise the duties of citizens in a democratic society.

Pending availability of funds, grants should begin on or about September 1, 2002.

Applicants should propose a plan that includes all of the projects listed below. If a specific partner is not identified, the applicant may identify any appropriate partner from the country or entity specified.

Albania: Political science at Tirana University. Funding for this project should not exceed $225,000.

Kosovo: Civic education. This project should be designed to support curriculum development at the primary or secondary level rather than at the university level and may include participants at the university level in Kosovo as well as the elementary and secondary levels. Educational administrators are also eligible to participate. Funding for this project should not exceed $185,000.

Kosovo: Law, education, or the social sciences. This project may include one or more faculties or departments of the University of Pristina. Funding for this project should not exceed $670,000.

Montenegro: Public administration and business administration. This project may include one or more faculties or departments. Funding for this project should not exceed $550,000.

Serbia (except Kosovo): Economics/business at the University of Novi Sad. Funding for this project should not exceed$180,000.

Serbia (except Kosovo): Law, business, public administration, journalism, education or the social sciences. This project may include one or more faculties or departments at one or more Serbian universities. Funding for this project(s) should not exceed $200,000.

The Bureau anticipates that funding may become available for additional sites in the future. Applicants are encouraged to contact the program office to discuss options and priorities for the various locations listed above.

Participant Eligibility

All participants traveling to the Balkans funded under the grant should represent U.S. educational institutions and must be U.S. citizens. Foreign participants must be both qualified to receive U.S. J–1 visas and willing to travel to the U.S. under the provisions of a J–1 visa during the exchange visits funded by this Program.

Programs must comply with J–1 visa regulations. Please refer to Solicitation Package for further information.

Budget Guidelines

The Bureau anticipates awarding one grant not to exceed $2,010,000. Applicants may submit a budget not to exceed this amount. Organizations with less than four years experience in conducting international exchanges are limited to $60,000, and are not encouraged to apply. The Bureau encourages applicants to provide

maximum levels of cost-sharing and funding from private sources in support of its programs.

Applicants must submit a comprehensive budget for the entire program. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants should provide separate sub-budgets for each sub-project with each foreign partner institution. Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

Announcement Title and Number: All correspondence with the Bureau concerning this RFGP should reference the above title and number ECA/A/S/U–02–13.

For Further Information Contact: To request a solicitation package, contact the Humphrey Fellowships and Institutional Linkages Branch; Office of Global Educational Programs; Bureau of Educational and Cultural Affairs; ECA/A/S/U, Room 349; U.S. Department of State; SA–44, 301 Fourth Street, SW., Washington, DC 20547; phone: (202) 619–5289, fax: (202) 401–1433. The Solicitation Package includes more detailed award criteria, all application forms, and guidelines for preparing proposals, including specific criteria for preparation of the proposal budget. Applicants desiring more information may contact Program Officer Jonathan Cebra at 202–205–8379 or *jcebra@pd.state.gov.*

Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

To Download a Solicitation Package Via Internet

The entire Solicitation Package may be downloaded from the Bureau's Web site at *http://exchanges.state.gov/education/RFGPs.* Please read all information before downloading.

Deadline for Proposals

All proposal copies must be received at the Bureau of Educational and Cultural Affairs by 5 p.m. Washington, DC time on Friday, April 26, 2002. Faxed documents will not be accepted at any time. Documents postmarked the due date but received on a later date will not be accepted. Each applicant must ensure that the proposals are received by the above deadline.

Applicants must follow all instructions in the SolicitationPackage. The original and ten copies of the application should be sent to: U.S. Department of State, SA–44, Bureau of Educational and Cultural Affairs, Ref.: ECA/A/S/U–02–13, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

No later than one week after the competition deadline, applicants must also submit the Proposal Title Sheet, Executive Summary, and Proposal Narrative sections of the proposal as e-mail attachments in Microsoft Word (preferred), WordPerfect, or as ASCII text files to the following e-mail address: partnerships@pd.state.gov. In the e-mail message subject line, include the following: ECA/A/S/U–02–13. To reduce the time needed to obtain advisory comments from the Public Affairs Sections of U.S. Embassies overseas, the Bureau will transmit these files electronically to these offices.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the ''Support for Diversity'' section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' the Bureau ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.''Public Law 106—113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package.All eligible proposals will be reviewed by the program office, as well as by the appropriate Public Diplomacy sections overseas. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and CulturalAffairs. Final technical authority for grants resides with the Bureau's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

(1) *Broad and Enduring Significance of InstitutionalObjectives:* Program objectives should have significant and ongoing results for the participating institutions and for their surrounding societies or communities by providing a deepened understanding of critical issues in one or more of the eligible fields. Program objectives should relate clearly to institutional and societal needs, including the transition of the Balkan countries to democratic systems based on market economies.

(2) *Creativity and Feasibility of Strategy to AchieveObjectives:* Strategies to achieve program objectives should be feasible and realistic within the budget and timeframe. These strategies should utilize and reinforce exchange activities creatively to ensure an efficient use of program resources.

(3) *Multiplier effect/impact:* Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages.

(4) *Support of Diversity:* Proposals should demonstrate substantive support of the Bureau's policy on diversity by explaining how issues of diversity are included in objectives for all institutional partners. Issues resulting from differences of race, ethnicity, gender, religion, geography, socio-economic status, or physical challenge should be addressed during program implementation. In addition, program participants and administrators should reflect the diversity within the societies which they represent (see the section of this document on ''Diversity,Freedom, and Democracy Guidelines''). Proposals should also discuss how the various

institutional partners approach diversity issues in their respective communities or societies.

(5) *Institution's Capacity and Record/ Ability:* Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals.Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by BureauGrant Staff. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants.

(6) *Evaluation:* Proposals should outline a methodology for determining the degree to which the project meets its objectives, both while it is underway and at its conclusion.The final program evaluation should include an external component and should provide observations about the program's influence within the participating institutions as well as their surrounding communities or societies.

(7) *Cost-effectiveness:* Administrative and program costs should be reasonable and appropriate with cost-sharing provided by all participating institutions within the context of their respective capacities. Cost-sharing is viewed as a reflection of institutional commitment to the program.

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961,Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' The funding authority for the program above is provided through legislation. The funding authority for the program cited above is provided through the Support for East EuropeanDemocracy (SEED) Act of 1989.

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures.

Dated: February 20, 2002.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 02–4853 Filed 2–27–02; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 3928]

Bureau of Educational and Cultural Affairs Request for Grant Proposals (ECA/PE/C–02–27): Intercultural Public-Private Fellows Program for Africa, Eurasia, Latin America, the Middle East, and South Asia

Summary: Subject to the availability of funds, the Office of Citizen Exchanges of the Bureau of Educational and Cultural Affairs (ECA) announces an open grant competition to conduct a new initiative entitled, ''The Intercultural Public Private Fellows Program'' (ICPP Fellows Program). Public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26USC 501(c)(3) may submit proposals to conduct this exchange program. The goal of the ICPP Fellows Program is to foster mutual understanding by bringing together American and foreign arts practitioners for an intercultural educational dialogue. The program will achieve this by introducingAmerica's most talented visual, performing, film and literary arts professionals around the world; bringing foreign counterparts to various regions of the United States in order to expose American audiences to other cultural arts traditions; and building linkages between the most prominent foreign and American arts education and cultural institutions. The proposal should include an equal number of foreign and American fellows in this reciprocal exchange program. Each applicant's program design must specify an appropriate theme and a proposed geographic region and/or list of countries that will participate. Multi-country programs are strongly encouraged. Cross-regional programs are also eligible where the program theme relates to multiple regions. Proposals for countries and regions with significant Muslim populations are strongly encouraged. ECA is committed to geographic diversity in its programs and invites proposal submissions for the ICPP Fellows Program from the many notable and prestigious institutions and organizations located throughout the geographic regions of the U.S.

ECA expects to award 2–4 grants of up to $250,000 in ECA funding (subject to funding availability), with significant cost sharing (approximately 50%) from the applicant institution and/or other sources. Organizations with less than four years of experience in conducting international exchange programs are not eligible for this competition.

Program Information

Overview

The ''Intercultural Public Private Fellows Program'' is designed to foster mutual understanding and encourage an international cultural arts and educational dialogue through exchange activities, community outreach and joint projects. The ICPP Fellows Program is intended to be a reciprocal exchange of highly accomplished individuals or groups that builds linkages and promotes joint projects between prominent arts education and cultural institutions, during the grant period and continuing after the program ends. The eligible regions for FY 2002 are Africa, Eurasia, Latin America, the Middle East, and South Asia. ECA strongly encourages proposals for countries and regions with significant Muslim populations.

Proposals for the ICPP Fellows Program should provide opportunities for American and foreign ICPP Fellows to travel on exchange visits, bringing their art and expertise to the most notable halls, galleries, museums and institutions in the U.S. and overseas. The fellows would also participate in workshops and master classes led by well-known and highly regarded artists and cultural arts professionals. To address mutual understanding and respect, and as a main component of this program, American and foreign fellows would engage in community outreach and presentation of educational programs in their host communities and at home upon their

return. The proposal should indicate that an approximately equal number of foreign and American fellows will participate in a reciprocal exchange program, and that the program design will contribute to building and supporting strong linkages between and among American and foreign ICPP Fellows, and with their home and host institutions. These linkages would continue after the ICPP Fellows Program grant period has ended.

Applicant organizations must demonstrate the ability to administer all aspects of the ICPP Fellows Program—recruitment and selection of an equal number of American and foreign fellows, orientations, program activities, monitoring and support of ICPP Fellows including all logistics, financial management and evaluation. Applicant organizations must demonstrate the ability to recruit and select a diverse pool of candidates from various geographic regions in the U.S. and abroad, and will be expected to help ICPP fellows develop follow-on ideas and projects to be implemented upon return to their home countries. Further detail and clarification of specific program responsibilities can be found in the Project Objectives, Goals, and Implementation (POGI) Statement, which is part of the formal solicitation package.

Organizations planning to submit a proposal for the ICPP Fellows Program should contact the program office for a consultation before the submission deadline. Before contacting ECA, organizations should read the entire**Federal Register** announcement and be ready to discuss a concrete concept specific to the guidelines supplied in this request for grant proposals. To schedule a consultation, contact Karen Turner at (202) 205–3003; Fax: (202) 619–4350; e-mail: *kturner@pd.state.gov.*

Guidelines

Pending availability of funds, all grants will begin on approximately September 1, 2002. ECA anticipates awarding up to four grants under this competition.

Proposals should reflect a practical understanding of the 4144ent cultural, political, economic and social environment relevant to the applicant organization's proposed program theme and the countries or regions involved. If applicable, applicants should identify the U.S. and foreign partner organizations with whom they are proposing to collaborate, and describe previous cooperative projects in the section on ''Institutional Capacity.''

Program activities may include, but are not limited to: An open, merit-based recruitment and selection process; orientations; workshops and master classes; performances, readings, productions, screenings, exhibits and other similar activities; community outreach & educational activities; development and implementation of joint projects; monitoring & support; and evaluation. Orientations are required for both American and foreign fellows, and should include all program staff. The program should include activities that specifically promote mutual understanding and that allow the foreign program participants to experience American life and culture, and that will provide Americans an opportunity to learn about the cultures of the foreign host countries.

The ICPP Fellows Program must conform to ECA requirements and guidelines outlined in the Solicitation Package. ECA programs are subject to the availability of funds and must comply with J–1 Visa regulations. Please refer to the Solicitation Package for further information.

Budget Guidelines

ECA grant guidelines limit organizations with less than four years experience conducting international exchanges to $60,000 in Bureau grant support. Because of the scope and complexity of this program, organizations with less than four years experience in conducting international exchanges are not eligible to apply under this competition.

ECA encourages applicant organizations to provide maximum levels of cost sharing and funding from private sources in support of its programs. Applicant organizations must submit a comprehensive line item budget to include a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification. A comprehensive budget narrative must accompany the line item budget, clearly explaining all proposed costs. Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

Cost sharing: Organizations should provide approximately fifty (50) percent cost sharing. Since the Bureau's grant assistance constitutes only a portion of total project funding, proposals should list and provide evidence of other sources of cost sharing, including financial and in-kind support. In-kind contributions may include, but are not limited to, donations of airfares, hotel and/or housing costs, consultant fees, ground transportation, interpreters, room rentals and equipment. Proposals with substantial private sector support from foundations, corporations, and other institutions will be considered highly competitive. Please refer to the statement on cost sharing in the Proposal Submission Instructions.

Allowable costs for the program include the following:

(1) General Program Costs.

(2) Participant Program Costs.

(3) Administrative Expenses.

Review of your budget will benefit from your professional judgment of costs for activities in the proposal. The Bureau is committed to containment of administrative expenses, consistent with overall program objectives and sound management principles. Program activities and line items to be cost-shared should be included in the narrative and the budget. Please refer to the Proposal Submission Instructions (PSI) in the Solicitation Package for complete budget guidelines.

Project Funding

Proposals may include budgets of up to $250,000 in ECA funding, not including cost sharing from the applicant institution and/or other sources. All applicants must demonstrate in the proposal narrative a minimum of four years experience conducting international exchanges.

Announcement Title and Number

All communications with ECA concerning this Request for Grant Proposals (RFGP) should refer to the announcement title: ''ICPP Fellows Program'' and reference number: ECA/PE/C–02–27.

Deadline for Proposals

All copies must be received by the U.S. Department of State, Bureau of Educational and Cultural Affairs, by 5 p.m. Washington, DC time on Wednesday, April 24, 2002. Faxed documents will not be accepted at any time. The mailroom closes at 5 p.m. sharp; no late submissions will be accepted. Documents postmarked or sent by express mail or courier to arrive by April 24, 2002, but received at a later date, will not be accepted. Each applicant must ensure that the proposals are received by the above deadline.

To Download an Application Package via the Internet

The entire Application Package (RFGP, POGI and PSI) may be downloaded from the Bureau's website

at *http://exchanges.state.gov/education/rfgps/.*

For Further Information Contact: Mailing address: United States Department of State, SA–44, Bureau of Educational and Cultural Affairs, Office of Citizen Exchanges (ECA/PE/C), Room 220, Washington, DC 20547, attn: ICPP Fellows Program ECA/PE/C–02–27. Tel: (202) 205–3003; Fax: 202–619–4350; E-mail: *kturner@pd.state.gov.*

Interested applicants may request a copy of the Application

Package. Please specify: ''ICPP Fellows Program ECA/PE/C–02–27'' on all inquiries and correspondence. All potential applicants should read the complete announcement before sending inquiries or submitting proposals.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Affairs Sections of the U.S. embassies overseas, where appropriate. Eligible proposals will be forwarded to panels of ECA officers for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Acting Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards resides with ECA's Grants Officer.

Submissions

Applicants must follow all instructions given in the Solicitation Package (RFGP, POGI, PSI). The applicant's original proposal and ten (10) copies should be sent to: U.S. Department of State, Ref.: ECA/PE/C–02–27, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW, Washington, DC 20547.

Applicants must also submit the ''Executive Summary,'' ''Proposal Narrative'' and ''Budget'' sections of the proposal on a 3.5″ diskette. The Bureau will transmit these files electronically to the Public Affairs Sections at the U.S. Embassies for review, with the goal of reducing the time it takes to get embassy comments for the Bureau's grants review process. Once the RFGP deadline has passed, Bureau staff may not discuss this competition in any way with applicants until the proposal review process has been completed.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. Proposals should adequately address each area of review. These criteria are not rank ordered and all are given equal weight.

1. Quality of the Program Idea
2. Program Planning and Ability to Achieve Objectives
3. Institutional Capacity
4. Cost Effectiveness and Cost Sharing
5. Program Evaluation
6. Multiplier Effect/Impact
7. Follow-on Activities
8. Support of Diversity

Applicants should refer to the POGI in the Solicitation Package for more detailed information on the review criteria.

Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the ''Support for Diversity'' section for specific suggestions on incorporating diversity into the total proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' the Bureau ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural ExchangeAct of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' The funding authority for the program above is provided through legislation.

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau or program officers that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the U.S. Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements. Organizations will be expected to cooperate with the Bureau in evaluating their programs under the principles of the Government Performance and Results Act (GPRA) of 1993, which requires federal agencies to measure and report on the results of their programs and activities.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal U.S. Department of State procedures.

Dated: February 21, 2002.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 02–4854 Filed 2–27–02; 8:45 am]

BILLING CODE 4710–05–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Negotiation of a U.S.-Singapore Free Trade Agreement

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of public hearings concerning negotiation of a U.S.-Singapore Free Trade Agreement.

SUMMARY: This publication gives notice that the Trade Policy Staff Committee (TPSC) will conduct public hearings

concerning negotiation of a U.S.-Singapore Free Trade Agreement.

DATES: A hearing will be held on Monday, April 1, 2002. Parties wishing to testify orally at the hearings must provide written notification of their intention by noon, Monday, March 18, 2002. Parties presenting oral testimony also must submit a written brief by noon Thursday, March 21, 2002.

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning public comments or public hearings, contact Gloria Blue, Executive Secretary, Trade Policy Staff Committee, USTR, 1724 F Street, NW., Washington, DC 20508, telephone (202) 395–3475. All other questions should be directed to Barbara Weisel, Deputy Assistant U.S. Trade Representative for Bilateral Asian Affairs, (202) 395–6813, or Will Martyn, Associate General Counsel, (202) 395–3582.

SUPPLEMENTARY INFORMATION:

1. Background

In November 2000, the United States and Singapore announced that they would enter into negotiations on a bilateral free trade agreement (FTA). Negotiations were launched in December 2000. In early 2001, the Bush Administration reaffirmed the United States' commitment to the negotiations. The parties expect that negotiations will intensify in the coming months.

As described in the previous notice, *see* 65 FR 71197, the United States and Singapore are seeking to eliminate duties and commercial barriers to bilateral trade in U.S. and Singaporean-origin goods. The agreement is also expected to include provisions on trade in services, investment, trade-related aspects of intellectual property rights, competition, government procurement, electronic commerce, trade-related environmental and labor matters, and other issues.

2. Public Comments and Testimony

In conformity with TPSC regulations (15 CFA part 2003), the Chairman of the TPSC invites written comments and/or oral testimony of interested persons in a public hearing on the economic effects of a U.S.-Singapore FTA.

Comments are invited particularly on:

(a) Economic costs and benefits to U.S. producers and consumers of removal of all tariff barriers to trade between Singapore and the United States, and in the case of articles for which immediate elimination of tariffs is not appropriate, the appropriate staging schedule for such elimination.

(b) Existing nontariff barriers to trade in goods between Singapore and the United States and the economic costs and benefits to U.S. producers and consumers of removing those barriers.

(c) Existing restrictions on investment flows between Singapore and the United States and the costs and benefits to U.S. investors and consumers of eliminating any such restrictions.

(d) Any other matter relevant to the U.S.-Singapore FTA, including any other measures, policies, or practices of the Government of Singapore that should be addressed in the negotiations.

(e) Possible effects on basic workers' rights, working conditions, and living standards, as well as the possible environmental effects. Supplemental comments also are being requested on the scope of the environmental review of the proposed U.S.-Singapore FTA currently under negotiation. Persons who submit comments pursuant to the **Federal Register** Notice should not resubmit those comments for this proceeding.

3. Requests To Participate in Public Hearings

A hearing will be held on Monday, April 1, 2002 in Room 1 and 2, 1724 F Street, NW., Washington, DC 20508. Hearings will continue on succeeding days if necessary.

Parties wishing to testify orally at the hearings must provide written notification of their intention by noon, Monday, March 18, 2002 to Gloria Blue, Executive Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative. Requests should be made by e-mail to FR*0017@ustr.gov* or by fax to 202–395–5141, Attn: Gloria Blue. Notification may be submitted by mail to Gloria Blue, 1724 F Street, N.W., Washington, D.C. 20508. However, due to significant delays, we have no means of ensuring its timely receipt. The notification should include (1) the name, address, and telephone number of the person presenting the testimony; and (2) a brief summary of the presentation, including the product(s) (with HTSUS numbers), service sector(s), or other subjects to be discussed.

Parties presenting oral testimony also must submit by noon, Thursday, March 21, 2002 a written brief of that testimony. To ensure prompt receipt, the testimony should also be submitted electronically to FR*0018@ustr.gov* or by fax to (202) 395–5141, Attn: Gloria Blue (see note above on mail delivery) . Remarks at the hearing should be limited to no more than five minutes to allow for possible questions from the Chairman and the interagency panel.

Those persons not wishing to participate in the hearing may submit written comments no later cob, Friday, April 5, 2002. To ensure prompt receipt, comments should also be submitted by fax to (202) 395–5141, Attn: Gloria Blue or by e-mail to *FR0019@ustr.gov* (see note above on mail delivery). Comments should state clearly the position taken and should describe with particularity the evidence supporting that position.

Any notifications or briefs should be submitted in accordance with the instructions in section 4, below. The TPSC cannot guarantee receipt or consideration of any submissions that do not conform with those instructions.

4. Requirements for Submissions

Persons submitting a brief in response to this notice by electronic mail should transmit a copy electronically to *FR0018@ustr.gov*, with ''Singapore FTA hearing'' in the subject line. USTR encourages the submission of documents in Adobe PDF format, as attachments to an electronic mail. For any document containing business confidential information submitted by electronic transmission, the file name of the business confidential version should begin with the characters ''BC-'', and the file name of the public version should begin with the characters ''P-''. The ''P-'' or ''BC-'' should be followed by the name of the submitter. Persons who make submissions by electronic mail should not provide separate cover letters; information that might appear in a cover letter should be included in the submission itself. Similarly, to the extent possible, any attachments to the submission should be included in the same file as the submission itself, and not as separate files.

Notifications and briefs will be placed in a file open to public inspection pursuant to 15 CFR 2003.5, except confidential business information exempt from public inspection in accordance with 15 CFR 2003.6. Confidential business information submitted in accordance with 15 CFR 2006.6 must be clearly marked ''BUSINESS CONFIDENTIAL'' at the top of each page, including the cover letter or cover page, and must be accompanied by a nonconfidential summary of the confidential information. All public documents and nonconfidential summaries shall be available for public inspection in the USTR Reading Room. The USTR Reading Room is open to the public from 10 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday, and is located in Room 3, First Floor, Office of the United States Trade Representative, 1724 F Street, NW, Washington, DC 20508. An appointment

to review the file may be made by calling (202) 395–6186.

Carmen Suro-Bredie,

Chairman, Trade Policy Staff Committee.

[FR Doc. 02–4838 Filed 2–27–02; 8:45 am]

BILLING CODE 3190–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary; Notice of Order Soliciting Community Proposals

AGENCY: Department of Transportation.

ACTION: Notice of Order Soliciting Community Proposals (Order 2002–2–11), Docket OST–2002–11590.

SUMMARY: The Department of Transportation is instituting a new small community air service development program by soliciting an initial round of proposals from interested communities and consortiums of communities.

DATES: Proposals should be submitted no later than 60 days after the service date of Order 2002–2–11, April 22, 2002.

ADDRESSES: Interested parties should submit an original and five copies of their proposals, bearing the title ''Proposal under the Small Community Air Service Development Pilot Program, Docket OST–2002–11590'' as well as the name of the community or consortium of communities, and the legal sponsor, to the Docket Operations and Media Management Division, SVC–124, Room PL–401, Department of Transportation, 400 7th Street, SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Matthew C. Harris, Special Assistant to the Assistant Secretary for Aviation and International Affairs, Department of Transportation, 400 7th Street, SW, Washington, DC 20590 (202) 366–8822.

Dated: February 22, 2002.

Read C. Van de Water,

Assistant Secretary for Aviation and International Affairs.

[FR Doc. 02–4850 Filed 2–27–02; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Lake Shore Railway Association

[Docket Number FRA–2002–11530]

The Lake Shore Railway Association (LSRX) seeks a waiver of compliance for locomotive number 13031, from the requirements of the *Safety Glazing Standards*, 49 CFR part 223, which requires certified glazing in all locomotive windows except those locomotives used in yard service and from the requirements of the *Railroad Safety Appliance Standards*, 49 CFR 231.30, which requires all locomotives used in switching service be equipped with four corner stairway openings and each stairway opening must be equipped with two vertical handholds. The waiver request is for a mid-cab locomotive built by General Electric in 1941–1942 .

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA–2002–11530) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room Pl–401, Washington, DC 20590–0001. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov*.

Issued in Washington, DC, on February 25, 2002.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 02–4767 Filed 2–27–02; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Northeast Illinois Railroad Corporation

[Docket Number FRA–2002–11502]

The Northeast Illinois Railroad Corporation, doing business as Metra, has petitioned for a permanent waiver of compliance from the requirements of the *Fire Safety* standard, 49 CFR 238.103, which requires materials used on the passenger car meet the test performance criteria for flammability and smoke emission characteristics as specified in appendix B to this section. Metra stated that each of its current fleet of 781 bi-level gallery cars and 165 EMU cars has an emergency tool/first aid pocket that are located on both the ''A'' and ''B'' ends of the vehicle. The pockets are covered with acrylic for two reasons, *i.e.,* it affords rapid accessibility in case of an emergency as minimal blow is required to break the cover; and its transparency allows railroad to inspect the contents such as the fire extinguisher charge. Metra stated that the entire surface area of the acrylic is 160 square inches and the acrylic material does not meet the above-mentioned flammability and smoke emission standards. Metra also stated that it tried to consider an alternative material—Lexan, and found it unacceptable due to the reduced accessibility and cutting hazards when it is broken. Metra is in the process of ordering 300 new gallery and EMU cars.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver

Petition Docket Number FRA–2002–11502) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL–401, Washington, DC 20590–0001. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov.*

Issued in Washington, DC, on February 25, 2002.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 02–4766 Filed 2–27–02; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Federal Highway Administration

Supplemental Environmental Impact Statement for the South Corridor Segement of the South/North Transit Corridor Project in the Portland, Oregon Metropolitan Area

AGENCY: Federal Transit Administration, DOT and Federal Highway Administration, DOT.

ACTION: Notice of intent to prepare a supplemental environmental impact statement.

SUMMARY: The Federal Transit Administration, the Federal Highway Administration, Metro and Tri-Met intend to prepare a Supplemental Environmental Impact Statement (SEIS) in accordance with the National Environmental Policy Act (NEPA) for transit improvements in the southern segment of the South/North Transit Corridor (referred to as the South Corridor Project) of the Portland Oregon metropolitan region. Conditions have changed since the South/North DEIS was published. The Corridor has been divided into minimum operable segments. The North Corridor Interstate MAX FEIS was published and the project is under construction. The South Corridor Transportation Alternatives Study was performed to re-examine transportation options in the South Corridor.

The purpose of this new Notice of Intent is to re-notify interested parties of the intent to prepare a SEIS and invite participation in the study. Over time, traffic congestion in the South Corridor has degraded transit reliability and increased transit travel time. The project proposes to implement a major high capacity transit improvement in the South Corridor segment of the South/North Corridor, that maintains livability in the metropolitan region, supports land use goals, optimizes the transportation system, is environmentally sensitive, reflects community values and is fiscally responsive. Six transit alternatives (described below) will be evaluated in the SDEIS.

MEETING DATES: *Agency Coordination Meeting:* An agency coordination meeting will be held at 10 a.m. on Wednesday, March 13, 2002, at the Metro Regional Center, 600 NE Grand Avenue, Portland Oregon.

Public Information Meeting: A public information meeting will be held from 4 to 7 p.m. on Wednesday, March 20, 2002 at the Metro Regional Center, 600 NE Grand Avenue, Portland Oregon. The Metro Regional Center is accessible to persons with disabilities. Any individual with a disability who requires special assistance, such as a sign language interpreter, should contact Kirstin Hull at (503) 797–1864, at least 48-hours in advance of the meeting in order for Metro to make necessary arrangements.

FOR FURTHER INFORMATION CONTACT: Agency Coordination contact Sharon Kelly, Metro EIS Manager at (503) 797–1753 or (e-mail) *KellyS@Metro.dst.or.us.* Public Information contact Kristin Hull, Metro Public Involvement Coordinator at (503) 797–1864 or (e-mail) *Hull@Metro.dst.or.us.* Written Comments should be sent to Sharon Kelly, South Corridor Project, Metro, 600 NE Grand Avenue, Portland OR 97232. Additional information on the South Corridor Project can also be found on the Metro Web site at: *www.metro-region.org.*

SUPPLEMENTARY INFORMATION:

1. Notice of Intent

This new Notice of Intent to prepare a Supplemental EIS is being published at this time to re-notice interested parties due to the changes that have occurred since the initial Notice of Intent (October 1993), publication of the South/North DEIS (February 1998), and publication of the North Corridor Interstate MAX Light Rail Project FEIS (October 1999). The South Corridor Project is re-examining high capacity transit alternatives in the southern segment of the South/North Corridor. Also, the Federal Highway Administration (FHWA) is joining the Federal Transit Administration (FTA) as a Federal Co-Lead. Because the study is primarily a transit alternatives study, FTA regulations and guidance will be used for the analysis and preparation of the South Corridor Project SEIS.

II. Study Area

The South Corridor generally encompasses the southeast quadrant of the Portland, Oregon metropolitan area, including downtown Portland, Southeast Portland neighborhoods, the City of Milwaukie, the City of Gladstone, the City of Oregon City and urban unincorporated Clackamas County (east of the Willamette River).

III. Alternatives

Six alternatives will be evaluated in the SDEIS. The *No-Build Alternative* will provide the basis for comparison of the build alternatives. The No-Build Alternative includes the existing transportation system plus multi-modal transportation improvements that would be constructed under the Regional Transportation Plan Financially Constrained Transportation Network. The *Bus Rapid Transit (BRT) Alternative* provides low cost capital and operating improvements to the existing bus transit system. The BRT Alternative includes bus priority treatments on existing streets, intelligent transportation system (ITS) treatments, simplified fare payment methods, fewer stops and other amenities that would enhance bus service. The *Busway Alternative* includes elements of a separated busway in combination with BRT elements connecting the Transit Mall in downtown Portland with downtown Milwaukie and the Clackamas Town Center area. The *Milwaukie Light Rail Alternative* includes 6.3 miles of new light rail transit connecting to the existing light rail system in downtown Portland and extending to downtown Milwaukie. Some BRT improvements would also be included in this alternative. The *I–205 Light Rail Alternative* includes 6.5 miles of new light rail transit connecting to the existing light rail system at Gateway and extending south along I–205 to the Clackamas Town Center area. Some BRT improvements would also be included in this alternative. The *Combined Light Rail Alternative* includes both Milwaukie Light Rail and I–205 Light Rail along with some BRT components.

IV. Probable Effects

FTA, FHWA, Metro and Tri-Met will evaluate all significant transportation, environmental, social and economic impacts of the alternatives. Primary issues include: support of state, regional and local land use and transportation plans and policies, cost effective expansion of the transit system, preservation of capacity enhancement options of I–205, neighborhood impacts and environmental sensitivity. The impacts will be evaluated for both the construction period adn for the long-term period of operation. Measures to mitigate any significant impact will be developed.

Issued on: February 25, 2002.

Linda Gehrke,

Deputy Regional Admininstrator, Region, X, Federal Transit Administration.

Elton H. Change,

Environmental Coordinator, Oregon Division, Federal Highway Administration.

[FR Doc. 02–4849 Filed 2–27–02; 8:45 am]

BILLING CODE 4910–57–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket No. NHTSA–01–11136]

Reports, Forms, and Record Keeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under new procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections.

This document describes one collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before April 29, 2002.

ADDRESSES: Direct all written comments to U.S. Department of Transportation Dockets, 400 Seventh Street, SW., Plaza 401, Washington, DC 20590. Docket No. NHTSA–01–11136.

