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Rules and Regulations

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

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

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Rural Business-Cooperative Service

Rural Utilities Service

Farm Service Agency

7 CFR Part 1951

Intermediary Relending Program and Rural Development Loan Fund Program; Field Visits

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Final rule.

SUMMARY: The Rural Business-Cooperative Service (RBS) hereby amends its regulations pertaining to loan servicing of the Intermediary Relending Program (IRP) and the Rural Development Loan Fund Program (RDLF). This rule removes a section, which required field visits, under 7 CFR part 1951, subpart R. Its removal does not impact the public.

EFFECTIVE DATE: April 18, 2002.

FOR FURTHER INFORMATION CONTACT: David W. Lewis, Rural Business-Cooperative Service, USDA, Room 6858–S, Mail Stop 3225, South Agriculture Building, 1400 Independence Avenue, SW., Washington, DC 20250–3225, Telephone (202) 690–0797.

SUPPLEMENTARY INFORMATION:

Classification

This action is not subject to the provisions of Executive Order 12866 or published for proposed rulemaking; since it involves only internal Agency management, publication for comment is unnecessary.

Environmental Impact Statement

This action has been reviewed in accordance with 7 CFR part 1940, subpart G, ''Environmental Program.'' The Agency has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and, in accordance with the National Environmental Policy Act of 1969, Public Law 91–190, an Environmental Impact Statement is not required.

Programs Affected

The Catalog of Federal Domestic Assistance program impacted by this action is:

10.767 Intermediary Relending Program.

Intergovernmental Consultation

This program is subject to Executive Order 12372, which requires intergovernmental consultation with state and local officials.

Executive Order 12988

The final rule has been reviewed under Executive Order 12988, ''Civil Justice Reform.'' In accordance with this rule: (1) All state and local laws and regulations that are in conflict with this rule be preempted, (2) no retroactive effect will be given to this rule, and (3) administrative proceedings of the National Appeals Division (7 CFR part 11) must be exhausted before bringing suit in court challenging action taken under this rule.

Paperwork Reduction Act

There are no reporting and record keeping requirements associated with this final rule.

List of Subjects in 7 CFR Part 1951

Loan programs—agriculture, Rural areas.

Therefore, chapter XVIII, title 7, of the Code of Federal Regulations is amended as follows:

PART 1951—SERVICING AND COLLECTIONS

Subpart R—Rural Development Loan Servicing

1. The authority citation for part 1951 continues to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 1480.

§ 1951.882 [Removed and Reserved]

2. Section 1951.882 is removed and reserved.

Dated: April 5, 2002.

John Rosso,

Administrator, Rural Business-Cooperative Service.

[FR Doc. 02–9255 Filed 4–17–02; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–NM–35–AD; Amendment 39–12713; AD 2002–08–05]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model DHC–8–400, –401, and –402 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Bombardier Model DHC–8–400, –401, and –402 series airplanes. This action requires revising the Airplane Flight Manual to advise the flight crew of appropriate procedures to follow in the event that a main landing gear (MLG) fails to extend following a gear-down selection. This action also requires replacement of the left and right MLG uplock assemblies with new assemblies; and an inspection of the left and right MLG uplock rollers for the presence of an inner low friction liner, and corrective actions if necessary. This action is necessary to ensure that the flight crew has the procedures necessary to address failure of an MLG to extend following a gear-down selection; and to detect and correct such failure, which could result in a gear-up landing and possible injury to passengers and crew.

DATES: Effective April 23, 2002.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 23, 2002.

Comments for inclusion in the Rules Docket must be received on or before May 20, 2002.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2002–NM–35–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via the Internet must contain ''Docket No. 2002–NM–35–AD'' in the subject line and need not be submitted in triplicate. Comments sent via fax or the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ezra Sasson, Aerospace Engineer, Systems and Flight Test Branch, ANE–172, FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7520; fax (516) 568–2716.

SUPPLEMENTARY INFORMATION: Transport Canada Civil Aviation (TCCA), which is the airworthiness authority for Canada, recently notified the FAA that an unsafe condition may exist on certain Bombardier Model DHC–8–400, –401, and –402 series airplanes. TCCA advises that the flight crew of a Bombardier Model DHC–8–400 series airplane experienced difficulties in extending the right main landing gear (MLG) following a gear-down selection. During that event, when subsequent use of the alternate landing gear extension procedure failed to extend the affected gear, the MLG was retracted and a second alternate gear extension was performed. This resulted in the MLG successfully extending to the down and locked position.

Inspection of the MLG revealed a groove in the lower jaw of the uplock hook on the MLG uplock assembly due to premature wear. Findings indicate that excessive wear to the uplock hook could prevent release of the roller, and the inability to extend the MLG with either the normal, or alternate, landing gear extension procedure. Findings also indicate that the low friction (black-colored) liner of the uplock rollers was omitted on a batch lot of uplock rollers, including the subject airplane.

Conditions that could cause failure of the MLG to extend, following a gear-down selection, include the absence of an uplock roller, absence of an approved liner, or presence of an unapproved or damaged uplock roller. These conditions, if not corrected, could result in the inability of the flight crew to extend the MLG, which could result in a gear-up landing and possible injury to passengers and crew.

Explanation of Relevant Service Information

Bombardier has issued DHC–8 Alert Service Bulletin A84–32–15, dated February 4, 2002, which describes procedures for a one-time inspection of the inside surface of the uplock roller on the shock strut of the MLG for the presence of an inner low friction (black-colored) liner, and corrective actions if necessary. If a low friction liner is present, operators may reinstall the existing uplock roller, or replace the uplock roller with a new uplock roller having a low friction liner. If the bore of the uplock roller has a bright metal finish, indicating the absence of a liner, operators must replace the existing uplock roller with a new uplock roller having a low friction liner. In addition, the alert service bulletin references Chapter 32–11–01, dated January 5, 2001, of Bombardier Series 400 Aircraft Maintenance Manual (AMM), PSM 1–84–2, as a secondary source of service information for replacing the MLG uplock roller with a new roller having a low friction liner.

Chapter 32–31–21, dated January 5, 2001, of Bombardier Series 400 AMM, PSM 1–84–2, describes procedures for replacing existing MLG uplock assemblies with new assemblies.

Transport Canada Civil Aviation (TCCA), which is the airworthiness authority for Canada, has issued Canadian airworthiness directive CF–2002–13, dated February 4, 2002, to assure the continued airworthiness of these airplanes in Canada. That airworthiness directive specifies procedures for revising the Airplane Flight Manual (AFM); replacing the left and right MLG uplock assemblies with new assemblies per Chapter 32–31–21 of Bombardier Series 400 AMM, PSM 1–84–2; and inspecting the uplock roller, and taking corrective action if necessary.

FAA's Conclusions

These airplane models are manufactured in Canada and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the TCCA has kept the FAA informed of the situation described above. The FAA has determined that the primary cause of the failure of the right MLG to extend and the uplock assembly to disengage, following a gear-down selection, is the design of the uplock assembly. However, we also consider that the uplock roller, which involves a quality control problem, may have contributed to such failure. The FAA has examined the findings of the TCCA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to require a revision to the Limitations section, and certain paragraphs of the Normal and Alternate Extension Procedures, of the FAA-approved AFM, to advise the flight crew of appropriate procedures to follow in the event that an MLG fails to extend following a gear-down selection; replacement of the left and right MLG uplock assemblies; and a one-time inspection of the left and right MLG uplock rollers for the presence of an inner low friction liner, and corrective actions if necessary. The actions required by this AD must be accomplished per the alert service bulletin and the AMM, except as described below.

Differences Between Alert Service Bulletin, and the Canadian Airworthiness Directive and This AD

The Bombardier alert service bulletin specifies procedures only for an inspection of the left and right MLG uplock rollers, and corrective actions if necessary. However, in addition to that procedure, the Canadian airworthiness directive and this AD also specify procedures for revising the AFM and replacing the MLG uplock assemblies.

Differences Between the Canadian Airworthiness Directive and This AD

The Canadian airworthiness directive specifies inspection/replacement of the left and right MLG uplock rollers per Bombardier DHC–8 Alert Service

Bulletin A84–32–15, dated February 4, 2002, ''or later revisions of the alert service bulletin.'' However, paragraph (c) of this AD requires accomplishment of the one-time inspection of the MLG uplock rollers, and corrective actions if necessary, per the alert service bulletin, dated February 4, 2002. Where a specific service bulletin is referenced in an AD, the use of the phrase ''or later revisions of the service bulletin,'' violates Office of the Federal Register regulations regarding approval of materials that are incorporated by reference, and, therefore may not be specified in this AD.

Interim Action

This is considered to be interim action. Bombardier has advised that it is currently evaluating a possible modification to the uplock assembly to minimize wear to the uplock hook and to ensure a more positive uplock release, which will positively address the unsafe condition addressed by this AD. Once this modification is developed, approved, and available, the FAA may consider additional rulemaking.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the AD is being requested.
- Include justification (e.g., reasons or data) for each request.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2002–NM–35–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2002–08–05 Bombardier, Inc: Amendment 39–12713. Docket 2002–NM–35–AD.

Applicability: Model DHC–8–400, –401, and –402 series airplanes; serial numbers 4001 and subsequent; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To ensure that the flight crew has the procedures necessary to address failure of the main landing gears (MLG) to extend following a gear-down selection; and to detect and correct such failure, which could result in a gear-up landing and possible injury to passengers and crew; accomplish the following:

Revision of FAA-Approved Airplane Flight Manual (AFM)

(a) Within 3 days after the effective date of this AD, amend all copies of the FAA-approved Bombardier Series 400 AFM, PSM 1–84–1A (for Models 400, 401, and 402), by adding the following procedure to the Limitations section of the AFM, and opposite page 4–21–1 of the AFM; and advise all flight crew members of these changes; (the revision may be accomplished by inserting a copy of this AD into the Limitations section of the AFM and affected paragraphs of the AFM):

''If ONE main landing gear fails to extend after performing landing gear extension per normal procedures given in paragraph 4.3.7 and alternate extension procedures per paragraph 4.21.1 of the AFM:

1. Visually confirm that the affected gear has not extended and that the associated doors have opened.

2. Ensure No. 2 hydraulic system pressure and quantity are normal and the following landing gear advisory lights are illuminated:

selector lever amber, gear green locked down (nose and non-affected main gear), red gear unlocked (affected main gear) and all amber doors open.

3. NOSE L/G RELEASE handle—Return to the stowed position.

4. LANDING GEAR ALTERNATE EXTENSION door—Close fully.

5. MAIN L/G RELEASE handle—Return to the stowed position.

6. LANDING GEAR ALTERNATE RELEASE door—Close fully.

7. LANDING GEAR lever—DN.

8. L/G DOWN SELECT INHIBIT SW—Normal and guarded. Check amber doors open advisory lights out (nose and non-affected main gear) and LDG GEAR INOP caution light out.

9. LANDING GEAR lever—UP Check all gear, door and LANDING GEAR lever advisory lights out.

10. With minimum delay, LANDING GEAR lever—DN. Check 3 green gear locked down advisory lights illuminate, all amber doors open, red gear unlocked and selector lever amber advisory lights out.

11. Items 9 and 10 may be repeated in an effort to achieve 3 gear down and locked.

CAUTION

Should the LDG GEAR INOP caution light illuminate, or loss of no. 2 hydraulic system pressure or quantity, or any abnormality in landing gear system indication other than those associated with the affected main landing gear be experienced, see paragraph 4.21.1 ALTERNATE LANDING GEAR EXTENSION.''

Replacement of Uplock Assembly

(b) At the later of the times specified in paragraph (b)(1) or (b)(2) of this AD: Replace the left and right MLG uplock assemblies, part number (P/N) 46500–3, with new uplock assemblies, P/N 46500–3, per Chapter 32–31–21, dated January 5, 2001, of Bombardier Series 400 Aircraft Maintenance Manual, PSM 1–84–2. Do the replacement thereafter at intervals not to exceed 2,500 flight hours or 3,000 flight cycles, whichever occurs earlier.

(1) Before the accumulation of 2,500 total flight hours or 3,000 total flight cycles, whichever occurs earlier; or

(2) Within 14 days after the effective date of this AD.

Note 2: Bombardier DHC–8 Alert Service Bulletin A84–32–15, dated February 4, 2002, references Chapter 32–11–01, dated January 5, 2001, of Bombardier Series 400 AMM, PSM 1–84–2, as an additional source of service information for procedures to replace an MLG uplock roller.

One-Time Inspection of MLG Uplock Rollers

(c) Within 30 days after the effective date of this AD, inspect the left and right MLG uplock rollers for the presence of an inner low friction (black-colored) liner, per the Accomplishment Instructions of Bombardier DHC–8 Alert Service Bulletin A84–32–15, dated February 4, 2002; and, before further flight, do the actions required by paragraph (c)(1) or (c)(2) of this AD.

Corrective Actions

(1) If a low friction liner is present, reinstall the existing uplock roller; or install a new uplock roller, P/N 46575–1, having a low friction liner; on the shock strut of the MLG; per the alert service bulletin.

(2) If a low friction liner is NOT present, replace the existing uplock roller with a new uplock roller, P/N 46575–1, having a low friction liner, on the shock strut of the MLG; per the alert service bulletin.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

Special Flight Permits

(e) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(f) The inspection of the uplock rollers and corrective actions shall be done per Bombardier DHC–8 Alert Service Bulletin A84–32–15, dated February 4, 2002. (The manufacturer's name is listed only on the first page of the document; no other page contains this information.) This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in Canadian airworthiness directive CF–2002–13, dated February 4, 2002.

Effective Date

(g) This amendment becomes effective on April 23, 2002.

Issued in Renton, Washington, on April 11, 2002.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–9391 Filed 4–17–02; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–NM–38–AD; Amendment 39–12714; AD 2002–08–06]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 777–200 and –300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Boeing Model 777–200 and –300 series airplanes. This action requires a one-time torque check (inspection) of the bolts that attach the pivot fittings to the horizontal stabilizer through the upper and lower titanium straps, to determine if the bolts are adequately torqued, and follow-on actions. This action is necessary to prevent failure of the pivot fittings, which could result in loss of control of the horizontal stabilizer and consequent loss of control of the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective May 3, 2002.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 3, 2002.

Comments for inclusion in the Rules Docket must be received on or before June 17, 2002.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2002–NM–38–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-iarcomment@faa.gov.* Comments sent via fax or the Internet must contain ''Docket No. 2002–NM–38–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from Boeing

Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: John Craycraft, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2782; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: The FAA has received a report of improperly torqued bolts that attach the pivot fittings to the horizontal stabilizer on certain Boeing Model 777–200 and –300 series airplanes. The improper torqueing occurred during production. Two pivot fittings attach the aft part of the horizontal stabilizer to the body structure. Two titanium straps attach the upper and lower surface of each pivot fitting to the upper and lower surface of the horizontal stabilizer. The straps are attached to the pivot fitting with eight bolts at each location. Insufficient bolt torque in multiple locations will cause the bolts to loosen and may cause failure of the pivot fittings. Such failure could result in loss of control of the horizontal stabilizer and consequent loss of control of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 777–55A0013, Revision 1, dated January 31, 2002, which describes procedures for a torque check (inspection) of the two aft rows of bolts which attach the pivot fittings to the horizontal stabilizer through the upper and lower titanium straps, to determine if the bolts are adequately torqued, and follow-on actions.

For Group 1 airplanes, the follow-on actions include removing the nut and measuring run-on torque if the torque value is between 300 inch-pounds and 1,550 inch-pounds measured on the nut side (1,705 inch-pounds measured on the head side). Replace any nut that does not meet the run-on torque requirements; if the torque values on one to three bolts in a joint are less than 300 inch-pounds, remove the bolts with those values. Do a visual inspection for indications of galling, fretting, and wear, and replace the bolt if discrepancies are found, then do an open-hole high frequency eddy current (HFEC) inspection for cracks; oversize the holes if cracks are found or the hole is not round; and install new oversize bolts. If the torque values of four or more bolts in a joint are less than 300 inch-pounds, remove all the bolts in the joint (maximum of four bolts at one time); and repeat the visual and HFEC inspections specified above.

For Group 2 airplanes, the follow-on actions include removing the nut and measuring run-on torque if the torque value on any bolt is between 400 inch-pounds and 2,100 inch-pounds measured on the nut side (2,310 inch-pounds measured on the head side). Replace any nut that does not meet the run-on torque requirements; if the torque values on one to three bolts in a joint are less than 400 inch-pounds, remove the bolts with those values. Do a visual inspection for indications of galling, fretting, and wear, and replace the bolt if any discrepancies are found, then do an open-hole HFEC inspection for cracks; oversize the holes if cracks are found or the hole is not round; and install new oversize bolts. If the torque values of four or more bolts in a joint are less than 400 inch-pounds, remove all the bolts in the joint (maximum of four bolts at one time); and repeat the visual and HFEC inspections specified above.

Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, this AD requires accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Differences Between This AD and Alert Service Bulletin

This AD differs from the referenced service bulletin in the following ways:

- The service bulletin recommends doing the torque check (inspection) ''within 90 days after the revision date of service bulletin,'' but this AD requires the inspection be done within 90 days after the effective date of the AD.
- The service bulletin specifies that the manufacturer may be contacted for disposition of certain repair conditions. This AD requires the repair of those conditions to be accomplished per a method approved by the FAA, or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle Aircraft Certification Office, to make such findings.
- In Steps 4. and 5. of the Work Instructions of the service bulletin, the procedure to verify that there is no less than the chamfer of the bolt and no more than three threads protruding through the nut (as specified in Steps 6.e. and 7.e. of the Work Instructions) was inadvertently omitted. Replacement of the bolts if more than three threads are protruding also was omitted from those steps in the service bulletin. This AD requires that check and replacement, if necessary, be done per Step 6.e. or 7.e. of the Work Instructions of the service bulletin.
- The service bulletin identifies the inspection described only as a ''visual inspection.'' For clarity, this AD refers to that inspection as a ''detailed inspection.'' Note 2 of this AD defines such an inspection.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the AD is being requested.
- Include justification (e.g., reasons or data) for each request.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2002–NM–38–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2002–08–06 Boeing: Amendment 39–12714. Docket 2002–NM–38–AD.

Applicability: Model 777–200 and –300 series airplanes as listed in Boeing Alert Service Bulletin 777–55A0013, Revision 1, dated January 31, 2002; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the pivot fittings of the horizontal stabilizer, which could result in loss of control of the horizontal stabilizer and consequent loss of control of the airplane, accomplish the following:

Torque Check (Inspection)

(a) Within 90 days after the effective date of this AD, do the following inspections of the aft bolts of the pivot fittings attached to the horizontal stabilizer per the Accomplishment Instructions of Boeing Alert Service Bulletin 777–55A0013, Revision 1, dated January 31, 2002:

(1) Do a torque check (inspection) to determine if the bolts are adequately torqued per the service bulletin.

(2) Do a detailed inspection of the bolt thread protrusion through the nut. Replace any bolt that has less than the chamfer of the bolt or more than three threads protruding through the nut per Steps 6.d. and 6.e. or Steps 7.d. and 7.e. of the Work Instructions of the service bulletin for Group 1 or Group 2 airplanes, as applicable.

Note 2: For the purposes of this AD, a detailed inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

Note 3: For Group 1 airplanes and Group 2 airplanes with WBnnn variable numbers (where nnn is any three digits); inspections and follow-on actions done before the effective date of this AD per Boeing Service Bulletin 777–55A0013, dated December 19, 2001, are considered acceptable for compliance with the corresponding actions specified in paragraph (a)(1) of this AD.

Follow-On Actions

(3) Do Steps 8. and 9. of the Work Instructions in Part B of the service bulletin if the torque value of all attachment bolts is found to be within the specified limits, then no further action is required by this AD.

(b) During the inspection required by paragraph (a)(1) of this AD, if the torque value of any attachment bolt is found to be less than or equal to the value specified in Step 4. of the Work Instructions of Boeing Alert Service Bulletin 777–55A0013, Revision 1, dated January 31, 2002: Before further flight, do all actions (includes removing the nut and measuring run-on torque; replacing any nut that does not meet the run-on torque requirements; a visual inspection for indications of galling, fretting, and wear; replacing the bolt if any discrepancies are found; and an open-hole high frequency eddy current (HFEC) inspection for cracks), as specified in and per Steps 5., 6., and 7., as applicable, of the Work Instructions of Boeing Alert Service Bulletin 777–55A0013, Revision 1, dated January 31, 2002, for Group 1 or Group 2 airplanes, as applicable.

(c) If any cracking is found during the HFEC inspection and the service bulletin specifies contacting Boeing for repair instructions: Before further flight, repair per a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

Reporting Requirement

(d) Within 10 days after doing the inspections required by paragraph (a) of this AD: Submit a report of the bolt torque values and run-on torque values of the nut, and/or any damaged areas found, to the FAA Certification Management Office—Boeing, ANM–108B, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; at the applicable time specified in paragraph (b)(1) or (b)(2) of this AD. Information collection requirements contained in this AD have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

Alternative Methods of Compliance

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle

ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

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

Incorporation by Reference

(g) Except as provided by paragraph (c) of this AD, the actions shall be done in accordance with Boeing Alert Service Bulletin 777–55A0013, Revision 1, dated January 31, 2002. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(h) This amendment becomes effective on May 3, 2002.

Issued in Renton, Washington, on April 11, 2002.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–9390 Filed 4–17–02; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. 02–ACE–3]

Amendment to Class E Airspace; Caruthersville, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends the Class E airspace area at Caruthersville, MO. The FAA has developed Area Navigation (RNAV) Global Positioning System (GPS) Runway (RWY) 36 ORIGINAL Standard Instrument Approach Procedure (SIAP), RNAV (GPS) RWY 18 ORIGINAL SIAP and VHF Omni-directional Range (VOR)/ Distance Measuring Equipment (DME) RWY 18 ORIGINAL SIAP to serve Caruthersville Memorial Airport, Caruthersville, MO. Additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAPs and for other Instrument Flight Rules (IFR) operations at this airport.

The intended effect of this rule is to provide controlled Class E airspace for aircraft executing the SIAPs and to segregate aircraft using instrument approach procedures in instrument conditions from aircraft operating in visual conditions.

DATES: This direct final rule is effective on 0901 UTC, October 3, 2002.

Comments for inclusion in the Rules Docket must be received on or before August 1, 2002.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Airspace Branch, Air Traffic Division, ACE–520, DOT Regional Headquarters Building, Federal Aviation Administration, Docket Number 02–ACE–3, 901 Locust, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Brenda Mumper, Air Traffic Division, Operations & Airspace Branch, ACE–520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2525.

SUPPLEMENTARY INFORMATION: The FAA has developed RNAV (GPS) RWY 36 ORIGINAL, RNAV (GPS) RWY 18 ORIGINAL and VOR/DME RWY 18 ORIGINAL SIAPs to serve Caruthersville Memorial Airport, Caruthersville, MO. The amendment to Class E airspace at Caruthersville, MO will provide additional controlled airspace at and above 700 feet AGL in order to contain the new SIAPs within controlled airspace, and thereby facilitate separation of aircraft opearting under Instrument Flight Rules (IFR). The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragarph 6005 of FAA Order 7400.9J, dated August 31, 2001, and effective September 16, 2001, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charges. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such as comment, a document withdrawing the direct final rule will be published in the **Federal Register,** and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date of comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the rule that might suggest a need to modify the rule. All comments

submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 02–ACE–3.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administratin amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9J Airspace Designations and Reporting Points, dated August 31, 2001, and effective September 16, 2001, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE MO E5 Caruthersville, MO [REVISED]

Caruthersville Memorial Airport, MO
(Lat. 36°10′30″N., long. 90°40′30″W.)
Malden VORTAC
(Lat. 36°33′18″N., long. 89°54′41″W.)
Dyersburg VORTAC
(Lat. 36°31′07″N., long. 89°19′03″W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Caruthersville Memorial Airport.