FOR FURTHER INFORMATION CONTACT: Mr. Alan Block, Contracting Officer'sTechnical Representative, Office of Research and Traffic Records (NTS–31), National Highway Traffic Safety Administration, 400 Seventh Street, SW., Room 6240, Washington, DC 20590.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) 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;

(ii) 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;

(iii) How to enhance the quality, utility, and clarity of the information to be collected; and

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks public comment on the following proposed collection of information:

2002 Motor Vehicle Occupant Safety Survey

Type of Request: New information collection requirement.

OMB Clearance Number: None.

Form Number: This collection of information uses no standard forms.

Requested Expiration Date of Approval: December 31, 2003.

Summary of the Collection of Information: NHTSA proposes to conduct a year 2002 Motor Vehicle Occupant Safety Survey by telephone among a national probability sample of 12,000 adults (age 16 and older). Participation by respondents would be voluntary. NHTSA's information needs require seat belt and child safety seat sections too large to merge into a single survey instrument without producing an inordinate burden on respondents. Rather than reduce these sections, the proposed survey instrument would be divided into two questionnaires. Each questionnaire would be administered to one-half the total number of subjects to be interviewed. Questionnaire #1 would focus on seat belts and include smaller sections on air bags, motorcyclist safety, and general driving (including speed). Questionnaire #2 would focus on child restraint use, accompanied by smaller sections on air bags and Emergency Medical Services. Both questionnaires would contain sections on crash injury experience, and on drinking and driving because of the extensive impact of alcohol on the highway safety problem. Some basic seat belt questions contained in Questionnaire #1 would be duplicated on Questionnaire #2.

In conducting the proposed survey, the interviewers would use computer-assisted telephone interviewing to reduce interview length and minimize recording errors. A Spanish-language translation and bilingual interviewers would be used to minimize language barriers to participation. The proposed survey would be anonymous and confidential.

Description of the Need for the Information and Proposed Use of the Information

The National Highway Traffic Safety Administration (NHTSA) was established to reduce the mounting number of deaths, injuries and economic losses resulting from motor vehicle crashes on the Nation's highways. As part of this statutory mandate, NHTSA is authorized to conduct research as a foundation for the development of motor vehicle standards and traffic safety programs.

During the late 1960s and early 1970s, more than 50,000 persons were killed each year in motor vehicle crashes in the United States. Diverse approaches were taken to address the problem. Vehicle safety designs and features were improved; restraint devices were improved; safety behaviors were mandated in state legislation (including seat belt use, child safety seat use, and motorcycle helmet use); alcohol-related legislation was enacted; this legislation was enforced; public information and education activities were widely implemented; and roadways were improved.

As a result of these interventions and improvements, crash fatalities dropped significantly. By 1992, total fatalities had fallen to 39,250, representing a 23% decline from 1966. In addition, the resident population and the number of vehicle miles traveled increased greatly over those years. When fatality rates are computed per 100,000 population, the rate for 1992 (15.39) was about 40

percent lower than the 1966 rate (25.89). In sum, heightened highway safety activity conducted over the past three decades corresponds with major strides in reducing traffic fatalities.

Remaining barriers to safety will be more resistant to programmatic influences now that the easy gains have already been accomplished. Moreover, crash fatalities have edged higher since 1992, totaling 41,821 in 2000. Thus significant effort will be needed just to preserve the gains that already have been made. Up-to-date information is essential to plot the direction of future activity that will achieve reductions in crash injuries and fatalities in the coming years.

In order to collect the critical information needed by NHTSA to develop and implement effective countermeasures that meet the Agency's mandate to improve highway traffic safety, NHTSA conducted its first Motor Vehicle Occupant Safety Survey in 1994. The survey included questions related to seat belts, child safety seats, air bags, bicyclist safety, motorcyclist safety, and Emergency Medical Services. It also contained small segments on alcohol use and on speeding. The survey has been repeated biennially through year 2000, with the survey instrument updated prior to each survey administration to incorporate emergent issues and items of increased interest.

The proposed survey is the fifth Motor Vehicle Occupant Safety Survey. The survey would collect data on topics included in the preceding surveys and would monitor changes over time in the use of occupant protection devices and in attitudes related to vehicle occupant safety. It is important that NHTSA monitor these changes so that the Agency can determine the effects of its efforts to promote the use of safety devices and to identify areas where its efforts should be targeted and where new strategies may be needed. As in earlier years, NHTSA proposes to make a small number of revisions to the survey instrument to address new information needs. If approved, the proposed survey would assist NHTSA in addressing the problem of motor vehicle occupant safety and in formulating programs and recommendations to Congress. The results of the proposed survey would be used to: (a) Identify areas to target current programs and activities to achieve the greatest benefit; (b) develop new programs and initiatives aimed at increasing the use of occupant safety devices by the general public; and (c) provide informational support to States and localities in their traffic safety efforts. The findings would also be used directly by State and local highway safety and law enforcement agencies in the development and implementation of effective countermeasures to prevent injuries and fatalities to vehicle occupants.

Description of the Likely Respondents (Including Estimated Number, and Proposed Frequency of Response to the Collection of Information)

Under this proposed effort, a telephone interview averaging approximately 20 minutes in length would be administered to each of 12,000 randomly selected members of the general public age 16 and older in telephone households. The respondent sample would be selected from all 50 states plus the District of Columbia. Interviews would be conducted with persons at residential phone numbers selected through random digit dialing. Businesses are ineligible for the sample and would not be interviewed. No more than one respondent would be selected per household. Each member of the sample would complete one interview.

Estimate of the Total Annual Reporting and Record Keeping Burden Resulting from the Collection of Information

NHTSA estimates that each respondent in the sample would require an average of 20 minutes to complete the telephone interview. Thus, the number of estimated reporting burden hours a year on the general public (12,000 respondents multiplied by 1 interview multiplied by 20 minutes) would be 4000 for the proposed survey. The respondents would not incur any reporting cost from the information collection. The respondents also would not incur any record keeping burden or record keeping cost from the information collection.

Rose A. McMurray,

Associate Administrator, Traffic Safety Programs.

[FR Doc. 02–4562 Filed 2–27–02; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34148]

Genesee & Wyoming Inc.—Control Exemption—ETR Acquisition Corporation and Emons Transportation Group, Inc.

Genesee & Wyoming Inc. (GWI), a noncarrier holding company,[1] has filed a verified notice of exemption to (i) acquire all of the stock of Emons Transportation Group, Inc. (Transportation), a noncarrier holding company, and (ii) continue in control of ETR Acquisition Corporation (Acquisition), a noncarrier wholly owned subsidiary of GWI. Transportation directly controls Emons Railroad Group, Inc. (Emons Rail), a noncarrier holding company, and indirectly controls the following wholly owned Class III rail carrier subsidiaries (subsidiaries) of Emons Rail: York Railway Company (York), operating in the State of Pennsylvania; Penn Eastern Rail Lines, Inc., operating in the State of Pennsylvania; St. Lawrence & Atlantic Railroad Company (SLR), operating in the States of Vermont, New Hampshire, and Maine; and St. Lawrence & Atlantic Railroad (Quebec) Inc., operating in the State of Vermont via trackage rights over a portion of the rail line owned by SLR.[2] Acquisition will be the mechanism used by GWI to acquire ownership of Transportation.[3] Through GWI's acquisition of Transportation, GWI will have indirect control of the subsidiaries.

The transaction is expected to be consummated on or shortly after February 22, 2002.

GWI states that: (i) The properties of subsidiaries and affiliates will not connect with each other; (ii) the acquisition and continuance in control are not part of a series of anticipated transactions that would connect the rail lines of subsidiaries and affiliates with each other; and (iii) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Because the transaction involves one Class II and one or more Class III rail carriers, the exemption is

[1] The verified notice indicates that GWI has direct control of one Class II rail carrier subsidiary and 14 Class III rail carrier subsidiaries. In addition, GWI has indirect control of three Class III rail carrier subsidiaries, through its ownership of noncarrier Rail Link, Inc. The direct and indirect subsidiary rail carriers of GWI are collectively referred to as Affiliates.

[2] The verified notice states that Transportation also controls Maryland and Pennsylvania Railroad, LLC, and Yorkrail, LLC, two non-operating common carriers, which separately hold the rail assets over which York operates.

[3] According to the verified notice, the shareholders of Transportation will become entitled to payment of money and their shares will be cancelled. Further, Acquisition will be merged into the surviving Transportation with each share of Acquisition being converted into a share of stock of the surviving Transportation and GWI thereby becoming the sole shareholder of Transportation.

subject to the labor protection requirements of 49 U.S.C. 11326(b).

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. 34148, 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 Troy W. Garris, Esq., Weiner Brodsky Sidman Kider PC, 1300 Nineteenth Street, N.W., Fifth Floor, Washington, DC 20036–1609.

Board decisions and notices are available on our website at *www.stb.dot.gov.*

Decided: February 21, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–4666 Filed 2–27–02; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Transportation Security Administration

[Docket No. TSA–2002–11334]

RIN 2110–AA02

Reports, Forms and Record Keeping Requirements; OMB Approval of Agency Information Collection Activity

AGENCY: Transportation Security Administration, DOT.

ACTION: Notice.

SUMMARY: Pursuant to the Aviation and Transportation Security Act, Public Law 107–71, November 19, 2001, the Transportation Security Administration (TSA) imposed a fee, known as the Aviation Security Infrastructure Fee, on air carriers and foreign air carriers engaged in air transportation, foreign air transportation, and intrastate air transportation that is necessary to help defray the costs of providing U.S. civil aviation security services. The Interim Final Rule (IFR) imposing the Aviation Security Infrastructure Fee contains information collection requirements. On February 20, 2002, the **Federal Register** published this IFR, which was effective February 18, 2002, and it may be reviewed at 67 FR 7926.

The IFR indicates that, pursuant to 5 CFR 1320.13, Emergency processing, TSA has asked the Office of Management and Budget (OMB) for temporary emergency approval for the information collection contained therein. The IFR states TSA's estimated costs, estimated burden hours, and other calculations regarding the information collection that TSA submitted to OMB. It also solicits comments regarding any aspect of the information collection requirements.

This Notice serves to inform the public that on February 13, 2002, OMB approved the information collection contained in the IFR and assigned it OMB control number 2110–0002. The information collection is approved through August 31, 2002. During this time period, TSA will apply to OMB for a three-year extension of the information collection approval.

FOR FURTHER INFORMATION CONTACT: Rita Maristch, Office of the General Counsel, Office of Environmental, Civil Rights, and General Law, Department of Transportation (C–10), 400 Seventh Street, SW., Room 10102, Washington, DC 20590, (202) 366–9161 (voice), (202) 366–9170 (fax). You may also contact Steven Cohen, Office of the General Counsel (C–10), at (202) 366–4684.

Issued on: February 25, 2002.

Rosalind A. Knapp,

Deputy General Counsel, Department of Transportation.

[FR Doc. 02–4946 Filed 2–26–02; 2:45 pm]

BILLING CODE 4910–62–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCIES: Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the OCC, the Board, and the FDIC (the ''agencies'') may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. On October 18, 2001, the OCC, the Board, and the FDIC (the agencies) requested public comment for 60 days on proposed revisions to the Consolidated Reports of Condition and Income (Call Report), which are currently approved collections of information. After considering the comments the agencies received, the Federal Financial Institutions Examination Council (FFIEC), of which the agencies are members, adopted the proposed revisions after making certain modifications to them.

DATES: Comments must be submitted on or before April 1, 2002.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies. All comments, which should refer to the OMB control number(s), will be shared among the agencies.

OCC: Written comments should be submitted to the Communications Division, Office of the Comptroller of the Currency, 250 E Street, SW., Public Information Room, Mailstop 1–5, Attention: 1557–0081, Washington, DC 20219. Due to recent temporary disruptions in the OCC's mail service, commenters are encouraged to submit comments by fax or electronic mail. Comments may be sent by fax to (202) 874–4448, or by electronic mail to *regs.comments@occ.treas.gov.* Comments will be available for inspection and photocopying at the OCC's Public Information Room, 250 E Street, SW., Washington, DC 20219. Appointments for inspection of comments may be made by calling (202) 874–5043.

Board: Written comments should be addressed to Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, submitted by electronic mail to *regs.comments@federalreserve.gov*, or delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, NW. Comments received may be inspected in room M–P–500 between 9 a.m. and 5 p.m., except as provided in section 261.12 of the Board's Rules Regarding Availability of Information, 12 CFR 261.12(a).

FDIC: Written comments should be addressed to Robert E. Feldman,

Executive Secretary, Attention: Comments/OES, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429. All comments should refer to ''Consolidated Reports of Condition and Income.'' Comments may be hand-delivered to the guard station at the rear of the 550 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 be inspected and photocopied in the FDIC Public Information Center, Room 100, 801 17th Street, NW., Washington, DC, between 9 a.m. and 4:30 p.m. on business days.

A copy of the comments may also be submitted to the OMB desk officer for the agencies: Alexander T. 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: Sample copies of the revised Call Report forms for March 31, 2002, can be obtained at the FFIEC's web site (*www.ffiec.gov*). Sample copies of the revised Call Report forms also may be requested from any of the agency clearance officers whose names appear below.

OCC: Jessie Dunaway, OCC Clearance Officer, or Camille Dixon, (202) 874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

Board: Mary M. West, Chief, Financial Reports Section, (202) 452–3829, Division of Research and Statistics, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact Diane Jenkins, (202) 452–3544, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551.

FDIC: Tamara R. Manly, Management Analyst (Regulatory Analysis), (202) 898–7453, Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: Request for OMB approval to extend, with revision, the following currently approved collections of information:

Report Title: Consolidated Reports of Condition and Income.

Form Number: FFIEC 031 (for banks with domestic and foreign offices) and FFIEC 041 (for banks with domestic offices only).

Frequency of Response: Quarterly.

Affected Public: Business or other for-profit.

For OCC

OMB Number: 1557–0081.

Estimated Number of Respondents: 2,200 national banks.

Estimated Time per Response: 42.02 burden hours.

Estimated Total Annual Burden: 369,776 burden hours.

For Board

OMB Number: 7100–0036.

Estimated Number of Respondents: 978 state member banks.

Estimated Time per Response: 48.00 burden hours.

Estimated Total Annual Burden: 187,776 burden hours.

For FDIC

OMB Number: 3064–0052.

Estimated Number of Respondents: 5,480 insured state nonmember banks.

Estimated Time per Response: 32.64 burden hours.

Estimated Total Annual Burden: 715,503 burden hours.

The estimated time per response is an average which varies by agency because of differences in the composition of the banks under each agency's supervision (e.g., size distribution of banks, types of activities in which they are engaged, and number of banks with foreign offices). The time per response for a bank is estimated to range from 15 to 550 hours, depending on individual circumstances.

General Description of Report

This information collection is mandatory: 12 U.S.C. 161 (for national banks), 12 U.S.C. 324 (for state member banks), and 12 U.S.C. 1817 (for insured state nonmember commercial and savings banks). Except for selected items, this information collection is not given confidential treatment. Small businesses (i.e., small banks) are affected.

Abstract

Banks file Call Reports with the agencies each quarter for the agencies' use in monitoring the condition, performance, and risk profile of reporting banks and the industry as a whole. In addition, Call Reports provide the most current statistical data available for evaluating bank corporate applications such as mergers, for identifying areas of focus for both on-site and off-site examinations, and for monetary and other public policy purposes. Call Reports are also used to calculate all banks' deposit insurance and Financing Corporation assessments and national banks' semiannual assessment fees.

Current Actions

On October 18, 2001, the OCC, the Board, and the FDIC jointly published a notice soliciting comments for 60 days on proposed revisions to the Call Report (66 FR 52973). The notice described the specific changes that the agencies, with the approval of the FFIEC, were proposing to implement as of March 31, 2002. The proposed revisions included:

- Separating the existing balance sheet (Schedule RC) items for federal funds sold and securities resale agreements and for federal funds purchased and securities repurchase agreements into two asset and two liability items and adding a new item to Schedule RC–M, Memoranda, for the amount of overnight Federal Home Loan Bank advances included in federal funds purchased;
- Adding new items for:
- The fair value of credit derivatives to Schedule RC–L, Derivatives and Off-Balance Sheet Items;
- Year-to-date merchant credit card sales volume for acquiring banks and for agent banks with risk to Schedule RC–L; and
- Loans and leases held for sale that are past due 30–89 days, past due 90 days or more, and in nonaccrual status to the past due and nonaccrual schedule (Schedule RC–N);
- Breaking down the existing items for past due and nonaccrual closed-end 1–4 family residential mortgages in Schedule RC–N and for the charge-offs and recoveries of such mortgages in Schedule RI–B, part I, into separate items for first lien and junior lien mortgages;
- Revising the manner in which banks report on the estimated amount of their uninsured deposits in the deposit insurance assessments schedule (Schedule RC–O) and, for banks with foreign offices, modifying the scope of the existing items for the number and amount of deposit accounts in domestic offices to include accounts in insured branches in Puerto Rico and U.S. territories and possessions;
- Inserting a subtotal in the Tier 1 capital computation in Schedule RC–R, Regulatory Capital, to facilitate the calculation of certain disallowed assets and adding a new item to the schedule in which banks with financial subsidiaries would report the adjustment they must make to Tier 1 capital for their investment in these subsidiaries;
- Splitting the existing income statement (Schedule RI) item for intangible asset amortization expense into separate items for impairment losses on goodwill and for the

amortization expense and impairment losses on other intangible assets on account of a new accounting standard; and

• Simplifying the disclosure of write-downs arising from transfers of loans to a held-for-sale account in the changes in allowance for loan and lease losses schedule (Schedule RI-B, part II).

After considering the comments the agencies received, the FFIEC and the agencies decided to modify certain aspects of the proposal relating to the reporting of federal funds transactions and securities resale/repurchase agreements and to proceed with all of the other revisions that had been proposed.

In addition, on November 29, 2001, the agencies published a final rule revising the regulatory capital treatment of recourse arrangements and direct credit substitutes, including residual interests and credit-enhancing interest-only strips, as well as asset-backed and mortgage-backed securities (66 FR 59613). This final rule took effect on January 1, 2002. Any transactions settled on or after that date are subject to the rule. However, for transactions settled before January 1, 2002, that result in increased capital requirements under the final rule, banks may delay the application of the final rule to those transactions until December 31, 2002. In response to this final rule, the FFIEC and the agencies are revising the instructions for reporting these types of exposures in Schedule RC–R, Regulatory Capital, so that the capital calculations in this schedule are consistent with the amended regulatory capital standards.

Type of Review: Revisions of currently approved collections.

Comments

In response to their October 18, 2001, notice, the agencies received two comment letters, one from the New York Clearing House (NYCH), an association of 11 major commercial banks, and another from the Federal Home Loan Bank (FHLB) of Atlanta. The agencies and the FFIEC have considered the comments received from these two respondents.

Federal Funds Transactions and Securities Resale/Repurchase Agreements

As indicated above, the agencies originally proposed to separate the existing balance sheet (Schedule RC) items for ''Federal funds sold and securities purchased under agreements to resell'' and for ''Federal funds purchased and securities sold under agreements to repurchase'' into two asset and two liability items. As proposed, the reporting of amounts as ''Federal funds sold'' (the asset item) and ''Federal funds purchased'' (the liability item) would have been based on the longstanding definition of ''federal funds transactions,'' i.e., the lending and borrowing of immediately available funds for one business day or under a continuing contract, regardless of the nature of the contract or of the collateral, if any. Under this definition, securities resale/repurchase agreements involving the receipt of immediately available funds that mature in one business day or roll over under a continuing contract are considered federal funds transactions. In addition, because overnight advances that a bank obtains from a Federal Home Loan Bank also met the definition of federal funds purchased, the agencies further proposed to add a new item to Schedule RC–M, Memoranda, in order to identify the amount of these overnight Federal Home Loan Bank advances. All other Federal Home Loan Bank advances are reported as part of ''Other borrowed money.''

The NYCH cited several concerns with this aspect of the agencies' proposal. The NYCH noted that the federal funds market, which generally involves transactions that are not collateralized, is different from the securities resale/repurchase markets, which involves collateralized transactions. As a result, its member banks typically manage these two types of transactions separately. Moreover, their member banks' existing data collection systems do not separately identify overnight securities resale/repurchase agreements and reclassify them as federal funds transactions, which the proposed Call Report change would require their systems to do. The NYCH also recommended that federal funds transactions should be limited to transactions in domestic offices, noting that if this were done, conforming changes would need to be made to the related items in Schedule RC–H, Selected Balance Sheet Items for Domestic Offices.

The FHLB of Atlanta supported the agencies' proposal to have banks report federal funds transactions separately from securities resale/repurchase agreements on the balance sheet and to add an item to Schedule RC–M for overnight Federal Home Loan Bank advances. However, the FHLB of Atlanta questioned the treatment of overnight Federal Home Loan Bank advances as federal funds purchased. Because all other Federal Home Loan Bank advances are reported as part of ''Other borrowed money'' on the Call Report balance sheet, the FHLB of Atlanta suggested that, at present, banks may be including overnight advances in ''Other borrowed money'' instead of reporting them as federal funds purchased. Therefore, the FHLB of Atlanta urged the agencies to clarify this matter in the Call Report instructions.

After considering these comments, the FFIEC and the agencies have decided to modify their original proposal to address the concerns that were raised. The FFIEC and the agencies will proceed with the separation of the existing asset and liability items on Schedule RC, Balance Sheet, into federal funds items and securities resale/repurchase agreement items. In so doing, however, the definition of ''federal funds transactions'' in the Call Report instructions will be revised. As revised, federal funds sold and purchased will be limited to transactions in domestic offices only and will not include:

• Any securities resale/repurchase agreements,

• Overnight Federal Home Loan Bank advances, or

• Lending and borrowing transactions in foreign offices involving immediately available funds with an original maturity of one business day or under a continuing contract.

This definitional revision eliminates the need for the proposed item for overnight Federal Home Loan Bank advances because they will be included in ''Other borrowed money'' on the balance sheet. As a consequence, these advances will also be reported in the existing maturity distribution of ''Other borrowed money'' in Schedule RC–M as Federal Home Loan Bank advances with a remaining maturity of one year or less.

On the FFIEC 031 report form for banks with foreign offices, lending and borrowing transactions in foreign offices involving immediately available funds with an original maturity of one business day or under a continuing contract that are not securities resale/repurchase agreements will begin to be reported on the Call Report balance sheet in ''Loans and leases, net of unearned income'' and ''Other borrowed money,'' respectively. In addition, since federal funds transactions will include only transactions in domestic offices, the scope of two items on Schedule RC–H will be modified so that they exclude federal funds transactions. As a result, revised items 3 and 4 of Schedule RC–H will cover only ''Securities purchased under agreements to resell'' and ''Securities sold under agreements to repurchase'' in domestic offices, respectively.

Merchant Credit Card Sales Volume

The agencies proposed to add new items to the Call Report on year-to-date merchant credit card sales volume. The NYCH indicated that it was uncertain as to how the agencies would use the data on merchant credit sales volume to assess risk, particularly with respect to capital, and urged the agencies ''not to jump to conclusions about the risks represented by the data.''

The agencies recognize that the sales data are but one indicator of risk associated with the merchant acquiring business. The sales data are intended to provide information for off-site monitoring of the risk profiles of individual institutions and will enable the agencies to identify and monitor institutions involved in and entering this business. Significant changes in the sales volume at individual institutions would warrant supervisory follow-up to determine whether adequate risk management processes and controls are in place for the higher level of processing activity. Nevertheless, this follow-up activity, as well as assessments of capital adequacy, would consider a variety of factors besides the sales volume data. In addition, any changes to the agencies' regulatory capital standards to address the off-balance sheet risks arising from merchant processing activities would be subject to formal rulemaking.

Reporting Uninsured Deposits

The agencies proposed to revise the approach by which banks report an estimate of their uninsured deposits in Call Report Schedule RC–O, Other Data for Deposit Insurance and FICO Assessments. Under the revised approach, all banks would be required to provide an estimate of these deposits subject to certain reporting criteria that are intended to permit banks to take advantage of automated systems to the extent that they are in place today and as they improve over time. As proposed, the caption for this item would have been changed from ''Estimated amount of uninsured deposits of the bank'' to ''Uninsured deposits.''

The NYCH stated that the amount banks report in the revised item should still be viewed as a ''best estimate'' and recommended that the current caption be maintained. The FFIEC and the agencies have agreed to retain the words ''estimated amount'' in the caption.

The NYCH also observed that, although the reporting criteria for the estimation process for the revised item relate to specific types of deposits, ''different banks will have varying degrees of success in obtaining the information required and therefore the results may not be as consistently derived as intended.'' The NYCH added that this could lead to different levels of performance within an individual bank and across all banks as well as different levels of individual bank performance over time as banks improve their automated systems. The NYCH acknowledged that the proposal recognized that this would be a likely outcome. In this regard, the FDIC is more interested at present in obtaining uninsured deposit estimates from banks that are better than the estimates that are developed under the current reporting approach than about the consistency of the methods banks use to determine the estimate under the revised approach. Accordingly, the instructions for the revised item for estimated uninsured deposits will state that the agencies recognize that a bank may have multiple automated information systems for its deposits and that the capabilities of these systems to provide an estimate of uninsured deposits will differ from bank to bank at any point in time and, within an individual institution, may improve over time.

Request for Comment

Comments are invited on:

(a) Whether the proposed revisions to the Call Report collections of information are necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

(b) The accuracy of the agencies' estimates of the burden of the information collections as they are proposed to be revised, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start up costs and costs of operation, maintenance, and purchase of services to provide information.

Comments submitted in response to this notice will be shared among the agencies. All comments will become a matter of public record. Written comments should address the accuracy of the burden estimates and ways to minimize burden as well as other relevant aspects of the information collection request.

Dated: February 21, 2002.

Mark J. Tenhundfeld,

Assistant Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

Board of Governors of the Federal Reserve System, February 22, 2002.

Jennifer J. Johnson,

Secretary of the Board.

Dated at Washington, D.C., this 22nd day of February, 2002.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 02–4741 Filed 2–27–02; 8:45 am]

BILLING CODE 4810–33–P; 6210–01–P; 6714–01–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies acceptable on Federal Bonds: Liquidation—Acceleration National Insurance Company

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: Liquidation of an insurance company formerly certified by this Department as an acceptable surety/reinsurer on Federal bonds.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874–6850.

SUPPLEMENTARY INFORMATION: ACCELERATION NATIONAL INSURANCE COMPANY, an Ohio company, formerly held a Certificate of Authority as an acceptable surety on Federal bonds and was last listed as such at 57 FR 29357, July 1, 1992. The Company's authority was terminated by the Department of the Treasury effective June 4, 1993. Notice of the termination was published in the **Federal Register** of June 15, 1993, on page 33141.

On February 28, 2001, upon a petition by the Superintendent of Insurance for the State of Ohio, the court of Common Pleas, Franklin County, Ohio, issued an Order of Liquidation with respect to ACCELERATION NATIONAL INSURANCE COMPANY. J. Lee Covington II, Superintendent of Insurance for the Ohio Department of Insurance, and his successors in office were appointed as the Liquidator. All persons having claims against ACCELERATION NATIONAL INSURANCE COMPANY must file their claims by February 28, 2002, or be barred from sharing in the distribution of assets.

All claims must be filed in writing and shall set forth the amount of the claim, the facts upon which the claim is based, any priorities asserted, and any other pertinent facts to substantiate the claim. Federal Agencies should assert claim priority status under 31 USC 3713, and send a copy of their claim, in writing, to: Department of Justice, Civil Division, Commercial Litigation Branch, P.O. Box 875, Ben Franklin Station, Washington, DC 20044–0875. Attn: Ms. Sandra P. Spooner, Deputy Director.

The above office will consolidate and file any and all claims against ACCELERATION NATIONAL INSURANCE COMPANY, on behalf of the United States Government. Any questions concerning filing of claims may be directed to Ms. Spooner at (202) 514–7194.

The Circular may be viewed and downloaded through the Internet *(http://www.fms.treas.gov/c570/index.html).* A hard copy may be purchased from the Government Printing Office (GPO), Subscription Service, Washington, DC, (202) 512–1800. When ordering the Circular from GPO, use the following stock number 769–004–04067–1.

Questions concerning this notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Financial Accounting and Services Division, Surety Bond Branch, 3700 East-West Highway, Room 6F07, Hyattsville, MD 20782.

Dated: February 21, 2002.

Wanda Rogers,

Director, Financial Accounting and, Services division, Financial Management Service.

[FR Doc. 02–4694 Filed 2–27–02; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0408]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine claim payment to holders of terminated VA guaranteed manufactured home unit loans.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 29, 2002.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 or e-mail: *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0408'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501—3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles: Manufactured Home Loan Claim Under Loan Guaranty (Manufactured Home Unit Only), VA Form 26–8629 and Manufactured Home Loan Claim Under Loan Guaranty (Combination Loan—Manufactured Home Unit and Lot or Lot Only), VA Form 26–8630.

OMB Control Number: 2900–0408.

Type of Review: Extension of a currently approved collection.

Abstract: This notice solicits comments for information needed to determine claim payments to holders of terminated VA guaranteed manufactured home unit loans.

Affected Public: Business or other for-profit and Individuals or households.

Estimated Annual Burden: 36 hours.

Estimated Average Burden Per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 110.

Dated: February 14, 2002.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 02–4688 Filed 2–27–02; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0353]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine the number of lessons completed by a student and serviced by the correspondence school and to determine the completion or termination date of correspondence training.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 29, 2002.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 or e-mail: *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0353'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44

U.S.C., 3501—3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Certification of Lessons Completed (Chapters 30, 32, and, 35, Title 38, U.S.C.; Chapter 1606, Title 10, U.S.C., and Section 903, Public Law 96–342), VA Forms 22–6553b and 22–6553b–1.

OMB Control Number: 2900–0353.

Type of Review: Extension of a currently approved collection.

Abstract: These forms are used to determine the number of lessons completed by the student and serviced by the correspondence school, and if necessary to determine the date of completion or termination of correspondence training. Without this information, VA would be unable to determine the proper payment or the student's training status. These forms are considered to be one and the same.

Affected Public: Individuals or households, Business or other for-profit.

Estimated Annual Burden: 1,780 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 3,559.

Estimated Annual Responses: 10,617.

Dated: February 14, 2002.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 02–4689 Filed 2–27–02; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0068]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine a veteran's eligibility for Service Disabled Veterans Insurance.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 29, 2002.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail: *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0068'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Application for Service Disabled Insurance, VA Form 29–4364.

OMB Control Number: 2900–0068.

Type of Review: Extension of a currently approved collection.

Abstract: The form is used by veterans to apply for Service Disabled Veterans Insurance, to designate a beneficiary and to select an optional settlement. The data collected on the form is used by VA to determine the veteran's eligibility for insurance.

Affected Public: Individuals or households.

Estimated Annual Burden: 4250 hours.

Estimated Average Burden Per Respondent: 40 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 2833.

Dated: February 14, 2002.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 02–4690 Filed 2–27–02; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Thursday,
February 28, 2002

Part II

Department of Labor

Employment and Training Administration

Solicitation of Comments on Reauthorization of the Workforce Investment Act (WIA) and Linkages With the Temporary Assistance for Needy Families (TANF) Program; Notice

DEPARTMENT OF LABOR

Employment and Training Administration

Solicitation of Comments on Reauthorization of the Workforce Investment Act (WIA) and Linkages With the Temporary Assistance for Needy Families (TANF) Program

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Solicitation of comments.

SUMMARY: Title I of the Workforce Investment Act of 1998 (WIA) established a new delivery mechanism for training and employment services, known as the One-Stop service delivery system. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) reformed the welfare system by replacing the Aid to Families with Dependent Children Program with a new welfare block grant program, known as the Temporary Assistance for Needy Families program, or TANF. TANF provides states with funding for the provision of welfare services. The Congress is scheduled to take up the reauthorization of TANF in 2002 and WIA in 2003. The purpose of this notice is to invite public comment on two major issues: (1) What changes the Administration should propose to Titles I, III and V of WIA; and (2) how linkages between Title I of WIA and TANF can be improved.

DATES: Submit comments on or before June 30, 2002. We encourage comments related to linkages between Title I of WIA and TANF to be submitted as soon as possible.

ADDRESSES: Submit comments through the mail to: WIA/TANF Reauthorization, Attention: Maria Kniesler Flynn, Employment and Training Administration, Room S–4231, 200 Constitution Avenue, NW., Washington, DC 20210. Fax copies may be sent to: 202–693–3015. If you wish to comment electronically, go to the Employment and Training Administration's reauthorization website at *http://usworkforce.org/reauthorization* and follow the instructions or you may e-mail comments to *reauthorization@doleta.gov*. Please be advised that U.S. mail delivery in the Washington, DC area has been erratic due to concerns involving anthrax contamination. Commenters should take this into consideration when submitting comments near the deadline.

FOR FURTHER INFORMATION CONTACT: Maria Kniesler Flynn, Division Chief, Division of One-Stop Operations, Employment and Training Administration, 200 Constitution Avenue, Room S–4231, Washington, DC, 20210. Ms. Flynn's telephone number is (202) 693–3045.

SUPPLEMENTARY INFORMATION:

Legislative Summary

The Workforce Investment Act [Pub. L. 105–220] was signed into law on August 7, 1998. It marked the first major job training reform in over 15 years and replaced the Job Training Partnership Act. Title I of the Act is designed to provide workforce investment activities through statewide and local One-Stop systems that increase the employment, retention and earnings of participants, and increase occupational skill attainment by participants. These One-Stop systems provide the information, advice, job search assistance and training that are necessary to get and keep good jobs to unemployed or underemployed individuals, thereby providing employers with skilled workers.

Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, [Pub.L. 104–193], was signed into law on August 22, 1996, and established the Temporary Assistance for Needy Family (TANF) program. TANF is a block grant that has facilitated reforms in the nation's welfare system. Its focus is moving recipients into work and turning welfare into a program of temporary assistance, preventing and reducing the incidence of out-of-wedlock births, and promoting stable two-parent families.

The Balanced Budget Act of 1997 amended TANF by adding $3 billion for a temporary Welfare-to-Work (WtW) program administered by the Department of Labor, which was targeted to help welfare recipients and noncustodial parents with the greatest number of barriers to employment. WtW formula grants were awarded to states which were required to pass 85% of their funds down to local Private Industry Councils, most of which became Workforce Investment Boards with the implementation of the WIA. WtW funding authority ended in FY 1998, although most grants continue into 2004.

Public Input

The Department of Labor's Employment and Training Administration (ETA) is seeking public input in anticipation of the reauthorization of WIA and TANF. Relevant issue areas include:

- How to enhance use of the One-Stop system under WIA to deliver services for the purpose of improving employment and earning outcomes for TANF recipients;
- How better to meet the needs of business in the workforce investment system and improve business participation in the system;
- How to balance state and local needs in the governance of the workforce investment system;
- How to increase state flexibility in meeting local labor market needs while keeping the focus on connecting people with productive employment;
- How the Administration's Unemployment Insurance/Employment Service reform proposal will assist States to improve and expand their One-Stop systems;
- How the operation of the One-Stop Career Centers can be improved; and
- How individuals can receive improved opportunities for training.

Input may be provided: (1) By submitting comments in response to this notice by mail or fax, (2) via e-mail by posting them on the reauthorization website at *http://usworkforce.org/reauthorization*, or (3) by making comments verbally at one of several public forums. Such forums include those to be held in Washington, D.C. in connection with the National Association of State Workforce Agencies (NASWA), the National Association of Counties (NACo), and the National Association of Workforce Boards (NAWB). Each ETA regional office will also be asked to host a forum. We encourage the active participation of One-Stop partner programs, such as vocational rehabilitation, adult education, TANF, and others, in these outreach efforts.

The website will provide up-to-date information to the public and inform the workforce system of the latest developments in the reauthorization efforts. The site will be linked to *http://www.doleta.gov* and *http://www.usworkforce.org* and will include a mechanism for submitting comments, a calendar of events, relevant documents and linkages to other federal partner agencies including the Department of Health and Human Services' (HHS) site established to receive comments on the TANF reauthorization process.

The forums with national organizations will include presentations by designated ETA officials and will be followed by an interactive session to collect feedback from attendees. The regional forums will also include an interactive session to collect information and may also include a focus on specific aspects of the WIA and/or TANF system. Information on dates and locations will be posted on the website. The Department of Labor

anticipates giving feedback to stakeholders in a white paper to be published in the **Federal Register**. An additional opportunity for public comment will be provided after the white paper is published.

Signed at Washington, DC, this 22 day of February, 2002.

Emily Stover DeRocco,

Assistant Secretary for Employment and Training.

[FR Doc. 02–4724 Filed 2–27–02; 8:45 am]

BILLING CODE 4510–30–P

Federal Register

Thursday,
February 28, 2002

Part II

Department of Labor

Employment and Training Administration

Solicitation of Comments on Reauthorization of the Workforce Investment Act (WIA) and Linkages With the Temporary Assistance for Needy Families (TANF) Program; Notice

DEPARTMENT OF LABOR

Employment and Training Administration

Solicitation of Comments on Reauthorization of the Workforce Investment Act (WIA) and Linkages With the Temporary Assistance for Needy Families (TANF) Program

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anticipates giving feedback to stakeholders in a white paper to be published in the **Federal Register**. An additional opportunity for public comment will be provided after the white paper is published.

Signed at Washington, DC, this 22 day of February, 2002.

Emily Stover DeRocco,

Assistant Secretary for Employment and Training.

[FR Doc. 02–4724 Filed 2–27–02; 8:45 am]

BILLING CODE 4510–30–P

Federal Register

Thursday,
February 28, 2002

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 121

Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. FAA–2002–11301; Notice No. 02–04]

RIN 2120–AH14

Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: After a number of years of experience inspecting the aviation industry's Antidrug and Alcohol Misuse Prevention Programs, the FAA is proposing to clarify regulatory language, increase consistency between the antidrug and alcohol misuse prevention program regulations where possible, and revise regulatory provisions as appropriate. Specifically, the FAA proposes to change the antidrug plan and alcohol misuse prevention certification statement submission requirements for employers and contractors. The FAA proposes to revise the timing of pre-employment testing. The FAA also proposes to modify the reasonable cause and reasonable suspicion testing requirements. The FAA believes that changing the regulations would improve safety and lessen a burden on the regulated public.

DATES: Send your comments on or before May 29, 2002.

ADDRESSES: Address your comments to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2002–11301 at the beginning of your comments, and you should submit two copies of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to http://dms.dot.gov. You may review the public docket containing comments to these proposed regulations in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Diane J. Wood, Manager, AAM–800, Drug Abatement Division, Office of Aerospace Medicine, Federal Aviation Administration, Washington, DC 20591, telephone number (202) 267–8442.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will file in the docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. The docket is available for public inspection before and after the comment closing date. If you wish to review the docket in person, go to the address in the **ADDRESSES** section of this preamble between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also review the docket using the Internet at the web address in the **ADDRESSES** section.

Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

If you want the FAA to acknowledge receipt of your comments on this proposal, include with your comments a pre-addressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it to you.

Availability of Rulemaking Documents

You can get an electronic copy using the Internet by taking the following steps:

(1) Go to the search function of the Department of Transportation's electronic Docket Management System (DMS) web page (*http://dms.dot.gov/search*).

(2) On the search page type in the last five digits of the Docket number shown at the beginning of this notice. Click on ''search.''

(3) On the next page, which contains the Docket summary information for the Docket you selected, click on the document number of the item you wish to view.

You can also get a copy by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the docket number, notice number, or amendment number of this rulemaking.

General Information

The General Information portion of the preamble is organized as follows:

- Background information about the drug and alcohol rules (14 CFR part 121, appendices I and J, respectively).
- Two charts highlighting the proposed principal and clarifying changes to appendix I.
- Two charts highlighting the proposed principal and clarifying changes in appendix J.
- Detailed, section-by-section discussion of the proposed changes to:
  - Appendix I.
  - Appendix J.

Background Information About the Drug and Alcohol Rules

The Antidrug and Alcohol Misuse Prevention Programs added to a long history of FAA actions to combat the use of drugs and alcohol in the aviation industry. For many decades the FAA has had regulations prohibiting crewmembers from operating aircraft under the influence of alcohol or drugs that impair their ability to operate the aircraft. As a result of the broad use of drugs in American society, the FAA initiated a rulemaking in the 1980s to test persons performing safety functions in the commercial aviation industry for certain illegal drugs.

After publishing an Advance Notice of Proposed Rulemaking in 1986 (51 FR 44432; December 9, 1986) and a Notice of Proposed Rulemaking (NPRM) in 1988 (53 FR 8368; March 14, 1988), on November 14, 1988, the FAA published a final rule entitled, Antidrug Program for Personnel Engaged in Specified Aviation Activities, (53 FR 47024), which required specified aviation employers and operators to initiate antidrug programs for personnel performing safety-sensitive functions.

Congress enacted the Omnibus Transportation Employee Testing Act of 1991, (the Act), which amended the Federal Aviation Act of 1958 to provide a statutory mandate for drug and alcohol testing of air carrier employees. To conform with the Act, the Office of the Secretary of Transportation (OST) coordinated the efforts of Department of Transportation (DOT) modal administrations to address the issue of

alcohol use testing in the transportation industries. Rulemakings were initiated under the provisions of the Omnibus Transportation Employee Testing Act of 1991 (Public Law 102–143, Title V). The FAA published an NPRM related to industry drug testing requirements in 1994 (59 FR 7412; February 15, 1994), and on August 19, 1994, the FAA published a final rule, Antidrug Program for Personnel Engaged in Specified Aviation Activities (59 FR 42911). The August 19, 1994, final rule incorporated clarifying and substantive changes to address provisions of the antidrug rule that were unclear or did not comport with revised DOT drug testing procedures. With respect to alcohol testing, the FAA published an NPRM in 1992 (57 FR 59458; December 15, 1992), and then on February 15, 1994, published a final rule, Alcohol Misuse Prevention Program for Personnel Engaged in Specified Aviation Activities (59 FR 7380). The final rule required certain aviation employers to conduct alcohol testing.

The FAA's regulatory efforts have proven to be effective in both detecting and deterring illegal drug use and alcohol misuse in the aviation industry. From 1990 through 1998, aviation employers required to report have told the FAA that 13,074 positive pre-employment test results have occurred. Since pre-employment drug testing is the gateway through which a person must pass before entering a safety-sensitive job, pre-employment testing has proven to be an effective detection tool for the aviation industry. The success of the aviation industry in implementing the FAA's drug testing regulations is further evidenced by the 8,270 positive drug tests under all other forms of drug testing required by the FAA, as reported by the employers required to report between 1990 and 1998. The FAA regulations have been effective in deterring illegal drug use, as shown by the fact that the industry rate of positive random test results has remained below one percent during the 8 years (1990–1998) for which data are available. Similarly, in the context of alcohol tests conducted since 1995, employers have reported a total of 490 breath alcohol test results of 0.04 or greater on all alcohol tests given, but the total rate of random alcohol test results of 0.04 or greater has remained below 0.5 percent for 5 consecutive years.

While the drug and alcohol testing regulations have been successful, experience with the testing regulations has led the FAA to identify some aspects of the regulations that need to be amended. These amendments involve reasonable cause drug testing, reasonable suspicion alcohol testing, periodic drug testing, the approval process of antidrug program plans, and the approval process of certification statements for alcohol misuse prevention programs. The FAA is proposing to clarify regulatory language, increase consistency between the antidrug and alcohol misuse prevention program regulations, and eliminate regulatory provisions that are no longer appropriate. In addition, the Office of Aviation Medicine has changed its name to the Office of Aerospace Medicine. In this NPRM, the FAA has corrected the office name in rule sections that were otherwise being changed. In the final rule, the FAA will correct the office name in any other rule sections necessary.

Charts Describing the Proposed Changes

PROPOSED PRINCIPAL CHANGES—APPENDIX I (DRUG TESTING)

Current section number and title	Summary
Section II. Definitions	• Proposes to change the definition of employer to clarify that an employer may use a contract employee who is not included under that employer's drug program to perform a safety-sensitive function only if that contract employee is subject to the requirements of a contractor's FAA-mandated antidrug program and is performing work within the scope of employment with the contractor.
Section V. Types of Testing Required.	• Proposes to change paragraph A., ''Pre-employment Testing,'' to require pre-employment testing before hiring or transferring an individual to perform a safety-sensitive position. • Proposes to require employers to conduct another pre-employment test for applicants or employees who transfer to safety-sensitive positions if more than 60 days elapse between a pre-employment test and placing the individual in a safety-sensitive position. • Proposes to eliminate periodic drug testing since it was a transitional requirement and is no longer needed. • Proposes to change paragraph E. to allow employers to make a reasonable cause determination on contract employees who are performing safety-sensitive functions on the employer's premises and under the supervision of the employer.
Section IX. Implementing an Antidrug Program.	• Proposes to change the title of the section. • Proposes to change the FAA antidrug plan approval process by eliminating the requirement for plan approvals. Instead the FAA proposes to require: —New and existing part 121 and 135 certificate holders to obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification. Only one operations specification would be required for both the drug and alcohol programs, and certificate holders would have to provide less information than is currently required. —New and existing part 145 certificate holders that opt to have their own FAA testing programs because they perform safety-sensitive functions for an employer to obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification. Only one operations specification would be required for both the drug and alcohol programs, and certificate holders would have to provide less information than is currently required. —All other entities required or opting to have an antidrug and alcohol misuse prevention programs to register with the FAA. Only one registration would be required for both the Antidrug and Alcohol Misuse Prevention Programs, and entities would have to provide less information than is currently required. • Proposes to eliminate the 60-day timeframe for employers to ensure that contractors and part 145 certificate holders that perform safety-sensitive functions are subject to an antidrug program. • Proposes to require updates to registration information as changes occur. • Proposes to clarify that employers may use contractors (including part 145 certificate holders) to perform safety-sensitive functions only if the contractors are subject to an antidrug program for the entire time they are performing safety-sensitive functions.

PROPOSED CLARIFYING CHANGES—APPENDIX I (DRUG TESTING)

Current section number and title	Summary
Section I. General	• Proposes to add a paragraph that lists applicable regulations. • Proposes to add a paragraph to prohibit falsification of any logbook, record, or report.
Section II. Definitions	• Proposes to change the defined term ''contractor company'' to ''contractor'' to emphasize that ''contractor'' could mean an individual or a company. • Proposes to change the definition of ''Employee'' to eliminate unnecessary language.
Section III. Employees Who Must Be Tested.	• Proposes to clarify that all employees who perform safety-sensitive functions, i.e., full-time, part-time, temporary, and intermittent employees, are subject to an antidrug program regardless of the degree of supervision. • Proposes to clarify that employees who are in a training status and perform safety-sensitive functions are subject to an antidrug program. • Proposes to clarify that each person who performs a safety-sensitive function directly or by any tier of a contract for an employer is subject to testing.
Section V. Types of Drug Testing Required.	• Proposes to clarify pre-employment notification requirements. • Proposes to clarify random testing requirements. Similar language is used in appendix J.

PROPOSED PRINCIPAL CHANGES—APPENDIX J (ALCOHOL TESTING)

Current section number and title	Summary
Section III. Tests Required	• Proposes to change paragraph D. to allow employers to make a reasonable suspicion determination on contract employees who are performing safety-sensitive functions on the employer's premises and under the supervision of the employer.
Section IV. Handling of Testing Results, Record Retention, and Confidentiality.	• Proposes to add language in paragraph B.4. that mirrors language in appendix I.
Section VII. Implementing an Alcohol Misuse Prevention Program.	• Proposes to eliminate the FAA Alcohol Misuse Prevention Certification Statement. Instead the FAA proposes to require: —New and existing part 121 and 135 certificate holders to obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification. Only one operations specification would be required for both the drug and alcohol programs, and certificate holders would have to provide less information than is currently required. —New and existing part 145 certificate holders that opt to have their own FAA testing programs because they perform safety-sensitive functions for an employer to obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification. Only one operations specification would be required for both the drug and alcohol programs, and certificate holders would have to provide less information than is currently required. —All other entities required or opting to have an antidrug and alcohol misuse prevention programs to register with the FAA. Only one registration would be required for both the drug and Alcohol programs and entities would have to provide less information than is currently required. • Proposes to eliminate the 180-day timeframe for employers to ensure that their contractors and part 145 certificate holders that perform safety-sensitive functions are subject to an alcohol misuse prevention program. • Proposes to require updates to registration information as changes occur. • Proposes to require employers to only use contractors to perform safety-sensitive functions who are covered by an alcohol misuse prevention program for the entire period they perform safety-sensitive work.

PROPOSED CLARIFYING CHANGES—APPENDIX J (ALCOHOL TESTING)

Section number	Summary
Section I. General	• Proposes to eliminate in paragraph D. the definition of Administrator, because it is defined elsewhere in the regulations. • Proposes to eliminate in paragraph D. the definition of consortium. • Proposes to change in paragraph D. the defined term ''contractor company'' to ''contractor'' to emphasize that ''contractor'' could mean an individual or a company. • Proposes to add paragraph H. that lists applicable regulations. • Proposes to add paragraph I. to prohibit falsification of any logbook, record, or report.
II. Covered Employees	• Proposes to clarify that each person who performs a safety-sensitive function directly or by any tier of a contract for an employer is subject to testing. • Proposes to clarify in this section that all employees who perform safety-sensitive functions, i.e., full-time, part-time, temporary, and intermittent employees, are subject to an alcohol misuse prevention program regardless of the degree of supervision. • Proposes to clarify that employees who are in a training status and perform safety-sensitive functions are subject to an alcohol misuse prevention program.

Section-by-Section Discussion of the Proposals

Appendix I—Drug Testing Program

I. General

By this action the FAA proposes to add two paragraphs to this section: ''Applicable Federal Regulations'' and ''Falsification.'' These paragraphs are designated ''D.'' and ''E.'' respectively. Proposed Paragraph D. includes a list of regulations dealing with the antidrug and the alcohol misuse prevention programs. FAA is proposing this list to help employers and other individuals find applicable regulatory citations. Telephone inquiries to the FAA indicate that aviation employers have a difficult time finding the regulations relating to the aviation industry antidrug program. Paragraph E., ''Falsification,'' proposes to specifically prohibit falsification of any logbook, record, or report required to be maintained under the regulations to show compliance with appendix I. Similar language also is used in the following regulations: 14 CFR 21.2, 61.59, 63.20, and 65.20.

II. Definitions

This action proposes to:

• Change the defined term from ''contractor company'' to ''contractor'' to emphasize that a contractor can be an individual or a company who contracts with an aviation employer. While our experience shows that most aviation employers already understand that a contractor can be a single individual or a company, we have proposed this change to eliminate any possible confusion.

• Change the definition of ''employee'' to clarify that an employee is either a person hired, directly or by contract, to perform a safety-sensitive function for an employer or transferred into a position to perform a safety-sensitive function. We also propose eliminating the sentence ''Provided, however, that an employee who works for an employer who holds a part 135 certificate and who holds a 121 certificate is considered to be an employee of the part 121 certificate holder for purposes of this appendix.'' This language was used at the beginning of the program when companies were implementing programs on a phased-in schedule. Because that is no longer the case, the sentence is now confusing and unnecessary.

• Change the definition of ''employer'' to clarify that an employer may use a contract employee who is not included under that employer's drug program to perform a safety-sensitive function only if that contract employee is subject to the requirements of a contractor's FAA-mandated antidrug program and is performing work within the scope of employment with the contractor.

The proposal related to the definition of employer is necessary to close a loophole in the current rule language. Currently, if an employee is covered under an employer's drug testing program (Employer A), another employer (Employer B) may use that employee to perform safety-sensitive functions. This authority was designed to allow individuals employed by one company to perform safety-sensitive functions for another company without the individuals being subject to multiple testing programs. The current language, however, permits performance of a safety-sensitive function by an employee of Employer A for Employer B even when the work is unrelated to the employee's work with Employer A. In many cases, Employer A is unaware of its employee's activities for Employer B. In the event of an accident, Employer B could not subject that employee to a post accident test, because the employee is not included in that employer's drug testing program. As noted above, Employer A might not be aware of the need to test the employee, or even if it were aware, it might not agree to test the employee if the employee was not performing a safety sensitive function within the scope of employment with Employer A. In the example above, Employer A, Employer B, and the individual involved would be in compliance with the current rule. It was not the intent of the FAA in promulgating the current provision to create a situation where a person performing a safety-sensitive function could avoid being tested.

Even where an employer (Employer B) contacts an employee's primary employer (Employer A) to ensure that the employee is covered by its antidrug program, there is no way to ensure that the employee is not subsequently dropped from Employer A's program. Moreover, Employer B is unlikely to know if the employee has tested positive on a drug test or has refused to submit to testing under Employer A's program.

The proposed change would not affect the ability of an employer to use contractor employees to perform safety-sensitive duties if those employees are under the FAA antidrug and alcohol misuse prevention program of the contractor and are performing safety-sensitive functions within the scope of employment of the contractor. It is reasonable and anticipated that a contractor may choose to provide antidrug and alcohol misuse prevention program coverage of its own employees as part of the services it renders to its clients.

Following are examples to help clarify the above:

1. Employer A is a part 121 operator and has an antidrug program. Included under employer A's drug program are maintenance employees who perform safety-sensitive duties. Employer B is a part 135 operator and also has an antidrug program. Employer B needs a maintenance employee to perform safety-sensitive duties for several days because its maintenance employee is out sick. Employer B contracts with Employer A for Employer A's maintenance employee to assist Employer B for several days.

Question: Must Employer B pre-employment test this employee and include the employee in its program?

Answer: No, the employee is still the employee of Employer A, who contracted out to Employer B, and is performing work within the scope of his/her employment with Employer A.

2. Employer A has an antidrug program for pilots who perform safety-sensitive duties. One of the pilots is looking for a part-time job. The pilot applies for a position with Employer B, a part 135 operator that is looking for a part-time pilot to perform safety-sensitive duties. The pilot advises Employer B that he is in Employer A's antidrug program, but Employer B has not contracted with Employer A for the pilot's services.

Question: Must Employer B pre-employment drug test the pilot and put him/her in its program?

Answer: Yes. Because Employer B has not contracted with Employer A for the pilot's services, the pilot's work with Employer B is outside his/her scope of employment with Employer A.

III. Employees Who Must be Tested

The FAA is proposing to clarify that the decision to cover an employee must be based on the duties that the individual performs rather than employment status (full time, part time, temporary or intermittent) or job title. The proposed language is not intended to change the current rule's scope. Rather, the FAA is proposing to directly specify that the testing obligations apply to temporary and intermittent employees who perform safety-sensitive functions, regardless of the degree of supervision. This proposed change clarifies that the regulation applies to employees, such as mechanic's helpers, who sometimes perform safety-sensitive functions. The proposed change also clarifies that employees in a training status who perform safety-sensitive functions are covered by the regulation. The proposed clarification is important because experience, correspondence with the aviation industry, and compliance inspections and investigations show that employers do not always understand which employees must be tested.

The FAA is proposing to clarify that each person who performs a safety-sensitive function directly or by any tier of a contract for an employer is subject to testing. This is not a substantive change because the current rule language states that anyone who performs a safety-sensitive function ''directly or by contract'' must be tested. The regulations have always required that any person actually performing a safety-sensitive function be tested, and we are proposing to clarify that performance ''by contract'' means performance under any tier of a contract. However, some maintenance providers may be confused about testing employees performing work under a subcontract because of conflicting guidance provided by the FAA. In the initial implementation phase of the drug testing rule in 1989, the FAA issued informal guidance entitled ''Implementation Guidelines for the FAA Anti-drug Program,'' and in 1990 the FAA issued informal guidance entitled ''Most Frequently Asked Questions About the Aviation Industry Anti-Drug Program,'' both of which stated that maintenance subcontractors would not be required to test unless they took airworthiness responsibility for the work that they were performing. This guidance was never officially published in an FAA Advisory Circular or other official FAA policy vehicle, however it was provided widely to persons and companies in 1989 and 1990, and on an ad hoc basis thereafter until the mid-1990s. This guidance

constricted the potential reach of the plain language of the regulation as it applied to contractors. The potential reach of performing by ''contract'' is not actually limited to those who have a direct contract with the air carrier, but would include anyone who is performing work described in the original contract between the prime contractor and the air carrier. If the term ''contract'' were to be limited to the entity in direct relationship with the air carrier, then the air carrier could not enter into any contract that permitted subcontracting unless the contract also required the subcontractors to conduct the required testing. Otherwise, the air carrier would be in violation of the regulation by contracting for maintenance by persons who are not subject to testing.

The initial guidance restricting the scope of drug testing of contractors to exclude some subcontractors facilitated the implementation of the new drug testing requirements as soon as possible without disrupting the ability of air carriers to obtain critical maintenance on a contractual basis. However, unless a contracting company received a copy of the guidance or an individual letter that reflected the guidance, it would have not known to follow anything other than the rule language, which did not exclude subcontractors who did not sign off on the airworthiness of the work performed. In addition, soon after the drug testing rule became effective, in order to be prepared to perform work by contract for air carriers, small and large maintenance providers obtained drug and alcohol testing programs regardless of whether they were performing as a subcontractor or a prime contractor to an employer. The reality of the industry is that often a company performing maintenance for an air carrier may be performing as a prime contractor today and as a subcontractor tomorrow. Consequently, there is an essentially pervasive system of drug and alcohol testing in the maintenance side of commercial aviation, where both contractors and subcontractors have obtained drug-testing plans, without any distinction between their contracting versus subcontracting duties.

The constriction of the scope of testing of contractors developed at the beginning of the program is in conflict with the goal of having each person who performs a safety-sensitive function actually tested to ensure that he or she is not impaired. This early guidance had a safety net because it limited the exclusion of subcontractors to those circumstances where the subcontractor did not take airworthiness responsibility, therefore there was another level in the system overseeing the work. However, it is the FAA's clear policy to require that anyone who is actually performing maintenance is tested in accordance with the regulations.

As drug and alcohol testing became pervasive in the aviation maintenance area, FAA's informal guidance ceased to reference the limited subcontractor exception and entities were advised to test all persons actually performing maintenance directly or by contract for an air carrier. However, some entities may be unaware of this change and others have continued to rely on the earlier informal guidance to avoid testing the subcontractors who are actually performing maintenance. Prior to this notice, the informal guidance was never formally withdrawn. The FAA is proposing to add language to the rule to emphasize that each person who performs a safety-sensitive function directly or by any tier of a contract for an employer is subject to testing and FAA will rescind the conflicting informal guidance regarding subcontractors. We are seeking comment on our proposal to clarify this subject.

V. Types of Drug Testing Required

V.A. Pre-Employment Testing

As discussed earlier, 13,074 positive pre-employment tests have been reported to the FAA in the last decade, demonstrating that such tests are an effective detection tool. Pre-employment testing is directly tied to aviation safety, in that it is a gateway to safety-sensitive positions. Failure of a pre-employment test is a direct barrier to a person's entry into safety-sensitive work. Thus, it is vital that the language requiring pre-employment testing be as clear as possible in order to maximize the efficiency of its use.

Originally, the antidrug regulation published in 1988 said, ''No employer may hire any person to perform a function, listed in section III. of this appendix, unless the applicant passes a drug test for that employer.'' The regulation required pre-employment testing before an individual could be hired to perform a function specified in the appendix. As interpreted by the FAA, pre-employment testing was required of individuals not currently employed by the employer, of current employees moving from a non-covered to a covered safety-sensitive function, and in circumstances where an employee had been removed from the random testing pool for any length of time or was unavailable for testing for an extended period of time.

In 1994, the FAA revised its antidrug rule to require pre-employment testing of an individual only prior to the first time the individual performed a safety-sensitive function for an employer. This revision was intended to provide employers additional flexibility to hire individuals in advance of receiving negative test results. Currently an individual must have a verified negative drug test result on a pre-employment test prior to performing a safety-sensitive function, and the employer must not permit the individual to perform such a function until the employer receives the verified negative pre-employment test result.

Experience and enforcement cases have shown that, in the absence of the very clear ''hiring'' event, some employers are neglecting to do the required pre-employment testing and receive a negative test result before allowing employees to perform safety-sensitive functions. In the worst cases, this has resulted in employees being allowed to perform safety-sensitive functions who have subsequently received positive test results. Before the 1994 change, misunderstandings were not prevalent. The original language was a clearer standard for employers to follow. Because of this, the FAA is proposing to reinstitute the requirement for employers to test an individual and receive a negative test result prior to hiring the individual for a position that involves the performance of a safety-sensitive position. Therefore, proposed paragraph V.A.1. would change the language back to requiring testing and receipt of a negative drug test result prior to hiring a person to perform safety-sensitive functions.

Paragraph V.A.2., would require employers to pre-employment drug test employees prior to transferring them into a position to perform a safety-sensitive function. This paragraph is proposed to clarify to employers that pre-employment testing is required whenever an employee is ''hired'' to perform a safety-sensitive function, even if that ''hiring'' is simply an internal transfer from a nonsafety-sensitive job to a safety-sensitive job. Therefore, we propose adding this clarification immediately after V.A.1., and renumbering the remaining provisions in this section.

At times there are circumstances when individuals are given pre-employment drug tests in anticipation of being hired or transferred to perform a safety-sensitive function. Some people have asked about the length of time between a pre-employment test and when an employee is placed into an FAA-required drug testing program (subject to random, reasonable suspicion, and post-accident testing). Sometimes this time can be long, thereby reducing the deterrence factor of an on-going testing program. The FAA believes that 60 days is an acceptable time between a pre-employment test and being brought into a drug testing program because we want to ensure that there is not too long a time between the pre-employment test and the person being subject to random, reasonable suspicion, and post-accident testing while still giving the employer some flexibility.

V.B. Periodic Testing

This action proposes to eliminate Section V.B., periodic testing, which was initially imposed due to transitional concerns. The current regulation requires that a new employer must periodic drug test part 67 medical certificate holders during the first calendar year of implementation of its program. However, the new employer may discontinue the periodic drug testing of its part 67 medical certificate holders after the first calendar year of implementation of the employer's antidrug program when the employer has implemented an unannounced testing program based on random selection. Periodic testing was important at the beginning of the program when many people were grandfathered into newly approved antidrug programs without pre-employment testing. Initially, there was also a phase-in period for implementing random testing. Employers were not required to meet the annual random testing rate until the last collection at the end of the first year of testing. Thus, it was likely that a pilot would not be tested in the first year of testing. Because all flightcrew members are subject to pre-employment testing and annual random testing, the FAA believes that the elimination of periodic drug testing at this time would not compromise safety and would be a cost benefit to those aviation industry employers

implementing drug programs that include the testing of airmen. Also, there is no periodic testing requirement in appendix J. Because of the elimination of periodic testing, the remaining paragraphs in this section would be relettered accordingly.