* * * * *

Issued in Kansas City, MO, on April 1, 2002.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 02–9406 Filed 4–17–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–AEA–25]

Establishment of Class E Airspace; EWT 4 Heliport, Honey Grove, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at EWT 4 Heliport, Honey Grove, PA. Development of Standard Instrument Approach Procedure (SIAP) based on the Global Positioning System (GPS), Helicopter Point in Space Approach at the EWT 4 Heliport, has made this action necessary. Controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain aircraft executing the approach to the EWT 4 Heliport.

EFFECTIVE DATE: 0901 UTC October 3, 2002.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Jordon, Airspace Specialist, Airspace Branch, AEA–520, Air Traffic Division, Eastern Region, Federal Aviation Administration, 1 Aviation Plaza, Jamaica, New York 11434–4809, telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

History

On September 28, 2001 a document proposing to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class E airspace extending upward from 700 feet Above Ground Level (AGL) for a Global Positioning System (GPS), Helicopter Point in Space approach to the EWT 4 Heliport, Honey Grove, PA, was published in the **Federal Register** (66 FR 49575–49576).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA on or before October 29, 2001. No comments to the proposal were received. The rule is adopted as proposed. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas designations for airspace extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9J, dated August 31, 2001 and effective September 16, 2001, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published in the Order.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) provides controlled Class E airspace extending upward from 700 feet above the surface for aircraft conducting Instrument Flight Rules (IFR) operations at the EWT 4 Heliport, Honey Grove, PA.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order a 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation it is certified that this rule will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporaton by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp. p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9J, Airspace Designations and Reporting Points, dated August 31, 2001, and effective September 16, 2001, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

AEA PA E5, Honey Grove, PA [NEW]

EWT 4 Heliport,
(Lat 40° 24′13″N.; long 77°33′24″W.)
Point in Space Coordinates
(Lat 40° 22′27″N.; long 77° 37′44″W.)

That airspace extending upward from 700 feet above the surface within a 6 mile radius of the point in space for the SIAP to the EWT 4 Heliport, Honey Grove, PA.

Issued in Jamaica, New York on April 8, 2002.

F.D. Hatfield,

Manager, Air Traffic Division, Eastern Region

[FR Doc. 02–9404 Filed 4–17–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 201, 206, 212, 216, 217, 218, 219, 220, 227, 228, 230, 241, and 243

RIN 1010–AC87

Technical Amendments

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rule.

SUMMARY: The MMS is updating its regulations to reflect changes in our organization name, system names, handbook titles, addresses, and regulatory cites as well as correcting miscellaneous clerical errors. We are also removing certain parts of the CFR relating to laws that have been repealed. These technical amendments will make MMS regulations more accurate and useful.

EFFECTIVE DATE: This rule is effective April 18, 2002.

FOR FURTHER INFORMATION CONTACT: Carol P. Shelby, Regulatory Specialist, Minerals Management Service, Minerals Revenue Management, P.O. Box 25165, MS 320B2, Denver, Colorado 80225–0165; telephone (303) 231–3151; FAX (303) 231–3385; e-mail *Carol.Shelby@mms.gov.*

SUPPLEMENTARY INFORMATION: This final rule contains technical amendments that will make MMS regulations more accurate and useful. The Department of the Interior finds good cause to issue this rule without notice and opportunity for public comment. Public comment is unnecessary because this rule contains technical amendments that relate to (1) agency administration and, thus, do not affect the regulated community or (2) regulations rendered null and void by subsequent legislation over which MMS has no control. For the same reasons, a 30-day period is not required between publication of the final rule and its effective date under 5 U.S.C. 553(d). All of the amendments in this rule are covered in the following seven categories:

Organization Name

In October 2000, the MMS Royalty Management Program was reorganized and renamed Minerals Revenue Management. To reflect this change, we have removed all references to the Royalty Management Program wherever it occurs in our regulations. The change in organization name necessarily affected the title of our Associate Director which we also corrected in this rule.

System Names

In October 2001, we implemented our reengineered financial and compliance computer system. To reflect this change, we have removed all references to our former computer systems—the Auditing and Financial System (AFS) and the Production Accounting and Auditing System (PAAS)—wherever they occur in our regulations.

Handbook Titles

In October 2001, we began using revised handbooks to reflect our reengineered reporting requirements. Thus, we revised references to previous handbook titles such as the Oil and Gas Payor Handbook, the PAAS Onshore Oil and Gas Reporter Handbook, and the PAAS Reporter Handbook—Lease, Facility/Measurement Point, and Gas Plant Operators wherever they occur in our regulations. We also replaced specific titles with the more generic terms, revenue reporter handbook and production reporter handbook, in order to minimize future regulatory revisions.

Addresses

On February 11, 2002, the Office of Hearings and Appeals moved their office location to a new street address in Arlington, Virginia. In part 241, we corrected the street address to read 801 North Quincy Street wherever necessary.

Regulatory Cites

Over a number of years, various sections, and paragraphs within sections, have been renumbered and often re-titled as our regulations were amended. Because regulatory amendments occur quite frequently, we have changed our cross-references to refer readers, in most cases, to specific parts rather than the sections or paragraphs within the parts. We believe this practice will minimize the need for future regulatory changes. For example, rather than refer the reader to 30 CFR 210.53, which may not exist after a pending revision becomes effective, we have generalized the cross-reference to read ''part 210 of this chapter.''

Miscellaneous Corrections

We are also taking this opportunity to make miscellaneous corrections such as the name of a subsequently amended law and certain spelling errors.

Regulations Repealed by Law

We removed part 230 because it pertains to refunds under Section 10 of the Outer Continental Shelf Lands Act (43 U.S.C. 1339). Section 10 was repealed by the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 (30 U.S.C 1732 note) effective August 13, 1996. Procedures for requesting Section 10 refunds before and after repeal are contained in chapter 6 of our revenue reporter handbook.

Procedural Matters

1. Summary Cost and Benefit Data

This is an MMS administrative action that imposes no monetary costs or benefits on industry, the Federal Government, State and local governments, or Indian tribes and allottees. The cost and benefit information in this Item 1 of Procedural Matters is used as the basis for the Departmental certifications in Items 2–12.

2. Regulatory Planning and Review (Executive Order 12866)

This document is not a significant rule and is not subject to review by the Office of Management and Budget under Executive Order 12866.

(1) This rule will not have an effect of $100 million or more on the economy.

It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

(3) This rule does not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients.

(4) This rule does not raise novel legal or policy issues.

3. Regulatory Flexibility Act

The Department of the Interior certifies that this document will not have a significant adverse effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

4. Small Business Regulatory Enforcement Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on the economy of $100 million or more.

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

5. Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

6. Takings (Executive Order 12630)

In accordance with Executive Order 12630, this rule does not have significant takings implications. This rule does not impose conditions or limitations on the use of any private property; consequently, a takings implication assessment is not required.

7. Federalism (Executive Order 13132)

In accordance with Executive Order 13132, this rule does not have Federalism implications. This rule does not substantially or directly affect the relationship between the Federal and State governments or impose costs on States or localities.

8. Civil Justice Reform (Executive Order 12988)

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

9. Paperwork Reduction Act of 1995

This rule does not contain any new or changed information collections, as defined by the Paperwork Reduction Act, that must be submitted to the Office of Management and Budget for approval.

10. National Environmental Policy Act

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 is not required.

11. Consultation and Coordination With Indian Tribal Governments

In accordance with Executive Order 13175, this rule does not have tribal implications that impose substantial direct compliance costs on Indian tribal governments.

12. Energy Effects

Under Executive Order 13211, this rule is not a significant regulatory action and will not have a significant adverse effect on energy supply, distribution, or use. A Statement of Energy Effects is not necessary.

List of Subjects

30 CFR Part 201

Coal, Continental Shelf, Geothermal energy, Government contracts, Indian lands, Mineral royalties, Natural gas, Petroleum, Public lands—mineral resources.

30 CFR Part 206

Coal, Continental Shelf, Geothermal energy, Government contracts, Indian lands, Mineral royalties, Natural gas, Petroleum, Public lands—mineral resources, Reporting and recordkeeping requirements.

30 CFR Part 212

Coal, Continental Shelf, Geothermal energy, Government contracts, Indian lands, Mineral royalties, Natural gas, Petroleum, Public lands—mineral resources, Reporting and recordkeeping requirements.

30 CFR Part 216

Coal, Continental Shelf, Geothermal energy, Government contracts, Indian lands, Mineral royalties, Natural gas, Penalties, Petroleum, Public lands—mineral resources, Reporting and recordkeeping requirements.

30 CFR Part 217

Coal, Continental Shelf, Geothermal energy, Government contracts, Indian lands, Mineral royalties, Natural gas, Petroleum, Public lands—mineral resources, Reporting and recordkeeping requirements.

30 CFR Part 218

Coal, Continental Shelf, Electronic funds transfers, Geothermal energy, Government contracts, Indian lands, Mineral royalties, Natural gas, Penalties, Petroleum, Public lands—mineral resources, Reporting and recordkeeping requirements.

30 CFR Part 219

Coal, Continental Shelf, Electronic funds transfers, Geothermal energy, Government contracts, Indian lands, Mineral royalties, Natural gas, Petroleum, Public lands—mineral resources, Reporting and recordkeeping requirements.

30 CFR Part 220

Coal, Continental Shelf, Geothermal energy, Government contracts, Mineral royalties, Natural gas, Petroleum, Public lands—mineral resources, Reporting and recordkeeping requirements.

30 CFR Part 227

Coal, Continental Shelf, Geothermal energy, Government contracts, Mineral royalties, Natural gas, Petroleum, Public lands—mineral resources, Reporting and recordkeeping requirements.

30 CFR Part 228

Coal, Continental Shelf, Geothermal energy, Government contracts, Indian lands, Mineral royalties, Natural gas, Penalties, Petroleum, Public lands—mineral resources, Reporting and recordkeeping requirements.

30 CFR Part 230

Coal, Continental Shelf, Electronic funds transfers, Geothermal energy, Government contracts, Indian lands, Mineral royalties, Natural gas, Penalties, Petroleum, Public lands—mineral resources, Reporting and recordkeeping requirements.

30 CFR Part 241

Coal, Continental Shelf, Geothermal energy, Government contracts, Indian lands, Mineral royalties, Natural gas,

Penalties, Petroleum, Public lands—mineral resources, Reporting and recordkeeping requirements.

30 CFR Part 243

Coal, Continental Shelf, Geothermal energy, Government contracts, Indian lands, Mineral royalties, Natural gas, Petroleum, Public lands—mineral resources.

Dated: March 26, 2002.

Rebecca W. Watson,

Assistant Secretary for Land and Minerals Management.

For reasons stated in the preamble, MMS amends 30 CFR parts 201, 206, 212, 216, 217, 218, 219, 220, 227, 228, 230, 241, and 243, as follows:

PART 201—GENERAL

1. The authority citation for part 201 continues to read as follows:

Authority: The Act of February 25, 1920 (30 U.S.C. 181, *et seq.*), as amended; the Act of May 21, 1930 (30 U.S.C. 301–306); the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351–359), as amended; the Act of March 3, 1909 (25 U.S.C. 396), as amended; the National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*) as amended; the Act of May 11, 1938 (25 U.S.C. 396a-396q), as amended; the Act of February 28, 1891 (25 U.S.C. 397), as amended; the Act of May 29, 1924 (25 U.S.C. 398); the Act of March 3, 1927 (25 U.S.C. 398a-398e); the Act of June 30, 1919 (25 U.S.C. 399), as amended; R.S. § 441 (43 U.S.C. 1457), see also Attorney General's Opinion of April 2, 1941 (40 Op. Atty. Gen. 41); the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471, *et seq.*), as amended; the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), as amended; the Act of December 12, 1980 (Pub. L. 96–514, 94 Stat. 2964); the Combined Hydrocarbon Leasing Act of 1981 (Pub. L. 97–78, 95 Stat. 1070); the Outer Continental Shelf Lands Act (43 U.S.C. 1331, *et seq.*), as amended; section 2 of Reorganization Plan No. 3 of 1950 (64 stat. 1262); Secretarial Order No. 3071 of January 19, 1982, as amended; and Secretarial Order 3087, as amended.

§ 201.100 [Amended]

2. In § 201.100, in the section heading, remove the word ''Royalty'' and add in its place ''Minerals Revenue.''

PART 206—PRODUCT VALUATION

3. The authority citation for part 206 continues to read as follows:

Authority: 5 U.S.C. 301 *et seq.*, 25 U.S.C. 396 *et seq.*, 396a *et seq.*, 2101 *et seq.*; 30 U.S.C. 181 *et seq.*, 351 *et seq.*, 1001 *et seq.*, 1701 *et seq.*; 31 U.S.C. 9701; 43 U.S.C. 1301 *et seq.*, 1331 *et seq.*, and 1801 *et seq.*

§ 206.52 [Amended]

4. In § 206.52, paragraph (e)(2), second sentence, remove the word ''Royalty'' and add in its place ''Minerals Revenue.''

§ 206.103 [Amended]

5. In § 206.103, paragraph (b)(2)(iii), remove the words '' 'Oil and Gas Payor Handbook' '' and add in its place ''revenue reporter handbook.''

§ 206.152 [Amended]

6. In § 206.152, paragraph (e)(3), second sentence, remove the word ''Royalty'' and add in its place ''Minerals Revenue.''

§ 206.153 [Amended]

7. In § 206.153, paragraph (e)(3), second sentence, remove the word ''Royalty'' and add in its place ''Minerals Revenue.''

§ 206.250 [Amended]

8. In § 206.250, paragraph (c), remove the word ''Mineral'' and add in its place ''Minerals.''

§ 206.352 [Amended]

9. In § 206.352, paragraph (e)(3), second sentence, remove the word ''Royalty'' and add in its place ''Minerals Revenue.''

§ 206.355 [Amended]

10. In § 206.355, paragraph (e)(3), second sentence, remove the word ''Royalty'' and add in its place ''Minerals Revenue.''

§ 206.356 [Amended]

11. In § 206.356, paragraph (d)(3), second sentence, remove the word ''Royalty'' and add in its place ''Minerals Revenue.''

PART 212—RECORDS AND FILES MAINTENANCE

12. The authority citation for part 212 is revised to read as follows:

Authority: 5 U.S.C. 301 *et seq.*; 25 U.S.C. 396 *et seq.*, 396a *et seq.*, 2101 *et seq.*; 30 U.S.C. 181 *et seq.*, 351 *et seq.*, 1001 *et seq.*, 1701 *et seq.*; 31 U.S.C. 9701; 43 U.S.C. 1301 *et seq.*, 1331 *et seq.*, and 1801 *et seq.*

§ 212.51 [Amended]

13. In § 212.51, paragraph (a), last sentence, remove the words ''for use in its Auditing and Financial System (AFS) and Production Accounting and Auditing System (PAAS).''

§ 212.351 [Amended]

14. Amend § 212.351 as follows:

a. In paragraph (a), last sentence, remove the words ''for use in its AFS and Production Accounting and Auditing System.''

b. In paragraph (c), first sentence, remove the word ''Royalty'' and add in its place ''Minerals Revenue.''

PART 216—PRODUCTION ACCOUNTING

15. The authority citation for part 216 continues to read as follows:

Authority: 5 U.S.C. 301 *et seq.*; 25 U.S.C. 396, 2107; 30 U.S.C. 189, 190, 359, 1023, 1751(a); 31 U.S.C. 3716, 9701; 43 U.S.C. 1334, 1801 *et seq.*; and 44 U.S.C. 3506(a).

§ 216.6 [Amended]

16. Amend § 216.6 as follows:

a. In the definition of ''Associate Director,'' remove the word ''Royalty'' and add in its place ''Minerals Revenue.''

b. Remove the definition of ''MMS/RMP.''

c. Remove the definition of ''Production Accounting and Auditing System (PAAS).''

d. In the definition of ''reporter,'' remove the word ''PAAS'' and add in its place ''production.''

§ 216.15 [Amended]

17. Amend § 216.15 as follows:

a. In paragraph (a), first sentence, remove the words ''a 'PAAS Reporter Handbook' and a 'PAAS Onshore Oil and Gas Reporter Handbook,' '' and add in their place ''the production reporter handbook.''

b. In paragraph (a), second sentence, remove the words ''Reporter Handbooks are'' and add in their place ''reporter handbook is.'' Also remove the words ''Royalty Management Program'' and add in their place ''Minerals Revenue Management.''

c. In paragraph (b), first sentence, remove the words ''these handbooks'' and add in their place ''the handbook.''

d. In paragraph (b), last sentence, remove the word ''handbooks'' and add in its place ''handbook.''

§ 216.16 [Amended]

18. Amend § 216.16 as follows:

a. In paragraph (a), remove the word ''Mineral'' and add in its place ''Minerals.'' Also, remove the words ''Royalty Management Program'' and add in their place ''Minerals Revenue Management.''

b. In paragraph (b), remove the words ''Royalty Management Program'' and add in their place ''Minerals Revenue Management.''

§ 216.21 [Amended]

19. In § 216.21, second sentence, remove the words ''Production Accounting and Auditing System Reporters Handbook'' and add in their place ''production reporter handbook.''

§ 216.30 [Amended]

20. In § 216.30, last sentence, remove the year ''1980'' and add in its place the year ''1995.''

PART 217—AUDITS AND INSPECTIONS

21. The authority citation for part 217 continues to read as follows:

Authority: 35 Stat. 312, 35 Stat. 781, as amended; secs. 32, 6, 26, 41 Stat. 450, 753, 1248; secs. 1, 2, 3, 44 Stat 301, as amended; secs. 6, 3, 44 Stat. 659, 710; secs. 1, 2, 3, 44 Stat. 1057; 47 Stat. 1487; 49 Stat. 1482, 1250, 1967, 2026; 52 Stat. 347; sec. 10, 53 Stat. 1196, as amended; 56 Stat. 273; sec. 10, 61 Stat. 915; sec. 3, 63 Stat. 683; 64 Stat. 311; 25 U.S.C. 396, 396a–f, 30 U.S.C. 189, 271, 281, 293, 359. Interpret or apply secs. 5, 5, 44 Stat. 302, 1058, as amended; 58 Stat. 483–485; 5 U.S.C. 301, 16 U.S.C. 508b, 30 U.S.C. 189, 192c, 271, 281, 293, 359, 43 U.S.C. 387, unless otherwise noted.

§ 217.200 [Amended]

22. In § 217.200, in the first, third and last sentences, remove the word ''Royalty'' and add in its place ''Minerals Revenue.''

PART 218—COLLECTION OF ROYALTIES, RENTALS, BONUSES AND OTHER MONIES DUE THE FEDERAL GOVERNMENT

23. The authority citation for part 218 continues to read as follows:

Authority: 25 U.S.C. 396 *et seq.*, 396a *et seq.*, 2101 *et seq.*; 30 U.S.C. 181 *et seq.*, 351 *et seq.*, 1001 *et seq.*, 1701 *et seq.*; 31 U.S.C.A. 3335; 43 U.S.C. 1301 *et seq.*, 1331 *et seq.*, 1801 *et seq.*

§ 218.51 [Amended]

24. Amend § 218.51 as follows:

a. In paragraph (g)(1), first sentence, remove the cross-reference ''30 CFR 243.2, Suspensions of orders or decisions pending appeal,'' and add in its place ''part 243 of this chapter.''

b. In paragraph (h)(2), remove the cross-reference ''30 CFR 241.20 and 241.51'' and add in its place ''part 241 of this chapter.''

§ 218.53 [Amended]

25. Amend § 218.53 as follows:

a. In paragraph (b), second sentence, remove the words '''Oil and Gas Payor Handbook,''' and add in their place ''revenue reporter handbook.''

b. In paragraph (b), third sentence, remove the cross-reference ''30 CFR 210.53'' and add in its place ''part 210 of this chapter.''

§ 218.102 [Amended]

26. In § 218.102, paragraph (b), first sentence, remove the paragraph designations ''(f)(1) and (f)(2)'' after the cross-reference ''§ 218.51.''

§ 218.150 [Amended]

27. In § 218.150, paragraph (c), first sentence, remove the paragraph designations ''(f)(1) and (f)(2)'' after the cross-reference ''§ 218.51.''

§ 218.151 [Amended]

28. In § 218.151, paragraph (c), second sentence, remove the word ''segreation'' and add in its place ''segregation.''

§ 218.155 [Amended]

29. Amend § 218.155 as follows:

a. In paragraph (a), first sentence, remove the words ''of this part'' after the cross-reference ''§ 218.51.''

b. In paragraph (d)(3), remove the paragraph designations ''(f)(1) and (f)(2)'' after the cross-reference ''§ 218.51.''

§ 218.202 [Amended]

30. In § 218.202, paragraph (b), first sentence, remove the paragraph designations ''(f)(1) and (f)(2)'' after the cross-reference ''218.51'' and add a section symbol before ''218.51.''

§ 218.302 [Amended]

31. In § 218.302, paragraph (b), first sentence, remove the paragraph designations ''(f)(1) and (f)(2)'' after the cross-reference ''§ 218.51.''

PART 219—DISTRIBUTION AND DISBURSEMENT OF ROYALTIES, RENTALS, AND BONUSES

32. The authority citation for part 219 continues to read as follows:

Authority: Section 104, Pub. L. 97–451, 96 Stat. 2451 (30 U.S.C. 1714).

§ 219.102 [Amended]

33. In § 219.102, last sentence, remove the words ''Royalty Management Program'' and add in their place ''Minerals Revenue Management.''

PART 220—ACCOUNTING PROCEDURES FOR DETERMINING NET PROFIT SHARE PAYMENT FOR OUTER CONTINENTAL SHELF OIL AND GAS LEASES

34. The authority citation for part 220 continues to read as follows:

Authority: Sec. 205, Pub. L. 95–372, 92 Stat. 643 (43 U.S.C. 1337).

§ 220.011 [Amended]

35. In § 220.011, paragraph (c)(1), first sentence, remove the word ''furnish'' and add in its place ''furnished.''

PART 227—DELEGATION TO STATES

36. The authority citation for part 227 continues to read as follows:

Authority: 30 U.S.C. 1735, 30 U.S.C. 196; Pub. L. 102–154.

§ 227.103 [Amended]

37. In § 227.103, first sentence, remove the word ''Royalty'' and add in its place ''Minerals Revenue.''

§ 227.110 [Amended]

38. In § 227.110, paragraph (b), second sentence, and paragraph (e), remove the word ''Royalty'' and add in its place ''Minerals Revenue.''

§ 227.401 [Amended]

39. In § 227.401, paragraph (f), remove the words ''the PAAS Onshore Oil and Gas Reporter Handbook, the PAAS Reporter Handbook-Lease, Facility/Measurement Point, and Gas Plant Operators'' and add in their place ''the production reporter handbook.''

§ 227.501 [Amended]

40. In § 227.501, paragraph (c), remove the words ''into the Auditing and Financial System (AFS) and the Production Accounting and Auditing System (PAAS).''

PART 228—COOPERATIVE ACTIVITIES WITH STATES AND INDIAN TRIBES

41. The authority citation for part 228 continues to read as follows:

Authority: Sec. 202, Pub. L. 97–451, 96 Stat. 2457 (30 U.S.C. 1732).

§ 228.6 [Amended]

42. In § 228.6, in the definition of ''audit,'' last sentence, remove the words ''the Auditing and Financial System and the Production Accounting and Auditing System.''

PART 230—RECOUPMENTS AND REFUNDS [Removed and Reserved]

43. Remove and reserve Part 230—Recoupments and Refunds.

PART 241—PENALTIES

44. The authority citation for part 241 is revised to read as follows:

Authority: 25 U.S.C. 396 *et seq.*, 396a *et seq.*, 2101 *et seq.*; 30 U.S.C. 181 *et seq.*, 351 *et seq.*, 1001 *et seq.*, 1701 *et seq.*; 43 U.S.C. 1301 *et seq.*, 1331 *et seq.*, 1801 *et seq.*

§ 241.54 [Amended]

45. In § 241.54, first sentence, remove the words ''4015 Wilson Boulevard,'' and add in their place ''801 North Quincy Street.''