V.C. Random Testing

An additional paragraph would be added to the random testing section stating that a safety-sensitive employee must immediately proceed to the testing site upon notification of selection for random drug testing; provided, however, that if the employee is performing a safety-sensitive function at the time of the notification, the employer shall instead ensure that the employee ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible. A similar requirement has been included in appendix J since its implementation in 1994. The requirement in appendix J is clear and has worked well. Therefore, we are adding a parallel requirement in appendix I. Because of this additional paragraph, the remainder of the random testing section is relettered accordingly.

V.E. Testing Based on Reasonable Cause

This action proposes to include the following sentence to paragraph V.E., Testing Based on Reasonable Cause: ''An employer may make a reasonable cause determination regarding any contract employee who performs a safety-sensitive function on the employer's premises and under the supervision of the employer, and may refer the contract employee for a reasonable cause test under the contractor's drug testing program.'' This change is proposed because there has been confusion about whether an employer can test contract employees on its own premises. The FAA is concerned that some contract employees are not being tested for reasonable cause because their actual employers are not on-site. For example, employees of temporary employment agencies or repair stations may work from a few hours to a number of days or months for an employer, but they may be covered under the temporary agency's drug and alcohol testing programs. In some cases they work independently without supervision while others are supervised by the employer who contracted for their services. We do not believe that waiting for a contractor to send a supervisor to make a determination concerning one of its employees makes sense in many circumstances. In some cases, it may be impossible for a supervisor of the contractor to arrive in a timely manner. Therefore, we propose to change the reasonable cause language to allow, but not require, an employer to have its supervisors make reasonable cause determinations and refer the contract employee for testing under the contractor's drug and alcohol programs.

In addition, this action proposes to delete the two following sentences: Each employer shall test an employee's specimen for the presence of marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines, or a metabolite of those drugs. An employer may test an employee's specimen for the presence of other prohibited drugs or drug metabolilties only in accordance with this appendix and the DOT Procedures for Transportation Workplace Drug Testing Programs (49 CFR part 40). This change is proposed because part 40 lists the types of drugs and does not allow for testing of any other drugs.

IX. Implementing an Antidrug Program

We propose eliminating the requirement for companies to have FAA-approved plans. Current consortium members would be required to either register with the FAA or obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification. In addition, we propose changing the title of this section so it more accurately reflects the section's content.

Currently, there is a requirement for each employer to submit an antidrug program to the FAA for approval. We propose eliminating this requirement for part 121and 135 certificate holders, and for part 145 certificate holders who choose to have their own FAA testing program. Instead, the FAA would track these certificate holders using the FAA's Operations Specifications Sub-System (OPSS). OPSS is a document management system that is designed to give the FAA ready access to certificate holders' operations specifications. Using this system allows the FAA to quickly make a change to a specific type of certificate holders' operations specifications and to generate the new documents for all of the certificate holders the change would affect. This system will eliminate the time-consuming process of preparing and producing new operations specifications for each carrier. By using OPSS, certificate holders would not need to go to two separate FAA offices, the Flight Standards Service and the Office of Aerospace Medicine, every time they make a change regarding their company. We believe that this change would reduce the certificate holder's overall paperwork burden.

New and existing part 121 and 135 certificate holders, and part 145 certificate holders who choose to have their own FAA program, would be issued an Antidrug and Alcohol Misuse Prevention Operations Specification (OpSpec) by their FAA principal operations inspector or principal maintenance inspector, as applicable. These certificate holders must contact their FAA principal operations inspector or principal maintenance inspector, as applicable, to make any required changes to the OpSpec. For sample OpSpecs for part 121, 135, and 145 certificate holders, see below. These are drafts and are subject to change in the future.

Sample OPSPEC for Part 121 Certificate Holders

A049 Antidrug and Alcohol Misuse Prevention Program
HQ Control: 05/25/00
HQ Revision: 000

The certificate holder who operates under Title 14 Code of Federal Regulations (CFR) part 121 certifies that it will comply with the requirements of 14 CFR part 121 appendices I and J and 49 CFR part 40 for its Antidrug and Alcohol Misuse Prevention Program.

a. Antidrug and Alcohol Misuse Prevention Program records are maintained and available for inspection by the FAA's Drug Abatement Compliance and Enforcement Inspectors at the location listed in Table 1 below:

Table 1

Date:
Telephone Number:
Address:
Address:
City:
State:
Zip code:

b. Limitations and Provisions.

(1) Antidrug and Alcohol Misuse Prevention Program inspections and enforcement activity will be conducted by the Drug Abatement Division. Questions regarding these programs should be directed to the Drug Abatement Division.

(2) When changes occur to the location or phone number where the Antidrug and Alcohol Misuse Prevention Program Records are kept, the certificate holder is responsible for updating this operations specification.

Sample OPSPEC for Part 135 Certificate Holders

A049. Antidrug and Alcohol Misuse Prevention Program
HQ Control: 05/25/00
HQ Revision: 000

The certificate holder who operates under Title 14 Code of Federal Regulations (CFR) Part 135 certifies that it will comply with the requirements of 14 CFR part 121 appendices I and J and 49 CFR part 40 for its Antidrug and Alcohol Misuse Prevention Program.

a. Antidrug and Alcohol Misuse Prevention Program records are maintained and available for inspection by the FAA's Drug Abatement Compliance and Enforcement Inspectors at the location listed in Table 1 below:

Table 1

Date:
Telephone Number:
Address:
Address:
City:
State:
Zip code:

b. Limitations and Provisions.

(1) Antidrug and Alcohol Misuse Prevention Program inspections and enforcement activity will be conducted by the Drug Abatement Division. Questions regarding this program should be directed to the Drug Abatement Division.

(2) The certificate holder is responsible for updating this operations specification when any of the following changes occur:

(a) Location or phone number where the Antidrug and Alcohol Misuse Prevention Program Records are kept.

(b) If the certificate holder's number of safety-sensitive employees goes to 50 and above or falls below 50 safety-sensitive employees.

(3) The certificate holder or operator with 50 or more employees performing a safety-sensitive function on January 1 of the calendar year must submit an annual report to the Drug Abatement Division of the FAA. The certificate holder or operator with fewer than 50 employees performing a safety-sensitive function on January 1 of any calendar year must submit an annual report upon request of the Administrator, as specified in the regulations.

(Select One)

_____The certificate holder/operator has 50 or more safety-sensitive employees.

_____The certificate holder/operator has fewer than 50 safety-sensitive employees.

Sample OPSPEC for Part 145 Certificate Holders

a. If the certificate holder has elected to implement an Antidrug and Alcohol Misuse Prevention Program, and the certificate holder performs safety-sensitive functions for a 14 CFR part 121, and 135 certificate holder and/or for a 14 CFR part 91 sightseeing operation as defined by § 135.1(c), then the certificate holder who operates under Title 14 Code of Federal Regulations (CFR) part 145 certifies that it will comply with the requirements of 14 CFR part 121, appendices I and J, and 49 CFR part 40 for its Antidrug and Alcohol Misuse Prevention Program.

b. Antidrug and Alcohol Misuse Prevention Program records are maintained and available for inspection by the FAA's Drug Abatement Compliance and Enforcement Inspectors at the location listed in Table 1 below:

Table 1

Date:
Telephone Number:
Address:
Address:
City:
State:
Zip code:

c. Limitations and Provisions.

(1) Antidrug and Alcohol Misuse Prevention Program inspections and enforcement activity will be conducted by the Drug Abatement Division. Questions regarding these programs should be directed to the Drug Abatement Division.

(2) The certificate holder is responsible for updating this operations specification when any of the following changes occur:

(a) Location or phone number where the Antidrug and Alcohol Misuse Prevention Program Records are kept.

(b) If the certificate holder's number of safety-sensitive employees goes to 50 and above, or falls below 50.

(3) The certificate holder or operator with 50 or more employees performing a safety-sensitive function on January 1 of the calendar year must submit an annual report to the Drug Abatement Division of the FAA. The certificate holder or operator with fewer than 50 employees performing a safety-sensitive function on January 1 of any calendar year must submit an annual report upon request of the Administrator, as specified in the regulations.

(Select One)

_____The certificate holder/operator has 50 or more safety-sensitive employees.

_____The certificate holder/operator has fewer than 50 safety-sensitive employees.

This action also proposes changing the antidrug program plan and alcohol misuse prevention program certification statement requirements for new and existing air traffic control facilities not operated by the FAA or by or under contract to the U.S. military and sightseeing operators as defined by § 135.1(c). The proposed change would allow a single registration requirement for both programs. Likewise, the FAA proposes requiring new and existing non-certificated contractors that elect to have an antidrug and alcohol misuse prevention program to register with the FAA.

Generally, the proposed registration would require less information than the current antidrug plan requires. The only new item (for the antidrug program) would be a statement signed by a company representative that the company would comply with part 121, appendices I and J, and 49 CFR part 40. This proposed registration would allow companies to meet their registration requirements for both the antidrug program and the alcohol misuse prevention program in the same document. The registration information would need to be amended whenever changes are made.

The proposed change to this section would not alter the existing requirements for operators that conduct sightseeing flights as defined in § 135.1(c) to implement antidrug and alcohol misuse prevention programs, except to establish a registration process in lieu of submission of an antidrug program plan and an alcohol misuse prevention program certification statement to the FAA for approval. This proposed change is not intended to affect the applicability of the current exemptions from § 135.1(c) for conducting limited sightseeing flights for nonprofit charitable or community events.

This action also proposes eliminating the 60 days allowed for new employers to ensure that their contractors are subject to an antidrug and alcohol misuse prevention program. Contractor programs must be implemented by the time the contractor performs safety-sensitive functions for an employer. Because of the safety implications and since the regulations have been in effect since 1988, the FAA believes that it is no longer appropriate to grant employers extra time to ensure that their contractors are subject to an antidrug and alcohol misuse prevention program.

Similarly, employers (part 121 and 135 certificate holders, sightseeing operations as defined in § 135.1(c), and air traffic control facilities not operated by the FAA or by or under contract to the U.S. military), that participate in another company's antidrug and alcohol misuse prevention program would be required to either register with the FAA or obtain an Antidrug and Alcohol Misuse Prevention Operations Specification. Part 145 repair stations and non-certificated contractor companies that are covered under an employer's antidrug and alcohol misuse prevention program may continue to be covered under the employer's program. As long as they continue to be covered under an employer's program they may not register with the FAA or obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification. A part 145 certificate holder or a non-certificated contractor that performs safety-sensitive functions for an employer may choose to have its own testing programs instead of being covered by an employer's program. In that case, the part 145 certificate holder would be required to either obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification or register with the FAA as outlined in the rule. In every case where an employer or a contractor obtains an Antidrug and Alcohol Misuse Prevention Program Operations Specification or registers with the FAA, those companies may still use a service agent to provide program support.

The FAA is proposing two formats for the rule language in this section. While both proposals have the same regulatory requirements, they differ greatly in format. The first option is presented in table format as much as possible. The second option follows the format of the current rule. The FAA requests comments from the public on which format is easier to understand.

Appendix J—Alcohol Misuse Prevention Program

I. General

This action proposes the following changes in paragraph D. Definitions.

- Eliminates the definition of ''Administrator'' because it is defined elsewhere in the Federal Aviation Regulations.
- Changes ''Contractor company'' to ''contractor.'' This would be a clarifying change to emphasize that a contractor could be either an individual or a company who contracts with an aviation employer. While experience shows that most aviation employers already understand that a contractor can be a single individual or a

company, we have proposed the change for those who may be uncertain.

There are two additional paragraphs that would be included in this section: ''H. Applicable Federal Aviation Regulations'' and ''I. Falsification.'' Paragraph H. would include references for regulations involving the alcohol misuse prevention programs to help employers and other individuals. Paragraph I. would be revised to specifically prohibit falsification of any logbook, record, or report required to be maintained under the regulations to show compliance with appendix J. These proposed changes are consistent with proposed changes made in appendix I.

II. Covered Employees

The FAA is proposing to clarify that the decision to cover an employee must be based on the duties that the individual performs rather than employment status (full time, part time, temporary, or intermittent) or job title. The proposed language is not intended to change the current rule's scope. Rather, the FAA is proposing to directly specify that the testing obligations apply to temporary and intermittent employees who perform safety-sensitive functions, regardless of the degree of supervision. The proposed language would clarify that employees, such as mechanic's helpers, who sometimes perform safety-sensitive functions are covered. It also applies to employees in a training status who perform safety-sensitive functions. The clarification is important because experience, correspondence with the aviation industry, and compliance inspections and investigations show that employers do not always understand which employees must be tested.

The FAA is proposing to further clarify that each person who performs a safety-sensitive function directly or by any tier of a contract for an employer is subject to testing. The current rule language states that anyone who performs a safety-sensitive function ''directly or by contract'' must be tested, however inconsistent informal guidance may have caused some confusion in the past. To clarify the meaning of the regulation and to avoid future confusion, we are proposing to add language to the rule language to emphasize that each person who performs a safety-sensitive function directly or by any tier of a contract for an employer is subject to testing. For additional information on this proposed change, see the discussion earlier in the proposed changes to Appendix I.

D. Reasonable Suspicion Testing

This action proposes to include the following sentence to paragraph D.1. under Reasonable Suspicion Testing: ''For the purpose of reasonable suspicion testing, an employer may make a reasonable suspicion determination regarding any contract employee who performs a safety-sensitive function on the employer's premises and under the supervision of the employer, and may refer the contract employee for a reasonable suspicion test under the contractor's alcohol testing program.'' This change is proposed because there has been confusion about whether an employer can test contract employees on its own premises. The FAA is concerned that some contract employees are not being tested on reasonable suspicion. We propose to change the reasonable suspicion testing language to allow, but not require, an employer to have its supervisors make reasonable suspicion determinations and require testing of those contractor employees under the contractor's drug and alcohol programs. For additional information on this proposed change, see the discussion earlier in the proposed changes to appendix I.

IV. Handling of Testing Results, Record Retention, and Confidentiality

We propose to change paragraph B. 4. by adding the sentence ''No other form, including another DOT Operating Administration's form, is acceptable for submission to the FAA. '' This mirrors language in appendix I.

VII. Implementing an Alcohol Misuse Prevention Program

We propose eliminating the requirement for companies to have FAA-approved Antidrug Plan and Alcohol Misuse Prevention Program Certification Statements. Currently, there is a requirement for each employer to submit an Alcohol Misuse Prevention Program Certification Statement to the FAA. We propose eliminating this requirement for part 121 and 135 certificate holders, and part 145 certificate holders who choose to have their own testing program. Instead, the FAA would track these certificate holders using the FAA's OPSS. For a discussion on this proposal, see the discussion in the proposed changes to appendix I.

New and existing part 121 and 135 certificate holders, and part 145 certificate holders who choose to have their own program, would be issued an Antidrug and Alcohol Misuse Prevention OpSpec by their FAA principal operations inspector or principal maintenance inspector, as applicable. These certificate holders would have to contact their FAA principal operations inspector or principal maintenance inspector, as applicable, to make any required changes to the OpSpec.

This action also proposes changing the antidrug program plan and alcohol misuse prevention program certification statement requirements for new and existing air traffic control facilities and sightseeing operators as defined by § 135.1(c). The proposed change would allow a single registration requirement for both the antidrug and alcohol misuse prevention programs. Likewise, the FAA proposes requiring new and existing non-certificated contractors that elect to have an antidrug and alcohol misuse prevention program to register with the FAA.

The proposed registration would require essentially the same information that appendix J now requires. It has always been the FAA's policy to allow this certification statement to be submitted along with the antidrug plan. This proposed registration would allow companies to meet their registration requirements for both the antidrug program and the alcohol misuse prevention program in a single document.

This action also proposes eliminating the 180 days allowed for new employers to ensure that their contractors are subject to an antidrug and alcohol misuse prevention program. Contractor programs must be implemented by the time a contractor performs safety-sensitive functions for an employer. Because of the safety implications, and since the regulations have been in effect since 1994, the FAA believes that it is no longer appropriate to grant employers extra time to ensure that their contractors are subject to an antidrug and alcohol misuse prevention program.

Paperwork Reduction Act

This proposal contains the following new information collection requirements. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. § 3507(d)), the Department of Transportation has submitted the information requirements associated with this proposal to the Office of Management and Budget for its review.

Title: Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities.

Summary: After a number of years of experience inspecting the aviation industry's Antidrug and Alcohol Misuse Prevention Programs, the FAA is proposing to clarify regulatory language, increase consistency between the antidrug and alcohol misuse prevention program regulations where possible, and revise regulatory provisions as appropriate. Specifically, the FAA proposes to change the antidrug plan and alcohol misuse prevention certification statement submission requirements for employers and contractors. The FAA proposes to revise the timing of pre-employment testing. The FAA also proposes to modify the reasonable cause and reasonable suspicion testing requirements. The FAA believes that changing the regulations would improve safety and lessen a burden on the regulated public.

Use of: Title 49 U.S.C., Section 44701 empowers and requires the Administrator of the Federal Aviation Administration (FAA) to prescribe standards applicable to the accomplishment of the mission of the FAA. The information collected will be used to ensure compliance with the drug and alcohol programs.

This project is in direct support of the Department of Transportation's Strategic Plan '' Strategic Goal '' SAFETY; i.e., to promote the public health and safety by working toward the elimination of transportation-related deaths and injuries.

Respondents (including number of): The likely respondents to this proposed information requirement are employers

holding FAA certificates issued under parts 121, 135, and 145. These respondents will complete an Operations Specification (OpSpec). At this time, the likely number of respondents is 6,887 for the first year, and 490 in subsequent years.

Frequency: The FAA estimates the 6,887 respondents would have a one-time submission in the first year. Subsequently, only new respondents, which we estimate to be approximately 490 per year, would need to respond.

Annual Burden Estimate: This proposal would result in an annual recordkeeping and reporting burden of 2,066 hours for the industry at a cost of $41,322.00 in the first year. In subsequent years, the proposal would result in an annual recordkeeping and reporting burden of 292 hours for the industry at a cost of $5,844.00.

The agency is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(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, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Individuals and organizations may submit comments on the information collection requirement by April 29, 2002, and should direct them to the address listed in the **ADDRESSES** section of this document.

According to the regulations implementing the Paperwork Reduction Act of 1995, (5 CFR 1320.8(b)(2)(vi)), an agency may not conduct or sponsor, a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control number for this information collection will be published in the **Federal Register**, after the Office of Management and Budget approves it.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has reviewed the corresponding ICAO Standards and Recommended Practices and has identified no differences with these proposed regulations.

Executive Order 12866 and DOT Regulatory Policies and Procedures

Proposed changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (19 U.S.C. section 2531–2533) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. And fourth, the Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of $100 million or more, in any one year (adjusted for inflation.)

In conducting these analyses, the FAA has determined this rule: (1) Has benefits which do justify its costs, is not a ''significant regulatory action'' as defined in the Executive Order and is not ''significant'' as defined in DOT's Regulatory Policies and Procedures; (2) would not have a significant impact on a substantial number of small entities; (3) reduces barriers to international trade; and (4) does not impose an unfunded mandate on state, local, or tribal governments, or on the private sector. These analyses, available in the docket, are summarized below.

Cost of Compliance

The FAA has performed an analysis of the expected costs and benefits of this regulation. In this analysis, the FAA estimated future costs for a 10-year period, from 2001 through 2010. As required by the Office of Management and Budget, the present value of this stream of costs was calculated using a discount factor of 7 percent. All costs in this analysis are in 1999 dollars.

These changes would affect all companies with either antidrug or alcohol misuse prevention plans. There are currently 6,887 companies. In addition, it would affect employees in 11 separate occupational categories.

The FAA proposes to amend 8 sections of Appendix I and 5 sections of Appendix J of part 121; not all of these proposed changes would have cost implications. Some of the proposed changes to Appendix I parallel proposed changes to Appendix J; the analysis will combine the proposed sectional changes where appropriate. Only those proposed changes with cost implications will be discussed below.

(1) Under Appendix I, under section II, the FAA is proposing to require employers to test all employees, including contractor employees, who perform safety sensitive duties, unless the employees are in a testing program for a contractor to the employer; this proposed change would impose costs. The current provision, which has allowed ''moonlighting,'' is confusing to the industry and is a potential loophole in employee coverage. In most circumstances, the second employer does not and cannot know the employee's status with the first employer.

Compliance inspections and investigations also show that employers confuse the regulatory provisions between the drug and alcohol rules. The current drug rule allows ''moonlighting,'' while the alcohol rule does not permit it. Moonlighting occurs mostly among small employers, who often do not know the other employers that the moonlighting employee is working for. Consequently, these employees can potentially escape testing.

Only certain types of employees tend to moonlight; these include part 121/135 pilots, mechanics, screeners, sightseers, and part 135 on-demand pilots, primarily single owner pilots. The FAA does not know exactly how many of these employees moonlight, but is confident that the number is small. Accordingly, the FAA will base costs on an additional 1 percent of these employees having additional drug tests. The FAA calls for comments on whether this is a correct approximation of the number of employees who currently moonlight and requests that all comments be accompanied by clear documentation.

The FAA projects over 10 years, the total number of tests, due to the requirement that moonlighting employees be tested, would sum to 13,000, costing $169,200. Costs for employee time for this testing would sum to $52,600 over 10 years. Total 10-year costs of testing these employees would sum to $221,500 (present value, $160,000).

(2) The FAA is proposing to eliminate section V.B. of Appendix I, periodic testing. The current regulation requires that a new employer must periodically drug test part 67 medical certificate holders during the first calendar year of implementation of its program. Periodic testing was important at the beginning of the program when many people were grandfathered into newly approved antidrug programs without pre-employment testing. Since all flightcrew members are currently subject to pre-employment testing and annual random testing, the FAA believes that the elimination of periodic drug testing would not compromise safety and would be a cost savings. Cost savings over ten years sums to $57,700 (present value, $40,500).

(3) The FAA proposes several changes to section IX of Appendix I and section VII of Appendix J; two of these changes would have cost implications. Provisions that affect part 121, 135, and 145 certificate holders will be covered in section (3a) and parts 135.1(c), contract ATC's, and other contractors in section (3b).

(3a) The FAA proposes that part 121, 135, and 145 certificate holders would no longer have to submit antidrug and alcohol misuse prevention programs to the FAA for approval. The FAA instead would track these certificate holders using the Operations Specifications Sub-System (OPSS). Using this system would allow the FAA to quickly make a change to a specific type of certificate holders' operations specifications.

Companies with antidrug and alcohol misuse prevention programs would incur additional costs from these proposals. In the first year of this rule, these companies would have to file new information. New companies would have to do the same in their first year. When the number of employees at a company changes to greater than or equal to 50 to below 50, or vice versa, they would have to send employment change reports.

The 6,887 existing plan holders currently submit 490 amendments each year. The FAA anticipates that 33 companies would send employment change reports each year after their initial year. In addition, 968 companies submit new plans each year. The FAA believes that the number of companies submitting new plans under these proposals would decrease by 50%. Many of the new plans submitted each year come from companies that switch consortia; since this plan would eliminate the need for approved consortia, there would be no need for a company to inform the FAA when it changes service providers.

Each of the existing plan holders would have to spend time to produce the required information, file and store it, and submit it to the FAA. Total first year costs would be $37,500. Subsequent year costs, which would encompass processing new plans, employment change reports, and amendments sum to $5,300. Ten year costs, at the company level, equal $85,400 (present value, $67,400). At the FAA, the information being submitted to OPSS would have to be processed. First year costs would be $18, 600, while each subsequent year cost would be about $2,600; costs over ten years sum to $42,400 (present value, $33,500).

All companies would also incur cost savings, for they would no longer have to file a combined drug plan and an alcohol certification statement to the FAA. Thus, each of the existing companies would no longer have to spend time to produce these plans and certification statements. Total first year cost savings would be $225,200. In subsequent years, new companies would have had to handle plans, while existing companies would have had to process amendments; total annual costs savings sum to $34,400. Ten year cost savings, at the company level, equal $535,000 (present value, $420,100).

Ten year net cost savings sum to $407,300 (present value, $319,200).

(3b) These proposals also would eliminate the antidrug program plan and alcohol misuse prevention program certification statement requirements for new and existing non-Federal air traffic control facilities and operators as defined by § 135.1(c). Instead, as with the certificate holders, a single registration statement requirement would suffice for both programs. In addition, the FAA proposes requiring new and existing non-certificated contractors that elect to have an antidrug and alcohol misuse prevention program to register with the FAA.

The FAA has identified 253 part 135.1(c) operators and 1,004 contractors that would be affected by these proposals; the contractors include 19 Air Traffic Control (ATC) contractors, providing services for 192 ATC contract towers, and 985 other contractors. The FAA does not expect any employment change reports from any of these companies.

Each of the existing plan holders would have to spend time to produce the required information, file and store it, and submit it to the FAA. Total first year costs would be $8,400, while total annual costs for existing company amendments and new company plans sum to $1,200. Ten year costs equal $19,000 (present value, 15,000).

At the FAA, first year costs would be $4,200, while each subsequent year cost would be about $600. Costs over ten years sum to $9,400 (present value, $7,500).

These companies would no longer have to file an alcohol certification statement and a drug plan, resulting in cost savings. Total first year cost savings would be $50,300, while total annual costs for the existing company amendments and new company plans sum to $7,600. Ten year cost savings equal $118,300 (present value, $93,000).

Ten year net cost savings sum to $89,900 (present value, $70,600).

Total cost savings for these proposals sum to $333,400 (net present cost, $270,200). Total cost savings to the industry total $281,600 (present value, $229,300) and to the FAA total $51,800 (present value, $40,900).

Analysis of Benefits

The FAA believes that these proposals could result in enhanced safety and concludes that several specific benefits would accrue from these proposals.

The specific proposed changes to pre-employment testing would result in a number of benefits. The FAA believes that certain employers had misunderstood the current requirements and that the proposed requirements would be better understood. This would reduce the number of pre-employment enforcement cases. From August 1994 through June 2000, the FAA initiated 450 legal enforcement cases dealing with pre-employment violations, or an average of 76 cases per year. The FAA believes that these proposals could reduce the number of legal enforcement cases, saving both the FAA and the industry time and resources.

Pre-employment testing acts as the ''gatekeeper.'' Since this type of testing has the largest number of positives, it is the tool that would keep drug users from getting into the aviation industry in the first place. Most of the other drug and alcohol tests are largely deterrence based. Clarifying pre-employment requirements is important, as the process would reduce the number of mistakes by employers that could lead to employees escaping the pre-employment test, the consequences including both potential safety impacts and enforcement actions for non-compliance.

Companies no longer having to file antidrug or alcohol misuse prevention plans would bring about benefits. In addition to the costs savings discussed above, each company would benefit from a reduction in the paperwork burden; the FAA would also realize these same benefits. Industry has

misunderstood the purpose and intent of these antidrug and alcohol misuse prevention plans, as there is confusion as to what is required by the regulations as opposed to what each company's plan requires them to do. Since the programs and obligations in each plan sometimes differ, eliminating the plans can lead to better compliance with the regulations.

These proposals would increase consistency between Appendices I and J, where possible. Elimination of unnecessary differences would reduce industry inquiries into the current conflicts between the two, saving both individual companies and the FAA time and resources, as well as better compliance with of the regulations.

The proposed changes to reasonable cause testing, which would allow an employer to have its supervisors make reasonable cause determinations and refer the contract employee to the contractor for testing under the contractor's antidrug program, would also have benefits. The amount of time needed for the contractor to send a supervisor to make a determination could mean the difference between the employee testing positive or testing negative, particularly for alcohol testing. This would allow more people to detect and, hence, request a test which is likely to increase safety.

Comparison of Costs and Benefits

This action would make a number of changes in order to make the antidrug and alcohol misuse prevention programs more efficient. The modifications to testing requirements, the changes to program submission requirements, and the elimination of the certification statements should make these programs more effective.

These proposals would result in a net cost savings of $333,400 (net present value, $270,200). In addition, the public could see reduced paperwork and enhanced program management due to the elimination of unnecessary differences between Appendices I and J. The FAA has determined that these proposals would not compromise safety and would lessen the burden on the regulated public. Accordingly, the FAA finds these proposals to be cost-beneficial.

Initial Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the business, organizations, and governmental jurisdictions subject to regulation.'' To achieve that principle, the RFA requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the determination is that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA.

However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the 1980 act provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

For this rule, the small entity group is considered to be part 121 and 135 air carriers (Standard Industrial Classification Code [SIC] 4512) and part 145 repair stations (SIC Code 4581, 7622, 7629, and 7699). The FAA has identified a total of 98 of a total of 144 part 121 air carriers and 2,118 of a total of 3,074 part 135 air carriers that are small entities. However, the FAA is unable to determine how many of the 2,412 part 145 repair stations are considered small entities, and so calls for comments and requests that all comments be accompanied by clear documentation.

The annualized cost savings of these proposals to the industry are $32,600. The FAA is unable to isolate the cost savings to each industry group because some of the proposals apply to individual companies while others apply to the employees. So, the FAA looked at the average cost impact on each of the small entities and also on all of the small entity industry groups. If all the cost savings were recognized by only small part 121 air carriers, small part 125 and part 135 air carriers, or all repair stations, the average cost savings per certificate holder would be $333, $15, or $14, respectively. If the cost savings were divided among all of these business entities, the average cost savings per entity would be $7 per entity. Therefore, we certify that this action would not have a significant economic impact on a substantial number of small entities.

International Trade Impact Statement

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and where appropriate, that they be the basis for U.S. standards.

The FAA has assessed the potential effect of this rulemaking and has determined that it will have only a domestic impact and therefore no effect on any trade-sensitive activity.

Unfunded Mandates Determination

The Unfunded Mandates Reform Act of 1995 (the Act), enacted as Public Law 104–4 on March 22, 1995, is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and tribal governments.

Title II of the Act requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in a $100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.''

This proposed rule does not contain such a mandate. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply.

Executive Order 13132, Federalism

The FAA has analyzed this proposed rule under the principles and criteria of Executive Order 13132, Federalism. The FAA has determined that this action would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, the FAA has determined that this notice of proposed rulemaking would not have federalism implications.

Environmental Analysis

FAA Order 1050.1D defines FAA actions that may be categorically excluded from preparation of a National Environmental Policy Act (NEPA) environmental impact statement. In accordance with FAA Order 1050.1D, appendix 4, paragraph 4(j), this proposed rulemaking action qualifies for a categorical exclusion.

Energy Impact

The energy impact of the proposed rule has been assessed in accordance with the Energy Policy and Conservation Act (EPCA) Public Law 94–163, as amended (42 U.S.C. 6362) and FAA Order 1053.1. It has been determined that the proposed rule is not a major regulatory action under the provisions of the EPCA.

List of Subjects in 14 CFR Part 121

Air carriers, Aircraft, Airmen, Alcohol abuse, Alcoholism, Aviation safety, Charter flights, Drug abuse, Drug testing, Reporting and recordkeeping requirements, Safety, Transportation.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend part 121 of Title 14, Code of Federal Regulations, as follows:

PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

1. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 44101, 44701–44402, 44705, 44709–44711, 44713, 44716–44717, 44722, 44901, 44903–44904, 44912, 46105, 46301.