§ 241.56 [Amended]

46. In § 241.56, paragraph (b), remove the words ''4015 Wilson Boulevard,'' and add in their place ''801 North Quincy Street.''

§ 241.62 [Amended]

47. In § 241.62, first sentence, remove the words ''4015 Wilson Boulevard,'' and add in their place ''801 North Quincy Street.''

§ 241.64 [Amended]

48. In § 241.64, paragraph (b), remove the words ''4015 Wilson Boulevard,'' and add in their place ''801 North Quincy Street.''

PART 243—SUSPENSIONS PENDING APPEAL AND BONDING— MINERALS REVENUE MANAGEMENT

49. The authority citation for part 243 continues to read as follows:

Authority: 5 U.S.C. 301 *et seq.*; 25 U.S.C. 396 *et seq.*, 396a *et seq.*, 2101 *et seq.*; 30 U.S.C. 181 *et seq.*, 351 *et seq.*, 1001 *et seq.*, 1701 *et seq.*; 31 U.S.C. 9701; 43 U.S.C. 1301 *et seq.*, 1331 *et seq.*, and 1801 *et seq.*

50. Revise the heading of part 243 to read as set forth above.

§ 243.3 [Amended]

51. In § 243.3, in the definition of ''MMS bond-approving officer,'' remove the word ''Royalty'' and add in its place ''Minerals Revenue.''

[FR Doc. 02–9242 Filed 4–17–02; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–02–007]

Drawbridge Operating Regulation; Bayou Boeuf, LA

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation in 33 CFR 117 governing the operation of the Burlington Northern Santa Fe Railway railroad swing span drawbridge across Bayou Boeuf, mile 10.2, near Amelia, Louisiana. This deviation allows the Burlington Northern Santa Fe Railway to close the bridge to navigation from 6 a.m. until 7 p.m. daily from April 29, 2002 through May 31, 2002. During this period, the bridge will be opened in intervals of up to four-hours to pass any vessels that may be waiting for an opening. Presently, the draw is required to open on signal. This temporary deviation will allow for the replacement of the balance rail on the pivot pier.

DATES: This deviation is effective from 6 a.m. on Monday, April 29, 2002 until 7 p.m. on Friday, May 31, 2002.

ADDRESSES: Unless otherwise indicated, documents referred to in this notice are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Commander (obc), 501 Magazine Street, New Orleans, Louisiana, 70130–3396. The Bridge Administration Branch maintains the public docket for this temporary deviation.

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

SUPPLEMENTARY INFORMATION: The Burlington Northern Santa Fe Railway railroad swing span drawbridge across Bayou Boeuf, mile 10.2, near Amelia, Louisiana, has a vertical clearance in the closed-to-navigation position of 6 feet above high water and unlimited clearance in the open-to-navigation position. Navigation on the waterway consists of small tugs with tows, fishing vessels, and recreational craft. Presently, the draw opens on signal.

The Burlington Northern Santa Fe Railway requested a temporary deviation for the operation of the drawbridge to accommodate maintenance work. The work involves removing and replacing the balance rail on the pivot pier. This work is essential for continued operation of the draw span of the bridge.

This deviation allows the draw of the Burlington Northern Santa Fe Railway railroad swing span drawbridge across Bayou Boeuf, mile 10.2, near Amelia, Louisiana, to remain closed to navigation from 6 a.m. until 7 p.m. daily from April 29, 2002 through May 31, 2002. During this period, the bridge will be opened in intervals of up to four-hours to pass any vessels that may be waiting for an opening.

Dated: April 5, 2002.

Roy J. Casto,

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

[FR Doc. 02–9411 Filed 4–17–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–02–008]

Drawbridge Operating Regulation; Bayou Boeuf, LA

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation in 33 CFR 117 governing the operation of the Burlington Northern Santa Fe Railway railroad swing span drawbridge across Bayou Boeuf, mile 10.2, near Amelia, Louisiana. This deviation allows the Burlington Northern Santa Fe Railway to close the bridge to navigation from 8 a.m. until 2 p.m., from 4 p.m. until 10 p.m. and from midnight until 6 a.m. daily from June 3, 2002 through June 10, 2002. Presently, the draw is required to open on signal. This temporary deviation will allow for the replacement of the pinion gear and segment rack.

DATES: This deviation is effective from 8 a.m. on Monday, June 3, 2002 until 10 p.m. on Monday, June 10, 2002.

ADDRESSES: Unless otherwise indicated, documents referred to in this notice are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Commander (obc), 501 Magazine Street, New Orleans, Louisiana, 70130–3396. The Bridge Administration Branch maintains the public docket for this temporary deviation.

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

SUPPLEMENTARY INFORMATION: The Burlington Northern Santa Fe Railway railroad swing span drawbridge across Bayou Boeuf, mile 10.2, near Amelia, Louisiana, has a vertical clearance in the closed-to-navigation position of 6 feet above high water and unlimited clearance in the open-to-navigation position. Navigation on the waterway consists of small tugs with tows, fishing vessels, and recreational craft. Presently, the draw opens on signal.

The Burlington Northern Santa Fe Railway requested a temporary deviation for the operation of the drawbridge to accommodate maintenance work. The work involves removing and replacing the pinion gear, removing the segment rack, resurfacing the segment area and anchoring a new

segment rack to the pier. This work is essential for continued operation of the draw span of the bridge.

This deviation allows the draw of the Burlington Northern Santa Fe Railway railroad swing span drawbridge across Bayou Boeuf, mile 10.2, near Amelia, Louisiana, to remain closed to navigation from 8 a.m. until 2 p.m., from 4 p.m. until 10 p.m. and from midnight until 6 a.m. daily from June 3, 2002 through June 10, 2002.

Dated: April 5, 2002.

Roy J. Casto,

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

[FR Doc. 02–9412 Filed 4–17–02; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301228; FRL–6829–9]

RIN 2070–AB78

Fenhexamid; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of fenhexamid in or on caneberry subgroup, bushberry subgroup, juneberry, lingonberry, salal, and pistachio. The Interregional Research Project Number 4 (IR-4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

DATES: This regulation is effective April 18, 2002. Objections and requests for hearings, identified by docket control number OPP–301228, must be received on or before June 17, 2002.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301228 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Shaja R. Brothers, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW.,Washington, DC 20460; telephone number: (703) 308–3194; e-mail address: brothers.shaja@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–301228. 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 February 8, 2002 (67 FR 6028) (FRL–6821–2), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170), announcing the filing of pesticide petitions (PP 1E6339, 1E6341, and 1E6343) by IR-4, 681 US Highway #1 South, North Brunswick, NJ 08902–3390. This notice included a summary of the petitions prepared by Tomen Agro, Incorporated, the registrant. There were no comments received in response to the notice of filing.

The petitions requested that 40 CFR 180.553 be amended by establishing tolerances for residues of the fungicide fenhexamid, (N-2,3-dichloro-4-hydroxyphenyl)-1-methyl cyclohexanecarboxamide), in or on food commodities as follows:

1. PP 1E6339 proposed a tolerance for caneberry (corrected to read caneberry subgroup) at 20 part per million (ppm),
2. PP 1E6341 proposed tolerances for bushberry (corrected to read bushberry subgroup) at 5.0 ppm, juneberry at 5.0 ppm, longanberry (corrected to read lingonberry) at 5.0 ppm, and salal at 5.0 ppm, and
3. PP 1E6343 proposed a tolerance for pistachio at 0.02 ppm.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish 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(b)(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....''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of these actions. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for tolerances for residues of fenhexamid on caneberry subgroup at 20 ppm, bushberry subgroup at 5.0 ppm, juneberry at 5.0 ppm, lingonberry at 5.0 ppm, salal at 5.0 ppm, and pistachio at 0.02 ppm. EPA's assessment of exposures and risks associated with establishing these tolerances follow.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies 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. The nature of the toxic effects caused by fenhexamid are discussed in Unit II.A. of the Final Rule on Fenhexamid Pestcide Tolerance published in the **Federal Register** of April 13, 2000 (65 FR 19842) (FRL–6553–7).

B. Toxicological Endpoints

The dose at which no adverse effects are observed (the NOAEL) from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10X to account for interspecies differences and 10X for intra species differences.

For dietary risk assessment (other than cancer) the Agency uses the UF to calculate an acute or chronic reference dose (acute RfD or chronic RfD) where the RfD is equal to the NOAEL divided by the appropriate UF (RfD = NOAEL/UF). Where an additional safety factor is retained due to concerns unique to the FQPA, this additional factor is applied to the RfD by dividing the RfD by such additional factor. The acute or chronic Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of FQPA Safety Factor.

For non-dietary risk assessments (other than cancer) the UF is used to determine the LOC. For example, when 100 is the appropriate UF (10X to account for interspecies differences and 10X for intraspecies differences) the LOC is 100. To estimate risk, a ratio of the NOAEL to exposures (margin of exposure (MOE) = NOAEL/exposure) is calculated and compared to the LOC.

The linear default risk methodology (Q*) is the primary method currently used by the Agency to quantify carcinogenic risk. The Q* approach assumes that any amount of exposure will lead to some degree of cancer risk. A Q* is calculated and used to estimate risk which represents a probability of occurrence of additional cancer cases (e.g., risk is expressed as 1×10^{-6} or one in a million). Under certain specific circumstances, MOE calculations will be used for the carcinogenic risk assessment. In this non-linear approach, a ''point of departure'' is identified below which carcinogenic effects are not expected. The point of departure is typically a NOAEL based on an endpoint related to cancer effects though it may be a different value derived from the dose response curve. To estimate risk, a ratio of the point of departure to exposure (MOE_{cancer} = point of departure/exposures) is calculated. A summary of the toxicological endpoints for fenhexamid used for human risk assessment is shown in the following Table 1:

TABLE 1.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR FENHEXAMID FOR USE IN HUMAN RISK ASSESSMENT

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA SF* and Level of Concern for Risk Assessment	Study and Toxicological Effects
Acute Dietary	None	Not Applicable	Available studies do not indicate the possibility of an acute effect as a result of a one-day or single exposure.
Chronic Dietary all populations	NOAEL= 17 mg/kg/day UF = 100 ..... Chronic RfD = 0.17 mg/kg/day.	FQPA SF = 3X ..... cPAD = chronic RfD/FQPA SF = 0.057 mg/kg/day.	Dog-1 Year Feeding Study NOAEL = 17 mg/kg/day based on decreased RBC count, hemoglobin and hematocrit and increased Heinz bodies in males and females; increased adrenal weights and intracytoplasmic vacuoles in adrenal cortex in females.
Short-Term Dermal (1 to 7 days)	dermal study NOAEL= 1,000 mg/kg/day (HDT) (dermal) absorption rate = 20%).	LOC for MOE = 100 (Dermal)	Rabbit - 21 Day Dermal LOAEL = 1,500 mg/kg/day based on decreased body weight gain and food consumption. NOAEL= 500 mg/kg/day (dermal equivalent dose).

TABLE 1.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR FENHEXAMID FOR USE IN HUMAN RISK ASSESSMENT—Continued

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA SF* and Level of Concern for Risk Assessment	Study and Toxicological Effects
Intermediate-Term Dermal (1 week to several months) (Residential)	dermal study NOAEL = 1,000 mg/kg/day HDT (dermal) absorption rate = 20%).	LOC for MOE = 100 (Dermal)	Rabbit- 21 Day Dermal LOAEL = 1,500 mg/kg/day based on decreased body weight gain and food consumption. NOAEL= 500 mg/kg/day (dermal equivalent dose).
Long-Term Dermal (several months to lifetime)	None	Not Applicable	None. The use pattern does not indicate a potential long-term dermal exposure. This risk assessment was not performed.
Cancer (oral, dermal, inhalation)	None	Not Applicable	Fenhexamid is classified as a not likely human carcinogen based on the lack of evidence of carcinogenicity in mice and rats and the lack of genotoxicity in a battery of mutagenicity studies.

*The reference to the FQPA Safety Factor refers to any additional safety factor retained due to concerns unique to the FQPA.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* Tolerances have been established (40 CFR 180.553) for the residues of fenhexamid, in or on the following raw agricultural commodities: almond, hull at 2.0 ppm; almond, nutmeat at 0.02 ppm; grapes at 4.0 ppm; plum (fresh prune) at 0.5 ppm; prune, dried at 1.0 ppm; raisins at 6.0 ppm; stone fruit, except plum (fresh prune) at 6.0 ppm; and strawberries at 3.0 ppm. A time-limited tolerance has been established for pears at 15 ppm. The tolerance will expire on December 31, 2002. Risk assessments were conducted by EPA to assess dietary exposures from fenhexamid in food as follows:

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. An acute risk assessment was not performed. No toxicological endpoint attributable to a single (acute) dietary exposure was identified.

ii. *Chronic exposure.*In conducting this chronic dietary risk assessment the Dietary Exposure Evaluation Model (DEEM®) analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the chronic exposure assessments: A Tier 1 (assumptions: tolerance level residues and 100% crop treated) chronic dietary exposure analysis was performed using the DEEM®. The analysis incorporated all the current, pending, and proposed tolerances for fenhexamid. Percent of crop treated and anticipated residues were not used for this assessment.

iii. *Cancer.* Fenhexamid has been classified as a not likely human carcinogen.

2. *Dietary exposure from drinking water.* The Agency lacks sufficient monitoring exposure data to complete a comprehensive dietary exposure analysis and risk assessment for fenhexamid in drinking water. Because the Agency does not have comprehensive monitoring data, drinking water concentration estimates are made by reliance on simulation or modeling taking into account data on the physical characteristics of fenhexamid.

The Agency uses the First Index Reservoir Screening Tool (FIRST) or the Pesticide Root Zone/Exposure Analysis Modeling System (PRZM/EXAMS), to produce estimates of pesticide concentrations in an index reservoir. The screening concentrtion in groundwater (SCI-GROW) model is used to predict pesticide concentrations in shallow groundwater. For a screening-level assessment for surface water EPA will use FIRST (a tier 1 model) before using PRZM/EXAMS (a tier 2 model). The FIRST model is a subset of the PRZM/EXAMS model that uses a specific high-end runoff scenario for pesticides. While both FIRST and PRZM/EXAMS incorporate an index reservoir environment, the PRZM/EXAMS model includes a percent crop area factor as an adjustment to account for the maximum percent crop coverage within a watershed or drainage basin.

None of these models include consideration of the impact processing (mixing, dilution, or treatment) of raw water for distribution as drinking water would likely have on the removal of pesticides from the source water. The primary use of these models by the Agency at this stage is to provide a coarse screen for sorting out pesticides for which it is highly unlikely that drinking water concentrations would ever exceed human health levels of concern.

Since the models used are considered to be screening tools in the risk assessment process, the Agency does not use estimated environmental concentrations (EECs) from these models to quantify drinking water exposure and risk as a %RfD or %PAD. Instead, drinking water levels of comparison (DWLOCs) are calculated and used as a point of comparison against the model estimates of a pesticide's concentration in water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, and from residential uses. Since DWLOCs address total aggregate exposure to fenhexamid they are further discussed in the aggregate risk sections in Unit III.E.

In soil, fenhexamid is relatively immobile and non-persistent. Fenhexamid is not expected to be a ground water contaminant, but has some potential to reach surface water on eroded soil particles. In surface water, fenhexamid would be expected to photodegrade rapidly.

Based on the FIRST and SCI-GROW models the estimated environmental concentrations (EECs) of fenhexamid for

acute and chronic surface water exposures are estimated to be 28.7 parts per billion (ppb) and 1.14 ppb, respectively. The EECs for acute and chronic ground water exposure is estimated to be 0.0007 ppb.

3. *From non-dietary exposure*. The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Fenhexamid is not registered for use on any sites that would result in residential exposure.

4. *Cumulative exposure to substances with a common mechanism of toxicity*. Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, 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 does not have, at this time, available data to determine whether fenhexamid has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, fenhexamid does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that fenhexamid has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Safety Factor for Infants and Children

1. *In general*. FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base on toxicity and exposure unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans.

2. *Prenatal and postnatal sensitivity*. The toxicology data base is complete for the assessment of the effects of fenhexamid following *in utero* and/or postnatal exposure. There is no indication of increased susceptibility to *in utero* exposure in the prenatal developmental toxicity studies with fenhexamid. In the prenatal developmental toxicity study in rats, no evidence of developmental toxicity was seen even at the highest dose tested. In the prenatal developmental toxicity study in rabbits, developmental toxicity was seen only in the presence of maternal toxicity. In the two-generation reproduction study in rats, quantitatively (i.e., based on NOAELs/LOAELs in parental animals versus offspring), there was no evidence of increased susceptibility of the pups. Qualitatively, however, there was evidence of increased susceptibility based on the comparative severity of effects at the LOAEL (406 mg/kg/day): Parental toxicity was characterized as alterations in clinical chemistry parameters and decreased organ weights without collaborative histopathology; while offspring toxicity was manifested as significantly decreased pup body weights in both generations during the lactation period (on lactation days 7, 14, and 21 in the F_2 generation and lactation days 14 and 21 in the F_1 generation offspring).

3. *Conclusion*. There is a complete toxicity data base for fenhexamid and exposure data are complete or are estimated based on data that reasonably accounts for potential exposures. EPA determined that the 10X safety factor to protect infants and children should be reduced to 3X. The 3X safety factor is appropriate for the chronic dietary assessment and is applicable to all populations, which includes infants and children. The FQPA factor is reduced because:

i. The increased susceptibility demonstrated in the two-generation reproduction study was only qualitative (not quantitative) evidence and was observed only in the presence of parental toxicity.

ii. The qualitative offspring effect was limited to decreased body weight and no other adverse effects (e.g., decreased pup survival, behavioral alterations, etc) were observed.

iii. The toxicology data base is complete for the assessment of the effects of fenhexamid following *in utero* and/or postnatal exposure.

iv. There is no indication of increased susceptibility of rat or rabbit fetuses to *in utero* exposure in the prenatal developmental toxicity studies with fenhexamid.

v. Adequate data are available or conservative modeling assumptions are used to assess dietary food and drinking water exposure.

vi. There are currently no residential uses for fenhexamid.

E. Aggregate Risks and Determination of Safety

To estimate total aggregate exposure to a pesticide from food, drinking water, and residential uses, the Agency calculates DWLOCs which are used as a point of comparison against the model estimates of a pesticide's concentration in water (EECs). DWLOC values are not regulatory standards for drinking water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food and residential uses. In calculating a DWLOC, the Agency determines how much of the acceptable exposure (i.e., the PAD) is available for exposure through drinking water [e.g., allowable chronic water exposure (mg/kg/day) = cPAD - (average food + residential exposure)]. This allowable exposure through drinking water is used to calculate a DWLOC.

A DWLOC will vary depending on the toxic endpoint, drinking water consumption, and body weights. Default body weights and consumption values as used by the USEPA Office of Water are used to calculate DWLOCs: 2L/70 kg (adult male), 2L/60 kg (adult female), and 1L/10 kg (child). Default body weights and drinking water consumption values vary on an individual basis. This variation will be taken into account in more refined screening-level and quantitative drinking water exposure assessments. Different populations will have different DWLOCs. Generally, a DWLOC is calculated for each type of risk assessment used: acute, short-term, intermediate-term, chronic, and cancer.

When EECs for surface water and groundwater are less than the calculated DWLOCs, the Office of Pesticide Programs (OPP) concludes with reasonable certainty that exposures to the pesticide in drinking water (when considered along with other sources of exposure for which OPP has reliable data) would not result in unacceptable levels of aggregate human health risk at this time. Because OPP considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, OPP will reassess the potential impacts of residues of the pesticide in drinking water as a part of the aggregate risk assessment process.

1. *Acute risk*. An acute risk assessment was not performed. No toxicological endpoint attributable to a single (acute) dietary exposure was identified.

2. *Chronic risk*. Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to fenhexamid from food will utilize 7% of the cPAD for the U.S. population, 66% of the cPAD for all infants < 1 year old and 17% of the cPAD for children 1–6 years old. There are no residential uses for fenhexamid that result in chronic residential exposure to fenhexamid. However, there is potential for chronic dietary exposure to fenhexamid in drinking water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the cPAD, as shown in the following Table 2:

TABLE 2.—AGGREGATE RISK ASSESSMENT FOR CHRONIC (NON-CANCER) EXPOSURE TO FENHEXAMID

Population Subgroup	cPAD mg/kg/day	% cPAD (Food)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Chronic DWLOC (ppb)
U.S. Population	0.057	7	1.14	0.0007	1,850
All infants < 1 year old	0.057	66	1.14	0.0007	190
Children 1–6 years old	0.057	17	1.14	0.0007	470
Females (13–50 years)	0.057	4	1.14	0.0007	1,650

3. *Short-term risk*. Short-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Although short-term endpoints were identifiable, there are no residential uses for fenhexamid. Thus, a short-term risk assessment was not performed.

4. *Intermediate-term risk*. Intermediate-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Although intermediate-term endpoints were identifiable, there are no residential uses for fenhexamid. Thus, an intermediate-term risk assessment was not performed.

5. *Aggregate cancer risk for U.S. population*. A cancer (chronic) dietary risk assessment was not conducted for fenhexamid. EPA has classified fenhexamid as a not likely human carcinogen.

6. *Determination of safety*. Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to fenhexamid residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Bayer AG Method 00362 has previously undergone a successful method trial and method validation, and is the enforcement method for all the fenhexamid established tolerances. The method may be requested from: Francis Griffith, Analytical Chemistry Branch, Environmental Science Center, Environmental Protection Agency, 701 Mapes Road, Fort George G. Mead, MD 20755–5350; telephone number: (410) 305–20905; e-mail address: *griffith.francis@epa.gov.*

V. Conclusion

Therefore, the tolerances are established for residues of fenhexamid, (*N*-2,3-dichloro-4-hydroxyphenyl)-1-methyl cyclohexanecarboxamide), in or on caneberry subgroup at 20 part per million (ppm), bushberry subgroup at 5.0 ppm, juneberry at 5.0 ppm, lingonberry at 5.0 ppm, salal at 5.0 ppm, and pistachio at 0.02 ppm.

VI. 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. The 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–301228 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 June 17, 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 VI.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 control number OPP–301228, 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?

A 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).

VII. Regulatory Assessment Requirements

This final rule establishes a tolerance 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 tolerance 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.

VIII. 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: April 4, 2002.

Robert A. Forrest,

Acting Director, Registration Division, Office of Pesticide Programs.

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 374.

2. Section 180.553 is amended by alphabetically adding commodities to the table in paragraph (a) to read as follows:

§ 180.553 Fenhexamid; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * *	*
Bushberry subgroup 13B	5.0
Caneberry subgroup 13A	20.0
* * * *	*
Juneberry	5.0
Lingonberry	5.0
Pistachio	0.02
* * * *	*
Salal	5.0
* * * *	*

* * * * *

[FR Doc. 02–9498 Filed 4–17–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–2002-0003; FRL–6831–8]

RIN 2070–AB78

Fluazinam; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an import tolerance for residues of fluazinam and its metabolite AMGT3-[[4-amino-3-[[3-chloro-5-(trifloromethyl)-2-pyridinyl] amino]-2-nitro-6-(trifluoromethyl) phenyl] thio]-2-(beta-D-glucopyranosyloxy) propionic acid) in or on [wine grapes at 3.0 parts per million (ppm). ISK BioSciences Corporation requested this tolerance under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

DATES: This regulation is effective April 18, 2002. Objections and requests for hearings, identified by docket control number OPP–2002-0003, must be received on or before June 17, 2002.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–2002-0003 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Cynthia Giles-Parker, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW.,Washington, DC 20460; telephone number: (703) 305–7740; e-mail address: giles-parker.cynthia@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	Crop production
	112	Animal production
	311	Food manufacturing
	32532	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. To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at http://www.epa.gov/opptsfrs/home/guidelin.htm.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–2002-0003. 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 December 6, 2000 (65 FR 76253) (FRL–6573–7), EPA

issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170), announcing the filing of a pesticide petition (PP 9F5079) by ISK BioSciences Corporation, 5970 Heisley Road, Suite 200, Mentor, Ohio, 44060. This notice included a summary of the petition prepared by ISK BioSciences Corporation, the registrant. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.574 be amended by establishing a tolerance for residues of the fungicide fluazinam, 3-chloro-N-[3-chloro-2,6-dinitro-4-(trifluoromethyl) phenyl]-5-(trifluoromethyl)-2-pyridinamine, in or on peanuts and potatoes at 0.02 part per million (ppm) and imported wine grapes at 3.0 ppm. In the **Federal Register** of September 7, 2001 (66 FR 46729) (FRL–6797–3), EPA established tolerances for peanuts and potatoes.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish 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(b)(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. . . .''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a tolerance for residues of fluazinam and its metabolite AMGT on wine grapes at 3.0. EPA's assessment of exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies 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. The nature of the toxic effects caused by fluazinam and its metabolite AMGT are discussed in the following Table 1 as well as the no observed adverse effect level (NOAEL) and the lowest observed adverse effect level (LOAEL) from the toxicity studies reviewed.

TABLE 1.—TOXICOLOGICAL PROFILE OF FLUAZINAM TECHNICAL

Guideline No.	Study Type	Results
870.3100	90-Day oral toxicity rats	NOAEL: Males = 3.8 mg/kg/day; Females = 4.3 mg/kg/day LOAEL Males = 38 mg/kg/day; Females = 44 mg/kg/day based on increased liver weights and liver histopathology in males, and increased lung and uterus weights in females.
870.3150	90-Day oral toxicity dogs	NOAEL = 10 mg/kg/day LOAEL = 100 mg/kg/day based on retinal effects, increased relative liver weight, liver histopathology and possible increased serum alkaline phosphatase in females and possible marginal vacuolation of the cerebral white matter (equivocal)
870.3200	21-Day dermal toxicity rats	Systemic NOAEL = 10 mg/kg/day LOAEL = 100 mg/kg/day based on increased AST and cholesterol levels in clinical chemistry determinations (males) Dermal NOAEL = not identified LOAEL = 10 mg/kg/day based on erythema, acanthosis, and dermatitis
870.3250	90-Day dermal toxicity	Not Available
870.3465	90-Day inhalation toxicity	Not Available

TABLE 1.—TOXICOLOGICAL PROFILE OF FLUAZINAM TECHNICAL—Continued

Guideline No.	Study Type	Results
870.3700	Prenatal developmental toxicity rats	Maternal NOAEL = 50 mg/kg/day LOAEL = 250 mg/kg/day based on decreased body weight gain and food consumption and increased water consumption and urogenital staining Developmental NOAEL = 50 mg/kg/day LOAEL = 250 mg/kg/day based on decreased fetal body weights and placental weights, increased facial/cleft palates, diaphragmatic hernia, and delayed ossification in several bone types, greenish amniotic fluid and possible increased late resorptions and postimplantation loss
870.3700	Prenatal developmental toxicity rabbits	Maternal NOAEL = 4 mg/kg/day LOAEL = 7 mg/kg/day based on decreased food consumption and increased liver histopathology. Developmental NOAEL = 7 mg/kg/day LOAEL = 12 mg/kg/day based on an increase in total litter resorptions and possible fetal skeletal abnormalities
870.3700	Prenatal developmental toxicity rabbits	Maternal NOAEL = 3 mg/kg/day LOAEL = not identified (>3 mg/kg/day) Developmental NOAEL = 3 mg/kg/day LOAEL = not identified (>3 mg/kg/day)
870.3800	Reproduction and fertility effects rats	Parental/Systemic NOAEL = 1.9 mg/kg/day LOAEL = 9.7 mg/kg/day based on liver pathology in F_1 males Reproductive NOAEL = 10.6 mg/kg/day LOAEL = 53.6 mg/kg/day based on decreased number of implantation sites and decreased litter sizes to day 4 post-partum for F1 females (F2 litters). Offspring NOAEL = 8.4 mg/kg/day LOAEL = 42.1 mg/kg/day based on reduced F1 and F2 pup body weight gains during lactation.
870.4100	Chronic toxicity rats	NOAEL = Males: 1.9 mg/kg/day; Females: 4.9 mg/kg/day LOAEL = Males: 3.9 mg/kg/day; Females: not identified (≤4.9 mg/kg/day) based on increased testicular atrophy in males and no effects in females
870.4100	Chronic toxicity dogs	NOAEL = 1 mg/kg/day LOAEL = 10 mg/kg/day based on gastric lymphoid hyperplasia in both sexes and nasal dryness in females
870.4200	Carcinogenicity mice	NOAEL = Males:1.1 mg/kg/day; Females: 1.2 mg/kg/day LOAEL = Males: 10.7 mg/kg/day; Females: 11.7 mg/kg/day based on increased incidences of brown macrophages in the liver of both sexes, eosinophilic vacuolated hepatocytes in males, and increased liver weight in females. Clear evidence of carcinogenicity (hepatocellular tumors) in male mice, but not in females

TABLE 1.—TOXICOLOGICAL PROFILE OF FLUAZINAM TECHNICAL—Continued

Guideline No.	Study Type	Results
870.4200	Carcinogenicity mice	NOAEL = Males: <126 mg/kg/day, Females: <162 mg/kg/day LOAEL = Males: 126 mg/kg/day; Females: 162 mg/kg/day based on increased liver weights and liver and brain histopathology in both sexes Equivocal/some evidence of carcinogenicity (hepatocellular tumors) in male mice, but not in females
870.4300	Combined chronic toxicity/carcinogenicity rats	NOAEL = Males: 0.38 mg/kg/day; Females: 0.47 mg/kg/day LOAEL = Males: 3.8 mg/kg/day; Females: 4.9 mg/kg/day based on liver toxicity in both sexes, pancreatic exocrine atrophy in females and testicular atrophy in males. Some evidence of carcinogenicity (thyroid gland follicular cell tumors) in male rats, but not in females.
870.5100	Bacterial reverse mutation assay (Ames test)	Negative with and without S9 up to cytotoxic concentrations.
870.5100	Bacterial reverse mutation assay (Ames test)	Negative with and without S9 up to cytotoxic concentrations.
870.5300	*In vitro* mammalian gene mutation assay	Negative with S9 activation up to 9 µg/ml. Negative without S9 activation up to 0.3 µg/ml. Compound tested to cytotoxic concentrations.
870.5300	*In vitro* mammalian gene mutation assay	Negative with and without S9 activation up to 5 µg/ml. Compound tested to cytotoxic concentrations.
870.5375	*In vitro* mammalian chromosome aberration (CHL cells)	Negative with and without S9 up to cytotoxic concentrations. Cells harvested at 24 and 48 hours in nonactivated studies and at 24 hours in activated studies.
870.5395	Mammalian erythrocyte micronucleus test	Negative at 24 hour sacrifice (500, 1,000, 2,000 mg/kg). Negative at 24, 48, and 72 hour sacrifices (2,000 mg/kg).
870.5550	UDS in primary rat hepatocytes	Negative; however there were several serious study deficiencies: Treatment time shorter than recommended, no data supporting the claim of cytotoxicity, data variability for major endpoints.
870.5550	Differential killing/growth inhibition in *B. subtilis*	Negative, however only one replicate plate/dose was used.
870.6200	Acute neurotoxicity screening battery rats	Systemic NOAEL = 50 mg/kg LOAEL = 1,000 mg/kg based on soft stools and decreased motor activity on day of dosing. Neurotoxicity NOAEL = 2,000 mg/kg LOAEL = not identified (>2,000 mg/kg)
870.6200	Subchronic neurotoxicity screening battery rats	Neurotoxicity NOAEL = Males: 233 mg/kg/day; Females: 280 mg/kg/day LOAEL = not identified (Males: >233 mg/kg/day; Females: >280 mg/kg/day)
870.6300	Developmental neurotoxicity	Not Available

TABLE 1.—TOXICOLOGICAL PROFILE OF FLUAZINAM TECHNICAL—Continued

Guideline No.	Study Type	Results
870.7485	Metabolism and pharmacokinetics rats	Only 33-40% of the administered dose was absorbed. Most of the administered dose was recovered in the feces (>89%). Excretion via the urine was minor (<4%). Total biliary radioactivity, however, represented 25-34% of the administered dose, indicating considerable enterohepatic circulation.
870.7600	Dermal penetration	Not Available
Special studies:	4-Week dietary (Range-finding) rats	NOAEL = Males: 5.1 mg/kg/day; Females: 5.3 mg/kg/day LOAEL = Males: 26.4 mg/kg/day; Females: 25.9 mg/kg/day based on decreased body weight gain and food consumption, increased serum phospholipids, increased total cholesterol, increased relative liver weights, and liver histopathology.
	4-Week dietary (Range-finding) mice	NOAEL = Males: 7.6 mg/kg/day; Females: 8.2 mg/kg/day LOAEL = Males: 36 mg/kg/day; Females: 43 mg/kg/day based on decreased body weight gain, increased serum glucose, increased kidney weights.
	4-Week dietary (Range-finding) mice	NOAEL = not identified (Males; <555 mg/kg/day; Females: <658 mg/kg/day) LOAEL = Males: 555 mg/kg/day; Females: 658 mg/kg/day based on vacuolation of white matter in brain, increased liver weights, histopathology in liver.
	90-Day dietary (Special liver study) rats	NOAEL = not determined (Males: <37.6 mg/kg/day, Females: <44.7 mg/kg/day) LOAEL = Males: 37.6 mg/kg/day, Females: 44.7 mg/kg/day based on increased relative liver weights and liver histopathology.
	11-Week oral toxicity (Special retinal study) dogs	NOAEL/LOAEL not determined.
	7-Day inhalation toxicity rats Test Material: Frowncide WP (51.9% a.i.)	NOAEL = Males: 1.38 mg/kg/day; Females: 1.49 mg/kg/day LOAEL = Males: 3.97 mg/kg/day; Females: 4.25 mg/kg/day based on increased testes weight (males) and increased liver weight (females).
	Developmental toxicity (range-finding) rats	Maternal and developmental NOAELS and LOAELS were not assigned.
	Eight special mechanistic studies to assess the CNS white matter vacuolation	White matter vacuolation in the CNS of mice, rats, and dogs was found to be due to Impurity-5.

* The reference to the FQPA Safety Factor refers to any additional safety factor retained due to concerns unique to the FQPA.

B. Toxicological Endpoints

The dose at which no adverse effects are observed (the NOAEL) from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10X to account for interspecies differences and 10X for intraspecies differences.

For dietary risk assessment (other than cancer) the Agency uses the UF to calculate an acute or chronic reference dose (acute RfD or chronic RfD) where the RfD is equal to the NOAEL divided by the appropriate UF (RfD = NOAEL/UF). Where an additional safety factor is retained due to concerns unique to the FQPA, this additional factor is applied to the RfD by dividing the RfD by such additional factor. The acute or chronic Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of FQPA Safety Factor.

For non-dietary risk assessments (other than cancer) the UF is used to

determine the LOC. For example, when 100 is the appropriate UF (10X to account for interspecies differences and 10X for intraspecies differences) the LOC is 100. To estimate risk, a ratio of the NOAEL to exposures (margin of exposure (MOE) = NOAEL/exposure) is calculated and compared to the LOC.

The linear default risk methodology (Q*) is the primary method currently used by the Agency to quantify carcinogenic risk. The Q* approach assumes that any amount of exposure will lead to some degree of cancer risk. A Q* is calculated and used to estimate risk which represents a probability of occurrence of additional cancer cases (e.g., risk is expressed as 1×10^{-6} or one in a million). Under certain specific circumstances, MOE calculations will be used for the carcinogenic risk assessment. In this non-linear approach, a ''point of departure'' is identified below which carcinogenic effects are not expected. The point of departure is typically a NOAEL based on an endpoint related to cancer effects though it may be a different value derived from the dose response curve. To estimate risk, a ratio of the point of departure to exposure (MOE_{cancer}= point of departure/exposures) is calculated. A summary of the toxicological endpoints for fluazinam used for human risk assessment is shown in the following Table 2:

TABLE 2.—SUMMARY OF TOXICOLOGICAL TOXICOLOGICAL DOSES AND ENDPOINTS FOR FLUAZINAM FOR USE IN HUMAN RISK ASSESSMENTS[1]

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA SF* and Endpoint for Risk Assessment	Study and Toxicological Effects
Acute dietary females 13-50 years of age	Developmental NOAEL = 7 mg/kg/day UF = 100 Acute RfD = 0.07 mg/kg/day	FQPA SF = 10 aPAD = acute RfD/FQPA SF = 0.007 mg/kg/day	Developmental toxicity, rabbits. Developmental LOAEL = 12 mg/kg/day based on increased incidence of total litter resorptions and possibly increased incidence of fetal skeletal abnormalities.
Acute dietary general population including infants and children	NOAEL= 50 mg/kg/day UF = 100 Acute RfD = 0.50 mg/kg/day	FQPA SF = 3 aPAD = acute RfD/FQPA SF = 0.167 mg/kg/day	Acute neurotoxicity, rats. LOAEL = 1,000 mg/kg/day based on decreased motor activity and soft stools on day of dosing.
Exposure scenario	Dose used in risk assessment, UF	FQPA SF* and endpoint for risk assessment	Study and Toxicological Effects
Chronic dietary all populations	NOAEL= 1.1 mg/kg/day UF = 100 Chronic RfD = 0.011 mg/kg/day	FQPA SF = 3 cPAD = chr RfD = FQPA SF 0.00367 mg/kg/day	Carcinogenicity, mice. LOAEL = 10.7 mg/kg/day based on liver histopathology and increased liver weight.
Chronic dietary all populations	NOAEL= 1.1 mg/kg/day UF = 100 Chronic RfD = 0.011 mg/kg/day	FQPA SF = 3 cPAD = chr RfD = FQPA SF 0.00367 mg/kg/day	Carcinogenicity, mice. LOAEL = 10.7 mg/kg/day based on liver histopathology and increased liver weight.
Cancer (oral, dermal, inhalation)	''Suggestive evidence of carcino-genicity, but not sufficient to assess human carcinogenic potential''[2]	Quantification of human cancer risk not required.[2]	Increases in thyroid gland follicular cell tumors in male rats; increases in hepatocellular (liver) tumors in male mice.[2]

* The reference to the FQPA Safety Factor refers to any safety factor retained or reduced due to concerns unique to the FQPA.

[1] UF = uncertainty factor, FQPA SF = FQPA safety factor, NOAEL = no observed adverse effect level, LOAEL = lowest observed adverse effect level, PAD = population adjusted dose (a = acute, c = chronic), RfD = reference dose, LOC = level of concern, MOE = margin of exposure

[2] Cancer Assessment Document - Evaluation of the Carcinogenic Potential of Fluazinam, March 29, 2001, HED Doc. No. 014512.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* Tolerances have been established for the residues of fluazinam in and or on potatoes and peanuts. Risk assessments were conducted by EPA on these crops and wine grapes to assess dietary exposures from fluazinam in food as follows:

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. The Dietary Exposure Evaluation Model (DEEM) analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the acute exposure assessments: A DEEM acute dietary exposure analysis was performed using tolerance residue levels and 100% CT data for all commodities (Tier 1). The DEEM defaults were used for all processing factors. The DEEM analysis included wine and sherry grapes, peanuts and potatoes using anticipated residues of fluazinam and its metabolite (AMGT) and processing factors for wine grapes (Tier 3).

ii. *Chronic exposure.* In conducting this chronic dietary risk assessment the Dietary Exposure Evaluation Model DEEM analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide CSFII and accumulated exposure to the chemical for each commodity. The following assumptions were made for the chronic exposure assessments: A DEEM chronic dietary exposure analysis was performed using tolerance residue levels and 100% CT data for all commodities (Tier 1). The DEEM defaults were used for all processing factors. The DEEM analysis included wine and sherry grapes, peanuts and potatoes using anticipated

residues of fluazinam and its metabolite (AMGT) and processing factors for wine grapes.

iii. *Cancer.* Since fluazinam has been classified as ''Suggestive evidence of carcinogenicity, but not sufficient to assess human carcinogenic potential,'' an exposure assessment was not performed.

2. *Dietary exposure from drinking water.* The Agency lacks sufficient monitoring exposure data to complete a comprehensive dietary exposure analysis and risk assessment for fluazinam in drinking water. Because the Agency does not have comprehensive monitoring data, drinking water concentration estimates are made by reliance on simulation or modeling taking into account data on the physical characteristics of fluazinam.

The Agency uses the Generic Estimated Environmental Concentration (GENEEC) or the Pesticide Root Zone/ Exposure Analysis Modeling System (PRZM/EXAMS) to estimate pesticide concentrations in surface water and Screening Concentrations in Ground Water (SCI-GROW), which predicts pesticide concentrations in ground water. In general, EPA will use GENEEC (a tier 1 model) before using PRZM/ EXAMS (a tier 2 model) for a screening-level assessment for surface water. The GENEEC model is a subset of the PRZM/ EXAMS model that uses a specific high-end runoff scenario for pesticides. GENEEC incorporates a farm pond scenario, while PRZM/EXAMS incorporate an index reservoir environment in place of the previous pond scenario. The PRZM/EXAMS model includes a percent crop area factor as an adjustment to account for the maximum percent crop coverage within a watershed or drainage basin.

None of these models include consideration of the impact processing (mixing, dilution, or treatment) of raw water for distribution as drinking water would likely have on the removal of pesticides from the source water. The primary use of these models by the Agency at this stage is to provide a coarse screen for sorting out pesticides for which it is highly unlikely that drinking water concentrations would ever exceed human health levels of concern.

Since the models used are considered to be screening tools in the risk assessment process, the Agency does not use estimated environmental concentrations (EECs) from these models to quantify drinking water exposure and risk as a %RfD or %PAD. Instead drinking water levels of comparison (DWLOCs) are calculated and used as a point of comparison against the model estimates of a pesticide's concentration in water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, and from residential uses. Since DWLOCs address total aggregate exposure to fluazinam they are further discussed in the aggregate risk sections below.

Based on the GENEEC and SCI-GROW models the EECs of fluazinam for acute exposures are estimated to be 18.0 parts per billion (ppb) for surface water and 0.10 ppb for ground water. The EECs for chronic exposures are estimated to be 3.15 ppb for surface water and 0.10 ppb for ground water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Fluazinam is not registered for use on any sites that would result in residential exposure.

4. *Cumulative exposure to substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, 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 does not have, at this time, available data to determine whether fluazinam has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, fluazinam does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that fluazinam has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Safety Factor for Infants and Children

1. *In general.* FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base on toxicity and exposure unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans.

2. *Prenatal and postnatal sensitivity.* Qualitative evidence of increased susceptibility of fetuses to fluazinam was demonstrated in a developmental toxicity study in rats. Increased incidences of facial/palate clefts and other rare deformities in the fetuses were observed in the presence of minimal maternal toxicity. In a developmental toxicity study in rabbits and in a 2-generation reproduction study in rats, neither quantitative nor qualitative evidence of increased susceptibility of fetuses or pups to fluazinam was observed. Because of the neurotoxic lesion observed in the white matter of the brain in mice, dogs and rats and the qualitative evidence of increased susceptibility of rat fetuses to fluazinam, a developmental neurotoxicity study will be required to be submitted to the Agency. Further, because of the lack of a developmental neurotoxicity study and the qualitative evidence of increased susceptibility of rat fetuses to fluazinam, the Food Quality Protection Act (FQPA) safety factor (SF) for protection of infants and children, as required by the FQPA of 1996, will be retained at 10X when assessing acute dietary exposure for ''females 13-50 years of age'' due to concern for the developing fetus. Additionally, the FQPA SF will be reduced to 3X when assessing exposures for ''all populations'' for all exposure durations (acute and chronic) because of uncertainty resulting from lack of a developmental neurotoxicity study.

3. *Conclusion.* Because of the lack of a developmental neurotoxicity study and the qualitative evidence of increased susceptibility of rat fetuses to fluazinam, the Agency determined that the FQPA safety factor should be retained at 10X when assessing acute dietary exposure for ''females 13-50 years of age'' since, in addition to the need for a developmental neurotoxicity study, increased susceptibility of rat fetuses was observed following *in utero* exposure (an acute effect) in the rat developmental toxicity study resulting in concern for the developing fetus. The Agency also determined that the FQPA safety factor should be reduced to 3X

when assessing exposure for ''all populations'' for all exposure durations (acute and chronic) since there is uncertainty due to the lack of a developmental neurotoxicity study. This study will further characterize the toxicity of fluazinam and may provide endpoints and NOAELs that could be used in risk assessments for any subpopulation/exposure duration.

E. Aggregate Risks and Determination of Safety

To estimate total aggregate exposure to a pesticide from food, drinking water, and residential uses, the Agency calculates DWLOCs which are used as a point of comparison against the model estimates of a pesticide's concentration in water EECs. DWLOC values are not regulatory standards for drinking water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food and residential uses. In calculating a DWLOC, the Agency determines how much of the acceptable exposure (i.e., the PAD) is available for exposure through drinking water (e.g., allowable chronic water exposure (mg/kg/day) = cPAD - (average food + residential exposure). This allowable exposure through drinking water is used to calculate a DWLOC.

A DWLOC will vary depending on the toxic endpoint, drinking water consumption, and body weights. Default body weights and consumption values as used by the USEPA Office of Water are used to calculate DWLOCs: 2L/70 kg (adult male), 2L/60 kg (adult female), and 1L/10 kg (child). Default body weights and drinking water consumption values vary on an individual basis. This variation will be taken into account in more refined screening-level and quantitative drinking water exposure assessments. Different populations will have different DWLOCs. Generally, a DWLOC is calculated for each type of risk assessment used: acute, short-term, intermediate-term, chronic, and cancer.

When EECs for surface water and groundwater are less than the calculated DWLOCs, OPP concludes with reasonable certainty that exposures to the pesticide in drinking water (when considered along with other sources of exposure for which OPP has reliable data) would not result in unacceptable levels of aggregate human health risk at this time. Because OPP considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, OPP will reassess the potential impacts of residues of the pesticide in drinking water as a part of the aggregate risk assessment process.

1. *Acute risk*. Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure to fluazinam from food will occupy 2% or less of the aPAD for the U.S. population, 60% of the aPAD for the most highly exposed population subgroup, females 13-50 years old. All other population subgroups occupy 2% or less of the aPAD. In addition, there is potential for acute dietary exposure to fluazinam in drinking water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the aPAD, as shown in the following Table 3:

TABLE 3.—AGGREGATE RISK ASSESSMENT FOR ACUTE EXPOSURE TO FLUAZINAM

Population Subgroup	aPAD (mg/kg)	% aPAD (Food)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Acute DWLOC (ppb)
U.S. population	0.17	2%	18	0.10	5,800
Adult male 20+ yrs	0.17	2%	18	0.10	5,800
Adult female 13-50 yrs	0.007	60%	18	0.10	84
Children 1-6 yr	0.17	<1%	18	0.10	1,700

2. *Chronic risk*. Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to fluazinam from food will utilize <1% of the cPAD for the U.S. population and 1% of the cPAD for the most highly exposed population subgroup, children 1-6 years old. There are no residential uses for fluazinam that result in chronic residential exposure to fluazinam. There is potential for chronic dietary exposure to fluazinam in drinking water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the cPAD, as shown in the following Table 4:

TABLE 4.—AGGREGATE RISK ASSESSMENT FOR CHRONIC (NON-CANCER) EXPOSURE TO FLUAZINAM

Population Subgroup	cPAD mg/kg/day	%cPAD Food	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Chronic DWLOC (ppb)
U.S. population	0.0037	<1	3.15	0.10	130
Adult male 13-19 yrs	0.0037	<1	3.15	0.10	130
Adult fmale 13-50 yrs	0.0037	<1	3.15	0.10	110
Children 1-6 yrs	0.0037	1	3.15	0.10	37

3. *Short-term risk*. Short-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Fluazinam is not registered for use on any sites that would result in residential exposure. Therefore, the aggregate risk is the sum of the risk from food and water, which do not exceed the Agency's level of concern.