2. Amend appendix I to part 121 as follows:

A. In section I, add paragraphs D and E;

B. In section II, remove the definition of Contractor company; add a new definition of Contractor in alphabetic order; and revise the definitions of Employee and Employer;

C. Revise section III;

D. In section V, revise paragraph A.1, redesignate paragraphs A.2 and A.4 as paragraphs A.4 and A.5, respectively, add new paragraph A.2, and revise paragraphs A.3 and A.5; remove paragraph B.; redesignate paragraph C. as paragraph B. ; redesignate paragraphs B. 8., B. 9., and B. 10. as paragraphs B. 9., B. 10., and B. 11., respectively; add a new paragraph B.8; redesignate paragraph D. as paragraph C.; redesignate paragraph E. as paragraph D. and revise it; redesignate paragraph F. as paragraph E.; and redesignate paragraph G. as paragraph F.; and

E. Revise section IX.

The additions and revisions read as follows:

Appendix I to Part 121—Drug Testing Program

* * * * *

I. *General*

* * * * *

D. *Applicable Federal Regulations.* The following applicable regulations appear in 49 CFR or 14 CFR:

1. 49 CFR

Part 40—Procedures for Transportation Workplace Drug Testing Programs

2. 14 CFR

61.14—Refusal to submit to a drug or alcohol test.
63.12b—Refusalto submit to a drug or alcohol test.
65.23—Refusal to submit to a drug or alcohol test.
65.46—Use of prohibited drugs.
67.107—First-Class Airman Medical Certificate, Mental.
67.207—Second-Class Airman Medical Certificate, Mental.
67.307—Third-Class Airman Medical Certificate, Mental.
121.429—Prohibited drugs.
121.455—Use of prohibited drugs.
121.457—Testing for prohibited drugs.
135.1—Applicability
135.249—Use of prohibited drugs.
135.251—Testing for prohibited drugs.
135.353—Prohibited drugs.

E. *Falsification.* No person may make, or cause to be made, any of the following:

1. Any fraudulent or intentionally false statement in any application of an antidrug program.

2. Any fraudulent or intentionally false entry in any record or report that is made, kept, or used to show compliance with this appendix.

3. Any reproduction or alteration, for fraudulent purposes, of any report or record required to be kept by this appendix.

II. Definitions. * * *

* * * * *

Contractor is an individual or company that performs a safety-sensitive function by contract for an employer or another contractor.

* * * * *

Employee is a person who is hired, either directly or by contract, to perform a safety-sensitive function for an employer, as defined below. An employee is also a person who transfers into position to perform a safety-sensitive function for an employer.

Employer is a part 121 certificate holder, a part 135 certificate holder, an operator as defined in § 135.1(c) of this chapter, or an air traffic control facility not operated by the FAA or by or under contract to the U. S. military. An employer may use a contract employee who is not included under that employer's FAA-mandated antidrug program to perform a safety-sensitive function only if that contract employee is subject to the requirements of the contractor's FAA-mandated antidrug program and is performing work within the scope of employment with the contractor.

* * * * *

III. *Employees Who Must be Tested.* Each employee who performs a function listed in this section directly or by contract (including by subcontract at any tier) for an employer as defined in this appendix must be subject to drug testing under an antidrug program implemented in accordance with this appendix. This not only includes full-time and part-time employees, but temporary and intermittent employees regardless of the degree of supervision. Also, employees in a training status and performing safety-sensitive functions must be subject to drug testing in accordance with this appendix. The covered safety-sensitive functions are:

a. Flight crewmember duties.
b. Flight attendant duties.
c. Flight instruction.
d. Aircraft dispatcher duties.
e. Aircraft maintenance and preventive maintenance duties.
f. Ground security coordinator duties.
g. Aviation screening duties.
h. Air traffic control duties.

* * * * *

V. *Types of Drug Testing Required.* * * *

A. *Pre-Employment Testing.*

1. No employer may hire any individual to perform a function listed in section III of this appendix unless the employer first receives a verified negative drug test result for that applicant.

2. No employer shall allow an individual to transfer from a nonsafety-sensitive to a safety-sensitive job unless the employer first receives a verified negative drug test result for the individual.

3. Employers must conduct another pre-employment test and receive a verified negative drug test result before hiring an applicant or transferring an employee into a safety-sensitive position if more than 60 days elapse between conducting the pre-employment test and hiring or transferring the person into a safety-sensitive function, resulting in that person being brought under an FAA drug-testing program.

* * * * *

5. The employer shall advise each individual applying to perform a safety-sensitive function at the time of application that the individual will be required to undergo pre-employment testing in accordance with this appendix, to determine the presence of marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines, or a metabolite of those drugs in the individual's system. The employer shall provide this same notification to each individual required by the employer to undergo pre-employment testing under section V.A.1. or A.2 of this appendix.

B. *Random Testing.* * * *

8. Each employer shall require that each safety-sensitive employee who is notified of selection for random drug testing proceeds to the testing site immediately; provided, however, that if the employee is performing a safety-sensitive function at the time of the notification, the employer shall instead ensure that the employee ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible.

* * * * *

D. *Testing Based on Reasonable Cause.* 1. Each employer shall test each employee who performs a safety-sensitive function and who is reasonably suspected of having used a prohibited drug. The decision to test must be based on a reasonable and articulable belief that the employee is using a prohibited drug on the basis of specific contemporaneous

physical, behavioral, or performance indicators of probable drug use. At least two of the employee's supervisors, one of whom is trained in detection of the symptoms of possible drug use, shall substantiate and concur in the decision to test an employee who is reasonably suspected of drug use; provided, however, that in the case of an employer other than a part 121 certificate holder who employs 50 or fewer employees who perform safety-sensitive functions, one supervisor who is trained in detection of symptoms of possible drug use shall substantiate the decision to test an employee who is reasonably suspected of drug use.

2. An employer may make a reasonable cause determination regarding any contract employee who performs a safety-sensitive function on the employer's premises and under the supervision of the employer, but not in the employer's program, and may refer the contract employee for a reasonable cause test under the contractor's drug testing program.

* * * * *

OPTION 1 FOR SECTION IX:

IX. *Implementing an Antidrug Program.*

A. Use the following chart to determine whether your existing company must obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification or whether you must register with the FAA:

If you are existing . . .	You must . . .
1. Part 121 or 135 certificate holder	Obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification by contacting your principal certificate operations inspector.
2. Sightseeing operation as defined in § 135.1(c) of this chapter.	Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Ave., SW, as Washington, DC 20591 by [60 days from the date the final rule is published].
3. Air traffic control operation not operated by the FAA or by or under contract to the U.S. Military.	Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Ave., SW, Washington, DC 20591 by [60 days from the date the final rule is published].
4. Part 145 certificate holder who has your own antidrug program.	Obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification by contacting your principal maintenance inspector.
5. Contractor who has your own antidrug program	Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Ave., SW, Washington, DC 20591 by [60 days from the date the final rule is published].

B. Use the following schedule for implementing an antidrug program for new certificate holders and contractors. Use it to determine whether you need to have an antidrug and alcohol misuse prevention program operations specification, or whether you need to register with the FAA. Your employees who perform safety-sensitive duties must be tested in accordance with this appendix. The schedule follows:

If you . . .	You must . . .
1. Apply for a part 121 certificate or apply for a part 135 certificate.	a. Have an Antidrug and Alcohol Misuse Prevention Program Operations Specification, b. Implement an FAA antidrug program no later than the date you start operations, and c. Use only contract employees to perform safety-sensitive functions who are covered by an FAA antidrug program for the entire period they perform safety-sensitive work.
2. Intend to begin sightseeing operations as defined in § 135.1(c) of this chapter.	a. Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division, 800 Independence Ave., SW, Washington, DC 20591 prior to starting operations, b. Implement an FAA antidrug program no later than the date you start operations, and c. Use only contract employees to perform safety-sensitive functions who are covered by an FAA antidrug program for the entire period they perform safety-sensitive work.
3. Intend to begin air traffic control operations as an employer defined in § 65.46 of this chapter (that is, air traffic control facilities not operated by the FAA or by or under contract to the U.S. military).	a. Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division, 800 Independence Ave., SW, Washington, DC 20591, b. Implement an FAA antidrug program no later than the date you start operations, and c. Use only contract air traffic controllers to perform safety-sensitive functions who are covered by an FAA antidrug program for the entire period they perform safety-sensitive work.

C. 1. If you are an individual or company that will provide safety-sensitive services by contract to a part 121 or 135 certificate holder or a sightseeing operation as defined in § 135.1(c) of this chapter, use the chart in paragraph C.2 of this section to determine what you must do if you opt to have your own antidrug program.

2. Employees who perform safety-sensitive functions for a part 121 or 135 certificate holder or a sightseeing operation as defined in § 135.1(c) of this chapter must be tested in accordance with this appendix. The following chart explains what you must do if you opt to have your own antidrug program:

If you . . .	You must . . .
a. Are a part 145 certificate holder	i. Have an Antidrug and Alcohol Misuse Prevention Program Operations Specification, ii. Implement an FAA Antidrug Program no later than the date you start performing safety-sensitive functions for a part 121 or 135 certificate holder or sightseeing operation as defined in § 135.1(c) of this chapter, and iii. Meet the same requirements as an employer under this appendix.

If you . . .	You must . . .
b. Are a contractor (for example: a security company, a non-certificated repair station, a temporary employment service company or any other individual or company that provides safety-sensitive services).	i. Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division, 800 Independence Ave., SW., Washington, DC 20591, ii. Implement an FAA Antidrug Program no later than the date you start performing safety-sensitive functions for a part 121 or 135 certificate holder or sightseeing operation as defined in § 135.1(c) of this chapter, and iii. Meet the same requirements as an employer under other individual or this appendix.

D. 1. To obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification, you must contact your Aviation Flight Standards principal operations inspector or principal maintenance inspector. Provide him/her with the following information:

a. Company name.

b. Certificate number.

c. Telephone number.

d. Address where your Antidrug and Alcohol Misuse Prevention Program records are kept.

e. Whether you have 50 or more covered employees, or 49 or fewer covered employees. (Part 121 certificate holders are not required to provide this information.)

2. You must certify on your Antidrug and Alcohol Misuse Prevention Program Operations Specification issued by your principal operations inspector or principal maintenance inspector that you will comply with this appendix, appendix J of this part, and 49 CFR part 40.

3. You are required to obtain only one Antidrug and Alcohol Misuse Prevention Program Operations Specification to satisfy this requirement under this appendix and appendix J of this part.

E. 1. To register with the FAA, submit the following information:

a. Company name.

b. Telephone number.

c. Address where your Antidrug and Alcohol Misuse Prevention Program records are kept.

d. Name of the type of safety-sensitive functions you perform for an employer (such as flight instruction duties, aircraft dispatcher duties, maintenance or preventive maintenance duties, ground security coordinator duties, aviation screening duties, air traffic control duties).

e. Indicate whether you have 50 or more covered employees, or 49 or fewer covered employees.

f. A signed statement indicating that your company performs safety-sensitive functions for a part 121 or a 135 certificate holder or sightseeing operation as defined by § 135.1(c) of this chapter and that your company will comply with this appendix, appendix J of this part, and 49 CFR part 40.

2. Send this information in *duplicate* to: The Federal Aviation Administration, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Ave. SW., Washington, DC 20591.

3. Update the registration information as changes occur. Send the updates in duplicate to the Drug Abatement Division.

4. This registration will satisfy the registration requirements for both your Antidrug Program under this appendix and the Alcohol Misuse Prevention Program under appendix J of this part.

OPTION 2 FOR SECTION IX:

IX. *Implementing an Antidrug Program.*

A. Antidrug and Alcohol Misuse Prevention Program Operations Specifications and registration with the FAA. Each certificate holder required to have an antidrug program by this appendix shall submit an Antidrug and Alcohol Misuse Prevention Program Operations Specification to its Principal Operations Inspector. All other operators required or electing to have an antidrug program will register with the Federal Aviation Administration, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Avenue, SW., Washington, DC 20591 by [60 days from the date the final rule is published].

1. Any person who applies for a certificate under the provisions of part 121 or part 135 of this chapter shall obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification prior to beginning operations under the certificate. The program shall be implemented not later than the date of start of operations. Contractor employees to a new certificate holder must be subject to an antidrug program in accordance with this appendix.

2. Any person who intends to begin sightseeing operations as an operator under 14 CFR 135.1(c) shall, not later than 60 days prior to the proposed initiation of such operations, register with the FAA. No operator may begin conducting sightseeing flights prior to registration. The program shall be implemented concurrently with the start of operations. Contractor employees to a new operator must be subject to an antidrug program in accordance with this appendix.

3. Any person who intends to begin air traffic control operations as an employer as defined in 14 CFR 65.46(a)(2) (air traffic control facilities not operated by the FAA or by or under contract to the U.S. military) shall, not later than 60 days prior to the proposed initiation of such operations, register with the FAA. The antidrug program shall be implemented concurrently with the start of operations. Contractor employees to a new air traffic control facility must be subject to an antidrug program in accordance with this appendix.

4. In accordance with this appendix, an entity or individual that holds a repair station certificate issued by the FAA pursuant to part 145 of this chapter and employs individuals who perform safety-sensitive functions pursuant to a contract with an employer or an operator may obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification from its Principal Maintenance Inspector. Each certificated repair station shall implement its antidrug program in accordance with this appendix.

5. Any entity or individual whose employees perform safety-sensitive functions pursuant to a contract with an employer (as defined in section II of this appendix), may submit an antidrug program registration in a manner prescribed by the Administrator. Each contractor shall implement its antidrug program in accordance with this appendix.

6. Each air traffic control facility operating under contract to the FAA shall register with the FAA. Each facility shall implement its antidrug program in accordance with this appendix. Employees performing air traffic control duties by contract for the air traffic control facility (i.e., not directly employed by the facility) must be subject to an antidrug program in accordance with this appendix.

7. Each employer or contractor company must use only contract employees who are covered by an FAA antidrug program for the entire period they perform safety-sensitive work.

B.1. To obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification, you must contact your Aviation Flight Standards Principal Operations Inspector or Principal Maintenance Inspector. Provide him/her with the following information:

a. Company name.

b. Certificate number.

c. Telephone number.

d. Address where your Antidrug and Alcohol Misuse Prevention Program records are kept.

e. Whether you have 50 or more covered employees, or 49 or fewer covered employees. (Part 121 certificate holders are not required to provide this information.)

2. You must certify on your Antidrug and Alcohol Misuse Prevention Program Operations Specification issued by your principal operations inspector or principal maintenance inspector that you will comply with this appendix, appendix J of this part, and 49 CFR part 40.

3. You are required to obtain only one Antidrug and Alcohol Misuse Prevention Program Operations Specification to satisfy this requirement under this appendix and appendix J of this part.

C.1. To register with the FAA, submit the following information:

a. Company name.

a. Telephone number.

c. Address where your Antidrug and Alcohol Misuse Prevention Program records are kept.

d. Name of the type of safety-sensitive functions you perform for an employer (such as flight instruction duties, aircraft dispatcher duties, maintenance or preventive maintenance duties, ground security coordinator duties, aviation screening duties, air traffic control duties).

e. Indicate whether you have 50 or more covered employees, or 49 or fewer covered employees.

f. A signed statement indicating that your company will comply with this appendix, appendix J of this part, and 49 CFR part 40.

2. Send this information in *duplicate* to:The Federal Aviation Administration,Office of Aerospace Medicine,Drug Abatement Division (AAM–800),800 Independence Ave. SW.,Washington, DC 20591.

3. Update the registration information as changes occur. Send the updates in duplicate to the Drug Abatement Division.

4. This registration will satisfy the registration requirements for both your Antidrug Program under this appendix and the Alcohol Misuse Prevention Program under appendix J of this part.

* * * * *

3. In appendix J to part 121:

A. In section I., amend paragraph D. to remove the definitions for ''Administrator'' and ''Contractor company''; add a definition for ''Contractor'' in alphabetical order; and add paragraphs H. and I.;

B. In section II., revise the introductory text;

C. In section III., revise paragraph D.1.;

D. In section IV.B., revise paragraph 4.;

E. Revise section VII.

The additions and revisions read as follows:

APPENDIX J TO PART 121—ALCOHOL MISUSE PREVENTION PROGRAM

* * * * *

I. General.

* * * * *

D. *Definitions.*

* * * * *

Contractor means an individual or company that performs a safety-sensitive function by contract for an employer or another contractor.

* * * * *

H. *Applicable Regulations.* The following applicable regulations appear in 49 CFR and 14 CFR:

1.49 CFR

Part 40—Procedures for Transportation Workplace Drug Testing Programs

2. 14 CFR

61.14—Refusal to submit to a drug or alcohol test.
63.12b—Refusal to submit to a drug or alcohol test.
65.23—Refusal to submit to a drug or alcohol test.
65.46a—Misuse of Alcohol.
65.46b—Testing for Alcohol.
67.107—First-Class Airman Medical Certificate, Mental.
67.207—Second-Class Airman Medical Certificate, Mental.
67.307—Third-Class Airman Medical Certificate, Mental.
121.458—Misuse of alcohol.
121.459—Testing for alcohol.
135.1—Applicability.
135.253—Misuse of alcohol.
135.255—Testing for alcohol.

I. *Falsification.* No person may make, or cause to be made, any of the following:

1. Any fraudulent or intentionally false statement in any application of an alcohol misuse prevention program.

2. Any fraudulent or intentionally false entry in any record or report that is made, kept, or used to show compliance with this appendix.

3. Any reproduction or alteration, for fraudulent purposes, of any report or record required to be kept by this appendix.

II. Covered Employees.

Each employee who performs a function listed in this section directly or by contract (including by subcontract at any tier) for an employer as defined in this appendix must be subject to alcohol testing under an alcohol misuse prevention program implemented in accordance with this appendix. This not only includes full-time and part-time employees, but temporary and intermittent employees regardless of the degree of supervision. Also, employees in a training status performing safety-sensitive functions must be subject to alcohol testing in accordance with this appendix. The covered safety-sensitive functions are:

* * * * *

III. Tests Required.

* * * * *

D. Reasonable Suspicion Testing

1. An employer shall require a covered employee to submit to an alcohol test when the employer has reasonable suspicion to believe that the employee has violated the alcohol misuse prohibitions in § 65.46a, § 121.458, or § 135.253 of this chapter. For the purpose of reasonable suspicion testing, an employer may make a reasonable suspicion determination regarding any contract employee who performs a safety-sensitive function on the employer's premises and under the supervision of the employer, and may refer the contract employee for a reasonable suspicion test under the contractor's alcohol testing program.

* * * * *

IV. Handling of Test Results, Record Retention, and Confidentiality.

* * * * *

B. * * *

4. Each report shall be submitted in the form and manner prescribed by the Administrator. No other form, including another DOT Operating Administration's form, is acceptable for submission to the FAA.

* * * * *

OPTION 1 FOR SECTION VII:

VII. How to Implement an Alcohol Misuse Prevention Program.

A. Use the following chart to determine whether your existing company must obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification or whether you must register with the FAA:

If you are an existing . . .	You must . . .
1. Part 121 or 135 certificate holder . . .	Obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification by contacting your principal operations inspector.
2. Sightseeing operation as defined in § 135.1(c) . . .	Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Ave., SW, Washington, DC 20591 by [60 days from the date the final rule is published].
3. Air traffic control operation not operated by the FAA or by or under contract to the U.S. Military . . .	Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Ave., SW, Washington, DC 20591 by [60 days from the date the final rule is published].
4. Part 145 certificate holder who has your own alcohol misuse prevention program . . .	Obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification by contacting your principal maintenance inspector.
5. Contractor who has your own alcohol misuse prevention program . . .	Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Ave., SW, Washington, DC 20591 by [60 days from the date the final rule is published].

B. Use the following schedule for implementing an Alcohol Misuse Prevention Program. Use it to determine whether you need to have an Antidrug and Alcohol Misuse Prevention Program operations specification, or whether you need to register

with the FAA. Your employees who perform safety-sensitive duties must be tested in accordance with this appendix. The schedule follows:

If you . . .	You must . . .
1. Apply for a part 121 certificate or apply for a part 135 certificate.	a. Have an Antidrug and Alcohol Misuse Prevention Program Operations Specification, b. Implement an FAA Alcohol Misuse Prevention Program no later than the date you start operations, and c. Use only contract employees to perform safety-sensitive functions who are covered by an FAA Alcohol Misuse Prevention Program for the entire period they perform safety-sensitive work.
2. Intend to begin sightseeing operations as defined in § 135.1(c) of this chapter.	a. Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division, 800 Independence Ave., SW, Washington, DC 20591 prior to starting operations, b. Implement an FAA Alcohol Misuse Prevention Program no later than the date you start operations, and c. Use only contract employees to perform safety-sensitive functions who are covered by an FAA Alcohol Misuse Prevention Program for the entire period they perform safety-sensitive work.
3. Intend to begin air traffic control operations as an employer defined in § 65.46 of this chapter (that is, air traffic control facilities not operated by the FAA or by or under contract to the U.S. military).	a. Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division, 800 Independence Ave., SW, Washington, DC 20591, b. Implement an FAA Alcohol Misuse Prevention Program no later than the date you start operations, and c. Use only contract air traffic controllers to perform safety-sensitive functions who are covered by an FAA Alcohol Misuse Prevention Program for the entire period they perform safety-sensitive work.

C.1. If you are an individual or a company that will provide safety-sensitive services by contract to a part 121 or 135 certificate holder or a sightseeing operation as defined in § 135.1(c) of this chapter, use the chart in paragraph C.2. of this section to determine what you must do if you opt to have your own antidrug program.

2. Employees who perform safety-sensitive functions for part 121 or 135 certificate holders or sightseeing operations as defined in § 135.1(c) of this chapter must be tested in accordance with this appendix. The following chart explains what you must do if you opt to have your own Alcohol Misuse Prevention Program:

If you . . .	You must . . .
a. Are a part 145 certificate holder	i. Have an Antidrug and Alcohol Misuse Prevention Program Operations Specification, ii. Implement an FAA Alcohol Misuse Prevention Program no later than the date you start performing safety-sensitive functions for a part 121 or 135 certificate holder or sightseeing operation as defined in § 135.1(c) of this chapter, and iii. Meet the same requirements as an employer under this appendix.
b. Are a contractor (for example: a security company, a non-certificated repair station, a temporary employment service company or any other individual or company that provides safety-sensitive services).	i. Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division, 800 Independence Ave., SW, Washington, DC 20591, ii. Implement an FAA Alcohol Misuse Prevention Program no later than the date you start performing safety-sensitive functions for a part 121 or 135 certificate holder or sightseeing operation as defined in § 135.1(c) of this chapter, and iii. Meet the same requirements of an employer under this appendix.

D.1. To obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification, you must contact your Aviation Flight Standards Inspector. Provide him/her with the following information:

a. Company name.

b. Certificate number.

c. Telephone number.

d. Address where your Antidrug and Alcohol Misuse Prevention Program records are kept.

e. Whether you have 50 or more covered employees, or 49 or fewer covered employees. (Part 121 certificate holders are not required to provide this information.)

2. You must certify on your Antidrug and Alcohol Misuse Prevention Program Operations Specification, issued by your principal operations inspector or principal maintenance inspector, that you will comply with appendix I of this part, this appendix, and 49 CFR part 40.

3. You are required to obtain only one Antidrug and Alcohol Misuse Prevention Program Operations Specification to satisfy this requirement under appendix I of this part and this appendix.

E.1. To register with the FAA, submit the following information:

a. Company name.

b. Telephone number.

c. Address where your Antidrug and Alcohol Misuse Prevention Program records are kept.

d. Name the type of safety-sensitive functions you perform for an employer (such as flight instruction duties, aircraft dispatcher duties, maintenance or preventive maintenance duties, ground security coordinator duties, aviation screening duties, air traffic control duties).

e. Whether you have 50 or more covered employees, or 49 or fewer covered employees.

f. A signed statement indicating that your company performs safety-sensitive functions for a part 121 or a 135 certificate holder or sightseeing operation as defined by § 135.1(c) of this chapter and that your company will comply with appendix I of this part, this appendix, and 49 CFR part 40.

2. Send this information in *duplicate* to: The Federal Aviation Administration, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Ave. SW., Washington, DC 20591.

3. Update the registration information as changes occur. Send the updates in duplicate to the Drug Abatement Division.

4. This registration will satisfy the registration requirements for both your Antidrug Program under this appendix I of this part and the Alcohol Misuse Prevention Program under this appendix.

OPTION 2 FOR SECTION VII:

VII. *Implementing an Alcohol Misuse Prevention Program.*

A. Antidrug and Alcohol Misuse Prevention Program Operations Specifications and Registration with the FAA.

1. Each certificate holder required to have an alcohol misuse prevention program (AMPP) by this appendix shall submit an Antidrug and Alcohol Misuse Prevention Program Operations Specification to its principal operations inspector or principal maintenance inspector. All other operators required or electing to have an AMPP will register with the Federal Aviation Administration, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Avenue, SW., Washington, DC 20591.

2.a. Any person who applies for a certificate under the provisions of part 121 or part 135 of this chapter shall obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification prior to beginning operations under the certificate. The program shall be implemented not later than the start of operations. Contractor employees to a new certificate holder must be subject to an AMPP in accordance with this appendix.

b. Any person who intends to begin sightseeing operations as an operator under 14 CFR 135.1(c) shall, not later than 60 days prior to the proposed initiation of such operations, register with the FAA. No operator may begin conducting sightseeing flights prior to registration. The program shall be implemented concurrently with the start of operations. Contractor employees to a new operator must be subject to an AMPP in accordance with this appendix.

c. Any person who intends to begin air traffic control operations as an employer as defined in 14 CFR 65.46(a)(2) (air traffic control facilities not operated by the FAA or by or under contract to the U.S. military) shall, not later than 60 days prior to the proposed initiation of such operations, register with the FAA. The AMPP shall be implemented concurrently with the start of operations. Contractor employees to a new air traffic control facility must be subject to an AMPP in accordance with this appendix.

3. In accordance with this appendix, an entity or individual that holds a repair station certificate issued by the FAA pursuant to part 145 of this chapter and employs individuals who perform safety-sensitive functions pursuant to a contract with an employer or an operator may obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification from its principal maintenance inspector. Each certificated repair station shall implement its AMPP in accordance with this appendix.

4. Any entity or individual whose employees perform safety-sensitive functions pursuant to a contract with an employer (as defined in section II of this appendix), may submit an AMPP registration in a manner prescribed by the Administrator. Each contractor shall implement its AMPP in accordance with this appendix.

5. Each air traffic control facility operating under contract to the FAA shall register with the FAA. Each facility shall implement its AMPP in accordance with this appendix. Employees performing air traffic control duties by contract for the air traffic control facility (i.e., not directly employed by the facility) must be subject to an AMPP in accordance with this appendix.

6. Each employer or contractor company must use only contract employees who are covered by an FAA Alcohol Misuse Prevention Program for the entire period they perform safety-sensitive work.

B. Obtaining an Antidrug and Alcohol Misuse Prevention Program Operations Specification.

1. To obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification, you must contact your Aviation Flight Standards principal operations inspector or principal maintenance inspector. Provide him/her with the following information:

a. Company name.

b. Certificate number.

c. Telephone number.

d. Address where your Antidrug and Alcohol Misuse Prevention Program records are kept.

e. Whether you have 50 or more covered employees, or 49 or fewer covered employees. (Part 121 certificate holders are not required to provide this information.)

2. You must certify on your Antidrug and Alcohol Misuse Prevention Program Operations Specification issued by your principal operations inspector or principal maintenance inspector that you will comply with appendix I of this part, this appendix, and 49 CFR part 40.

3. You are required to obtain only one Antidrug and Alcohol Misuse Prevention Program Operations Specification to satisfy this requirement under both appendix I of this part and this appendix.

C. Registering Your Alcohol Misuse Prevention Program with the FAA.

1. To register your AMPP with the FAA, submit the following information:

a. Company name.

b. Telephone number.

c. Address where your Antidrug and Alcohol Misuse Prevention Program records are kept.

d. Name the type of safety-sensitive functions you perform for an employer (such as flight instruction duties, aircraft dispatcher duties, maintenance or preventive maintenance duties, ground security coordinator duties, aviation screening duties, air traffic control duties).

e. Indicate whether you have 50 or more covered employees, or 49 or fewer covered employees.

f. A signed statement indicating that your company will comply with appendix I of this part, this appendix, and 49 CFR part 40.

2. Send this information in *duplicate* to: The Federal Aviation Administration, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Ave. SW., Washington, DC 20591.

3. Update the registration information as changes occur. Send the updates in duplicate to the Drug Abatement Division.

4. This registration will satisfy the registration requirements for both your Antidrug Program under appendix I of this part, and the Alcohol Misuse Prevention Program under this appendix.

* * * * *

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

Jon L. Jordan,

Federal Air Surgeon.

[FR Doc. 02–3847 Filed 2–27–02; 8:45 am]

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Federal Register

Thursday,
February 28, 2002

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 121

Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. FAA–2002–11301; Notice No. 02–04]

RIN 2120–AH14

Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: After a number of years of experience inspecting the aviation industry's Antidrug and Alcohol Misuse Prevention Programs, the FAA is proposing to clarify regulatory language, increase consistency between the antidrug and alcohol misuse prevention program regulations where possible, and revise regulatory provisions as appropriate. Specifically, the FAA proposes to change the antidrug plan and alcohol misuse prevention certification statement submission requirements for employers and contractors. The FAA proposes to revise the timing of pre-employment testing. The FAA also proposes to modify the reasonable cause and reasonable suspicion testing requirements. The FAA believes that changing the regulations would improve safety and lessen a burden on the regulated public.

DATES: Send your comments on or before May 29, 2002.

ADDRESSES: Address your comments to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2002–11301 at the beginning of your comments, and you should submit two copies of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to http://dms.dot.gov. You may review the public docket containing comments to these proposed regulations in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Diane J. Wood, Manager, AAM–800, Drug Abatement Division, Office of Aerospace Medicine, Federal Aviation Administration, Washington, DC 20591, telephone number (202) 267–8442.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will file in the docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. The docket is available for public inspection before and after the comment closing date. If you wish to review the docket in person, go to the address in the **ADDRESSES** section of this preamble between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also review the docket using the Internet at the web address in the **ADDRESSES** section.

Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

If you want the FAA to acknowledge receipt of your comments on this proposal, include with your comments a pre-addressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it to you.

Availability of Rulemaking Documents

You can get an electronic copy using the Internet by taking the following steps:

(1) Go to the search function of the Department of Transportation's electronic Docket Management System (DMS) web page (*http://dms.dot.gov/search*).

(2) On the search page type in the last five digits of the Docket number shown at the beginning of this notice. Click on ''search.''

(3) On the next page, which contains the Docket summary information for the Docket you selected, click on the document number of the item you wish to view.

You can also get a copy by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the docket number, notice number, or amendment number of this rulemaking.

General Information

The General Information portion of the preamble is organized as follows:

- Background information about the drug and alcohol rules (14 CFR part 121, appendices I and J, respectively).
- Two charts highlighting the proposed principal and clarifying changes to appendix I.
- Two charts highlighting the proposed principal and clarifying changes in appendix J.
- Detailed, section-by-section discussion of the proposed changes to:
  - Appendix I.
  - Appendix J.

Background Information About the Drug and Alcohol Rules

The Antidrug and Alcohol Misuse Prevention Programs added to a long history of FAA actions to combat the use of drugs and alcohol in the aviation industry. For many decades the FAA has had regulations prohibiting crewmembers from operating aircraft under the influence of alcohol or drugs that impair their ability to operate the aircraft. As a result of the broad use of drugs in American society, the FAA initiated a rulemaking in the 1980s to test persons performing safety functions in the commercial aviation industry for certain illegal drugs.

After publishing an Advance Notice of Proposed Rulemaking in 1986 (51 FR 44432; December 9, 1986) and a Notice of Proposed Rulemaking (NPRM) in 1988 (53 FR 8368; March 14, 1988), on November 14, 1988, the FAA published a final rule entitled, Antidrug Program for Personnel Engaged in Specified Aviation Activities, (53 FR 47024), which required specified aviation employers and operators to initiate antidrug programs for personnel performing safety-sensitive functions.