4. *Intermediate-term risk*. Intermediate-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Fluazinam is not registered for use on any sites that would result in residential exposure. Therefore, the aggregate risk is the sum of the risk from food and water, which do not exceed the Agency's level of concern.

5. *Aggregate cancer risk for U.S. population*. In accordance with the EPA Draft Guidelines for Carcinogen Risk Assessment (July 1999), the Agency classified fluazinam into the category ''Suggestive evidence of carcinogenicity, but not sufficient to assess human carcinogenic potential'' based on the following weight-of-the-evidence considerations:

i. There was some evidence in that fluazinam induced an increase in thyroid gland follicular cell tumors in male rats, but not in female rats. In one study in mice, there was clear evidence that an increased incidence of hepatocellular tumors observed in the male mice was treatment-related. In another study in mice, there was equivocal/some evidence that fluazinam may have induced an increase in hepatocellular tumors in the male mice. Increases in hepatocellular tumors observed in the female mice in the latter study were not statistically significant and some occurred at an excessively toxic dose level. The thyroid gland follicular cell tumors of concern were seen only in male rats and the hepatocellular tumors of concern were seen only in male mice.

ii. Fluazinam was negative in mutagenicity assays. Based on the proposed 1999 EPA Cancer Risk Assessment Guidelines, the Agency classified fluazinam as having ''suggestive evidence of carcinogenicity,'' but not sufficient to assess human carcinogenic potential and further determined that therefore no quantification of cancer risk is required. Therefore, a cancer risk assessment is not required.

6. *Determination of safety*. Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to fluazinam residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

For the metabolite AMGT3-[[4-amino-3-[[3-chloro-5-(trifloromethyl)-2-pyridinyl] amino]-2-nitro-6-(trifluoromethyl) phenyl] thio]-2-(beta-D-glucopyranosyloxy) propionic acid) in/on grapes, the submitted ILV using reversed-phase HPLC with UV absorbance (at 254 nm) detector has been received and the method has been forwarded to the Agency's laboratory for validation. The petitioner will be required to make any modifications or revisions to the proposed method resulting from EPA's validation. The petitioner must also submit multiresidue method data as a confirmatory procedure. Upon successful completion of the EPA validation, the mehtod will be forwarded to FDA for publication in a future revision of the Pesticide Analytical Manual, Vol-II (PAM-II). Prior to publication and upon request, the method will be available prior to the harvest season from the /analytical Chemistry Branch (ACB), BEAD (75053), Environmental Science Center, 701 Mapes Road, Ft. George C. Meade, MD 20755–5350. Contact Francis D. Griffith, Jr., telephone (410) 305–2905, e-mail: griffith.francis@epa.gov. The analytical standards are also available from the EPA National Standard Repository at the same location. The submitted HPLC/UV method is adequate for collecting data on residues of AMGT in/or grapes with a validated LOQ for residues of AMGT in grape commodites of 0.01 ppm.

Adequate enforcement methodology (example—gas chromatography) is available to enforce the tolerance expression. The method may be requested from: Calvin Furlow, PIRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; telephone number: (703) 305–5229; e-mail address: furlow.calvin@epa.gov.

B. International Residue Limits

There are currently no Codex maximum residue levels established for residues of fluazinam on any crop.

C. Conditions

The toxicological data base for fluazinam is adequate at this time to support the requested registration and tolerances according to Subdivision F Guideline requirements and 40 CFR 158.690. The Agency has determined that there is a high degree of confidence in the hazard endpoints and dose-response assessments conducted for this chemical. However, the Agency is requiring that the following additional toxicology studies be performed and submitted within a reasonable period of time in order to more clearly and fully characterize the toxicity of this chemical.

870.3465 -- 28-Day inhalation toxicity in rats due December 2003.

870.6300 -- Developmental neurotoxicity study in rats. The protocol should be submitted by July 2002 to EPA for approval/comment before the start of the study and should include full neurohistopathological examination of dams. The study is due 2 years after approval of the protocol.

870.6200 -- Subchronic neurotoxicity screening battery in rats (conditional requirement). Based on a consideration of the results in the developmental neurotoxicity study in rats required above, the Agency will subsequently recommend whether a repeat of the subchronic neurotoxicity study in rats (870.6200) should also be required to support the registration of fluazinam products. This study must be submitted, if required by the Agency, 2 years after notification by the Agency.

D. Residue Chemistry

Multiresidue methods data for AMGT, due December 2002

Dislodgeable foliar residue

V. Conclusion

Therefore, the import tolerance is established for residues of fluazinam, 3-chloro-*N*-[3-chloro-2,6-dinitro-4-(trifluoromethyl)phenyl]-5-(trifluoromethyl)-2-pyridinamine and its metabolite AMGT 3-[[4-amino-3-[[3-chloro-5-(trifloromethyl)-2-pyridinyl] amino]-2-nitro-6-(trifluoromethyl) phenyl] thio]-2-(beta-D-glucopyranosyloxy) propionic acid) in or on wine grapes at 3.0 ppm.

VI. 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. The 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–2002-0003 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 June 17, 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 VI.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 control number OPP–2002-0003, 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?

A 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).

VII. Regulatory Assessment Requirements

This final rule establishes a tolerance 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 tolerance 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.

VIII. 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: April 9, 2002.

Debra Edwards,

Acting Director, Registration Division, Office of Pesticide Programs.

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 180.574 is amended by revising paragraph (a) to read as follows:

§ 180.574 Fluazinam; tolerances for residues.

(a)(1) *General*. Tolerances are established for residues of fluazinam, (3-chloro-*N*-[3-chloro-2,6-dinitro-4-(trifluoromethyl) phenyl]-5-(trifluoromethyl)-2-pyridinamine) in or on the following commodities:

Commodity	Parts per million
Peanuts	0.02
Potatoes	0.02

(a)(2) Tolerances are established for residues of fluazinam and its metabolite AMGT 3-[[4-amino-3-[[3-chloro-5-(trifloromethyl)-2-pyridinyl]amino]-2-nitro-6-(trifluoromethyl) phenyl] thio]-2-(beta-D-glucopyranosyloxy) propionic acid) in or on the following commodity:

Commodity	Parts per million
Wine grapes[1]	3.0

[1] No US registration as of March 15, 2002.

* * * * *

[FR Doc. 02–9497 Filed 4–17–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–7172–2]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Austin Avenue Radiation Site from the National Priorities List.

SUMMARY: The U.S. Environmental Protection Agency (EPA) announces the deletion of the Austin Avenue Radiation Site in Delaware County, Pennsylvania from the National Priorities List (NPL).

The NPL is appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). The EPA and the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection (PADEP), have determined that the Site no longer poses a significant threat to public health or the environment and that all appropriate response actions under CERCLA have been completed.

EFFECTIVE DATE: April 18, 2002.

ADDRESSES: Comprehensive information on the Site is available for viewing at the Site information repositories at the following locations: U.S. EPA Region III, Regional Center for Environmental Information, 1650 Arch Street, Philadelphia, Pennsylvania 19103, (215) 814–5254, Monday through Friday 8 AM to 4:30 PM; Lansdowne Borough Library, 55 South Union Avenue, Lansdowne, PA 19050, (610) 623–0239.

FOR FURTHER INFORMATION CONTACT: David Turner, On-Scene Coordinator (3HS31), U.S. Environmental Protection Agency Region III, 1650 Arch Street, Philadelphia, PA 19103–2029, telephone: 215–814–3216, e-mail address: *turner.david@epa.gov.*

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Austin Avenue Radiation Site located in Delaware County, Pennsylvania.

A Notice of Intent to Delete for the Site was published in the **Federal Register** on February 19, 2002 (67 FR 7324). The closing date for comments on the Notice of Intent to Delete was March 21, 2002. EPA received no comments during the comment period; therefore, EPA has not prepared a Responsiveness Summary.

EPA identifies sites that appear to present a significant risk to public health, welfare or the environment, and it maintains the NPL as the list of those sites. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such actions. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: April 2, 2002.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

For the reasons set out in this document, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321 (c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p.351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 1 of appendix B to part 300 is amended under Pennsylvania (PA) by removing, ''Austin Avenue Radiation Site, Delaware County, PA.''

[FR Doc. 02–9216 Filed 4–17–02; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 67, No. 75
Thursday, April 18, 2002

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–318–AD]

RIN 2120–AA64

Airworthiness Directives; Dornier Model 328–100 and –300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Dornier Model 328–100 and –300 series airplanes. This proposal would require inspecting the identification plate on the fire extinguisher bottle of the auxiliary power unit (APU), and replacing the existing actuating cartridge of the fire extinguisher bottle with a correct actuating cartridge, if necessary. This proposal also would require removing the fire extinguisher bottle equipped with the actuating cartridge from the APU, and reinstalling the fire extinguisher bottle equipped with the correct actuating cartridge into the APU. This action is necessary to prevent failure of the actuating cartridge on the APU fire extinguisher, which could result in the inability to extinguish an APU fire in-flight, and consequent reduced structural integrity of the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by May 20, 2002.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–318–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov*. Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–318–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Fairchild Dornier, Dornier Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1137; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.,* reasons or data) for each request.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–318–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–318–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, notified the FAA that an unsafe condition may exist on certain Dornier Model 328–100 and –300 series airplanes. The LBA advises that there was a failure of the actuating cartridge on the fire extinguisher of the auxiliary power unit (APU). This failure is considered to be an isolated event. The cause is unknown. This condition, if not corrected, could result in the inability to extinguish an APU fire in-flight, and consequent reduced structural integrity of the airplane.

Explanation of Relevant Service Information

Dornier has issued Service Bulletin SB–328–26–342, dated November 2, 2000 (for Model 328–100 series airplanes), and Service Bulletin SB–328J–26–049, Revision 1, dated June 11, 2001 (for Model 328–300 series airplanes). The service bulletins describe procedures for inspecting the identification plate on the fire extinguisher bottle in the APU to verify if the correct actuating cartridge has been installed, and replacing the existing actuating cartridge of the fire extinguisher bottle with the correct actuating cartridge, if necessary. The service bulletins also describe procedures for removing the fire extinguisher bottle equipped with the actuating cartridge from the APU, and

reinstalling the fire extinguisher bottle equipped with the correct actuating cartridge into the APU. Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition. The LBA classified these service bulletins as mandatory and issued German airworthiness directives 2001–291 and 2001–292, both dated October 18, 2001, in order to assure the continued airworthiness of these airplanes in Germany.

Dornier Service Bulletin SB–328–26–342, dated November 2, 2000; and Dornier Service Bulletin SB–328J–26–049, Revision 1, dated June 11, 2001; both reference Pacific Scientific Service Bulletin 33100016–26–1, dated November 15, 2000, as an additional source of service information for accomplishing the inspection and replacement.

FAA's Conclusions

These airplane models are manufactured in Germany and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the LBA has kept the FAA informed of the situation described above. The FAA has examined the findings of the LBA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the Dornier service bulletins described previously.

Cost Impact

The FAA estimates that 88 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $5,280, or $60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Dornier Luftfahrt GMBH:

Docket 2001–NM–318–AD.

Applicability: Model 328–100 series airplanes, as listed in Dornier Service Bulletin SB–328–26–342, dated November 2, 2000; and Model 328–300 series airplanes, as listed in Dornier Service Bulletin SB–328J–26–049, Revision 1, dated June 11, 2001; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the actuating cartridge on the auxiliary power unit (APU) fire extinguisher, which could result in the inability to extinguish an APU fire in-flight, and consequent reduced structural integrity of the airplane, accomplish the following:

Removal, Inspection, Corrective Actions, and Reinstallation

(a) Within 45 days after the effective date of this AD, do the actions specified in paragraphs (a)(1), (a)(2), and (a)(3) of this AD, per Dornier Service Bulletin SB–328–26–342, dated November 2, 2000 (for Model 328–100 series airplanes); or Dornier Service Bulletin SB–328J–26–049, Revision 1, dated June 11, 2001 (for Model 328–300 series airplanes); as applicable.

(1) Remove the fire extinguisher bottle equipped with the actuating cartridge from the APU.

(2) Inspect the identification plate on the fire extinguisher bottle to verify if the correct actuating cartridge (part number (P/N) 30903964) has been installed. If the correct actuating cartridge has not been installed, before further flight, replace the existing actuating cartridge with a correct actuating cartridge, P/N 30903964, and vibra etch the identification plate to indicate the new P/N, per the service bulletin.

(3) Reinstall the fire extinguisher bottle equipped with the correct actuating cartridge into the APU.

Note 2: Dornier Service Bulletin SB–328–26–342, dated November 2, 2000; and Dornier Service Bulletin SB–328J–26–049, Revision 1, dated June 11, 2001; both reference Pacific Scientific Service Bulletin 33100016–26–1, dated November 15, 2000, as an additional source of service information for accomplishing the inspection and replacement.

Note 3: Accomplishment of the actions specified in Dornier Service Bulletin SB–328J–26–049, dated November 2, 2000, is acceptable for compliance with the actions required by paragraph (a) of this AD.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Manager, International Branch, ANM–116.

Special Flight Permits

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

Note 5: The subject of this AD is addressed in German airworthiness directives 2001–291 and 2001–292, both dated October 18, 2001.

Issued in Renton, Washington, on April 11, 2002.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–9393 Filed 4–17–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NE–14–AD]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc Models Spey 506–14A, 555–15, 555–15H, 555–15N, and 555–15P Turbojet Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The Federal Aviation Administration (FAA) proposes to adopt a new airworthiness directive (AD) that is applicable to Rolls-Royce plc (RR) Spey 506–14A, 555–15, 555–15H, 555–15N, and 555–15P turbojet engines. This proposal would require replacing certain stage 2 low pressure turbine (LPT) blades with new redesigned stage 2 LPT blades. This proposal is prompted by several reports of failures of stage 2 LPT blades. The actions specified by the proposed AD are intended to prevent failure of the stage 2 LPT blades, which could result in an engine shutdown.

DATES: Comments must be received by June 17, 2002.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2001–NE–14–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may be inspected at this location, by appointment, between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Comments may also be sent via the Internet using the following address: ''9-ane-adcomment@faa.gov''. Comments sent via the Internet must contain the docket number in the subject line. The service information referenced in the proposed rule may be obtained from Rolls-Royce plc, P.O. Box 31, Derby DE24 6BJ, UK; Telephone 44 (0) 1332 242424; fax 44 (0) 1332 249936. This information may be examined, by appointment, at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Keith Mead, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7744; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NE–14–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2001–NE–14–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom (UK), recently notified the FAA that an unsafe condition may exist on RR Spey 506–14A, 555–15, 555–15H, 555–15N, and 555–15P turbojet engines. The CAA advises that there have been several failures of stage 2 LPT blades that have resulted in in-flight shutdown events. Analysis shows that an unacceptable probability level of a failure of the stage 2 LPT blades, which could result in an engine shutdown, could occur if the existing design blades are not replaced within the specified compliance times.

Manufacturer's Service Information

RR has issued service bulletin (SB) No. Sp72–1064, Revision 1, dated February 1, 2001, that provides procedures to replace existing stage 2 LPT blades with new redesigned stage 2 LPT blades. The CAA classified this service bulletin as mandatory and issued AD 005–07–2000 in order to assure the airworthiness of these RR Spey 506–14A, 555–15, 555–15H, 555–15N, and 555–15P turbojet engines in the UK.

Bilateral Agreement Information

This engine model is manufactured in the UK and is type certificated for operation in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Proposed Requirements of This AD

Since an unsafe condition has been identified that is likely to exist or develop on other RR Spey 506–14A,

555–15, 555–15H, 555–15N, and 555–15P turbojet engines of the same type design that are used on airplanes registered in the United States, the proposed AD would require replacing existing stage 2 LPT blades, part numbers (P/N's) JR34024 and JR34069, with new redesigned stage 2 LPT blades, P/N JR35388. The actions would be required to be done in accordance with the service bulletin described previously.

Economic Analysis

There are approximately 407 engines of the affected design in the worldwide fleet. The FAA estimates that 54 engines installed on airplanes of U.S. registry would be affected by this proposed AD. The FAA also estimates that it would take approximately 200 work hours per engine to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $89,981 per engine. Based on these figures, the total cost of the proposed AD on U.S. operators is estimated to be $5,506,974.

Regulatory Analysis

This proposed rule does not have federalism implications, as defined in Executive Order 13132, because it 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. Accordingly, the FAA has not consulted with state authorities prior to publication of this proposed rule.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Rolls-Royce plc:
Docket No. 2001–NE–14–AD.

Applicability

This airworthiness directive (AD) is applicable to Rolls-Royce plc (RR) Spey 506–14A, 555–15, 555–15H, 555–15N, and 555–15P turbojet engines with stage 2 low pressure turbine (LPT) blades, part numbers (P/N's) JR34024 or JR34069 installed. These engines are installed on, but not limited to British Aerospace Airbus Ltd. BAC 1–11 and Fokker F.28 Mark 1000, Mark 2000, Mark 3000, and Mark 4000 airplanes.

Note 1: This AD applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance

Compliance with this AD is required as indicated, unless already done.

To prevent failure of the stage 2 LPT blades, which could result in an engine shutdown, do the following:

(a) Replace existing stage 2 LPT blades P/N's JR34024 and JR34069 with complete sets of serviceable blades in accordance with the Accomplishment Instructions of RR service bulletin Sp72–1064, Revision 1, dated February 1, 2001, and the following compliance times:

(1) For RR Spey 506–14A engines, replace blades at the next piece-part opportunity, but no later than June 30, 2010.

(2) For Spey 555–15, 555–15H, 555–15N, and 555–15P turbojet engines, replace blades at the next piece-part opportunity, but no later than December 31, 2005.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office (ECO). Operators must submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, ECO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

Special Flight Permits

(c) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be done.

Note 3: The subject of this AD is addressed in CAA airworthiness directive 005–07–2000.

Issued in Burlington, Massachusetts, on April 11, 2002.

Francis A. Favara,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 02–9394 Filed 4–17–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 02–AEA–01]

Establishment of Class E Airspace; Lee Airport, Annapolis, MD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to establish Class E airspace at Lee Airport (ANP), Annapolis, MD. The development of a Standard Instrument Approach Procedure (SIAP) to serve flights operating into the Lee Airport during Instrumental Flight Rules (IFR) conditions make this action necessary. Controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain aircraft executing an approach. The area would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before May 20, 2002.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, AEA–520, Docket No. 02–AEA–01, FAA Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809.

The official docket may be examined in the Office of the Regional Counsel, AEA–7, FAA Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809.

An informal docket may also be examined during normal business hours in the Airspace Branch, AEA–520, FAA

Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809.

FOR FURTHER INFORMATION CONTACT: Mr. Francis T. Jordan, Jr., Airspace Specialist, Airspace Branch, AEA–520, FAA Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809; telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. ''02–AEA–01''. The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket closing both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Regional Counsel, AEA–7, FAA Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish Class E airspace area at Annapolis, MD. The development of a SIAP to serve flights operating into the airport under Instrument Flight Rules (IFR) make this action necessary. Controlled airspace extending upward from 700 feet AGL is needed to accommodate the SIAP. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9J, dated August 31, 2001, and effective September 16, 2001, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that would only affect air traffic procedure and air navigation, it is certified that this proposed rule would not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [AMENDED]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9J, dated August 31, 2001, and effective September 16, 2001, is proposed to be amended as follows:

Paragaph 6005 Class E airspace areas extending upward from 700 feet or more above the surface for the earth.

AEA MD E5, Annapolis [NEW]

Lee Airport
(L. 38°56′57″N., Long. 76°34′10″W.)

That airspace extending upward from 700 feet above the surface within a 6.2 mile radius of the Lee Airport, Annapolis, MD.

Issued in Jamaica, New York on April 8, 2002.

F.D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 02–9405 Filed 4–17–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 284

[Docket No. RM01–6–000]

Assignment of Firm Capacity on Upstream Interstate Pipelines; Notice of Proposed Rulemaking

April 10, 2002.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is proposing to remove from its regulations the Order No. 636 requirement that pipelines assign their upstream capacity to their firm shippers. This requirement was a necessary part of the unbundling of interstate pipelines' gas sales from their gas transportation service required in Order No. 636. On December 14, 2000, the Commission announced a new policy allowing unbundled open access pipelines to acquire and hold capacity on other pipelines without prior Commission approval. Since the unbundling of interstate gas sales from transportation has largely been accomplished, and since the Commission has developed a new policy allowing pipelines to acquire capacity on other pipelines, Subpart H is no longer relevant.

DATES: Written comments are due on or before June 3, 2002.

ADDRESSES: Send comments to: Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Cecilia Desmond, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 208–2280.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal Energy Regulatory Commission (Commission) is proposing to remove from its regulations the requirement in subpart H of part 284 of the Commission's regulations (18 CFR 284.241 and 284.242) that pipelines assign their upstream capacity to their firm shippers. The Commission promulgated subpart H in Order No. 636 [1] as a necessary part of the unbundling of interstate pipelines' gas sales from their gas transportation service required in Order No. 636. Since the unbundling of interstate gas sales from transportation has largely been accomplished, and since the Commission has developed a new policy allowing unbundled open access pipelines to acquire capacity on other pipelines, subpart H is no longer relevant. The Commission therefore proposes to remove subpart H from its regulations.

II. Discussion

In Order No. 636, the Commission required interstate gas pipelines to unbundle the sale of gas from the sale of transportation and to assign their upstream capacity to their firm shippers.[2] The Commission found that pipelines' access to upstream capacity needed to provide bundled gas sales gave them an undue competitive advantage over other gas merchants since the upstream capacity gave pipelines access to more gas suppliers. The Commission also found that a pipeline's holding upstream capacity inhibited the goal of a competitive national market because the downstream gas purchasers would not be able to access the production areas and gas merchants reached by the downstream pipeline through its upstream capacity.

The Commission adhered to that policy for several years during the individual pipelines' Order No. 636 restructuring proceedings. Then, in *Texas Eastern Transmission Corporation (Texas Eastern),* the Commission determined that Order No. 636 did not create a *per se* rule precluding restructured pipelines from entering into contracts for transportation or storage capacity on other pipelines (offsystem capacity).[3] The Commission reasoned that pipelines had completed the unbundling of gas sales and transportation service required by Order No. 636 and that the market had become sufficiently competitive to allow pipelines to hold capacity on other pipelines. Therefore, the Commission said it would decide whether to allow pipelines to acquire offsystem capacity on a case-by-case basis.

Two pipelines appealed the *Texas Eastern* requirement for case-specific approval, claiming that it discriminated against pipelines because non-pipeline shippers could acquire capacity without prior approval.[4] They also argued that the Commission's blanket certificate and capacity release regulations, which require pipelines to make transportation services available on a nondiscriminatory basis under Commission-approved open access tariffs, were sufficient to control unduly discriminatory or anticompetitive actions that might arise when a pipeline acquires offsystem capacity. The court agreed and remanded the case.

On December 14, 2000, the Commission issued its Order on Remand in the *Texas Eastern* proceeding.[5] In that order, the Commission announced a new policy that unbundled open access pipelines will no longer be required to seek Commission approval before acquiring offsystem capacity, that existing safeguards provide the necessary protection against discriminatory and anticompetitive actions with respect to acquired offsystem capacity, and that pipelines will be at-risk for the costs of any such capacity. Before transporting gas for others on any acquired offsystem capacity, the Commission required a pipeline to seek a blanket waiver of the shipper-must-hold-title policy by amending its tariff to include a general statement that it will only transport for others on offsystem capacity pursuant to its existing open access tariff and rates.[6]

As the Commission has noted numerous times, the natural gas marketplace has fundamentally changed since the issuance of Order No. 636. In the *Texas Eastern* series of orders, the Commission developed and modified its policy with respect to pipelines' acquiring capacity on other pipelines in light of these changes. Since the requirement to assign upstream capacity contained in § 284.242 was specific to the implementation of Order No. 636, the restructuring of the natural gas industry under Order No. 636 has been accomplished, and the Commission now allows pipelines to acquire capacity on other pipelines as can any other shipper without seeking Commission, subpart H is no longer necessary. However, we reiterate that the removal of the regulation will not modify our *Texas Eastern* policy under which the appropriateness of a pipeline's acquisitions of capacity on other pipelines is subject to review in a subsequent general section 4 rate proceeding or the Commission's requirement that the shipper must hold title to any gas being shipped through the acquired capacity.

III. Environmental Analysis

Commission regulations describe the circumstances where preparation of an environmental assessment or an environmental impact statement will be required. [7] The Commission has categorically excluded certain actions from this requirement as not having a significant effect on the human environment.[8] No environmental consideration is necessary since the proposed action is clarifying, corrective, or procedural and affects transportation of natural gas that requires no construction of facilities.[9]

IV. Regulatory Flexibility Impact Statement

The Regulatory Flexibility Act of 1980 (RFA)[10] generally requires a description and analysis of proposed rules that will, if promulgated, have a significant economic impact on a substantial number of small entities. The Commission is not required to make such analysis if a rule would not have such an effect.[11]

The Commission does not believe that the proposed rule removal would have such an impact on small entities. The proposed removal of regulations would have an impact only on interstate pipelines, which generally do not fall within the RFA's definition of small entity.[12] Accordingly, pursuant to

[1] Pipeline Service Obligations and Revisions to Regulations Governing Self-Implementing Transportation Under Part 284 of the Commission's Regulations, Order No. 636, 57 FR 13267 (Apr. 16, 1992), FERC Stats & Regs., Regulations Preambles January 1991–June 1996 ¶ 30,939 (Apr. 8, 1992).

[2] The Commission allowed pipelines to retain upstream capacity for operational management and balancing purposes and no-notice transportation service.

[3] 74 FERC ¶ 61,074 (1996); 78 FERC ¶ 61,277 (1997); *order on remand,* 93 FERC ¶ 61,273 (2000); *reh'g denied,* 94 FERC ¶ 61,139; *reh'g denied,* 95 FERC ¶ 61,056 (2001).

[4] *See* Colorado Interstate Gas Co. v. FERC, 146 F.3d 889 (D.C. Cir. 1998).

[5] Texas Eastern Transmission Corp., 93 FERC ¶ 61,273 (2000); *reh'g denied,* 94 FERC ¶ 61,139; *reh'g denied,* 95 FERC ¶ 61056 (2001).

[6] *See* Texas Eastern, 95 FERC ¶ 61056 (2001).

[7] Regulations Implementing National Environmental Policy Act, 52 FR 47897 (Dec. 17, 1987), *codified* at 18 CFR Part 380.

[8] 18 CFR 380.4.

[9] *See* 18 CFR 380.4(a)(2)(ii), 380.4(a)(27).

[10] 5 U.S.C. 601–612.

[11] 5 U.S.C. 605(b).

[12] 5 U.S.C. 601(3), citing to section 3 of the Small Business Act, 15 U.S.C. 632. Section 3 of the Small Business Act defines a ''small business concern'' as

Continued

section 605(b) of the RFA, the Commission proposes to certify that the removal of regulations proposed here will not have a significant economic impact on a substantial number of small entities.

V. Information Collection Statement

The Office of Management and Budget's (OMB) regulations require that OMB approve certain information collection requirements imposed by agency rules.[13] However, this proposed rule contains no information reporting requirements, and therefore is not subject to OMB approval.

VI. Comment Procedures

The Commission invites interested persons to submit comments, data, views and other information concerning matters set out in this notice.

To facilitate the Commission's review of the comments, commenters are requested to provide an executive summary of their position on the issues raised in the notice. Commenters are requested to identify each specific issue that their discussion addresses and to use appropriate headings. Additional issues the commenters wish to raise should be identified separately. The commenters should double space their comments.

Comments may be filed on paper or electronically via the Internet and must be received by the Commission within 45 days after publication in the **Federal Register**. Those filing electronically do not need to make a paper filing. For paper filings, the original and 14 copies of such comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington DC 20426 and should refer to Docket No. RM01–6–000.

Comments filed via the Internet must be prepared in WordPerfect, MS Word, Portable Document Format, or ASCII format. To file the document, access the Commission's website at *www.ferc.gov* and click on ''e-Filing,'' and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgment to the sender's E-Mail address upon receipt of comments.

User assistance for electronic filing is available at 202–208–0258 or by E-Mail to *efiling@ferc.gov*. Comments should not be submitted to the E-Mail address. All comments will be placed in the Commission's public files and will be available for inspection in the Commission's Public Reference Room at 888 First Street, NE, Washington D.C. 20426, during regular business hours. Additionally, all comments may be viewed, printed, or downloaded remotely via the Internet through FERC's Homepage using the RIMS link.

User assistance for RIMS is available at 202–208–2222, or by E-mail to *RimsMaster@ferc.gov*.

VII. Document Availability

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (*http://www.ferc.gov*) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5 p.m. Eastern time) at 888 First Street, NE, Room 2A, Washington, DC 20426.

From FERC's Home Page on the Internet, this information is available in both the Commission Issuance Posting System (CIPS) and the Records and Information Management System (RIMS).

—CIPS provides access to the texts of formal documents issued by the Commission since November 14, 1994.

—CIPS can be accessed using the CIPS link or the Energy Information Online icon. The full text of this document is available on CIPS in ASCII and WordPerfect 8.0 format for viewing, printing, and/or downloading.

—RIMS contains images of documents submitted to and issued by the Commission after November 16, 1981. Documents from November 1995 to the present can be viewed and printed from FERC's Home Page using the RIMS link or the Energy Information Online icon. Descriptions of documents back to November 16, 1981, are also available from RIMS-on-the-Web; requests for copies of these and other older documents should be submitted to the Public Reference Room.

User assistance is available for RIMS, CIPS, and the Website during normal business hours from our Help line at (202) 208–2222 (E-Mail to *WebMaster@ferc.gov)* or the Public Reference at (202) 208–1371 (E-Mail to *public.referenceroom@ferc.gov)*.

During normal business hours, documents can also be viewed and/or printed in FERC's Public Reference Room, where RIMS, CIPS, and the FERC Website are available. User assistance is also available.

List of Subjects in 18 CFR Part 284

Continental shelf, Natural gas, Reporting and recordkeeping requirements, Incorporation by reference.

By direction of the Commission.

Magalie R. Salas,

Secretary.

In consideration of the foregoing, the Commission proposes to amend part 284, Chapter I, Title 18, Code of Federal Regulations, as follows.

PART 284—CERTAIN SALES AND TRANSPORTATION OF NATURAL GAS UNDER THE NATURAL GAS POLICY ACT OF 1978 AND RELATED AUTHORITIES

1. The authority citation for part 284 continues to read as follows:

Authority: 15 U.S.C. 717–717w, 3301–3432; 42 U.S.C. 1331–1356.

§§ 284.241 and 284.242 (Subpart H) [Removed and reserved]

2. In part 284, remove and reserve subpart H, consisting of §§ 284.241 and 284.242.

[FR Doc. 02–9251 Filed 4–17–02; 8:45 am]

BILLING CODE 6717–01–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 404

[Regulation No. 4]

RIN 0960–AD67

Revised Medical Criteria for Evaluating Hematological Disorders and Malignant Neoplastic Diseases

AGENCY: Social Security Administration.

ACTION: Proposed rules; reopening of comment period.

SUMMARY: We are reopening the comment period for the notice of proposed rulemaking (NPRM) we published in the **Federal Register** (66 FR 59306) on November 27, 2001. Due to the significant issues raised by the commenters, we have decided to provide an additional 60-day public comment period.

DATES: The comment date of the NPRM published at 66 FR 59306 is reopened until June 17, 2002.

ADDRESSES: You may give us your comments by using: our Internet site facility (*i.e.,* Social Security Online) at *http://www.ssa.gov/regulations*; e-mail to *regulations@ssa.gov*; telefax to (410) 966–2830; or by letter to the Commissioner of Social Security, P.O. Box 17703, Baltimore, Maryland 21235–

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a business which is independently owned and operated and which is not dominant in its field of operations.

[13] 5 CFR Part 1320.

7703. You may also deliver them to the Office of Process and Innovation Management, Social Security Administration, 2109 West Low Rise, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, between 8 a.m. and 4:30 p.m. on regular business days. Comments are posted on our Internet site, or you may inspect them on regular business days by making arrangements with the contact person shown below.

Electronic Version: The electronic file of this document is available on the date of publication in the **Federal Register** at *http://www.access.gpo.gov/su_docs/aces/aces140.html.* It is also available on the Internet site for SSA (*i.e.,* Social Security Online) at *http://www.ssa.gov/regulations/.*

FOR FURTHER INFORMATION CONTACT: Suzanne DiMarino, Social Insurance Specialist, Office of Process and Innovation Management, Social Security Administration, 2109 West Low Rise, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, (410) 966–5995 or TTY (410) 966–5609. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our Internet web site, Social Security Online, at *www.ssa.gov.*

SUPPLEMENTARY INFORMATION: On November 27, 2001, we published ''Revised Medical Criteria for Evaluating Hematological Disorders and Malignant Neoplastic Diseases'' as an NPRM in the **Federal Register** (66 FR 59306). This NPRM proposed to revise the criteria in the Listing of Impairments (the listings) that we use to evaluate claims involving hematological disorders and malignant neoplastic diseases. In the NPRM, we provided a 60-day comment period that ended January 28, 2002. Most of the comments on the NPRM were received during the end of the comment period. These comments raised significant issues regarding the proposed criteria. In order to allow the public sufficient time to review and comment on these issues, we are providing an additional 60-day comment period. The comments are posted on our Internet site (*i.e.,* Social Security Online) at *http://www.ssa.gov/regulations.* We are also providing a list of the medical and other technical sources we consulted when we developed these proposed rules.

References

A list of the sources we consulted when developing the NPRM ''Revised Medical Criteria for Evaluating Hematological Disorders and Malignant Neoplastic Diseases'' (66 FR 59306) include the following:

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G. Richard Lee, ed., *et al. Wintrobe's Clinical Hematology.* Tenth Edition, 2 Vols. Baltimore: Williams & Wilkins, 1998.

Martin D. Abeloff, ed., *et al. Clinical Oncology.* New York: Churchill Livingstone, Inc., 1995.

Raymond E. Lenhard, Jr., Robert T Osteen, and Ted Gansler, eds. *Clinical Oncology.* Atlanta: The American Cancer Society Inc., 2001.

Robert C. Bast, Jr., ed., *et al. Cancer Medicine.* Fifth Edition, Hamilton, Ontario: B.C. Decker, Inc., 2000.

Phillip A. Pizzo and David G. Poplack. *Principles and Practice of Pediatric Oncology.* Third Edition, Philadelphia: Lippincott-Raven, 1997.

Anthony S. Fauci, ed., *et al. Principles of Internal Medicine.* Fourteenth Edition, New York: McGraw Hill, 1998:334–364, 493–747.

Arnold T. Sigler and William H. Zinkham. ''Anemia.'' *Sports and Exercise for Children with Chronic Health Conditions.* Barry Goldberg, ed. Champaign: Human Kinetics, 1995:290–299.

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James Abbruzzese, *et al.* ''Unknown Primary Carcinoma: Natural History and Prognostic Factors in 657 Consecutive Patients.'' *Journal of Clinical Oncology,* 12(6) June 1994:1272–1280.

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Lauren Abrey, Lisa DeAngelis, and Joachim Yahalom. ''Long-Term Survival in Primary CNS Lymphoma.'' *Journal of Clinical Oncology,* 16(3) March 1998:859–863.

Marianne J. Hejermstad, *et al.* ''Health-Related Quality of Life 1 Year After Allogeneic or Autologous Stem-Cell Transplantation: A Prospective Study.'' *Journal of Clinical Oncology,* 17(2) February 1999:706–718.

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W. Mendenhall, *et al.* ''Is Radiation Therapy a Preferred Alternative to Surgery for Squamous Cell Carcinoma of the Base of Tongue?'' *Journal of Clinical Oncology*, 18(1) January 2000:35–42.

Saul A. Rosenberg. ''Classification of Lymphoid Neoplasms.'' *Blood*, 84(5) 1 September 1994:1359–1360.

Nancy Lee Harris, *et al.* ''A Revised European-American Classification of Lymphoid Neoplasms: A Proposal From the International Lymphoma Study Group.'' *Blood*, 84(5) 1 September 1994:1361–1392.

Hannes Wandt, *et al.* ''Safety and Cost Effectiveness of a 10 x10^9/L Trigger for Prophylactic Platelet Transfusions Compared With the Traditional 20 x 10^9/L Trigger: a Prospective Comparative Trial in 105 Patients With Acute Myeloid Leukemia.'' *Blood*, 91(10) 15 May 1998:3601–3606.

Stefan Faderl, *et al.* ''Chronic Myelogenous Leukemia: Biology and Therapy.'' *Annals of Internal Medicine,* 131(3) 3 August 1999:207–219.

David P. Ryan, Carolyn C. Compton, and Robert J. Mayer. ''Carcinoma of the Anal Canal.'' *The New England Journal of Medicine*, 342(11) 16 March 2000:792–799.

Mario A. Eissenberger, *et al.* ''Bilateral Orchiectomy With Or Without Flutamide For Metastatic Prostate Cancer.'' *The New England Journal of Medicine*, 339(15) 8 October 1998:1036–1042.

Scott T. Miller, *et al.* ''Prediction of Adverse Outcomes in Children with Sickle Cell Disease.'' *The New England Journal of Medicine*, 342(2) 13 January 2000:83–89.

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Michael D. Prados, Mitchell S. Berger, and Charles B. Wilson. ''Primary Central Nervous System Tumors: Advances in Knowledge and Treatment.'' *CA–A Cancer Journal for Clinicians*, 48(6) November/December 1998:331–360.

D. H. Kraus, *et al.* ''Surgical management of squamous cell carcinoma of the base of the tongue.'' *American Journal of Surgery*, 166(4) October 1993:384–388.

David M. Brizel, *et al.* ''Hyperfractionated Irradiation with or without Concurrent Chemotherapy for Locally Advanced Head and Neck Cancer.'' *New England Journal of Medicine*, 338(25) 18 June 1998:1798–1804.

H. J. Lee, *et al.* ''Long-term regional control after radiation therapy and neck dissection for base of tongue carcinoma.'' *International Journal of Radiation Oncology, Biology and Physics*, 38(5) 15 July 1997: 995–1000.

D. P. Derman, *et al.* ''Adjuvant Chemotherapy (CMF) For Stage III Breast Cancer: A Randomized Trial.'' *International Journal of Radiation Oncology, Biology and Physics*, 17(2) August 1989:257–261.

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''Thalassemia'' available at <*http://sickle.bwh.harvard.edu/thalover.html*>.

''Medical Management'' available at <*http://www.thalassemia.com/medical/definition.shtml*>.

''Frequently Asked Questions'' available at <*http://www.thalassemia.com/faq*>.

''Sickle Cell Anemia'' available at <*http://www.healthanswers.com/database/ami/converted/000527.html*>

''Sickle Cell Anemia'' available at <*http://www.emory.edu/PEDS/SICKLE/sicklept.htm*>

''Anemia'' available at <*http://www.mayohealth.org/mayo/9511/htm/anemia.htm*>

These references are included in the rulemaking record for these proposed rules and are available for inspection by interested persons by making arrangements with the contact person shown above.

Dated: April 4, 2002.

Jo Anne B. Barnhart,

Commissioner of Social Security.

[FR Doc. 02–9468 Filed 4–17–02; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 58 and 72

RIN 1219–AB24

Measuring and Controlling Asbestos Exposure

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of change to public meetings.

SUMMARY: The Mine Safety and Health Administration is announcing a change in the date of one of our public meetings concerning the measurement and control of miners' exposure to asbestos. These meetings were announced March 29, 2002 in the **Federal Register** (67 FR 15134) in conjunction with an Advanced Notice of Proposed Rulemaking and Close of Record Notice. We are changing the date of the Charlottesville, Virginia meeting and adding a seventh public meeting in Phoenix, Arizona.

DATES: The public meeting in Phoenix, Arizona will be held on June 5, 2002. The public meeting in Charlottesville, Virginia will be held on June 20, 2002. The dates and locations of the other public meetings are listed in the Public Meetings section below under **SUPPLEMENTARY INFORMATION** for the convenience of the public.

You do not have to submit a written request to speak. There will be a sign-up sheet at each of the meeting locations. Speakers will speak in the order that they sign in. Speakers may also present information to the MSHA panel for inclusion in the rulemaking record.

ADDRESSES: The public meeting in Phoenix, Arizona will be held at the Hampton Inn Phoenix Midtown, 160 West Catalina Drive, Phoenix, AZ 85013 ((602) 200–0990). The public meeting in Charlottesville, Virginia will be held at the Holiday Inn, 1901 Emmet Street, Charlottesville, VA 22901 ((434) 977–7700). The public meeting dates and locations of the other five public meetings are listed in the Public Meetings section below under **SUPPLEMENTARY INFORMATION** for the convenience of the public.

FOR FURTHER INFORMATION CONTACT: Marvin W. Nichols, Jr., Director; Office of Standards, Regulations, and Variances; MSHA, 4015 Wilson Boulevard, Arlington, Virginia 22203–1984. Mr. Nichols can be reached at *nichols-marvin@msha.gov* (E-mail), (703) 235–1910 (Voice), or 703–235–5551 (Fax).

SUPPLEMENTARY INFORMATION:

I. Public Meetings

The public meetings will be held on the following dates and at these locations:

Date	Location	Phone
May 2nd	Ramada Inn, 164 Fort Couch Road, Pittsburgh, PA 15241	(412) 833–5300.
May 14th	Days Inn, 4212 W Sunset Blvd, Spokane, WA 99224	(509) 747–2021.
May 16th	Hampton Inn & Suites, 800 Mason Street, Vacaville, CA 95687	(707) 469–6200.

Date	Location	Phone
May 29th	Best Western, 90 E Main Street, Canton, NY 13617	(315) 386–8522.
June 5th	Hampton Inn Phoenix Midtown, 160 West Catalina Drive, Phoenix, AZ 85013.	(602) 200–0990.
June 12th	Days Inn, 701 Hattrick Ave, Virginia, MN 55734	(218) 744–2703.
June 20th	Holiday Inn, 1901 Emmet Street Charlottesville, VA 22901	(434) 977–7700.

The public meetings will begin at 9 a.m. and end after the last speaker appears; and in any event, not later than 5 p.m. each day.

Dated: April 12, 2002.

John R. Caylor,

Deputy Assistant Secretary of Labor for Mine Safety and Health.

[FR Doc. 02–9482 Filed 4–17–02; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[RIN 0720–AA72]

TRICARE; Waiver of Certain TRICARE Deductibles; Clarification of TRICARE Prime Enrollment Period

AGENCY: Office of the Secretary, DoD.

ACTION: Proposed rule.

SUMMARY: This proposed rule implements section 714 of the National Defense Authorization Act for Fiscal Year 2000 which authorizes the Secretary of Defense to waive the TRICARE deductible in certain cases for care provided to a dependent of a member of a Reserve Component or the National Guard who is called to active duty for more than 30 days but less than one year. In implementing this rule, we are limiting this to Reserve Component and National Guard members called to active duty in support of a contingency operations. The term ''contingency operations'' is defined at 10 U.S.C. 101(a)(13). This proposed rule also establishes circumstances under which eligible beneficiaries may enroll in TRICARE Prime for a period of less than one year.

DATES: Public comments must be received by June 17, 2002.

ADDRESSES: Forward comments to: TRICARE Management Activity (TMA), Medical Benefits and Reimbursement Systems, 16401 East Centretech Parkway, Aurora, CO 80011–9043.

FOR FURTHER INFORMATION CONTACT: Stephen E. Isaacson, Medical Benefits and Reimbursement Systems, TMA, (303) 676–3572.

SUPPLEMENTARY INFORMATION:

Waiver of Certain TRICARE Deductibles

Often a call to active duty for a member of a Reserve Component or of the National Guard presents certain financial hardships. Dependents of these individuals become eligible for TRICARE Standard if the member is called to active duty for a period of more than 30 days. However, since they are not covered by TRICARE prior to the member's call to active duty, they generally are covered by some other health plan under which they probably have been required to pay a deductible.

In order to mitigate the hardship of having to meet a second deductible for active duty service that often is less than a year, the TRICARE deductible has been reduced or waived on two previous occasions. For dependents of active duty members of pay grade E–5 or above who served in connection with Operation Desert Shield or Operation Desert Storm, the TRICARE deductible was reduced to the lesser amounts required for active duty members of pay grade E–4 or below. For dependents of certain reserve members who were called to active duty for more than 30 days in support of Operation Joint Endeavor, the TRICARE deductible was waived.

Section 714 of the National Defense Authorization Act for Fiscal Year 2000 (Pub. L. 106–65) gives the Secretary of Defense authority to waive the TRICARE deductible for certain beneficiaries in circumstances similar to those when it was previously waived. Specifically the Secretary may waive the deductible for care provided to a dependent of: (1) A member of a Reserve Component who is called or ordered to active duty in support of a contingency operation for a period of more than 30 days but less than one year; or (2) a member of the National Guard who is called or ordered to full-time National Guard duty for a period of more than 30 days but less than one year. The proposed rule allows the family members of a Reservist or National Guard member an immediate opportunity to participate in the TRICARE program without the barrier of deductibles when the period of recall is in support of a contingency operation for more than 30 days but less than one year. Because of the nature of rapid deployments for an unspecified period of time, this change provides family-friendly coverage when we need family cooperation to respond effectively to the deployment situation. For purposes of this provision, a dependent is limited to a spouse (but not a former spouse) of the member and a child who is dependent upon the member for over one-half of the child's support as defined in §§199.3(b)(2)(ii)(A) through (b)(2)(ii)(F) and (b)(2)(ii)(H)(*1*), (b)(2)(ii)(H)(*2*) and (b)(2)(ii)(H)(*4*).

Enrollment in TRICARE Prime

Enrollment in TRICARE Prime normally must be for a period of one year. Section 199.17(v), provides for the establishment of administrative requirements and procedures to ensure reasonable implementation and operation of the TRICARE program. Under this authority, an exception to the one-year Prime enrollment requirement has been provided for Reservists and members of the National Guard who are called or ordered to active duty for a period of 179 days or more. A second exception has been established for those beneficiaries who are eligible to enroll in Prime but have less than one year of TRICARE eligibility remaining. For example, the dependents of an active duty member may enroll in Prime even though the member has less than one year of active duty service remaining, and the member will not be eligible for retirement at the end of the member's active duty service.

This proposed rule establishes specific regulatory authority for these exceptions.

Regulatory Procedures

Executive Order (EO) 12866 requires that a comprehensive regulatory impact analysis be performed on any economically significant regulatory action, defined as one which would result in an annual effect of $100 million or more on the national economy or which would have other substantial impacts.

The Regulatory Flexibility Act (RFA) requires that each Federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues a regulation which would have a significant impact on a substantial

number of small entities. We certify that this proposed rule would not significantly affect a substantial number of small entities.

This rule has been designated as significant and has been reviewed by the Office Management and Budget as required under the provisions of E.O. 12866.

Paperwork Reduction Act

This rule imposes no burden as defined by the Paperwork Reduction Act of 1995.

List of Subjects in 32 CFR Part 199

Claims, Handicapped, Health insurance, and Military personnel.