Congress enacted the Omnibus Transportation Employee Testing Act of 1991, (the Act), which amended the Federal Aviation Act of 1958 to provide a statutory mandate for drug and alcohol testing of air carrier employees. To conform with the Act, the Office of the Secretary of Transportation (OST) coordinated the efforts of Department of Transportation (DOT) modal administrations to address the issue of

alcohol use testing in the transportation industries. Rulemakings were initiated under the provisions of the Omnibus Transportation Employee Testing Act of 1991 (Public Law 102–143, Title V). The FAA published an NPRM related to industry drug testing requirements in 1994 (59 FR 7412; February 15, 1994), and on August 19, 1994, the FAA published a final rule, Antidrug Program for Personnel Engaged in Specified Aviation Activities (59 FR 42911). The August 19, 1994, final rule incorporated clarifying and substantive changes to address provisions of the antidrug rule that were unclear or did not comport with revised DOT drug testing procedures. With respect to alcohol testing, the FAA published an NPRM in 1992 (57 FR 59458; December 15, 1992), and then on February 15, 1994, published a final rule, Alcohol Misuse Prevention Program for Personnel Engaged in Specified Aviation Activities (59 FR 7380). The final rule required certain aviation employers to conduct alcohol testing.

The FAA's regulatory efforts have proven to be effective in both detecting and deterring illegal drug use and alcohol misuse in the aviation industry. From 1990 through 1998, aviation employers required to report have told the FAA that 13,074 positive pre-employment test results have occurred. Since pre-employment drug testing is the gateway through which a person must pass before entering a safety-sensitive job, pre-employment testing has proven to be an effective detection tool for the aviation industry. The success of the aviation industry in implementing the FAA's drug testing regulations is further evidenced by the 8,270 positive drug tests under all other forms of drug testing required by the FAA, as reported by the employers required to report between 1990 and 1998. The FAA regulations have been effective in deterring illegal drug use, as shown by the fact that the industry rate of positive random test results has remained below one percent during the 8 years (1990–1998) for which data are available. Similarly, in the context of alcohol tests conducted since 1995, employers have reported a total of 490 breath alcohol test results of 0.04 or greater on all alcohol tests given, but the total rate of random alcohol test results of 0.04 or greater has remained below 0.5 percent for 5 consecutive years.

While the drug and alcohol testing regulations have been successful, experience with the testing regulations has led the FAA to identify some aspects of the regulations that need to be amended. These amendments involve reasonable cause drug testing, reasonable suspicion alcohol testing, periodic drug testing, the approval process of antidrug program plans, and the approval process of certification statements for alcohol misuse prevention programs. The FAA is proposing to clarify regulatory language, increase consistency between the antidrug and alcohol misuse prevention program regulations, and eliminate regulatory provisions that are no longer appropriate. In addition, the Office of Aviation Medicine has changed its name to the Office of Aerospace Medicine. In this NPRM, the FAA has corrected the office name in rule sections that were otherwise being changed. In the final rule, the FAA will correct the office name in any other rule sections necessary.

Charts Describing the Proposed Changes

PROPOSED PRINCIPAL CHANGES—APPENDIX I (DRUG TESTING)

Current section number and title	Summary
Section II. Definitions	• Proposes to change the definition of employer to clarify that an employer may use a contract employee who is not included under that employer's drug program to perform a safety-sensitive function only if that contract employee is subject to the requirements of a contractor's FAA-mandated antidrug program and is performing work within the scope of employment with the contractor.
Section V. Types of Testing Required.	• Proposes to change paragraph A., ''Pre-employment Testing,'' to require pre-employment testing before hiring or transferring an individual to perform a safety-sensitive position. • Proposes to require employers to conduct another pre-employment test for applicants or employees who transfer to safety-sensitive positions if more than 60 days elapse between a pre-employment test and placing the individual in a safety-sensitive position. • Proposes to eliminate periodic drug testing since it was a transitional requirement and is no longer needed. • Proposes to change paragraph E. to allow employers to make a reasonable cause determination on contract employees who are performing safety-sensitive functions on the employer's premises and under the supervision of the employer.
Section IX. Implementing an Antidrug Program.	• Proposes to change the title of the section. • Proposes to change the FAA antidrug plan approval process by eliminating the requirement for plan approvals. Instead the FAA proposes to require: —New and existing part 121 and 135 certificate holders to obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification. Only one operations specification would be required for both the drug and alcohol programs, and certificate holders would have to provide less information than is currently required. —New and existing part 145 certificate holders that opt to have their own FAA testing programs because they perform safety-sensitive functions for an employer to obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification. Only one operations specification would be required for both the drug and alcohol programs, and certificate holders would have to provide less information than is currently required. —All other entities required or opting to have an antidrug and alcohol misuse prevention programs to register with the FAA. Only one registration would be required for both the Antidrug and Alcohol Misuse Prevention Programs, and entities would have to provide less information than is currently required. • Proposes to eliminate the 60-day timeframe for employers to ensure that contractors and part 145 certificate holders that perform safety-sensitive functions are subject to an antidrug program. • Proposes to require updates to registration information as changes occur. • Proposes to clarify that employers may use contractors (including part 145 certificate holders) to perform safety-sensitive functions only if the contractors are subject to an antidrug program for the entire time they are performing safety-sensitive functions.

PROPOSED CLARIFYING CHANGES—APPENDIX I (DRUG TESTING)

Current section number and title	Summary
Section I. General	• Proposes to add a paragraph that lists applicable regulations. • Proposes to add a paragraph to prohibit falsification of any logbook, record, or report.
Section II. Definitions	• Proposes to change the defined term ''contractor company'' to ''contractor'' to emphasize that ''contractor'' could mean an individual or a company. • Proposes to change the definition of ''Employee'' to eliminate unnecessary language.
Section III. Employees Who Must Be Tested.	• Proposes to clarify that all employees who perform safety-sensitive functions, i.e., full-time, part-time, temporary, and intermittent employees, are subject to an antidrug program regardless of the degree of supervision. • Proposes to clarify that employees who are in a training status and perform safety-sensitive functions are subject to an antidrug program. • Proposes to clarify that each person who performs a safety-sensitive function directly or by any tier of a contract for an employer is subject to testing.
Section V. Types of Drug Testing Required.	• Proposes to clarify pre-employment notification requirements. • Proposes to clarify random testing requirements. Similar language is used in appendix J.

PROPOSED PRINCIPAL CHANGES—APPENDIX J (ALCOHOL TESTING)

Current section number and title	Summary
Section III. Tests Required	• Proposes to change paragraph D. to allow employers to make a reasonable suspicion determination on contract employees who are performing safety-sensitive functions on the employer's premises and under the supervision of the employer.
Section IV. Handling of Testing Results, Record Retention, and Confidentiality.	• Proposes to add language in paragraph B.4. that mirrors language in appendix I.
Section VII. Implementing an Alcohol Misuse Prevention Program.	• Proposes to eliminate the FAA Alcohol Misuse Prevention Certification Statement. Instead the FAA proposes to require: —New and existing part 121 and 135 certificate holders to obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification. Only one operations specification would be required for both the drug and alcohol programs, and certificate holders would have to provide less information than is currently required. —New and existing part 145 certificate holders that opt to have their own FAA testing programs because they perform safety-sensitive functions for an employer to obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification. Only one operations specification would be required for both the drug and alcohol programs, and certificate holders would have to provide less information than is currently required. —All other entities required or opting to have an antidrug and alcohol misuse prevention programs to register with the FAA. Only one registration would be required for both the drug and Alcohol programs and entities would have to provide less information than is currently required. • Proposes to eliminate the 180-day timeframe for employers to ensure that their contractors and part 145 certificate holders that perform safety-sensitive functions are subject to an alcohol misuse prevention program. • Proposes to require updates to registration information as changes occur. • Proposes to require employers to only use contractors to perform safety-sensitive functions who are covered by an alcohol misuse prevention program for the entire period they perform safety-sensitive work.

PROPOSED CLARIFYING CHANGES—APPENDIX J (ALCOHOL TESTING)

Section number	Summary
Section I. General	• Proposes to eliminate in paragraph D. the definition of Administrator, because it is defined elsewhere in the regulations. • Proposes to eliminate in paragraph D. the definition of consortium. • Proposes to change in paragraph D. the defined term ''contractor company'' to ''contractor'' to emphasize that ''contractor'' could mean an individual or a company. • Proposes to add paragraph H. that lists applicable regulations. • Proposes to add paragraph I. to prohibit falsification of any logbook, record, or report.
II. Covered Employees	• Proposes to clarify that each person who performs a safety-sensitive function directly or by any tier of a contract for an employer is subject to testing. • Proposes to clarify in this section that all employees who perform safety-sensitive functions, i.e., full-time, part-time, temporary, and intermittent employees, are subject to an alcohol misuse prevention program regardless of the degree of supervision. • Proposes to clarify that employees who are in a training status and perform safety-sensitive functions are subject to an alcohol misuse prevention program.

Section-by-Section Discussion of the Proposals

Appendix I—Drug Testing Program

I. General

By this action the FAA proposes to add two paragraphs to this section: ''Applicable Federal Regulations'' and ''Falsification.'' These paragraphs are designated ''D.'' and ''E.'' respectively. Proposed Paragraph D. includes a list of regulations dealing with the antidrug and the alcohol misuse prevention programs. FAA is proposing this list to help employers and other individuals find applicable regulatory citations. Telephone inquiries to the FAA indicate that aviation employers have a difficult time finding the regulations relating to the aviation industry antidrug program. Paragraph E., ''Falsification,'' proposes to specifically prohibit falsification of any logbook, record, or report required to be maintained under the regulations to show compliance with appendix I. Similar language also is used in the following regulations: 14 CFR 21.2, 61.59, 63.20, and 65.20.

II. Definitions

This action proposes to:

• Change the defined term from ''contractor company'' to ''contractor'' to emphasize that a contractor can be an individual or a company who contracts with an aviation employer. While our experience shows that most aviation employers already understand that a contractor can be a single individual or a company, we have proposed this change to eliminate any possible confusion.

• Change the definition of ''employee'' to clarify that an employee is either a person hired, directly or by contract, to perform a safety-sensitive function for an employer or transferred into a position to perform a safety-sensitive function. We also propose eliminating the sentence ''Provided, however, that an employee who works for an employer who holds a part 135 certificate and who holds a 121 certificate is considered to be an employee of the part 121 certificate holder for purposes of this appendix.'' This language was used at the beginning of the program when companies were implementing programs on a phased-in schedule. Because that is no longer the case, the sentence is now confusing and unnecessary.

• Change the definition of ''employer'' to clarify that an employer may use a contract employee who is not included under that employer's drug program to perform a safety-sensitive function only if that contract employee is subject to the requirements of a contractor's FAA-mandated antidrug program and is performing work within the scope of employment with the contractor.

The proposal related to the definition of employer is necessary to close a loophole in the current rule language. Currently, if an employee is covered under an employer's drug testing program (Employer A), another employer (Employer B) may use that employee to perform safety-sensitive functions. This authority was designed to allow individuals employed by one company to perform safety-sensitive functions for another company without the individuals being subject to multiple testing programs. The current language, however, permits performance of a safety-sensitive function by an employee of Employer A for Employer B even when the work is unrelated to the employee's work with Employer A. In many cases, Employer A is unaware of its employee's activities for Employer B. In the event of an accident, Employer B could not subject that employee to a post accident test, because the employee is not included in that employer's drug testing program. As noted above, Employer A might not be aware of the need to test the employee, or even if it were aware, it might not agree to test the employee if the employee was not performing a safety sensitive function within the scope of employment with Employer A. In the example above, Employer A, Employer B, and the individual involved would be in compliance with the current rule. It was not the intent of the FAA in promulgating the current provision to create a situation where a person performing a safety-sensitive function could avoid being tested.

Even where an employer (Employer B) contacts an employee's primary employer (Employer A) to ensure that the employee is covered by its antidrug program, there is no way to ensure that the employee is not subsequently dropped from Employer A's program. Moreover, Employer B is unlikely to know if the employee has tested positive on a drug test or has refused to submit to testing under Employer A's program.

The proposed change would not affect the ability of an employer to use contractor employees to perform safety-sensitive duties if those employees are under the FAA antidrug and alcohol misuse prevention program of the contractor and are performing safety-sensitive functions within the scope of employment of the contractor. It is reasonable and anticipated that a contractor may choose to provide antidrug and alcohol misuse prevention program coverage of its own employees as part of the services it renders to its clients.

Following are examples to help clarify the above:

1. Employer A is a part 121 operator and has an antidrug program. Included under employer A's drug program are maintenance employees who perform safety-sensitive duties. Employer B is a part 135 operator and also has an antidrug program. Employer B needs a maintenance employee to perform safety-sensitive duties for several days because its maintenance employee is out sick. Employer B contracts with Employer A for Employer A's maintenance employee to assist Employer B for several days.

Question: Must Employer B pre-employment test this employee and include the employee in its program?

Answer: No, the employee is still the employee of Employer A, who contracted out to Employer B, and is performing work within the scope of his/her employment with Employer A.

2. Employer A has an antidrug program for pilots who perform safety-sensitive duties. One of the pilots is looking for a part-time job. The pilot applies for a position with Employer B, a part 135 operator that is looking for a part-time pilot to perform safety-sensitive duties. The pilot advises Employer B that he is in Employer A's antidrug program, but Employer B has not contracted with Employer A for the pilot's services.

Question: Must Employer B pre-employment drug test the pilot and put him/her in its program?

Answer: Yes. Because Employer B has not contracted with Employer A for the pilot's services, the pilot's work with Employer B is outside his/her scope of employment with Employer A.

III. Employees Who Must be Tested

The FAA is proposing to clarify that the decision to cover an employee must be based on the duties that the individual performs rather than employment status (full time, part time, temporary or intermittent) or job title. The proposed language is not intended to change the current rule's scope. Rather, the FAA is proposing to directly specify that the testing obligations apply to temporary and intermittent employees who perform safety-sensitive functions, regardless of the degree of supervision. This proposed change clarifies that the regulation applies to employees, such as mechanic's helpers, who sometimes perform safety-sensitive functions. The proposed change also clarifies that employees in a training status who perform safety-sensitive functions are covered by the regulation. The proposed clarification is important because experience, correspondence with the aviation industry, and compliance inspections and investigations show that employers do not always understand which employees must be tested.

The FAA is proposing to clarify that each person who performs a safety-sensitive function directly or by any tier of a contract for an employer is subject to testing. This is not a substantive change because the current rule language states that anyone who performs a safety-sensitive function ''directly or by contract'' must be tested. The regulations have always required that any person actually performing a safety-sensitive function be tested, and we are proposing to clarify that performance ''by contract'' means performance under any tier of a contract. However, some maintenance providers may be confused about testing employees performing work under a subcontract because of conflicting guidance provided by the FAA. In the initial implementation phase of the drug testing rule in 1989, the FAA issued informal guidance entitled ''Implementation Guidelines for the FAA Anti-drug Program,'' and in 1990 the FAA issued informal guidance entitled ''Most Frequently Asked Questions About the Aviation Industry Anti-Drug Program,'' both of which stated that maintenance subcontractors would not be required to test unless they took airworthiness responsibility for the work that they were performing. This guidance was never officially published in an FAA Advisory Circular or other official FAA policy vehicle, however it was provided widely to persons and companies in 1989 and 1990, and on an ad hoc basis thereafter until the mid-1990s. This guidance

constricted the potential reach of the plain language of the regulation as it applied to contractors. The potential reach of performing by ''contract'' is not actually limited to those who have a direct contract with the air carrier, but would include anyone who is performing work described in the original contract between the prime contractor and the air carrier. If the term ''contract'' were to be limited to the entity in direct relationship with the air carrier, then the air carrier could not enter into any contract that permitted subcontracting unless the contract also required the subcontractors to conduct the required testing. Otherwise, the air carrier would be in violation of the regulation by contracting for maintenance by persons who are not subject to testing.

The initial guidance restricting the scope of drug testing of contractors to exclude some subcontractors facilitated the implementation of the new drug testing requirements as soon as possible without disrupting the ability of air carriers to obtain critical maintenance on a contractual basis. However, unless a contracting company received a copy of the guidance or an individual letter that reflected the guidance, it would have not known to follow anything other than the rule language, which did not exclude subcontractors who did not sign off on the airworthiness of the work performed. In addition, soon after the drug testing rule became effective, in order to be prepared to perform work by contract for air carriers, small and large maintenance providers obtained drug and alcohol testing programs regardless of whether they were performing as a subcontractor or a prime contractor to an employer. The reality of the industry is that often a company performing maintenance for an air carrier may be performing as a prime contractor today and as a subcontractor tomorrow. Consequently, there is an essentially pervasive system of drug and alcohol testing in the maintenance side of commercial aviation, where both contractors and subcontractors have obtained drug-testing plans, without any distinction between their contracting versus subcontracting duties.

The constriction of the scope of testing of contractors developed at the beginning of the program is in conflict with the goal of having each person who performs a safety-sensitive function actually tested to ensure that he or she is not impaired. This early guidance had a safety net because it limited the exclusion of subcontractors to those circumstances where the subcontractor did not take airworthiness responsibility, therefore there was another level in the system overseeing the work. However, it is the FAA's clear policy to require that anyone who is actually performing maintenance is tested in accordance with the regulations.

As drug and alcohol testing became pervasive in the aviation maintenance area, FAA's informal guidance ceased to reference the limited subcontractor exception and entities were advised to test all persons actually performing maintenance directly or by contract for an air carrier. However, some entities may be unaware of this change and others have continued to rely on the earlier informal guidance to avoid testing the subcontractors who are actually performing maintenance. Prior to this notice, the informal guidance was never formally withdrawn. The FAA is proposing to add language to the rule to emphasize that each person who performs a safety-sensitive function directly or by any tier of a contract for an employer is subject to testing and FAA will rescind the conflicting informal guidance regarding subcontractors. We are seeking comment on our proposal to clarify this subject.

V. Types of Drug Testing Required

V.A. Pre-Employment Testing

As discussed earlier, 13,074 positive pre-employment tests have been reported to the FAA in the last decade, demonstrating that such tests are an effective detection tool. Pre-employment testing is directly tied to aviation safety, in that it is a gateway to safety-sensitive positions. Failure of a pre-employment test is a direct barrier to a person's entry into safety-sensitive work. Thus, it is vital that the language requiring pre-employment testing be as clear as possible in order to maximize the efficiency of its use.

Originally, the antidrug regulation published in 1988 said, ''No employer may hire any person to perform a function, listed in section III. of this appendix, unless the applicant passes a drug test for that employer.'' The regulation required pre-employment testing before an individual could be hired to perform a function specified in the appendix. As interpreted by the FAA, pre-employment testing was required of individuals not currently employed by the employer, of current employees moving from a non-covered to a covered safety-sensitive function, and in circumstances where an employee had been removed from the random testing pool for any length of time or was unavailable for testing for an extended period of time.

In 1994, the FAA revised its antidrug rule to require pre-employment testing of an individual only prior to the first time the individual performed a safety-sensitive function for an employer. This revision was intended to provide employers additional flexibility to hire individuals in advance of receiving negative test results. Currently an individual must have a verified negative drug test result on a pre-employment test prior to performing a safety-sensitive function, and the employer must not permit the individual to perform such a function until the employer receives the verified negative pre-employment test result.

Experience and enforcement cases have shown that, in the absence of the very clear ''hiring'' event, some employers are neglecting to do the required pre-employment testing and receive a negative test result before allowing employees to perform safety-sensitive functions. In the worst cases, this has resulted in employees being allowed to perform safety-sensitive functions who have subsequently received positive test results. Before the 1994 change, misunderstandings were not prevalent. The original language was a clearer standard for employers to follow. Because of this, the FAA is proposing to reinstitute the requirement for employers to test an individual and receive a negative test result prior to hiring the individual for a position that involves the performance of a safety-sensitive position. Therefore, proposed paragraph V.A.1. would change the language back to requiring testing and receipt of a negative drug test result prior to hiring a person to perform safety-sensitive functions.

Paragraph V.A.2., would require employers to pre-employment drug test employees prior to transferring them into a position to perform a safety-sensitive function. This paragraph is proposed to clarify to employers that pre-employment testing is required whenever an employee is ''hired'' to perform a safety-sensitive function, even if that ''hiring'' is simply an internal transfer from a nonsafety-sensitive job to a safety-sensitive job. Therefore, we propose adding this clarification immediately after V.A.1., and renumbering the remaining provisions in this section.

At times there are circumstances when individuals are given pre-employment drug tests in anticipation of being hired or transferred to perform a safety-sensitive function. Some people have asked about the length of time between a pre-employment test and when an employee is placed into an FAA-required drug testing program (subject to random, reasonable suspicion, and post-accident testing). Sometimes this time can be long, thereby reducing the deterrence factor of an on-going testing program. The FAA believes that 60 days is an acceptable time between a pre-employment test and being brought into a drug testing program because we want to ensure that there is not too long a time between the pre-employment test and the person being subject to random, reasonable suspicion, and post-accident testing while still giving the employer some flexibility.

V.B. Periodic Testing

This action proposes to eliminate Section V.B., periodic testing, which was initially imposed due to transitional concerns. The current regulation requires that a new employer must periodic drug test part 67 medical certificate holders during the first calendar year of implementation of its program. However, the new employer may discontinue the periodic drug testing of its part 67 medical certificate holders after the first calendar year of implementation of the employer's antidrug program when the employer has implemented an unannounced testing program based on random selection. Periodic testing was important at the beginning of the program when many people were grandfathered into newly approved antidrug programs without pre-employment testing. Initially, there was also a phase-in period for implementing random testing. Employers were not required to meet the annual random testing rate until the last collection at the end of the first year of testing. Thus, it was likely that a pilot would not be tested in the first year of testing. Because all flightcrew members are subject to pre-employment testing and annual random testing, the FAA believes that the elimination of periodic drug testing at this time would not compromise safety and would be a cost benefit to those aviation industry employers

implementing drug programs that include the testing of airmen. Also, there is no periodic testing requirement in appendix J. Because of the elimination of periodic testing, the remaining paragraphs in this section would be relettered accordingly.

V.C. Random Testing

An additional paragraph would be added to the random testing section stating that a safety-sensitive employee must immediately proceed to the testing site upon notification of selection for random drug testing; provided, however, that if the employee is performing a safety-sensitive function at the time of the notification, the employer shall instead ensure that the employee ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible. A similar requirement has been included in appendix J since its implementation in 1994. The requirement in appendix J is clear and has worked well. Therefore, we are adding a parallel requirement in appendix I. Because of this additional paragraph, the remainder of the random testing section is relettered accordingly.

V.E. Testing Based on Reasonable Cause

This action proposes to include the following sentence to paragraph V.E., Testing Based on Reasonable Cause: ''An employer may make a reasonable cause determination regarding any contract employee who performs a safety-sensitive function on the employer's premises and under the supervision of the employer, and may refer the contract employee for a reasonable cause test under the contractor's drug testing program.'' This change is proposed because there has been confusion about whether an employer can test contract employees on its own premises. The FAA is concerned that some contract employees are not being tested for reasonable cause because their actual employers are not on-site. For example, employees of temporary employment agencies or repair stations may work from a few hours to a number of days or months for an employer, but they may be covered under the temporary agency's drug and alcohol testing programs. In some cases they work independently without supervision while others are supervised by the employer who contracted for their services. We do not believe that waiting for a contractor to send a supervisor to make a determination concerning one of its employees makes sense in many circumstances. In some cases, it may be impossible for a supervisor of the contractor to arrive in a timely manner. Therefore, we propose to change the reasonable cause language to allow, but not require, an employer to have its supervisors make reasonable cause determinations and refer the contract employee for testing under the contractor's drug and alcohol programs.

In addition, this action proposes to delete the two following sentences: Each employer shall test an employee's specimen for the presence of marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines, or a metabolite of those drugs. An employer may test an employee's specimen for the presence of other prohibited drugs or drug metabolilties only in accordance with this appendix and the DOT Procedures for Transportation Workplace Drug Testing Programs (49 CFR part 40). This change is proposed because part 40 lists the types of drugs and does not allow for testing of any other drugs.

IX. Implementing an Antidrug Program

We propose eliminating the requirement for companies to have FAA-approved plans. Current consortium members would be required to either register with the FAA or obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification. In addition, we propose changing the title of this section so it more accurately reflects the section's content.

Currently, there is a requirement for each employer to submit an antidrug program to the FAA for approval. We propose eliminating this requirement for part 121and 135 certificate holders, and for part 145 certificate holders who choose to have their own FAA testing program. Instead, the FAA would track these certificate holders using the FAA's Operations Specifications Sub-System (OPSS). OPSS is a document management system that is designed to give the FAA ready access to certificate holders' operations specifications. Using this system allows the FAA to quickly make a change to a specific type of certificate holders' operations specifications and to generate the new documents for all of the certificate holders the change would affect. This system will eliminate the time-consuming process of preparing and producing new operations specifications for each carrier. By using OPSS, certificate holders would not need to go to two separate FAA offices, the Flight Standards Service and the Office of Aerospace Medicine, every time they make a change regarding their company. We believe that this change would reduce the certificate holder's overall paperwork burden.

New and existing part 121 and 135 certificate holders, and part 145 certificate holders who choose to have their own FAA program, would be issued an Antidrug and Alcohol Misuse Prevention Operations Specification (OpSpec) by their FAA principal operations inspector or principal maintenance inspector, as applicable. These certificate holders must contact their FAA principal operations inspector or principal maintenance inspector, as applicable, to make any required changes to the OpSpec. For sample OpSpecs for part 121, 135, and 145 certificate holders, see below. These are drafts and are subject to change in the future.

Sample OPSPEC for Part 121 Certificate Holders

A049 Antidrug and Alcohol Misuse Prevention Program
HQ Control: 05/25/00
HQ Revision: 000

The certificate holder who operates under Title 14 Code of Federal Regulations (CFR) part 121 certifies that it will comply with the requirements of 14 CFR part 121 appendices I and J and 49 CFR part 40 for its Antidrug and Alcohol Misuse Prevention Program.

a. Antidrug and Alcohol Misuse Prevention Program records are maintained and available for inspection by the FAA's Drug Abatement Compliance and Enforcement Inspectors at the location listed in Table 1 below:

Table 1

Date:
Telephone Number:
Address:
Address:
City:
State:
Zip code:

b. Limitations and Provisions.

(1) Antidrug and Alcohol Misuse Prevention Program inspections and enforcement activity will be conducted by the Drug Abatement Division. Questions regarding these programs should be directed to the Drug Abatement Division.

(2) When changes occur to the location or phone number where the Antidrug and Alcohol Misuse Prevention Program Records are kept, the certificate holder is responsible for updating this operations specification.

Sample OPSPEC for Part 135 Certificate Holders

A049. Antidrug and Alcohol Misuse Prevention Program
HQ Control: 05/25/00
HQ Revision: 000

The certificate holder who operates under Title 14 Code of Federal Regulations (CFR) Part 135 certifies that it will comply with the requirements of 14 CFR part 121 appendices I and J and 49 CFR part 40 for its Antidrug and Alcohol Misuse Prevention Program.

a. Antidrug and Alcohol Misuse Prevention Program records are maintained and available for inspection by the FAA's Drug Abatement Compliance and Enforcement Inspectors at the location listed in Table 1 below:

Table 1

Date:
Telephone Number:
Address:
Address:
City:
State:
Zip code:

b. Limitations and Provisions.

(1) Antidrug and Alcohol Misuse Prevention Program inspections and enforcement activity will be conducted by the Drug Abatement Division. Questions regarding this program should be directed to the Drug Abatement Division.

(2) The certificate holder is responsible for updating this operations specification when any of the following changes occur:

(a) Location or phone number where the Antidrug and Alcohol Misuse Prevention Program Records are kept.

(b) If the certificate holder's number of safety-sensitive employees goes to 50 and above or falls below 50 safety-sensitive employees.

(3) The certificate holder or operator with 50 or more employees performing a safety-sensitive function on January 1 of the calendar year must submit an annual report to the Drug Abatement Division of the FAA. The certificate holder or operator with fewer than 50 employees performing a safety-sensitive function on January 1 of any calendar year must submit an annual report upon request of the Administrator, as specified in the regulations.

(Select One)

_____The certificate holder/operator has 50 or more safety-sensitive employees.

_____The certificate holder/operator has fewer than 50 safety-sensitive employees.

Sample OPSPEC for Part 145 Certificate Holders

a. If the certificate holder has elected to implement an Antidrug and Alcohol Misuse Prevention Program, and the certificate holder performs safety-sensitive functions for a 14 CFR part 121, and 135 certificate holder and/or for a 14 CFR part 91 sightseeing operation as defined by § 135.1(c), then the certificate holder who operates under Title 14 Code of Federal Regulations (CFR) part 145 certifies that it will comply with the requirements of 14 CFR part 121, appendices I and J, and 49 CFR part 40 for its Antidrug and Alcohol Misuse Prevention Program.

b. Antidrug and Alcohol Misuse Prevention Program records are maintained and available for inspection by the FAA's Drug Abatement Compliance and Enforcement Inspectors at the location listed in Table 1 below:

Table 1

Date:
Telephone Number:
Address:
Address:
City:
State:
Zip code:

c. Limitations and Provisions.

(1) Antidrug and Alcohol Misuse Prevention Program inspections and enforcement activity will be conducted by the Drug Abatement Division. Questions regarding these programs should be directed to the Drug Abatement Division.

(2) The certificate holder is responsible for updating this operations specification when any of the following changes occur:

(a) Location or phone number where the Antidrug and Alcohol Misuse Prevention Program Records are kept.

(b) If the certificate holder's number of safety-sensitive employees goes to 50 and above, or falls below 50.

(3) The certificate holder or operator with 50 or more employees performing a safety-sensitive function on January 1 of the calendar year must submit an annual report to the Drug Abatement Division of the FAA. The certificate holder or operator with fewer than 50 employees performing a safety-sensitive function on January 1 of any calendar year must submit an annual report upon request of the Administrator, as specified in the regulations.

(Select One)

_____The certificate holder/operator has 50 or more safety-sensitive employees.

_____The certificate holder/operator has fewer than 50 safety-sensitive employees.

This action also proposes changing the antidrug program plan and alcohol misuse prevention program certification statement requirements for new and existing air traffic control facilities not operated by the FAA or by or under contract to the U.S. military and sightseeing operators as defined by § 135.1(c). The proposed change would allow a single registration requirement for both programs. Likewise, the FAA proposes requiring new and existing non-certificated contractors that elect to have an antidrug and alcohol misuse prevention program to register with the FAA.

Generally, the proposed registration would require less information than the current antidrug plan requires. The only new item (for the antidrug program) would be a statement signed by a company representative that the company would comply with part 121, appendices I and J, and 49 CFR part 40. This proposed registration would allow companies to meet their registration requirements for both the antidrug program and the alcohol misuse prevention program in the same document. The registration information would need to be amended whenever changes are made.

The proposed change to this section would not alter the existing requirements for operators that conduct sightseeing flights as defined in § 135.1(c) to implement antidrug and alcohol misuse prevention programs, except to establish a registration process in lieu of submission of an antidrug program plan and an alcohol misuse prevention program certification statement to the FAA for approval. This proposed change is not intended to affect the applicability of the current exemptions from § 135.1(c) for conducting limited sightseeing flights for nonprofit charitable or community events.

This action also proposes eliminating the 60 days allowed for new employers to ensure that their contractors are subject to an antidrug and alcohol misuse prevention program. Contractor programs must be implemented by the time the contractor performs safety-sensitive functions for an employer. Because of the safety implications and since the regulations have been in effect since 1988, the FAA believes that it is no longer appropriate to grant employers extra time to ensure that their contractors are subject to an antidrug and alcohol misuse prevention program.