Accordingly, 32 CFR part 199 is amended as follows:

PART 199—[AMENDED]

1. The authority citation for Part 199 continues to read as follows:

Authority: 5 U.S.C. 301; 10 U.S.C. Chapter 55.

2. Section 199.4 is proposed to be amended by adding a new paragraph (f)(2)(i)(H) to read as follows.

§ 199.4 Basic program benefits.

* * * * *

(f) * * *

(2) * * *

(i) * * *

(H) The Secretary of Defense, or a designee, may waive the annual fiscal year deductible for a dependent of a member of a Reserve Component who is called or ordered to active duty for a period of more than 30 days but less than one year or a member of the National Guard who is called or ordered to full-time National Guard duty for a period of more than 30 days but less than one year, in support of a contingency operation (as defined in 10 U.S.C. 101(a)(13)) for care received on or since October 5, 1999. For purposes of this paragraph, a dependent is a spouse (but not a former spouse) of the member and a child who is dependent upon the member for over one-half of the child's support as defined in §199.3 (b)(2)(ii)(A) through (b)(2)(ii)(F) and (b)(2)(ii)(H)(*1*), (b)(2)(ii)(H)(*2*) and (b)(2)(ii)(H)(*4*).

* * * * *

3. Section 199.17 is proposed to be amended by revising paragraph (o)(2) to read as follows:

§ 199.17 TRICARE program.

* * * * *

(o) * * *

(2) *Enrollment period.*

(i) Beneficiaries who select the TRICARE Prime option remain enrolled for 12 month increments until: they take action to disenroll; they are no longer eligible for enrollment in TRICARE Prime; or they are disenrolled for failure to pay required enrollment fees. For those who remain eligible for TRICARE Prime enrollment, no later than 15 days before the expiration date of an enrollment, the sponsor will be sent a written notification of the pending expiration and renewal of the TRICARE Prime enrollment. TRICARE Prime enrollments shall be automatically renewed upon the expiration of the enrollment unless the renewal is declined by the sponsor. Termination of enrollment for failure to pay enrollment fees is addressed in paragraph (o)(3) of this section.

(ii) Exceptions to the 12-month enrollment period.

(A) Beneficiaries who are eligible to enroll in TRICARE Prime but have less than one year of TRICARE eligibility remaining may enroll.

(B) The dependents of a reservist or of a member of the National Guard who is called to active duty for a period of 179 days or more may enroll in TRICARE Prime.

* * * * *

Dated: April 11, 2002.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 02–9244 Filed 4–17–02; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD09–02–007]

RIN 2115–AA97

Security Zones; Captain of the Port Milwaukee Zone, Lake Michigan

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish permanent security zones on the navigable waters of Lake Michigan in the Captain of the Port Zone Milwaukee. These security zones are necessary to protect the nuclear power plants from possible sabotage or other subversive acts, accidents, or possible acts of terrorism. These zones are intended to restrict vessel traffic from a portion of Lake Michigan.

DATES: Comments and related material must reach the Coast Guard on or before May 20, 2002.

ADDRESSES: You may mail comments and related material to U.S. Coast Guard Marine Safety Office Milwaukee, 2420 South Lincoln Memorial Drive, Milwaukee, WI 53207. Marine Safety Office Milwaukee maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at Marine Safety Office Milwaukee between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Tim Sickler, U.S. Coast Guard Marine Safety Office Milwaukee, 2420 South Lincoln Memorial Drive, Milwaukee, WI 53207. The telephone number is (414) 747–7155.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD09–02–007), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to U.S. Coast Guard Marine Safety Office Milwaukee at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

On September 11, 2001, the United States was the target of coordinated attacks by international terrorists resulting in catastrophic loss of life, the destruction of the World Trade Center, and significant damage to the Pentagon. National security and intelligence officials warn that future terrorists attacks are likely.

This regulation proposes to establish two permanent security zones for the following facilities:

(1) Point Beach nuclear power plant, and

(2) Kewaunee nuclear power plant.

These security zones are necessary to protect the public, facilities, and the surrounding area from possible sabotage or other subversive acts. All persons other than those approved by the Captain of the Port Milwaukee, or his on-scene representative, are prohibited from entering or moving within the zones. The Captain of the Port Milwaukee may be contacted via VHF Channel 16 for further instructions to request permission before transiting through the restricted area. The Captain of the Port Milwaukee's on-scene representative will be the patrol commander. In addition to publication in the **Federal Register**, the public will be made aware of the existence of these security zones, their exact locations, and the restrictions involved via Broadcast Notice to Mariners.

Discussion of Proposed Rule

Following the catastrophic nature and extent of damage realized from the aircraft flown into the World Trade Center towers, this rulemaking is necessary to protect the national security interests of the United States against future strikes against public targets. The security zones protecting the nuclear power plants are necessary to safeguard the supply of electricity along Lake Michigan and to protect the public from possible exposure to the radioactive materials that could be released into the environment as a result of a terrorist attack on those facilities.

On October 12, 2001, the Coast Guard published temporary security zones around Kewaunee nuclear power plant (66 FR 52036) and Point Beach nuclear power plant (66 FR 52041). The current regulation proposes to establish permanent security zones for the following locations:

(1) Kewaunee—All navigable waters of Western Lake Michigan commencing from a point on the shoreline at 44° 20.647 N, 087° 32.1 W, then easterly to 44° 20.647 N, 087° 31.866 W, then southerly to 44° 20.391 N, 087° 31.866 W, then westerly to 44° 20.391 N, 087° 32.067 W, then northerly following the shoreline back to the point of origin. These coordinates are based upon North American Datum 1983 (NAD 83).

(2) Point Beach—All navigable waters of Western Lake Michigan commencing from a point on the shoreline at 44° 17.1 N, 087° 32.25 W, then northeasterly to 44° 17.2 N, 087° 31.98 W, then southeasterly to 44° 16.8 N, 087° 31.7 W, then southwesterly to 44° 16.7 N, 087° 32.03 W, then northwesterly along the shoreline back to the point of origin (NAD 83).

Regulatory Evaluation

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

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. There will be no impact on commercial vessel traffic as a result of these security zones.

Small Entities

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

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

This security zone will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will not obstruct the regular flow of traffic and will allow vessel traffic to pass around the security zone.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the office listed in **ADDRESSES** in this preamble. 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 proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

Federalism

We have analyzed this proposed rule under Executive Order 13132, Federalism, 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) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Environment

We have considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph (34) (g), of Commandant Instruction M16475.lC, this rule is categorically excluded from further environmental documentation.

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 proposes to amend 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.

§§ 165.T09–109 and 165.T09–110 [Removed]

2. Remove §§ 165.T09–109 and 165.T09–110.

3. Add § 165.913 to read as follows:

§ 165.913 Security Zones; Captain of the Port Milwaukee Zone, Lake Michigan.

(a) *Location.* The following is a security zone:

(1) *Kewaunee Nuclear Power Plant.* All navigable waters of Western Lake Michigan commencing from a point on the shoreline at 44° 20.647 N, 087° 32.1 W, then easterly to 44° 20.647 N, 087° 31.886 W, then southerly to 44° 20.391 N, 087° 31.866 W, then westerly to 44° 20.391 N, 087° 32.067 W, then northerly following the shoreline back to the point of origin (NAD 83).

(2) *Point Beach Nuclear Power Plant.* All navigable waters of Western Lake Michigan commencing from a point on the shoreline at 44° 17.1 N, 087° 32.25 W, then northeasterly to 44° 17.2 N, 087° 31.98 W, then southeasterly to 44° 16.8 N, 087° 31.7 W, then southwesterly to 44° 16.7 N, 087° 32.03 W then northwesterly along the shoreline back to the point of origin (NAD 83).

(b) *Regulations.* (1) In accordance with § 165.33, entry into this zone is prohibited unless authorized by the Coast Guard Captain of the Port Milwaukee. Section 165.33 also contains other general requirements.

(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number (414) 747–7155 or on VHF–FM Channel 16 to seek permission to transit the area. If permission is granted, all persons and vessels shall comply with the instructions of the Captain of the Port or his or her designated representative.

(c) Authority. In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

Dated: April 5, 2002.

M.R. Devries,

Commander, U.S. Coast Guard, Captain of the Port Milwaukee.

[FR Doc. 02–9418 Filed 4–17–02; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD09–02–003]

RIN 2115–AA97

Safety Zones; Annual Fireworks Displays in the Captain of the Port Milwaukee Zone

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish 29 permanent safety zones for annual fireworks displays throughout the Captain of the Port Milwaukee Zone. These safety zones are necessary to control vessel traffic within the immediate vicinity of the fireworks launch sites and to ensure the safety of life and property during each event. These safety zones are intended to restrict vessels from that area encompassed by the safety zone for the duration of each firework display.

DATES: Comments and related material must reach the Coast Guard on or before June 17, 2002.

ADDRESSES: You may mail or hand-deliver comments and related material to Commanding Officer, U.S. Coast Guard Marine Safety Office Milwaukee, 2420 South Lincoln Memorial Drive, Milwaukee, WI 53207. Marine Safety Office Milwaukee maintains the public docket for this rulemaking. Comments and material received from the public, as well as the 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 Marine Safety Office Milwaukee between 7 a.m. and 3:30 p.m. Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LCDR Timothy Sickler, U.S. Coast Guard, Marine Safety Office Milwaukee, 2420 S. Lincoln Memorial Drive, Milwaukee, WI 53207, (414) 747–7155.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking CGD09–02–003 and indicate the specific section or event of this proposal to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8 1/2 by 11 inches, suitable for photocopying and electronic filing. If you would like to know they reached us, please enclose a stamped, self-addressed envelope or postcard. We will consider all comments and material received during the comment period. We may change this proposal in view of them.

Public Meeting

We do not plan to hold a public meeting. But you may submit a request for a meeting by writing to Marine

Safety Office Milwaukee at the address listed under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

Each year, various organizations in Wisconsin sponsor fireworks displays at the same locations during the same general time periods. Based on recent accidents that have occurred in other Captain of the Port zones, and the explosive hazard associated with these events, the Captain of the Port has determined that fireworks launches in close proximity to watercraft pose a significant risk to public safety and property. The likely combination of large numbers of inexperienced recreational boaters, congested waterways, darkness punctuated by bright flashes of light, alcohol use, and debris falling into the water could easily result in serious injuries or fatalities. Establishing a safety zone to control vessel movement will ensure the safety of persons and property at these events and help minimize the associated risk. In the past, the Captain of the Port has annually done separate temporary rulemaking for each firework event. This proposed rule merely consolidates past temporary rulemakings into one rulemaking, includes other events for the purpose of uniformity, and allows for a more thoughtful, timely rulemaking process. This rulemaking will create a permanent rule listing the safety zones for each fireworks launch platform used for each fireworks display.

Discussion of Proposed Rule

The Coast Guard is proposing to establish a safety zone around all annual fireworks events in the Captain of the Port Milwaukee area. The proposed size of these safety zones was determined by using the National Fire Protection Association standards.

The Coast Guard believes this proposed rule will not pose any additional problems for commercial vessels transiting the area. In the unlikely event that shipping is affected by these new regulations, commercial vessels may request permission from the Captain of the Port Milwaukee to transit through the safety zone. No commercial shipping lanes will be impacted as a result of this rulemaking.

The Coast Guard will announce the exact dates and times for these events by publishing a Notice of Implementation in the **Federal Register** as well as in the Ninth Coast Guard District Local Notice to Mariners, marine information broadcasts, and, for those who request it from Marine Safety Office Milwaukee, by facsimile (fax).

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 on Regulatory Planning and Review and therefore 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 this rule under that order. It is not significant under Department of Transportation regulatory policies and procedures (DOT) (44 FR 11040, February 26, 1979). If comments are received to indicate otherwise, the Captain of the Port may reconsider this determination. The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This determination is based on the minimal time that vessels will be restricted from the zone, and all of the zones are in areas where the Coast Guard expects insignificant adverse impact to mariners from the zones' activation.

Small Entities

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the Captain of the Port Milwaukee has determined that this rule will not have a significant impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U. S. C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in a portion of an activated safety zone. The safety zone would not have a significant economic impact on a substantial number of small entities for the following reasons.

The zones would be in effect for only a few hours on the day of the event on an annual basis. Vessel traffic can safely pass outside of some of the proposed safety zones during the events. Although the safety zones for some events would apply to the entire navigation channel, traffic would be allowed to pass through the safety zone with the permission of the Coast Guard Patrol Commander.

Before the effective periods of the zones, the Coast Guard would issue a Notice of Implementation to be published in the **Federal Register**, and in the form of Maritime Broadcast Notice to Mariners, and upon request in printed or facsimile form, to operators of vessels who might be in the affected area. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), the Coast Guard wants to assist small entities in understanding this rule so that they can better evaluate its effects and participate in the rulemaking process. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Marine Safety Office Milwaukee (see **ADDRESSES.**)

Collection of Information

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

Federalism

We have analyzed this proposed 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) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule would not 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 proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

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

Environment

The Coast Guard has considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph 32(g) of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation. A written categorical exclusion determination is available in the docket for inspection or copying where indicated under **ADDRESSES.**

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

List of Subjects in 33 CFR Part 165

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

For the reason discussed in the preamble, the Coast Guard proposes to amend 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 § 165.909 to read as follows:

§ 165.909 Safety Zones; Annual Fireworks Displays in the Captain of the Port Milwaukee Zone

(a) *Safety zones.* The following areas are designated safety zones. All geographic coordinates are North American Datum of 1983 (NAD83).

(1) *Pridefest Fireworks—Milwaukee, WI.* (i) *Location.* All waters off of Henry W. Maier Festival Park Harbor Island, outer Milwaukee Harbor from the point of origin at 43°02.209′ N, 087°53.714′ W; southeast to 43°02.117′ N, 087°53.417′ W; then south to 43°01.767′ N, 087°53.417′ W; then southwest to 43°01.555′ N, 087°53.772′ W; then north following the shoreline back to the point of origin. The Harbor Island Lagoon Area is encompassed by this safety zone.

(ii) *Expected date and time.* Second week in June; sunset to termination of display.

(2) *Summerfest Fireworks—Milwaukee, WI.* (i) *Location.* All waters off of Henry W. Maier Festival Park Harbor Island, outer Milwaukee Harbor from the point of origin at 43°02.209′ N, 087°53.714′ W; then southeast to 43°02.117′ N, 087°53.417′ W; then south to 43°01.767′ N, 087°53.417′ W; then southwest to 43°01.555′ N, 087°53.772′ W; then north following the shoreline back to the point of origin. The Harbor Island Lagoon Area is encompassed by this safety zone.

(ii) *Expected date and time.* Last week in June; sunset to termination of display.

(3) *Summerfest Hole-in-One Shoot/Stunt Shows.* (i) *Location.* All waters of the Harbor Island Lagoon, outer Milwaukee Harbor from the point of origin at 43°02.50′ N, 087°53.78′ W′ then west to 43°02.50′ N, 087°53.85′ W; then following the shoreline of the Henry W. Maier Festival Park and Harbor Island back to the point of origin.

(ii) *Expected date and time.* Last week in June through the first two weeks in July; 11:30 a.m. to 9:15 p.m.

(4) *Festa Italiana Fireworks—Milwaukee, WI.* (i) *Location.* All waters off of Henry W. Maier Festival Park Harbor Island, outer Milwaukee Harbor from the point of origin at 43°02.209′ N, 087°53.714′ W; then southeast to 43°02.117′ N, 087°53.417′ W; then south to 43°01.767′ N, 087°53.417′ W; then southwest to 43°01.555′ N, 087°53.772′ W; then north following the shoreline back to the point of origin. The Harbor Island Lagoon Area is also included in this safety zone.

(ii) *Expected date and time.* Third week in July; sunset to termination of display.

(5) *Germanfest Fireworks—Milwaukee, WI.* (i) *Location.* All waters off of Henry W. Maier Festival Park Harbor Island, outer Milwaukee Harbor from the point of origin at 43°02.209′ N, 087°53.714′ W; then southeast to 43°02.117′ N, 087°53.417′ W; then south to 43°01.767′ N, 087°53.417′ W; southwest to 43°01.555′ N, 087°53.772′ W; the north following the shoreline back to the point of origin. The Harbor Island Lagoon Area is encompassed by this safety zone.

(ii) *Expected date and time.* Last full weekend in July; sunset to termination of display.

(6) *African World Festival—Milwaukee, WI.* (i) *Location.* All waters off of Henry W. Maier Festival Park Harbor Island, outer Milwaukee Harbor from the point of origin at 43°02.209′ N, 087°53.714′ W; then southeast to 43°02.117′ N, 087°53.417′ W; then south to 43°01.767′ N, 087°53.417′ W; then southwest to 43°01.555′ N, 087°53.772′ W; then north following the shoreline back to the point of origin. The Harbor Island Lagoon Area is encompassed by this safety zone.

(ii) *Expected date and time.* First week in August; sunset to termination of display.

(7) *Irishfest Fireworks—Milwaukee, WI.* (i) *Location.* All waters off of Henry W. Maier Festival Park Harbor Island, outer Milwaukee Harbor from the point of origin at 43°02.209′ N, 087°53.714′ W; then southeast to 43°02.117′ N, 087°53.417′ W; then south to 43°01.767′ N, 087°53.417′ W; then southwest to 43°01.555′ N, 087°53.772′ W; then north following the shoreline back to the point of origin. The Harbor Island Lagoon Area is encompassed by this safety zone.

(ii) *Expected date and time.* Third week in August; sunset to termination of display.

(8) *Mexican Fiesta Fireworks—Milwaukee, WI.* (i) *Location.* All waters

off of Henry W. Maier Festival Park Harbor Island, outer Milwaukee Harbor from the point of origin at 43°02.209′ N, 087°53.714′ W; then southeast to 43°02.117′ N, 087°53.417′ W; then south to 43°01.767′ N, 087°53.417′ W; then southwest to 43°01.555′ N, 087°53.772′ W; then north following the shoreline back to the point of origin. The Harbor Island Lagoon Area is encompassed by this safety zone.

(ii) *Expected date and time.* Last week in August; sunset to termination of display.

(9) *Indian Summer Fireworks—Milwaukee, WI.* (i) *Location.* All waters off of Henry W. Maier Festival Park Harbor Island, outer Milwaukee Harbor from the point of origin at 43°02.209′ N, 087°53.714′ W; then southeast to 43°02.117′ N, 087°53.417′ W; then south to 43°01.767′ N, 087°53.417′ W; then southwest to 43°01.555′ N, 087°53.772′ W; then north following the shoreline back to the point of origin. The Harbor Island Lagoon Area is encompassed by this safety zone.

(ii) *Expected date and time.* First week in September; sunset to termination of display.

(10) *Arabianfest Fireworks—Milwaukee, WI.* (i) *Location.* All waters off of Henry W. Maier Festival Park Harbor Island, outer Milwaukee Harbor from the point of origin at 43°02.209′ N, 087°53.714′ W; then southeast to 43°02.117′ N, 087°53.417′ W; then south to 43°01.767′ N, 087°53.417′ W; then southwest to 43°01.555′ N, 087°53.772′ W; then north following the shoreline back to the point of origin. The Harbor Island Lagoon Area is encompassed by this safety zone.

(ii) *Expected date and time.* Second week in September; sunset to termination of display.

(11) *St. Patrick's Day Fireworks—Manitowoc.* (i) *Location.* All waters and adjacent shoreline across from the World War II U.S. Cobia submarine, Manitowoc River encompassed by the arc of a circle with a 70-foot radius with its center in approximate position 44°05.30′ N, 087°39.15′ W.

(ii) *Expected date and time.* Third week in March; sunset to termination of display.

(12) *Rockets for Schools—Sheboygan, WI.* (i) *Location.* All waters and adjacent shoreline around the south breakwall area, Lake Michigan encompassed by the arc of a circle with a 1260-foot radius with its center in the approximate position 43°44.56′ N, 087°42.06′ W. This zone will encompass the entrance to Sheboygan Harbor and will result in its closure while the safety zone is in effect.

(ii) *Expected date and time.* Second weekend in May; sunset to termination of display.

(13) *City of Sheboygan Fourth of July Fireworks.* (i) *Location.* All waters and adjacent shoreline of Lake Michigan encompassed by the arc of a circle with an 840-foot radius with its center in the approximate position 43°44.48′ N, 087°42.14′ W . This zone will encompass the entrance to Sheboygan Harbor and will result in its closure while the safety zone is in effect.

(ii) *Expected date and time.* First week in July; sunset to termination of display.

(14) *City of Kenosha Fourth of July Fireworks.* (i) *Location.* All waters and adjacent shoreline around the South Pier Light area, Lake Michigan encompassed by the arc of a circle with an 840-foot radius with its center in approximate position 42°35.17′ N, 087°48.33′ W. This safety zone will encompass the entrance to Kenosha Harbor and will result in its closure while the safety zone is in effect.

(ii) *Expected date and time.* First week in July; sunset to termination of display.

(15) *Firstar Fireworks—Milwaukee, WI.* (i) *Location.* All waters and adjacent shoreline south of Juneau Park, outer Milwaukee Harbor encompassed by the arc of a circle with an 840-foot radius of the fireworks barge in approximate position 43°02.23′ N, 087°53.30′ W.

(ii) *Expected date and time.* First week in July; sunset to termination of display.

(16) *Marinettefest Fireworks.* (i) *Location.* All waters between the U.S. 41 Interstate Bridge (mile marker 1.88) and the NEW Hydro Inc. Dam (mile marker 2.45) on the Menominee River. This safety zone includes all adjacent shoreline between the bridge and the dam.

(ii) *Expected date and time.* First week in July; sunset to termination of display.

(17) *Riversplash Fireworks—Milwaukee, WI.* (i) *Location.* All waters and adjacent shoreline east of Pere Marquette Park, Milwaukee River encompassed by the arc of a circle with a 210-foot radius of the fireworks barge in approximate position 43°02.33′ N, 087°54.46′ W. This safety zone will temporarily close down the Milwaukee River.

(ii) *Expected date and time.* First week in July; sunset to termination of display.

(18) *Manitowoc Municipal Fourth of July Fireworks.* (i) *Primary location.* All waters and adjacent shoreline east of the Manitowoc Yacht Club, Lake Michigan encompassed by the arc of a circle with an 840-foot radius of the fireworks barge in approximate position 44°06.05′ N, 087°38.37′ W.

(ii) *Alternate location.* All waters and the adjacent shoreline encompassed by the arc of a circle with a 420-foot radius of the fireworks barge with its center in approximate position 44°05.33′ N, 087°39.00′ W. If display is moved to secondary site, it will temporarily close entrance to Manitowoc Harbor.

(iii) *Expected Date and Time.* First week in July; sunset to termination of display.

(19) *Fourthfest of Greater Racine.* (i) *Primary location.* All waters and adjacent shoreline around the north breakwall, Lake Michigan encompassed by the arc of a circle with a 560-foot radius with its center in approximate position 42°44.14′ N, 087°46.30′ W.

(ii) *Alternate location.* All waters and adjacent shoreline encompassed by the arc of a circle with a 560-foot radius with its center in approximate position 42°44.21′ N, 087°46.45′ W. (This point is on the beach north of the northern breakwall).

(iii) *Expected date and time.* First week in July; sunset to termination of display.

(20) *Celebrate Amerifest—Green Bay, WI.* (i) *Location.* All waters and adjacent shoreline between the Green Bay and Western Railroad Bridge (mile marker 1.03) and the Mason St. Bridge (mile marker 3.52) on the Fox River. This safety zone will temporarily close the Fox River. This safety zone does not encompass the water of the East River.

(ii) *Expected date and time.* First week in July; 2 p.m. to 11 p.m.

(21) *South Shore Frolics Fireworks—Milwaukee, WI.* (i) *Location.* All waters and adjacent shoreline east of South Shore Park, Milwaukee Harbor encompassed by the arc of a circle with a 280-foot radius with its center in approximate position 42°59.43′ N, 087°52.54′ W.