Similarly, employers (part 121 and 135 certificate holders, sightseeing operations as defined in § 135.1(c), and air traffic control facilities not operated by the FAA or by or under contract to the U.S. military), that participate in another company's antidrug and alcohol misuse prevention program would be required to either register with the FAA or obtain an Antidrug and Alcohol Misuse Prevention Operations Specification. Part 145 repair stations and non-certificated contractor companies that are covered under an employer's antidrug and alcohol misuse prevention program may continue to be covered under the employer's program. As long as they continue to be covered under an employer's program they may not register with the FAA or obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification. A part 145 certificate holder or a non-certificated contractor that performs safety-sensitive functions for an employer may choose to have its own testing programs instead of being covered by an employer's program. In that case, the part 145 certificate holder would be required to either obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification or register with the FAA as outlined in the rule. In every case where an employer or a contractor obtains an Antidrug and Alcohol Misuse Prevention Program Operations Specification or registers with the FAA, those companies may still use a service agent to provide program support.

The FAA is proposing two formats for the rule language in this section. While both proposals have the same regulatory requirements, they differ greatly in format. The first option is presented in table format as much as possible. The second option follows the format of the current rule. The FAA requests comments from the public on which format is easier to understand.

Appendix J—Alcohol Misuse Prevention Program

I. General

This action proposes the following changes in paragraph D. Definitions.

- Eliminates the definition of ''Administrator'' because it is defined elsewhere in the Federal Aviation Regulations.
- Changes ''Contractor company'' to ''contractor.'' This would be a clarifying change to emphasize that a contractor could be either an individual or a company who contracts with an aviation employer. While experience shows that most aviation employers already understand that a contractor can be a single individual or a

company, we have proposed the change for those who may be uncertain.

There are two additional paragraphs that would be included in this section: ''H. Applicable Federal Aviation Regulations'' and ''I. Falsification.'' Paragraph H. would include references for regulations involving the alcohol misuse prevention programs to help employers and other individuals. Paragraph I. would be revised to specifically prohibit falsification of any logbook, record, or report required to be maintained under the regulations to show compliance with appendix J. These proposed changes are consistent with proposed changes made in appendix I.

II. Covered Employees

The FAA is proposing to clarify that the decision to cover an employee must be based on the duties that the individual performs rather than employment status (full time, part time, temporary, or intermittent) or job title. The proposed language is not intended to change the current rule's scope. Rather, the FAA is proposing to directly specify that the testing obligations apply to temporary and intermittent employees who perform safety-sensitive functions, regardless of the degree of supervision. The proposed language would clarify that employees, such as mechanic's helpers, who sometimes perform safety-sensitive functions are covered. It also applies to employees in a training status who perform safety-sensitive functions. The clarification is important because experience, correspondence with the aviation industry, and compliance inspections and investigations show that employers do not always understand which employees must be tested.

The FAA is proposing to further clarify that each person who performs a safety-sensitive function directly or by any tier of a contract for an employer is subject to testing. The current rule language states that anyone who performs a safety-sensitive function ''directly or by contract'' must be tested, however inconsistent informal guidance may have caused some confusion in the past. To clarify the meaning of the regulation and to avoid future confusion, we are proposing to add language to the rule language to emphasize that each person who performs a safety-sensitive function directly or by any tier of a contract for an employer is subject to testing. For additional information on this proposed change, see the discussion earlier in the proposed changes to Appendix I.

D. Reasonable Suspicion Testing

This action proposes to include the following sentence to paragraph D.1. under Reasonable Suspicion Testing: ''For the purpose of reasonable suspicion testing, an employer may make a reasonable suspicion determination regarding any contract employee who performs a safety-sensitive function on the employer's premises and under the supervision of the employer, and may refer the contract employee for a reasonable suspicion test under the contractor's alcohol testing program.'' This change is proposed because there has been confusion about whether an employer can test contract employees on its own premises. The FAA is concerned that some contract employees are not being tested on reasonable suspicion. We propose to change the reasonable suspicion testing language to allow, but not require, an employer to have its supervisors make reasonable suspicion determinations and require testing of those contractor employees under the contractor's drug and alcohol programs. For additional information on this proposed change, see the discussion earlier in the proposed changes to appendix I.

IV. Handling of Testing Results, Record Retention, and Confidentiality

We propose to change paragraph B. 4. by adding the sentence ''No other form, including another DOT Operating Administration's form, is acceptable for submission to the FAA. '' This mirrors language in appendix I.

VII. Implementing an Alcohol Misuse Prevention Program

We propose eliminating the requirement for companies to have FAA-approved Antidrug Plan and Alcohol Misuse Prevention Program Certification Statements. Currently, there is a requirement for each employer to submit an Alcohol Misuse Prevention Program Certification Statement to the FAA. We propose eliminating this requirement for part 121 and 135 certificate holders, and part 145 certificate holders who choose to have their own testing program. Instead, the FAA would track these certificate holders using the FAA's OPSS. For a discussion on this proposal, see the discussion in the proposed changes to appendix I.

New and existing part 121 and 135 certificate holders, and part 145 certificate holders who choose to have their own program, would be issued an Antidrug and Alcohol Misuse Prevention OpSpec by their FAA principal operations inspector or principal maintenance inspector, as applicable. These certificate holders would have to contact their FAA principal operations inspector or principal maintenance inspector, as applicable, to make any required changes to the OpSpec.

This action also proposes changing the antidrug program plan and alcohol misuse prevention program certification statement requirements for new and existing air traffic control facilities and sightseeing operators as defined by § 135.1(c). The proposed change would allow a single registration requirement for both the antidrug and alcohol misuse prevention programs. Likewise, the FAA proposes requiring new and existing non-certificated contractors that elect to have an antidrug and alcohol misuse prevention program to register with the FAA.

The proposed registration would require essentially the same information that appendix J now requires. It has always been the FAA's policy to allow this certification statement to be submitted along with the antidrug plan. This proposed registration would allow companies to meet their registration requirements for both the antidrug program and the alcohol misuse prevention program in a single document.

This action also proposes eliminating the 180 days allowed for new employers to ensure that their contractors are subject to an antidrug and alcohol misuse prevention program. Contractor programs must be implemented by the time a contractor performs safety-sensitive functions for an employer. Because of the safety implications, and since the regulations have been in effect since 1994, the FAA believes that it is no longer appropriate to grant employers extra time to ensure that their contractors are subject to an antidrug and alcohol misuse prevention program.

Paperwork Reduction Act

This proposal contains the following new information collection requirements. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. § 3507(d)), the Department of Transportation has submitted the information requirements associated with this proposal to the Office of Management and Budget for its review.

Title: Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities.

Summary: After a number of years of experience inspecting the aviation industry's Antidrug and Alcohol Misuse Prevention Programs, the FAA is proposing to clarify regulatory language, increase consistency between the antidrug and alcohol misuse prevention program regulations where possible, and revise regulatory provisions as appropriate. Specifically, the FAA proposes to change the antidrug plan and alcohol misuse prevention certification statement submission requirements for employers and contractors. The FAA proposes to revise the timing of pre-employment testing. The FAA also proposes to modify the reasonable cause and reasonable suspicion testing requirements. The FAA believes that changing the regulations would improve safety and lessen a burden on the regulated public.

Use of: Title 49 U.S.C., Section 44701 empowers and requires the Administrator of the Federal Aviation Administration (FAA) to prescribe standards applicable to the accomplishment of the mission of the FAA. The information collected will be used to ensure compliance with the drug and alcohol programs.

This project is in direct support of the Department of Transportation's Strategic Plan '' Strategic Goal '' SAFETY; i.e., to promote the public health and safety by working toward the elimination of transportation-related deaths and injuries.

Respondents (including number of): The likely respondents to this proposed information requirement are employers

holding FAA certificates issued under parts 121, 135, and 145. These respondents will complete an Operations Specification (OpSpec). At this time, the likely number of respondents is 6,887 for the first year, and 490 in subsequent years.

Frequency: The FAA estimates the 6,887 respondents would have a one-time submission in the first year. Subsequently, only new respondents, which we estimate to be approximately 490 per year, would need to respond.

Annual Burden Estimate: This proposal would result in an annual recordkeeping and reporting burden of 2,066 hours for the industry at a cost of $41,322.00 in the first year. In subsequent years, the proposal would result in an annual recordkeeping and reporting burden of 292 hours for the industry at a cost of $5,844.00.

The agency is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(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, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Individuals and organizations may submit comments on the information collection requirement by April 29, 2002, and should direct them to the address listed in the **ADDRESSES** section of this document.

According to the regulations implementing the Paperwork Reduction Act of 1995, (5 CFR 1320.8(b)(2)(vi)), an agency may not conduct or sponsor, a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control number for this information collection will be published in the **Federal Register**, after the Office of Management and Budget approves it.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has reviewed the corresponding ICAO Standards and Recommended Practices and has identified no differences with these proposed regulations.

Executive Order 12866 and DOT Regulatory Policies and Procedures

Proposed changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (19 U.S.C. section 2531–2533) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. And fourth, the Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of $100 million or more, in any one year (adjusted for inflation.)

In conducting these analyses, the FAA has determined this rule: (1) Has benefits which do justify its costs, is not a ''significant regulatory action'' as defined in the Executive Order and is not ''significant'' as defined in DOT's Regulatory Policies and Procedures; (2) would not have a significant impact on a substantial number of small entities; (3) reduces barriers to international trade; and (4) does not impose an unfunded mandate on state, local, or tribal governments, or on the private sector. These analyses, available in the docket, are summarized below.

Cost of Compliance

The FAA has performed an analysis of the expected costs and benefits of this regulation. In this analysis, the FAA estimated future costs for a 10-year period, from 2001 through 2010. As required by the Office of Management and Budget, the present value of this stream of costs was calculated using a discount factor of 7 percent. All costs in this analysis are in 1999 dollars.

These changes would affect all companies with either antidrug or alcohol misuse prevention plans. There are currently 6,887 companies. In addition, it would affect employees in 11 separate occupational categories.

The FAA proposes to amend 8 sections of Appendix I and 5 sections of Appendix J of part 121; not all of these proposed changes would have cost implications. Some of the proposed changes to Appendix I parallel proposed changes to Appendix J; the analysis will combine the proposed sectional changes where appropriate. Only those proposed changes with cost implications will be discussed below.

(1) Under Appendix I, under section II, the FAA is proposing to require employers to test all employees, including contractor employees, who perform safety sensitive duties, unless the employees are in a testing program for a contractor to the employer; this proposed change would impose costs. The current provision, which has allowed ''moonlighting,'' is confusing to the industry and is a potential loophole in employee coverage. In most circumstances, the second employer does not and cannot know the employee's status with the first employer.

Compliance inspections and investigations also show that employers confuse the regulatory provisions between the drug and alcohol rules. The current drug rule allows ''moonlighting,'' while the alcohol rule does not permit it. Moonlighting occurs mostly among small employers, who often do not know the other employers that the moonlighting employee is working for. Consequently, these employees can potentially escape testing.

Only certain types of employees tend to moonlight; these include part 121/135 pilots, mechanics, screeners, sightseers, and part 135 on-demand pilots, primarily single owner pilots. The FAA does not know exactly how many of these employees moonlight, but is confident that the number is small. Accordingly, the FAA will base costs on an additional 1 percent of these employees having additional drug tests. The FAA calls for comments on whether this is a correct approximation of the number of employees who currently moonlight and requests that all comments be accompanied by clear documentation.

The FAA projects over 10 years, the total number of tests, due to the requirement that moonlighting employees be tested, would sum to 13,000, costing $169,200. Costs for employee time for this testing would sum to $52,600 over 10 years. Total 10-year costs of testing these employees would sum to $221,500 (present value, $160,000).

(2) The FAA is proposing to eliminate section V.B. of Appendix I, periodic testing. The current regulation requires that a new employer must periodically drug test part 67 medical certificate holders during the first calendar year of implementation of its program. Periodic testing was important at the beginning of the program when many people were grandfathered into newly approved antidrug programs without pre-employment testing. Since all flightcrew members are currently subject to pre-employment testing and annual random testing, the FAA believes that the elimination of periodic drug testing would not compromise safety and would be a cost savings. Cost savings over ten years sums to $57,700 (present value, $40,500).

(3) The FAA proposes several changes to section IX of Appendix I and section VII of Appendix J; two of these changes would have cost implications. Provisions that affect part 121, 135, and 145 certificate holders will be covered in section (3a) and parts 135.1(c), contract ATC's, and other contractors in section (3b).

(3a) The FAA proposes that part 121, 135, and 145 certificate holders would no longer have to submit antidrug and alcohol misuse prevention programs to the FAA for approval. The FAA instead would track these certificate holders using the Operations Specifications Sub-System (OPSS). Using this system would allow the FAA to quickly make a change to a specific type of certificate holders' operations specifications.

Companies with antidrug and alcohol misuse prevention programs would incur additional costs from these proposals. In the first year of this rule, these companies would have to file new information. New companies would have to do the same in their first year. When the number of employees at a company changes to greater than or equal to 50 to below 50, or vice versa, they would have to send employment change reports.

The 6,887 existing plan holders currently submit 490 amendments each year. The FAA anticipates that 33 companies would send employment change reports each year after their initial year. In addition, 968 companies submit new plans each year. The FAA believes that the number of companies submitting new plans under these proposals would decrease by 50%. Many of the new plans submitted each year come from companies that switch consortia; since this plan would eliminate the need for approved consortia, there would be no need for a company to inform the FAA when it changes service providers.

Each of the existing plan holders would have to spend time to produce the required information, file and store it, and submit it to the FAA. Total first year costs would be $37,500. Subsequent year costs, which would encompass processing new plans, employment change reports, and amendments sum to $5,300. Ten year costs, at the company level, equal $85,400 (present value, $67,400). At the FAA, the information being submitted to OPSS would have to be processed. First year costs would be $18, 600, while each subsequent year cost would be about $2,600; costs over ten years sum to $42,400 (present value, $33,500).

All companies would also incur cost savings, for they would no longer have to file a combined drug plan and an alcohol certification statement to the FAA. Thus, each of the existing companies would no longer have to spend time to produce these plans and certification statements. Total first year cost savings would be $225,200. In subsequent years, new companies would have had to handle plans, while existing companies would have had to process amendments; total annual costs savings sum to $34,400. Ten year cost savings, at the company level, equal $535,000 (present value, $420,100).

Ten year net cost savings sum to $407,300 (present value, $319,200).

(3b) These proposals also would eliminate the antidrug program plan and alcohol misuse prevention program certification statement requirements for new and existing non-Federal air traffic control facilities and operators as defined by § 135.1(c). Instead, as with the certificate holders, a single registration statement requirement would suffice for both programs. In addition, the FAA proposes requiring new and existing non-certificated contractors that elect to have an antidrug and alcohol misuse prevention program to register with the FAA.

The FAA has identified 253 part 135.1(c) operators and 1,004 contractors that would be affected by these proposals; the contractors include 19 Air Traffic Control (ATC) contractors, providing services for 192 ATC contract towers, and 985 other contractors. The FAA does not expect any employment change reports from any of these companies.

Each of the existing plan holders would have to spend time to produce the required information, file and store it, and submit it to the FAA. Total first year costs would be $8,400, while total annual costs for existing company amendments and new company plans sum to $1,200. Ten year costs equal $19,000 (present value, 15,000).

At the FAA, first year costs would be $4,200, while each subsequent year cost would be about $600. Costs over ten years sum to $9,400 (present value, $7,500).

These companies would no longer have to file an alcohol certification statement and a drug plan, resulting in cost savings. Total first year cost savings would be $50,300, while total annual costs for the existing company amendments and new company plans sum to $7,600. Ten year cost savings equal $118,300 (present value, $93,000).

Ten year net cost savings sum to $89,900 (present value, $70,600).

Total cost savings for these proposals sum to $333,400 (net present cost, $270,200). Total cost savings to the industry total $281,600 (present value, $229,300) and to the FAA total $51,800 (present value, $40,900).

Analysis of Benefits

The FAA believes that these proposals could result in enhanced safety and concludes that several specific benefits would accrue from these proposals.

The specific proposed changes to pre-employment testing would result in a number of benefits. The FAA believes that certain employers had misunderstood the current requirements and that the proposed requirements would be better understood. This would reduce the number of pre-employment enforcement cases. From August 1994 through June 2000, the FAA initiated 450 legal enforcement cases dealing with pre-employment violations, or an average of 76 cases per year. The FAA believes that these proposals could reduce the number of legal enforcement cases, saving both the FAA and the industry time and resources.

Pre-employment testing acts as the ''gatekeeper.'' Since this type of testing has the largest number of positives, it is the tool that would keep drug users from getting into the aviation industry in the first place. Most of the other drug and alcohol tests are largely deterrence based. Clarifying pre-employment requirements is important, as the process would reduce the number of mistakes by employers that could lead to employees escaping the pre-employment test, the consequences including both potential safety impacts and enforcement actions for non-compliance.

Companies no longer having to file antidrug or alcohol misuse prevention plans would bring about benefits. In addition to the costs savings discussed above, each company would benefit from a reduction in the paperwork burden; the FAA would also realize these same benefits. Industry has

misunderstood the purpose and intent of these antidrug and alcohol misuse prevention plans, as there is confusion as to what is required by the regulations as opposed to what each company's plan requires them to do. Since the programs and obligations in each plan sometimes differ, eliminating the plans can lead to better compliance with the regulations.

These proposals would increase consistency between Appendices I and J, where possible. Elimination of unnecessary differences would reduce industry inquiries into the current conflicts between the two, saving both individual companies and the FAA time and resources, as well as better compliance with of the regulations.

The proposed changes to reasonable cause testing, which would allow an employer to have its supervisors make reasonable cause determinations and refer the contract employee to the contractor for testing under the contractor's antidrug program, would also have benefits. The amount of time needed for the contractor to send a supervisor to make a determination could mean the difference between the employee testing positive or testing negative, particularly for alcohol testing. This would allow more people to detect and, hence, request a test which is likely to increase safety.

Comparison of Costs and Benefits

This action would make a number of changes in order to make the antidrug and alcohol misuse prevention programs more efficient. The modifications to testing requirements, the changes to program submission requirements, and the elimination of the certification statements should make these programs more effective.

These proposals would result in a net cost savings of $333,400 (net present value, $270,200). In addition, the public could see reduced paperwork and enhanced program management due to the elimination of unnecessary differences between Appendices I and J. The FAA has determined that these proposals would not compromise safety and would lessen the burden on the regulated public. Accordingly, the FAA finds these proposals to be cost-beneficial.

Initial Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the business, organizations, and governmental jurisdictions subject to regulation.'' To achieve that principle, the RFA requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the determination is that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA.

However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the 1980 act provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

For this rule, the small entity group is considered to be part 121 and 135 air carriers (Standard Industrial Classification Code [SIC] 4512) and part 145 repair stations (SIC Code 4581, 7622, 7629, and 7699). The FAA has identified a total of 98 of a total of 144 part 121 air carriers and 2,118 of a total of 3,074 part 135 air carriers that are small entities. However, the FAA is unable to determine how many of the 2,412 part 145 repair stations are considered small entities, and so calls for comments and requests that all comments be accompanied by clear documentation.

The annualized cost savings of these proposals to the industry are $32,600. The FAA is unable to isolate the cost savings to each industry group because some of the proposals apply to individual companies while others apply to the employees. So, the FAA looked at the average cost impact on each of the small entities and also on all of the small entity industry groups. If all the cost savings were recognized by only small part 121 air carriers, small part 125 and part 135 air carriers, or all repair stations, the average cost savings per certificate holder would be $333, $15, or $14, respectively. If the cost savings were divided among all of these business entities, the average cost savings per entity would be $7 per entity. Therefore, we certify that this action would not have a significant economic impact on a substantial number of small entities.

International Trade Impact Statement

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and where appropriate, that they be the basis for U.S. standards.

The FAA has assessed the potential effect of this rulemaking and has determined that it will have only a domestic impact and therefore no effect on any trade-sensitive activity.

Unfunded Mandates Determination

The Unfunded Mandates Reform Act of 1995 (the Act), enacted as Public Law 104–4 on March 22, 1995, is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and tribal governments.

Title II of the Act requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in a $100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.''

This proposed rule does not contain such a mandate. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply.

Executive Order 13132, Federalism

The FAA has analyzed this proposed rule under the principles and criteria of Executive Order 13132, Federalism. The FAA has determined that this action would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, the FAA has determined that this notice of proposed rulemaking would not have federalism implications.

Environmental Analysis

FAA Order 1050.1D defines FAA actions that may be categorically excluded from preparation of a National Environmental Policy Act (NEPA) environmental impact statement. In accordance with FAA Order 1050.1D, appendix 4, paragraph 4(j), this proposed rulemaking action qualifies for a categorical exclusion.

Energy Impact

The energy impact of the proposed rule has been assessed in accordance with the Energy Policy and Conservation Act (EPCA) Public Law 94–163, as amended (42 U.S.C. 6362) and FAA Order 1053.1. It has been determined that the proposed rule is not a major regulatory action under the provisions of the EPCA.

List of Subjects in 14 CFR Part 121

Air carriers, Aircraft, Airmen, Alcohol abuse, Alcoholism, Aviation safety, Charter flights, Drug abuse, Drug testing, Reporting and recordkeeping requirements, Safety, Transportation.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend part 121 of Title 14, Code of Federal Regulations, as follows:

PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

1. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 44101, 44701–44402, 44705, 44709–44711, 44713, 44716–44717, 44722, 44901, 44903–44904, 44912, 46105, 46301.

2. Amend appendix I to part 121 as follows:

A. In section I, add paragraphs D and E;

B. In section II, remove the definition of Contractor company; add a new definition of Contractor in alphabetic order; and revise the definitions of Employee and Employer;

C. Revise section III;

D. In section V, revise paragraph A.1, redesignate paragraphs A.2 and A.4 as paragraphs A.4 and A.5, respectively, add new paragraph A.2, and revise paragraphs A.3 and A.5; remove paragraph B.; redesignate paragraph C. as paragraph B. ; redesignate paragraphs B. 8., B. 9., and B. 10. as paragraphs B. 9., B. 10., and B. 11., respectively; add a new paragraph B.8; redesignate paragraph D. as paragraph C.; redesignate paragraph E. as paragraph D. and revise it; redesignate paragraph F. as paragraph E.; and redesignate paragraph G. as paragraph F.; and

E. Revise section IX.

The additions and revisions read as follows:

Appendix I to Part 121—Drug Testing Program

* * * * *

I. *General*

* * * * *

D. *Applicable Federal Regulations.* The following applicable regulations appear in 49 CFR or 14 CFR:

1. 49 CFR

Part 40—Procedures for Transportation Workplace Drug Testing Programs

2. 14 CFR

61.14—Refusal to submit to a drug or alcohol test.
63.12b—Refusalto submit to a drug or alcohol test.
65.23—Refusal to submit to a drug or alcohol test.
65.46—Use of prohibited drugs.
67.107—First-Class Airman Medical Certificate, Mental.
67.207—Second-Class Airman Medical Certificate, Mental.
67.307—Third-Class Airman Medical Certificate, Mental.
121.429—Prohibited drugs.
121.455—Use of prohibited drugs.
121.457—Testing for prohibited drugs.
135.1—Applicability
135.249—Use of prohibited drugs.
135.251—Testing for prohibited drugs.
135.353—Prohibited drugs.

E. *Falsification.* No person may make, or cause to be made, any of the following:

1. Any fraudulent or intentionally false statement in any application of an antidrug program.

2. Any fraudulent or intentionally false entry in any record or report that is made, kept, or used to show compliance with this appendix.

3. Any reproduction or alteration, for fraudulent purposes, of any report or record required to be kept by this appendix.

II. Definitions. * * *

* * * * *

Contractor is an individual or company that performs a safety-sensitive function by contract for an employer or another contractor.

* * * * *

Employee is a person who is hired, either directly or by contract, to perform a safety-sensitive function for an employer, as defined below. An employee is also a person who transfers into position to perform a safety-sensitive function for an employer.

Employer is a part 121 certificate holder, a part 135 certificate holder, an operator as defined in § 135.1(c) of this chapter, or an air traffic control facility not operated by the FAA or by or under contract to the U. S. military. An employer may use a contract employee who is not included under that employer's FAA-mandated antidrug program to perform a safety-sensitive function only if that contract employee is subject to the requirements of the contractor's FAA-mandated antidrug program and is performing work within the scope of employment with the contractor.

* * * * *

III. *Employees Who Must be Tested.* Each employee who performs a function listed in this section directly or by contract (including by subcontract at any tier) for an employer as defined in this appendix must be subject to drug testing under an antidrug program implemented in accordance with this appendix. This not only includes full-time and part-time employees, but temporary and intermittent employees regardless of the degree of supervision. Also, employees in a training status and performing safety-sensitive functions must be subject to drug testing in accordance with this appendix. The covered safety-sensitive functions are:

a. Flight crewmember duties.
b. Flight attendant duties.
c. Flight instruction.
d. Aircraft dispatcher duties.
e. Aircraft maintenance and preventive maintenance duties.
f. Ground security coordinator duties.
g. Aviation screening duties.
h. Air traffic control duties.

* * * * *

V. *Types of Drug Testing Required.* * * *

A. *Pre-Employment Testing.*

1. No employer may hire any individual to perform a function listed in section III of this appendix unless the employer first receives a verified negative drug test result for that applicant.

2. No employer shall allow an individual to transfer from a nonsafety-sensitive to a safety-sensitive job unless the employer first receives a verified negative drug test result for the individual.

3. Employers must conduct another pre-employment test and receive a verified negative drug test result before hiring an applicant or transferring an employee into a safety-sensitive position if more than 60 days elapse between conducting the pre-employment test and hiring or transferring the person into a safety-sensitive function, resulting in that person being brought under an FAA drug-testing program.

* * * * *

5. The employer shall advise each individual applying to perform a safety-sensitive function at the time of application that the individual will be required to undergo pre-employment testing in accordance with this appendix, to determine the presence of marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines, or a metabolite of those drugs in the individual's system. The employer shall provide this same notification to each individual required by the employer to undergo pre-employment testing under section V.A.1. or A.2 of this appendix.

B. *Random Testing.* * * *

8. Each employer shall require that each safety-sensitive employee who is notified of selection for random drug testing proceeds to the testing site immediately; provided, however, that if the employee is performing a safety-sensitive function at the time of the notification, the employer shall instead ensure that the employee ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible.

* * * * *

D. *Testing Based on Reasonable Cause.* 1. Each employer shall test each employee who performs a safety-sensitive function and who is reasonably suspected of having used a prohibited drug. The decision to test must be based on a reasonable and articulable belief that the employee is using a prohibited drug on the basis of specific contemporaneous

physical, behavioral, or performance indicators of probable drug use. At least two of the employee's supervisors, one of whom is trained in detection of the symptoms of possible drug use, shall substantiate and concur in the decision to test an employee who is reasonably suspected of drug use; provided, however, that in the case of an employer other than a part 121 certificate holder who employs 50 or fewer employees who perform safety-sensitive functions, one supervisor who is trained in detection of symptoms of possible drug use shall substantiate the decision to test an employee who is reasonably suspected of drug use.

2. An employer may make a reasonable cause determination regarding any contract employee who performs a safety-sensitive function on the employer's premises and under the supervision of the employer, but not in the employer's program, and may refer the contract employee for a reasonable cause test under the contractor's drug testing program.

* * * * *

OPTION 1 FOR SECTION IX:

IX. *Implementing an Antidrug Program.*

A. Use the following chart to determine whether your existing company must obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification or whether you must register with the FAA:

If you are existing . . .	You must . . .
1. Part 121 or 135 certificate holder	Obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification by contacting your principal certificate operations inspector.
2. Sightseeing operation as defined in § 135.1(c) of this chapter.	Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Ave., SW, as Washington, DC 20591 by [60 days from the date the final rule is published].
3. Air traffic control operation not operated by the FAA or by or under contract to the U.S. Military.	Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Ave., SW, Washington, DC 20591 by [60 days from the date the final rule is published].
4. Part 145 certificate holder who has your own antidrug program.	Obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification by contacting your principal maintenance inspector.
5. Contractor who has your own antidrug program	Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Ave., SW, Washington, DC 20591 by [60 days from the date the final rule is published].

B. Use the following schedule for implementing an antidrug program for new certificate holders and contractors. Use it to determine whether you need to have an antidrug and alcohol misuse prevention program operations specification, or whether you need to register with the FAA. Your employees who perform safety-sensitive duties must be tested in accordance with this appendix. The schedule follows:

If you . . .	You must . . .
1. Apply for a part 121 certificate or apply for a part 135 certificate.	a. Have an Antidrug and Alcohol Misuse Prevention Program Operations Specification, b. Implement an FAA antidrug program no later than the date you start operations, and c. Use only contract employees to perform safety-sensitive functions who are covered by an FAA antidrug program for the entire period they perform safety-sensitive work.
2. Intend to begin sightseeing operations as defined in § 135.1(c) of this chapter.	a. Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division, 800 Independence Ave., SW, Washington, DC 20591 prior to starting operations, b. Implement an FAA antidrug program no later than the date you start operations, and c. Use only contract employees to perform safety-sensitive functions who are covered by an FAA antidrug program for the entire period they perform safety-sensitive work.
3. Intend to begin air traffic control operations as an employer defined in § 65.46 of this chapter (that is, air traffic control facilities not operated by the FAA or by or under contract to the U.S. military).	a. Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division, 800 Independence Ave., SW, Washington, DC 20591, b. Implement an FAA antidrug program no later than the date you start operations, and c. Use only contract air traffic controllers to perform safety-sensitive functions who are covered by an FAA antidrug program for the entire period they perform safety-sensitive work.

C. 1. If you are an individual or company that will provide safety-sensitive services by contract to a part 121 or 135 certificate holder or a sightseeing operation as defined in § 135.1(c) of this chapter, use the chart in paragraph C.2 of this section to determine what you must do if you opt to have your own antidrug program.

2. Employees who perform safety-sensitive functions for a part 121 or 135 certificate holder or a sightseeing operation as defined in § 135.1(c) of this chapter must be tested in accordance with this appendix. The following chart explains what you must do if you opt to have your own antidrug program:

If you . . .	You must . . .
a. Are a part 145 certificate holder	i. Have an Antidrug and Alcohol Misuse Prevention Program Operations Specification, ii. Implement an FAA Antidrug Program no later than the date you start performing safety-sensitive functions for a part 121 or 135 certificate holder or sightseeing operation as defined in § 135.1(c) of this chapter, and iii. Meet the same requirements as an employer under this appendix.

If you . . .	You must . . .
b. Are a contractor (for example: a security company, a non-certificated repair station, a temporary employment service company or any other individual or company that provides safety-sensitive services).	i. Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division, 800 Independence Ave., SW., Washington, DC 20591, ii. Implement an FAA Antidrug Program no later than the date you start performing safety-sensitive functions for a part 121 or 135 certificate holder or sightseeing operation as defined in § 135.1(c) of this chapter, and iii. Meet the same requirements as an employer under other individual or this appendix.

D. 1. To obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification, you must contact your Aviation Flight Standards principal operations inspector or principal maintenance inspector. Provide him/her with the following information:

a. Company name.

b. Certificate number.

c. Telephone number.

d. Address where your Antidrug and Alcohol Misuse Prevention Program records are kept.

e. Whether you have 50 or more covered employees, or 49 or fewer covered employees. (Part 121 certificate holders are not required to provide this information.)

2. You must certify on your Antidrug and Alcohol Misuse Prevention Program Operations Specification issued by your principal operations inspector or principal maintenance inspector that you will comply with this appendix, appendix J of this part, and 49 CFR part 40.

3. You are required to obtain only one Antidrug and Alcohol Misuse Prevention Program Operations Specification to satisfy this requirement under this appendix and appendix J of this part.

E. 1. To register with the FAA, submit the following information:

a. Company name.

b. Telephone number.

c. Address where your Antidrug and Alcohol Misuse Prevention Program records are kept.

d. Name of the type of safety-sensitive functions you perform for an employer (such as flight instruction duties, aircraft dispatcher duties, maintenance or preventive maintenance duties, ground security coordinator duties, aviation screening duties, air traffic control duties).

e. Indicate whether you have 50 or more covered employees, or 49 or fewer covered employees.

f. A signed statement indicating that your company performs safety-sensitive functions for a part 121 or a 135 certificate holder or sightseeing operation as defined by § 135.1(c) of this chapter and that your company will comply with this appendix, appendix J of this part, and 49 CFR part 40.

2. Send this information in *duplicate* to: The Federal Aviation Administration, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Ave. SW., Washington, DC 20591.

3. Update the registration information as changes occur. Send the updates in duplicate to the Drug Abatement Division.

4. This registration will satisfy the registration requirements for both your Antidrug Program under this appendix and the Alcohol Misuse Prevention Program under appendix J of this part.

OPTION 2 FOR SECTION IX:

IX. *Implementing an Antidrug Program.*

A. Antidrug and Alcohol Misuse Prevention Program Operations Specifications and registration with the FAA. Each certificate holder required to have an antidrug program by this appendix shall submit an Antidrug and Alcohol Misuse Prevention Program Operations Specification to its Principal Operations Inspector. All other operators required or electing to have an antidrug program will register with the Federal Aviation Administration, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Avenue, SW., Washington, DC 20591 by [60 days from the date the final rule is published].

1. Any person who applies for a certificate under the provisions of part 121 or part 135 of this chapter shall obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification prior to beginning operations under the certificate. The program shall be implemented not later than the date of start of operations. Contractor employees to a new certificate holder must be subject to an antidrug program in accordance with this appendix.

2. Any person who intends to begin sightseeing operations as an operator under 14 CFR 135.1(c) shall, not later than 60 days prior to the proposed initiation of such operations, register with the FAA. No operator may begin conducting sightseeing flights prior to registration. The program shall be implemented concurrently with the start of operations. Contractor employees to a new operator must be subject to an antidrug program in accordance with this appendix.

3. Any person who intends to begin air traffic control operations as an employer as defined in 14 CFR 65.46(a)(2) (air traffic control facilities not operated by the FAA or by or under contract to the U.S. military) shall, not later than 60 days prior to the proposed initiation of such operations, register with the FAA. The antidrug program shall be implemented concurrently with the start of operations. Contractor employees to a new air traffic control facility must be subject to an antidrug program in accordance with this appendix.

4. In accordance with this appendix, an entity or individual that holds a repair station certificate issued by the FAA pursuant to part 145 of this chapter and employs individuals who perform safety-sensitive functions pursuant to a contract with an employer or an operator may obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification from its Principal Maintenance Inspector. Each certificated repair station shall implement its antidrug program in accordance with this appendix.

5. Any entity or individual whose employees perform safety-sensitive functions pursuant to a contract with an employer (as defined in section II of this appendix), may submit an antidrug program registration in a manner prescribed by the Administrator. Each contractor shall implement its antidrug program in accordance with this appendix.

6. Each air traffic control facility operating under contract to the FAA shall register with the FAA. Each facility shall implement its antidrug program in accordance with this appendix. Employees performing air traffic control duties by contract for the air traffic control facility (i.e., not directly employed by the facility) must be subject to an antidrug program in accordance with this appendix.

7. Each employer or contractor company must use only contract employees who are covered by an FAA antidrug program for the entire period they perform safety-sensitive work.

B.1. To obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification, you must contact your Aviation Flight Standards Principal Operations Inspector or Principal Maintenance Inspector. Provide him/her with the following information:

a. Company name.

b. Certificate number.

c. Telephone number.

d. Address where your Antidrug and Alcohol Misuse Prevention Program records are kept.

e. Whether you have 50 or more covered employees, or 49 or fewer covered employees. (Part 121 certificate holders are not required to provide this information.)

2. You must certify on your Antidrug and Alcohol Misuse Prevention Program Operations Specification issued by your principal operations inspector or principal maintenance inspector that you will comply with this appendix, appendix J of this part, and 49 CFR part 40.

3. You are required to obtain only one Antidrug and Alcohol Misuse Prevention Program Operations Specification to satisfy this requirement under this appendix and appendix J of this part.

C.1. To register with the FAA, submit the following information:

a. Company name.

a. Telephone number.

c. Address where your Antidrug and Alcohol Misuse Prevention Program records are kept.

d. Name of the type of safety-sensitive functions you perform for an employer (such as flight instruction duties, aircraft dispatcher duties, maintenance or preventive maintenance duties, ground security coordinator duties, aviation screening duties, air traffic control duties).

e. Indicate whether you have 50 or more covered employees, or 49 or fewer covered employees.

f. A signed statement indicating that your company will comply with this appendix, appendix J of this part, and 49 CFR part 40.

2. Send this information in *duplicate* to:The Federal Aviation Administration,Office of Aerospace Medicine,Drug Abatement Division (AAM–800),800 Independence Ave. SW.,Washington, DC 20591.

3. Update the registration information as changes occur. Send the updates in duplicate to the Drug Abatement Division.

4. This registration will satisfy the registration requirements for both your Antidrug Program under this appendix and the Alcohol Misuse Prevention Program under appendix J of this part.

* * * * *

3. In appendix J to part 121:

A. In section I., amend paragraph D. to remove the definitions for ''Administrator'' and ''Contractor company''; add a definition for ''Contractor'' in alphabetical order; and add paragraphs H. and I.;

B. In section II., revise the introductory text;

C. In section III., revise paragraph D.1.;

D. In section IV.B., revise paragraph 4.;

E. Revise section VII.

The additions and revisions read as follows:

APPENDIX J TO PART 121—ALCOHOL MISUSE PREVENTION PROGRAM

* * * * *

I. General.

* * * * *

D. *Definitions.*

* * * * *

Contractor means an individual or company that performs a safety-sensitive function by contract for an employer or another contractor.

* * * * *

H. *Applicable Regulations.* The following applicable regulations appear in 49 CFR and 14 CFR:

1.49 CFR

Part 40—Procedures for Transportation Workplace Drug Testing Programs

2. 14 CFR

61.14—Refusal to submit to a drug or alcohol test.
63.12b—Refusal to submit to a drug or alcohol test.
65.23—Refusal to submit to a drug or alcohol test.
65.46a—Misuse of Alcohol.
65.46b—Testing for Alcohol.
67.107—First-Class Airman Medical Certificate, Mental.
67.207—Second-Class Airman Medical Certificate, Mental.
67.307—Third-Class Airman Medical Certificate, Mental.
121.458—Misuse of alcohol.
121.459—Testing for alcohol.
135.1—Applicability.
135.253—Misuse of alcohol.
135.255—Testing for alcohol.

I. *Falsification.* No person may make, or cause to be made, any of the following:

1. Any fraudulent or intentionally false statement in any application of an alcohol misuse prevention program.

2. Any fraudulent or intentionally false entry in any record or report that is made, kept, or used to show compliance with this appendix.

3. Any reproduction or alteration, for fraudulent purposes, of any report or record required to be kept by this appendix.

II. Covered Employees.

Each employee who performs a function listed in this section directly or by contract (including by subcontract at any tier) for an employer as defined in this appendix must be subject to alcohol testing under an alcohol misuse prevention program implemented in accordance with this appendix. This not only includes full-time and part-time employees, but temporary and intermittent employees regardless of the degree of supervision. Also, employees in a training status performing safety-sensitive functions must be subject to alcohol testing in accordance with this appendix. The covered safety-sensitive functions are:

* * * * *

III. Tests Required.

* * * * *

D. Reasonable Suspicion Testing

1. An employer shall require a covered employee to submit to an alcohol test when the employer has reasonable suspicion to believe that the employee has violated the alcohol misuse prohibitions in § 65.46a, § 121.458, or § 135.253 of this chapter. For the purpose of reasonable suspicion testing, an employer may make a reasonable suspicion determination regarding any contract employee who performs a safety-sensitive function on the employer's premises and under the supervision of the employer, and may refer the contract employee for a reasonable suspicion test under the contractor's alcohol testing program.

* * * * *

IV. Handling of Test Results, Record Retention, and Confidentiality.

* * * * *

B. * * *

4. Each report shall be submitted in the form and manner prescribed by the Administrator. No other form, including another DOT Operating Administration's form, is acceptable for submission to the FAA.

* * * * *

OPTION 1 FOR SECTION VII:

VII. How to Implement an Alcohol Misuse Prevention Program.

A. Use the following chart to determine whether your existing company must obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification or whether you must register with the FAA:

If you are an existing . . .	You must . . .
1. Part 121 or 135 certificate holder . . .	Obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification by contacting your principal operations inspector.
2. Sightseeing operation as defined in § 135.1(c) . . .	Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Ave., SW, Washington, DC 20591 by [60 days from the date the final rule is published].
3. Air traffic control operation not operated by the FAA or by or under contract to the U.S. Military . . .	Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Ave., SW, Washington, DC 20591 by [60 days from the date the final rule is published].
4. Part 145 certificate holder who has your own alcohol misuse prevention program . . .	Obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification by contacting your principal maintenance inspector.
5. Contractor who has your own alcohol misuse prevention program . . .	Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Ave., SW, Washington, DC 20591 by [60 days from the date the final rule is published].

B. Use the following schedule for implementing an Alcohol Misuse Prevention Program. Use it to determine whether you need to have an Antidrug and Alcohol Misuse Prevention Program operations specification, or whether you need to register

with the FAA. Your employees who perform safety-sensitive duties must be tested in accordance with this appendix. The schedule follows:

If you . . .	You must . . .
1. Apply for a part 121 certificate or apply for a part 135 certificate.	a. Have an Antidrug and Alcohol Misuse Prevention Program Operations Specification, b. Implement an FAA Alcohol Misuse Prevention Program no later than the date you start operations, and c. Use only contract employees to perform safety-sensitive functions who are covered by an FAA Alcohol Misuse Prevention Program for the entire period they perform safety-sensitive work.
2. Intend to begin sightseeing operations as defined in § 135.1(c) of this chapter.	a. Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division, 800 Independence Ave., SW, Washington, DC 20591 prior to starting operations, b. Implement an FAA Alcohol Misuse Prevention Program no later than the date you start operations, and c. Use only contract employees to perform safety-sensitive functions who are covered by an FAA Alcohol Misuse Prevention Program for the entire period they perform safety-sensitive work.
3. Intend to begin air traffic control operations as an employer defined in § 65.46 of this chapter (that is, air traffic control facilities not operated by the FAA or by or under contract to the U.S. military).	a. Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division, 800 Independence Ave., SW, Washington, DC 20591, b. Implement an FAA Alcohol Misuse Prevention Program no later than the date you start operations, and c. Use only contract air traffic controllers to perform safety-sensitive functions who are covered by an FAA Alcohol Misuse Prevention Program for the entire period they perform safety-sensitive work.

C.1. If you are an individual or a company that will provide safety-sensitive services by contract to a part 121 or 135 certificate holder or a sightseeing operation as defined in § 135.1(c) of this chapter, use the chart in paragraph C.2. of this section to determine what you must do if you opt to have your own antidrug program.

2. Employees who perform safety-sensitive functions for part 121 or 135 certificate holders or sightseeing operations as defined in § 135.1(c) of this chapter must be tested in accordance with this appendix. The following chart explains what you must do if you opt to have your own Alcohol Misuse Prevention Program:

If you . . .	You must . . .
a. Are a part 145 certificate holder	i. Have an Antidrug and Alcohol Misuse Prevention Program Operations Specification, ii. Implement an FAA Alcohol Misuse Prevention Program no later than the date you start performing safety-sensitive functions for a part 121 or 135 certificate holder or sightseeing operation as defined in § 135.1(c) of this chapter, and iii. Meet the same requirements as an employer under this appendix.
b. Are a contractor (for example: a security company, a non-certificated repair station, a temporary employment service company or any other individual or company that provides safety-sensitive services).	i. Register with the FAA, Office of Aerospace Medicine, Drug Abatement Division, 800 Independence Ave., SW, Washington, DC 20591, ii. Implement an FAA Alcohol Misuse Prevention Program no later than the date you start performing safety-sensitive functions for a part 121 or 135 certificate holder or sightseeing operation as defined in § 135.1(c) of this chapter, and iii. Meet the same requirements of an employer under this appendix.

D.1. To obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification, you must contact your Aviation Flight Standards Inspector. Provide him/her with the following information:

a. Company name.

b. Certificate number.

c. Telephone number.

d. Address where your Antidrug and Alcohol Misuse Prevention Program records are kept.

e. Whether you have 50 or more covered employees, or 49 or fewer covered employees. (Part 121 certificate holders are not required to provide this information.)

2. You must certify on your Antidrug and Alcohol Misuse Prevention Program Operations Specification, issued by your principal operations inspector or principal maintenance inspector, that you will comply with appendix I of this part, this appendix, and 49 CFR part 40.

3. You are required to obtain only one Antidrug and Alcohol Misuse Prevention Program Operations Specification to satisfy this requirement under appendix I of this part and this appendix.

E.1. To register with the FAA, submit the following information:

a. Company name.

b. Telephone number.

c. Address where your Antidrug and Alcohol Misuse Prevention Program records are kept.

d. Name the type of safety-sensitive functions you perform for an employer (such as flight instruction duties, aircraft dispatcher duties, maintenance or preventive maintenance duties, ground security coordinator duties, aviation screening duties, air traffic control duties).

e. Whether you have 50 or more covered employees, or 49 or fewer covered employees.

f. A signed statement indicating that your company performs safety-sensitive functions for a part 121 or a 135 certificate holder or sightseeing operation as defined by § 135.1(c) of this chapter and that your company will comply with appendix I of this part, this appendix, and 49 CFR part 40.

2. Send this information in *duplicate* to: The Federal Aviation Administration, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Ave. SW., Washington, DC 20591.

3. Update the registration information as changes occur. Send the updates in duplicate to the Drug Abatement Division.

4. This registration will satisfy the registration requirements for both your Antidrug Program under this appendix I of this part and the Alcohol Misuse Prevention Program under this appendix.

OPTION 2 FOR SECTION VII:

VII. *Implementing an Alcohol Misuse Prevention Program.*

A. Antidrug and Alcohol Misuse Prevention Program Operations Specifications and Registration with the FAA.

1. Each certificate holder required to have an alcohol misuse prevention program (AMPP) by this appendix shall submit an Antidrug and Alcohol Misuse Prevention Program Operations Specification to its principal operations inspector or principal maintenance inspector. All other operators required or electing to have an AMPP will register with the Federal Aviation Administration, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Avenue, SW., Washington, DC 20591.

2.a. Any person who applies for a certificate under the provisions of part 121 or part 135 of this chapter shall obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification prior to beginning operations under the certificate. The program shall be implemented not later than the start of operations. Contractor employees to a new certificate holder must be subject to an AMPP in accordance with this appendix.

b. Any person who intends to begin sightseeing operations as an operator under 14 CFR 135.1(c) shall, not later than 60 days prior to the proposed initiation of such operations, register with the FAA. No operator may begin conducting sightseeing flights prior to registration. The program shall be implemented concurrently with the start of operations. Contractor employees to a new operator must be subject to an AMPP in accordance with this appendix.

c. Any person who intends to begin air traffic control operations as an employer as defined in 14 CFR 65.46(a)(2) (air traffic control facilities not operated by the FAA or by or under contract to the U.S. military) shall, not later than 60 days prior to the proposed initiation of such operations, register with the FAA. The AMPP shall be implemented concurrently with the start of operations. Contractor employees to a new air traffic control facility must be subject to an AMPP in accordance with this appendix.

3. In accordance with this appendix, an entity or individual that holds a repair station certificate issued by the FAA pursuant to part 145 of this chapter and employs individuals who perform safety-sensitive functions pursuant to a contract with an employer or an operator may obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification from its principal maintenance inspector. Each certificated repair station shall implement its AMPP in accordance with this appendix.

4. Any entity or individual whose employees perform safety-sensitive functions pursuant to a contract with an employer (as defined in section II of this appendix), may submit an AMPP registration in a manner prescribed by the Administrator. Each contractor shall implement its AMPP in accordance with this appendix.

5. Each air traffic control facility operating under contract to the FAA shall register with the FAA. Each facility shall implement its AMPP in accordance with this appendix. Employees performing air traffic control duties by contract for the air traffic control facility (i.e., not directly employed by the facility) must be subject to an AMPP in accordance with this appendix.

6. Each employer or contractor company must use only contract employees who are covered by an FAA Alcohol Misuse Prevention Program for the entire period they perform safety-sensitive work.

B. Obtaining an Antidrug and Alcohol Misuse Prevention Program Operations Specification.

1. To obtain an Antidrug and Alcohol Misuse Prevention Program Operations Specification, you must contact your Aviation Flight Standards principal operations inspector or principal maintenance inspector. Provide him/her with the following information:

a. Company name.

b. Certificate number.

c. Telephone number.

d. Address where your Antidrug and Alcohol Misuse Prevention Program records are kept.

e. Whether you have 50 or more covered employees, or 49 or fewer covered employees. (Part 121 certificate holders are not required to provide this information.)

2. You must certify on your Antidrug and Alcohol Misuse Prevention Program Operations Specification issued by your principal operations inspector or principal maintenance inspector that you will comply with appendix I of this part, this appendix, and 49 CFR part 40.

3. You are required to obtain only one Antidrug and Alcohol Misuse Prevention Program Operations Specification to satisfy this requirement under both appendix I of this part and this appendix.

C. Registering Your Alcohol Misuse Prevention Program with the FAA.

1. To register your AMPP with the FAA, submit the following information:

a. Company name.

b. Telephone number.

c. Address where your Antidrug and Alcohol Misuse Prevention Program records are kept.

d. Name the type of safety-sensitive functions you perform for an employer (such as flight instruction duties, aircraft dispatcher duties, maintenance or preventive maintenance duties, ground security coordinator duties, aviation screening duties, air traffic control duties).

e. Indicate whether you have 50 or more covered employees, or 49 or fewer covered employees.

f. A signed statement indicating that your company will comply with appendix I of this part, this appendix, and 49 CFR part 40.

2. Send this information in *duplicate* to: The Federal Aviation Administration, Office of Aerospace Medicine, Drug Abatement Division (AAM–800), 800 Independence Ave. SW., Washington, DC 20591.

3. Update the registration information as changes occur. Send the updates in duplicate to the Drug Abatement Division.

4. This registration will satisfy the registration requirements for both your Antidrug Program under appendix I of this part, and the Alcohol Misuse Prevention Program under this appendix.

* * * * *

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

Jon L. Jordan,

Federal Air Surgeon.

[FR Doc. 02–3847 Filed 2–27–02; 8:45 am]

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Federal Register

Thursday,
February 28, 2002

Part IV

The President

Executive Order 13258—Amending Executive Order 12866 on Regulatory Planning and Review

Notice of February 26, 2002—Continuation of the National Emergency Relating to Cuba and of the Emergency Authority Relating to the Regulation of the Anchorage and Movement of Vessels

Federal Register
Vol. 67, No. 40
Thursday, February 28, 2002

Presidential Documents

Title 3—

The President

Executive Order 13258 of February 26, 2002

Amending Executive Order 12866 on Regulatory Planning and Review

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered that Executive Order 12866, of September 30, 1993, is amended as follows:

Section 1. Section (2)(b) is amended by striking ‘‘, the Vice President, and other regulatory policy advisors’’ and inserting in lieu thereof ‘‘and regulatory policy advisors’’.

Sec. 2. Section (2)(c) is amended by:

(a) striking in the heading the words ‘‘The Vice President’’ and inserting in lieu thereof ‘‘Assistance’’;

(b) striking the sentence that begins ‘‘The Vice President is’’;

(c) striking ‘‘In fulfilling their responsibilities’’ and inserting in lieu thereof ‘‘In fulfilling his responsibilities’’; and

(d) striking ‘‘and the Vice President’’ both times it appears.

Sec. 3. Section 3(a) is amended by:

(a) striking ‘‘and Vice President’’;

(b) striking ‘‘the Assistant to the President for Science and Technology’’ and inserting in lieu thereof ‘‘the Director of the Office of Science and Technology Policy’’;

(c) striking ‘‘the Assistant to the President for Intergovernmental Affairs’’ and inserting in lieu thereof ‘‘the Deputy Assistant to the President and Director for Intergovernmental Affairs’’;

(d) striking ‘‘the Deputy Assistant to the President and Director of the White House Office of Environmental Policy’’ and inserting in lieu thereof ‘‘the Chairman of the Council on Environmental Quality and Director of the Office of Environmental Quality’’; and

(e) striking ‘‘and (12)’’ and inserting in lieu thereof ‘‘(12) the Assistant to the President for Homeland Security; and (13)’’.

Sec. 4. Section 4(a) is amended by striking ‘‘the Vice President shall convene’’ and inserting in lieu thereof ‘‘the Director shall convene’’.

Sec. 5. Section 4(c)(3) is amended by striking ‘‘, the Advisors, and the Vice President’’ and inserting in lieu thereof ‘‘and the Advisors’’.

Sec. 6. Section 4(c)(4) is amended by striking ‘‘, the Advisors, and the Vice President’’ and inserting in lieu thereof ‘‘and the Advisors’’.

Sec. 7. Section 4(c)(5) is amended by striking ‘‘, the Advisors, and the Vice President’’ and inserting in lieu thereof ‘‘and the Advisors’’.

Sec. 8. Section 4(c)(6) is amended by striking ‘‘Vice President, with the Advisors’ assistance,’’ and inserting in lieu thereof ‘‘Director’’.

Sec. 9. Section 4(d) is amended by:

(a) striking ‘‘, the Advisors, and the Vice President’’ and inserting in lieu thereof ‘‘and the Advisors’’; and

(b) striking ‘‘periodically advise the Vice President’’ and inserting in lieu thereof ‘‘periodically advise the Director’’.

Sec. 10. Section 5(c) is amended by striking ''Vice President'' and inserting in lieu thereof ''Director''.

Sec. 11. Section 6(b)(4)(C)(i) is amended by striking ''Vice Presidential and''.

Sec. 12. Section 7 is amended by:

(a) striking ''resolved by the President, or by the Vice President acting at the request of the President'' and inserting in lieu thereof ''resolved by the President, with the assistance of the Chief of Staff to the President (''Chief of Staff'')'';

(b) striking ''Vice Presidential and Presidential consideration'' and inserting in lieu thereof ''Presidential consideration'';

(c) striking ''recommendations developed by the Vice President'' and inserting in lieu thereof ''recommendations developed by the Chief of Staff'';

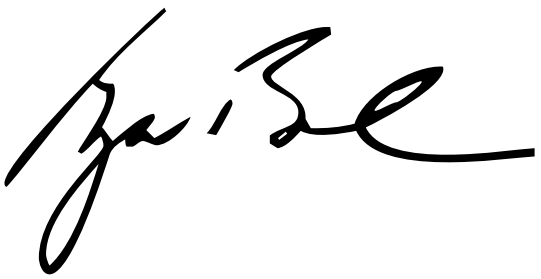
(d) striking ''Vice Presidential and Presidential review period'' and inserting in lieu thereof ''Presidential review period'';

(e) striking ''or to the staff of the Vice President'' and inserting in lieu thereof ''or to the staff of the Chief of Staff'';

(f) striking ''the President, or the Vice President acting at the request of the President, shall notify'' and insert in lieu thereof ''the President, or the Chief of Staff acting at the request of the President, shall notify''.

Sec. 13. Section 7 is also amended in the first paragraph by inserting the designation ''(a)'' after the words ''Resolution of Conflicts.'', and by designating the following three paragraphs as ''(b)'', ''(c)'', and ''(d)'' in order.

Sec. 14. Section 8 is amended by striking ''Vice President'' both times it appears and inserting in lieu thereof ''Director''.



THE WHITE HOUSE,
February 26, 2002.

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Sec. 2. Section (2)(c) is amended by:

(a) striking in the heading the words ‘‘The Vice President’’ and inserting in lieu thereof ‘‘Assistance’’;

(b) striking the sentence that begins ‘‘The Vice President is’’;

(c) striking ‘‘In fulfilling their responsibilities’’ and inserting in lieu thereof ‘‘In fulfilling his responsibilities’’; and

(d) striking ‘‘and the Vice President’’ both times it appears.

Sec. 3. Section 3(a) is amended by:

(a) striking ‘‘and Vice President’’;

(b) striking ‘‘the Assistant to the President for Science and Technology’’ and inserting in lieu thereof ‘‘the Director of the Office of Science and Technology Policy’’;

(c) striking ‘‘the Assistant to the President for Intergovernmental Affairs’’ and inserting in lieu thereof ‘‘the Deputy Assistant to the President and Director for Intergovernmental Affairs’’;

(d) striking ‘‘the Deputy Assistant to the President and Director of the White House Office of Environmental Policy’’ and inserting in lieu thereof ‘‘the Chairman of the Council on Environmental Quality and Director of the Office of Environmental Quality’’; and

(e) striking ‘‘and (12)’’ and inserting in lieu thereof ‘‘(12) the Assistant to the President for Homeland Security; and (13)’’.

Sec. 4. Section 4(a) is amended by striking ‘‘the Vice President shall convene’’ and inserting in lieu thereof ‘‘the Director shall convene’’.

Sec. 5. Section 4(c)(3) is amended by striking ‘‘, the Advisors, and the Vice President’’ and inserting in lieu thereof ‘‘and the Advisors’’.

Sec. 6. Section 4(c)(4) is amended by striking ‘‘, the Advisors, and the Vice President’’ and inserting in lieu thereof ‘‘and the Advisors’’.

Sec. 7. Section 4(c)(5) is amended by striking ‘‘, the Advisors, and the Vice President’’ and inserting in lieu thereof ‘‘and the Advisors’’.

Sec. 8. Section 4(c)(6) is amended by striking ‘‘Vice President, with the Advisors’ assistance,’’ and inserting in lieu thereof ‘‘Director’’.

Sec. 9. Section 4(d) is amended by:

(a) striking ‘‘, the Advisors, and the Vice President’’ and inserting in lieu thereof ‘‘and the Advisors’’; and

(b) striking ‘‘periodically advise the Vice President’’ and inserting in lieu thereof ‘‘periodically advise the Director’’.

Sec. 10. Section 5(c) is amended by striking ''Vice President'' and inserting in lieu thereof ''Director''.

Sec. 11. Section 6(b)(4)(C)(i) is amended by striking ''Vice Presidential and''.

Sec. 12. Section 7 is amended by:

(a) striking ''resolved by the President, or by the Vice President acting at the request of the President'' and inserting in lieu thereof ''resolved by the President, with the assistance of the Chief of Staff to the President (''Chief of Staff'')'';

(b) striking ''Vice Presidential and Presidential consideration'' and inserting in lieu thereof ''Presidential consideration'';

(c) striking ''recommendations developed by the Vice President'' and inserting in lieu thereof ''recommendations developed by the Chief of Staff'';

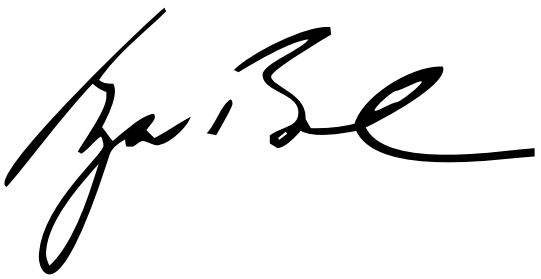
(d) striking ''Vice Presidential and Presidential review period'' and inserting in lieu thereof ''Presidential review period'';

(e) striking ''or to the staff of the Vice President'' and inserting in lieu thereof ''or to the staff of the Chief of Staff'';

(f) striking ''the President, or the Vice President acting at the request of the President, shall notify'' and insert in lieu thereof ''the President, or the Chief of Staff acting at the request of the President, shall notify''.

Sec. 13. Section 7 is also amended in the first paragraph by inserting the designation ''(a)'' after the words ''Resolution of Conflicts.'', and by designating the following three paragraphs as ''(b)'', ''(c)'', and ''(d)'' in order.

Sec. 14. Section 8 is amended by striking ''Vice President'' both times it appears and inserting in lieu thereof ''Director''.



THE WHITE HOUSE,
February 26, 2002.

[FR Doc. 02–5069
Filed 2–27–02; 12:11 pm]
Billing code 3195–01–P

Presidential Documents

Title 3—

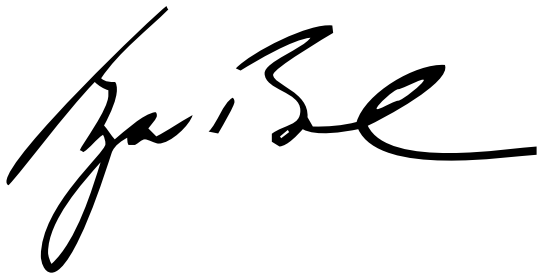
The President

Notice of February 26, 2002

Continuation of the National Emergency Relating to Cuba and of the Emergency Authority Relating to the Regulation of the Anchorage and Movement of Vessels

On March 1, 1996, by Proclamation 6867, President Clinton declared a national emergency to address the disturbance or threatened disturbance of international relations caused by the February 24, 1996, destruction by the Government of Cuba of two unarmed U.S.-registered civilian aircraft in interna tional airspace north of Cuba. In July 1996 and on subsequent occasions, the Government of Cuba stated its intent to forcefully defend its sovereignty against any U.S.-registered vessels or aircraft that might enter Cuban territorial waters or airspace while involved in a flotilla and peaceful protest. Since these events, the Government of Cuba has not demonstrated that it will refrain from the future use of reckless and excessive force against U.S. vessels or aircraft that may engage in memorial activities or peaceful protest north of Cuba. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to Cuba and the emergency authority relating to the regulation of the anchorage and movement of vessels set out in Proclamation 6867.

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



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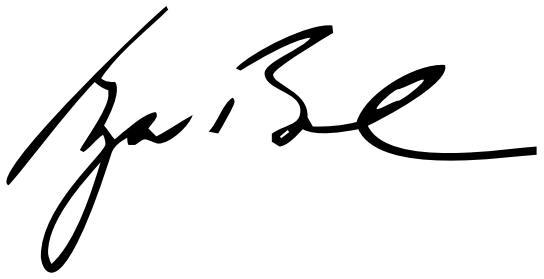

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[FR Doc. 02–5068
Filed 02–27–02; 12:11 pm]
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H.J. Res. 82/P.L. 107–143

Recognizing the 91st birthday of Ronald Reagan. (Feb. 14, 2002; 116 Stat. 17)

S. 737/P.L. 107–144

To designate the facility of the United States Postal Service located at 811 South Main Street in Yerington, Nevada, as the ''Joseph E. Dini, Jr. Post Office''. (Feb. 14, 2002; 116 Stat. 18)

S. 970/P.L. 107–145

To designate the facility of the United States Postal Service located at 39 Tremont Street, Paris Hill, Maine, as the ''Horatio King Post Office Building''. (Feb. 14, 2002; 116 Stat. 19)

S. 1026/P.L. 107–146

To designate the United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, as the ''Pat King Post Office Building''. (Feb. 14, 2002; 116 Stat. 20)

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