(ii) *Expected date and time.* Second week in July; sunset to termination of display.

(22) *Kewaunee Annual Trout Festival.* (i) *Location.* All waters and adjacent shoreline around the south breakwall area, Lake Michigan encompassed by the arc of a circle with a 560-foot radius with its center in approximate position 44°27.30′ N, 087°29.46′ W. This safety zone will temporarily close the entrance to Kewaunee Harbor.

(ii) *Expected time and date.* Third weekend in July; sunset to termination of display.

(23) *Port Washington Fish Days Fireworks.* (i) *Location.* All waters and adjacent shoreline around the Wisconsin Electric Coal Dock, Lake

Michigan encompassed by the arc of a circle with an 840-foot radius with its center in approximate position 43°23.07′ N, 087°51.55′ W. This safety zone will temporarily close the entrance to Port Washington Harbor.

(ii) *Expected date and time.* Third week in July; sunset to termination of display.

(24) *Menominee Waterfront Festival.* (i) *Location.* All waters and adjacent shoreline off the southeast side of the Menominee Municipal Marina, Lake Michigan encompassed by the arc of a circle with an 840-foot radius of the fireworks launch platform with its center in approximate position 45°20.05′ N, 087°36.49′ W.

(ii) *Expected date and time.* The Saturday following the first Thursday in August; sunset to termination of display.

(25) *Sturgeon Bay Venetian Night Fireworks.* (i) *Location.* All waters and adjacent shoreline off the Sturgeon Bay Yacht Club, Sturgeon Bay Canal encompassed by the arc of a circle with a 350-foot radius of the fireworks launch platform with its center in approximate position 44°49.33′ N, 087°23.27′ W. This safety zone will temporarily close down the Sturgeon Bay Canal.

(ii) *Expected date and time.* First weekend in August; 10 a.m. to termination of fireworks display.

(26) *Algoma Shanty Days Fireworks.* (i) *Primary location.* All waters and adjacent shoreline around the south breakwall area, Lake Michigan encompassed by the arc of a circle with a 560-foot radius with its center in approximate position 44°36.22′ N, 087°25.55′ W forming the primary site.

(ii) *Alternate location.* All waters and adjacent shoreline encompassed by the arc of a circle with a 560-foot radius with its center in approximate position 44°36.28′ N, 087°25.54′ W. If the display is moved to secondary site, the safety zone will temporarily close entrance to Algoma Harbor.

(iii) *Expected time and date.* Second week in August; sunset to termination of display.

(27) *Sister Bay MarinaFest—Sister Bay.* (i) *Location.* All waters and adjacent shoreline off the town of Sister Bay, Lake Michigan encompassed by the arc of a circle with a 560-foot radius of the fireworks launch platform with its center in approximate position 45°10.60′ N, 087°06.60′ W.

(ii) *Expected date and time.* First week in September; sunset to termination of display.

(28) *Milwaukee River Challenge—Milwaukee, WI.* (i) *Location.* All waters and adjacent shoreline between the Humboldt Ave. Bridge (mile marker 3.22) and E. Chicago St. (mile marker 1.08) on the Milwaukee River. This safety zone will temporarily close the Milwaukee River for crew boat races.

(ii) *Expected date and time.* Third week in September; 10 a.m. to 5 p.m.

(29) *Sheboygan South High School Homecoming Fireworks.* (i) *Location.* All waters and adjacent shoreline around the south breakwall area, Lake Michigan encompassed by the arc of a circle with a 420-foot radius with its center in approximate position 43°44.57′ N, 087°42.13′ W. This safety zone will temporarily close the entrance to Sheboygan Harbor.

(ii) *Expected date and time.* One day in the first two weeks in October; sunset to termination of display.

(b) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator shall proceed as directed. U.S. Coast Guard Auxiliary, representatives of the event organizer, and local or state officials may be present to inform vessel operators of this regulation and other applicable laws.

(3) In cases where shipping is affected, commercial vessels may request permission from the Captain of the Port Milwaukee to transit the safety zone. Approval in such cases will be case-by-case. Requests must be made in advance and approved by the Captain of the Port before transits will be authorized. The Captain of the Port may be contacted via U.S. Coast Guard Group Milwaukee on Channel 16, VHF–FM.

(c) Captain of the Port Milwaukee will announce the exact time and location of the annual events listed in this regulation by Notice of Implementation, Broadcast Local Notice to Mariners, or any other means deemed appropriate.

Dated: April 1, 2002.

M.R. DeVries,

Commander, U.S. Coast Guard, Captain of the Port, Milwaukee.

[FR Doc. 02–9417 Filed 4–17–02; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AZ–076–SIP; FRL–7172–5]

Finding of State Implementation Plan Inadequacy; Arizona—Salt River Monitoring Site; Metropolitan Phoenix; PM–10 Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to find that the State implementation plan (SIP) for the Metropolitan Phoenix (Maricopa County), Arizona PM–10 nonattainment area is substantially inadequate to attain the 24-hour particulate (PM–10) national ambient air quality standard (NAAQS) at the Salt River monitoring site, a small subarea of the nonattainment area. As a result, EPA is proposing to require the State of Arizona to submit a SIP revision to correct the inadequacy.

DATES: Comments on this proposal must be received in writing by May 20, 2002.

ADDRESSES: Comments should be mailed to: Frances Wicher, Office of Air Planning (AIR–2), EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901.

This document and information on the PM–10 plans for the metropolitan Phoenix area are also available as electronic files on EPA's Region 9 Web Page at *www.epa.gov/region09/air.*

FOR FURTHER INFORMATION CONTACT: Frances Wicher, Office of Air Planning (AIR–2), U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, California 94105. (415) 947–4155. E-mail: *wicher.frances@epa.gov.*

SUPPLEMENTARY INFORMATION:

Note: In this document, ''we,'' ''us'' and ''our'' refer to EPA. ''CAA or the Act'' refers to the Clean Air Act as amended in 1990 and subsequently. ''PM–10'' refers to particulate matter with a diameter of 10 microns or less. ''24-hour standard'' refers to the 24-hour National Ambient Air Quality Standard for PM–10 established at 40 CFR 50.6(a). ''SIP'' or ''plan'' refers to a state implementation plan. ''ADEQ'' is the Arizona Department of Environmental Quality. ''BACM'' and ''RFP'' are acronyms, respectively, for best available control measure and reasonable further progress.

I. Summary of Today's Proposal

In 1997, we approved an attainment demonstration as part of the Metropolitan Phoenix serious area PM–10 SIP that showed the 24-hour PM–10 standard would not be violated at the

Salt River site after 1998. However, data from the ambient air quality monitor located at the Salt River site[1] shows continuing violations of the 24-hour standard. Based on these continuing violations, we propose to find that the SIP is substantially inadequate to provide for attainment of the 24-hour standard at the Salt River site. Under CAA section 110(k)(5), once we determine that a state's SIP is substantially inadequate to attain a national ambient air quality standard, we must require that state to revise its SIP to correct the inadequacy.

Based on the proposed finding of inadequacy, we are also proposing to require that the State of Arizona revise its serious area PM–10 SIP to assure expeditious attainment of the 24-hour PM–10 standard for the Salt River monitoring site and submit these revisions to EPA no later than 18 months after publication of the final rule for this proposal.

II. Background to Today's Proposals

A. The Metropolitan Phoenix Serious Area PM–10 Plan

The Phoenix area violates both the annual PM–10 standard of 50 μg/m^3 and the 24-hour standard of 150 μg/m^3. 40 CFR 50.6. In 1996, the Phoenix area was classified as a serious PM–10 nonattainment area under the CAA and required to develop a nonattainment plan that provided for expeditious attainment of both standards and met the other applicable CAA plan requirements for serious areas. *See* 61 FR 21372 (May 10, 1996). Since 1996, Arizona has made several SIP submittals that collectively address these planning requirements and we have acted on them in several rulemakings. For more background on the Phoenix PM–10 SIP and our actions on it, please see 65 FR 19964, 19965 (April 13, 2000) and 66 FR 50252, 50253 (October 2, 2001) and the Technical Support Documents for these actions.

In today's proposal, we are concerned with the Phoenix PM–10 SIP's provisions for attaining the 24-hour standard. In May, 1997, ADEQ submitted the *Plan for Attainment of the 24-hour PM–10 Standard—Maricopa County PM–10 Nonattainment Area*, as a SIP revision. This plan, known as the microscale plan, included attainment and RFP demonstrations for the 24-hour PM–10 standard at the Salt River air quality monitoring site as well as three other ''microscale'' monitoring sites in the Phoenix area (Maryvale, Gilbert, and West Chandler). The demonstration for the Salt River site showed that, with additional controls adopted by the local air quality agencies, Maricopa County Environmental Services Department, attainment at the site would occur by May 1998. We approved the attainment and RFP demonstrations for the Salt River site and Maricopa County's controls on August 4, 1997. *See* 62 41856.

Since 1997, Arizona has made two other submittals to address 24-hour exceedances in the Phoenix area. The two submittals are the 1999 Maricopa Association of Governments (MAG) PM–10 plan and the June 2001 Agricultural Best Management Practices (BMP) plan. The MAG plan is the principal part of the overall Phoenix serious area plan and uses the urban airshed model (UAM) to evaluate 24-hour exceedances in the Phoenix nonattainment area and includes additional detailed analysis for the two microscale sites which were impacted by agricultural sources. Regarding the Salt River monitoring site, the plan states that it presents a unique situation that is difficult to model with UAM. *See* MAG plan, Appendix A, Exhibit 7, p. VI–11. The MAG plan, however, does not further evaluate the 24-hour violations at the Salt River site, relying instead on the approved attainment demonstration in the 1997 microscale plan.

The BMP plan revises the microscale analysis in the MAG plan by demonstrating that the Arizona's agricultural BMP rule provides sufficient emission reductions to demonstrate attainment of the 24-hour PM–10 standards at the two microscale sites, Gilbert and West Chandler, impacted by agricultural source. The BMP plan did not include any analysis of the Salt River site.

In January, 2002,[2] we approved the MAG plan, the BMP plan, and several rules which, combined with the earlier microscale plan, constituted the Phoenix serious area plan. With these approvals, we have approved all the CAA-required provisions in the Phoenix serious area PM–10 plan.

B. Clean Air Act Provisions for Inadequate SIPs

To assure that SIPs provide for timely attainment, section 110(k)(5) authorizes EPA to find that a SIP is substantially inadequate to meet a CAA requirement, and to require (''call for'') the State to submit, within a specified period not to exceed 18 months, a SIP revision to correct the inadequacy. This requirement for a SIP revision is known as a ''SIP call.'' Specifically, section 110(k)(5) provides, in relevant part:

> Whenever the Administrator finds that the applicable implementation plan for any area is substantially inadequate to attain or maintain the relevant [NAAQS] * * *, the Administrator shall require the State to revise the plan as necessary to correct such inadequacies. The Administrator shall notify the State of the inadequacies, and may establish reasonable deadlines (not to exceed 18 months after the date of such notice) for the submission of such plan revisions.

III. The Proposed Inadequacy Finding and Call for a SIP Revision

According to the approved attainment demonstration in the Phoenix serious area plan, the Salt River site should not have violated the 24-hour PM–10 standard after May, 1998. *See* 62 FR 31026, 31035. The site, however, continues to violate the standard.[3] Based on data recorded in EPA's Aerometric Information Retrieval System (AIRS), the Salt River monitor had 51 expected exceedances in 1999, 43 expected exceedances in 2000, and 19 expected exceedances through 3 quarters in 2001 or an average of at least 37 expected exceedances per year over the past three years.[4] The 24-hour PM–10 standard is violated when the expected number of exceedances average more than 1 per year over a three year period. *See* 40 CFR 50.6(a). These continuing violations clearly show that the existing attainment demonstration is flawed.

Because the attainment demonstration approved into the Phoenix area PM–10 SIP in 1997 is clearly faulty and there has been no substitute attainment demonstration submitted to date, we

[1] The Salt River site is located in south Phoenix next to the Salt River. The Salt River site is the area centered around the Salt River monitor located near 19th Avenue and Lower Buckeye Road.

[2] The final approval was signed on January 14, 2002 but has not been published in the **Federal Register** as of the signature date on this proposal.

[3] The Salt River site, approximately 32 square miles in area or about 1 percent of the 2880 square mile Phoenix nonattainment area, is located in an industrial area and its 24-hour violations are most likely due in large part to the industrial sources that surround it. This is in marked contrast to other monitoring sites in the rest of the Phoenix nonattainment area where 24-hour exceedances are almost exclusively due to windblown fugitive dust. The recently-approved provisions of the Phoenix serious area plan discussed above focused on windblown fugitive dust sources and adequately addressed 24-hour exceedances in the great majority of the Phoenix nonattainment area.

[4] Ambient concentrations of PM-10 are generally not measured daily but rather are measures only one day in every six, the minimum monitoring schedule for most PM–10 monitors in EPA's regulations. *See* 40 CFR 58(d)(1). To account for the unmonitored days, the number of recorded exceedances is adjusted by multiplying it by six. *See* 40 CFR part 50, appendix K. Therefore, one exceedances at a monitor operating one day in six equals, in the most simple case, six expected exceedance days.

propose to find that the Phoenix area PM–10 SIP is substantially inadequate to attain the 24-hour PM–10 standard at the Salt River site. Therefore, pursuant to CAA section 110(k)(5), we propose to require the State of Arizona to submit a revision to the Phoenix area SIP that corrects this deficiency and complies with all other applicable CAA requirements as described below.

IV. The Proposed Schedule and Requirements for the Revised SIP Submittal

A. Submittal Schedule

Under section 110(k)(5) of the CAA, we have the authority to establish the date by which a state must respond to a SIP call. This date can be no later than 18 months after the SIP call is issued.

We propose that the date for submitting the revisions to the Salt River attainment demonstration and related provisions described below be 18 months after publication of the final rule, or approximately late October, 2003. This date is appropriate in light of the substantial technical work that must precede the submittal, including a year of detailed monitoring and inventory work to identify contributing sources; preparation and validation of air quality modeling; research on and development and adoption of necessary controls; and a public hearing and opportunity for public comment.

B. SIP Requirements

CAA section 172(d) requires that any SIP revision for a nonattainment area that is required to be submitted in response to a SIP call must correct the deficiency that is the basis for the SIP call and must also meet all other applicable plan requirements of section 110 and title 1, part D.

We are proposing to find deficient a specific but limited provision of the Phoenix area's approved serious area SIP. The identified deficiency—the attainment demonstration for the Salt River site—will necessitate revisions to other provisions of the approved SIP but does not require that the State revise its entire plan for attaining the 24-hour standard in the metropolitan Phoenix nonattainment area.

A PM–10 attainment demonstration consists of two components: a control strategy and a technical evaluation, using an air quality model, of the effect of that control strategy on future air quality. A deficient attainment demonstration means that there are problems in one or both of these components; therefore, to correct a deficient attainment demonstration a state must evaluate and revise, as necessary, both components. Additionally, for PM–10 plans, the demonstration of reasonable further progress and the quantitative milestones required by CAA sections 172(c)(1) and 189(c) are derived from the control strategy and the attainment demonstration and must also be revised when they are revised.

The CAA establishes specific minimum requirements for control strategies in serious area PM–10 plans. Section 189(b)(1)(B) requires that such plans provide for the implementation of BACM. Pursuant to CAA section 188(e), we have granted Arizona's request to extend the attainment date for the 24-hour standard in the Phoenix nonattainment area to December 31, 2006. For such extension areas, section 188(e) requires that SIP include to our satisfaction the most stringent measures found in other states' implementation plans or achieved in practice.

Thus, in response to a final SIP call on the Salt River attainment demonstration, Arizona will need to submit the following:

(a) A demonstration based on air quality modeling that the plan will provide for attainment no later than December 31, 2006 at the Salt River site. CAA sections 189(b)(1)(A) and 188(e).

(b) Provisions for implementing BACM as expeditiously as practicable on all sources or source categories that contribute significantly to exceedances of the 24-hour PM–10 standard in the Salt River area. CAA section 189(b)(1)(B). [5] In the SIP revision, Arizona need only provide for the implementation of BACM on those significant sources or source categories for which we have not already approved BACM.

(c) A demonstration that the revised SIP includes, and provides for expeditious implementation of, the most stringent measures found in the implementation plan or achieved in practice that are feasible for the Phoenix nonattainment area for each significant source or source category for which we have not approved a MSM showing.

(d) A demonstration that the revised SIP provides for reasonable further progress in the Salt River area. The SIP revision must also provide for quantitative milestones for the Salt River area which are to be achieved every 3 years and which are consistent with the RFP demonstration. To be consistent with the serious area plan, the milestone dates should be December 31, 2003 and December 31, 2006.

The SIP revision must also meet the general requirements applicable to all SIPs including reasonable notice and public hearing under section 110(l), necessary assurances that the implementing agencies have adequate personnel, funding and authority under section 110(a)(2)(E)(i) and 40 CFR 51.280 to carry out the SIP; and the description of enforcement methods for the adopted controls as required by 40 CFR 51.111.

Finally, any controls adopted to demonstrate attainment at the Salt River site or to meet the BACM or MSM requirements must be applied to all similar sources in the Phoenix nonattainment area. The Salt River monitor, as with all the microscale monitors, was sited for two purposes: first, to measure air quality in the local area and second, to be representative of air quality at other sites in the Phoenix nonattainment area with similar sources. *See* Microscale plan, Appendix A, p. 2–1. The requirement to adopt controls necessary to demonstrate attainment at the Salt River site addresses the first purpose, to reduce PM–10 levels in the local area to healthy levels, while the requirement to apply those controls to similar sources in other areas of the nonattainment area addresses the second purpose, to reduce PM–10 levels in similar, but unmonitored, areas.

If Arizona fails to submit the required SIP revisions in response to a final SIP call, we are required to issue a finding that the State failed to make a required SIP submittal under section 179(a), a finding which starts a 18 month clock for the implementation of sanctions under the CAA and a two year clock for a federal implementation plan. *See* 40 CFR 52.31.

V. Administrative Requirements

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

This proposed 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.

Executive Order 13045, ''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

[5] Under CAA section 189(b)(1)(B), BACM is to be implemented no more than 4 years after an area is reclassified from moderate to serious for PM–10, or June 10, 2000 for the Phoenix area. Because this deadline is now passed, the applicable deadline become ''as expeditiously as practicable'' under *Delaney* v. *EPA* 898 F.2d 687 (1990).

Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. This rule is not subject to Executive Order 13045 because it is not an economically significant regulatory action under Executive Order 12866.

Executive Order 13132, ''Federalism'' (64 FR 43255, August 10, 1999) requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined 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 on the States, 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. This proposed SIP call is required by the Clean Air Act because the current SIP is substantially inadequate to attain the 24–hour PM–10 standard. Arizona's direct compliance costs will not be substantial because the SIP call requires Arizona to submit only those revisions necessary to address the SIP deficiency and applicable Clean Air Act requirements. Finally, EPA has consulted with the State and local agencies prior to making this proposal.

This proposed rule, if finalized, 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 is in keeping with the relationship and the distribution of power and responsibilities between EPA and the States as established by the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this proposed rule.

Executive Order 13175, ''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.'' Executive Order 13175 does not apply to this proposed rule because the proposed rule, if finalized, will not effect any tribal government or any tribal lands and thus will have no tribal implications.

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any proposed rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule, if finalized, will not have a significant economic impact on a substantial number of small entities. Courts have interpreted the RFA to require a regulatory flexibility analysis only when small entities will be subject to the requirements of the rule. *See, Motor and Equip. MFRS. Ass'n* v. *Nichols,* 142 F.3d 449 (D.C. Cir. 1985).

This proposed SIP call, if finalized, will not establish requirements applicable to small entities. Instead, it will require Arizona to develop, adopt, and submit an attainment demonstration and related requirements but will leave entirely to Arizona the tasks of determining how to obtain the emission reductions necessary to show attainment, including which entities to regulate, and of adopting the necessary regulations. Because the rule, if finalized, will not establish requirements applicable to small entities, I certify that this action does not have a significant impact on a substantial number of small entities.

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), 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 in any one year. 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 for any rule requiring a budgetary impact statement. 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 this proposed rule does not include a Federal mandate that may result in estimated costs of $100 million or more in any one year to either State, local, or tribal governments in the aggregate, or to the private sector and has therefore not prepared a budgetary impact statement. This proposed rule, if finalized, will not significantly or uniquely impact any small governments.

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.

In making a finding of SIP deficiency, EPA's role is to review existing information against previously established standards (in this case, what constitute a violation of the 24–hour PM–10 standard). In this context, there is no opportunity to use VCS. Thus, the requirements of NTTAA section 12(d) (15 U.S.C. 272 note) do not apply.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: April 10, 2002.

Nora L. McGee,

Acting Regional Administrator, Region IX.

[FR Doc. 02–9494 Filed 4–17–02; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02–784, MM Docket No. 00–136, RM–9898]

Digital Television Broadcast Service; Birmingham, AL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal.

SUMMARY: The Commission, at the request of the Alabama Educational Television Commission, licensee of noncommercial station WBIQ–TV, dismisses its petition for rule making seeking the substitution of DTV channel

*5 for DTV channel *53 at Birmingham, Alabama. *See* 65 FR 51278, August 23, 2000.

With is action, this proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 00–136, adopted April 8, 2002, and released April 15, 2002. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY–A257, Washington, DC. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, CY–B402, Washington, DC, 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com*.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

[FR Doc. 02–9379 Filed 4–17–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02–770; MM Docket No. 01–36; RM–10047]

Radio Broadcasting Services; Jamestown, Alfred and Canaseraga, NY; and Du Bois, PA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal.

SUMMARY: At the request of Vox Allegany, LLC, the Commission dismisses the petition for rule making proposing the substitution of Channel 270B1 for Channel 270A at Jamestown, and the modification of Station WHUG(FM)'s license accordingly. To accommodate the upgrade, petitioner also proposed (a) the substitution of Channel 246A for Channel 270A at Alfred New York, and the modification of Station WZKZ(FM)'s license accordingly; (b) the substitution of Channel 270A for vacant Channel 246A at Canaseraga, New York; and (c) the modification of the reference coordinates of Station WMOU–FM, Channel 271B, Du Bois, Pennsylvania. *See* 66 FR 11130, February 22, 2001. A showing of continuing interest is required before a channel will be allotted. It is the Commission's policy to refrain from making an allotment to a community absent an expression of interest. Therefore, we will grant the joint request to dismiss the instant proposal.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 01–36, adopted March 27, 2002, and released April 5, 2002. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Qualex International, Portals II, 445 12th Street, SW, Room CY–B402, Washington, DC 20054.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Office of Broadcast License Policy, Media Bureau.

[FR Doc. 02–9378 Filed 4–17–02; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[I.D. 030102C]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits (EFPs)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notification of a proposal for EFPs to conduct experimental fishing; request for comments.

SUMMARY: NMFS has made a preliminary determination that an application to issue EFPs to three gillnet vessels, submitted by the North Carolina Division of Marine Fisheries (NCDMF), contains all the information required by the regulations governing exempted experimental fishing under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and warrants further consideration. NMFS has also made a preliminary determination that the activities authorized under these EFPs would be consistent with the goals and objectives of the Monkfish Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made to issue EFPs. Therefore, NMFS announces that it intends to issue EFPs that would allow up to three gillnet vessels to conduct fishing operations otherwise restricted by the regulations governing fisheries of the northeastern United States (i.e., to land monkfish in excess of amounts authorized under a monkfish incidental catch permit, Category E).

Regulations under the Magnuson-Stevens Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Comments on this notification must be received at the appropriate address or fax number (see **ADDRESSES**) on or before April 30, 2002.

ADDRESSES: Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, One Blackburn Drive. Gloucester, MA 01930. Mark the outside of the envelop ''Comments on Monkfish EFP Proposal.'' Comments may also be sent via facsimile to (978) 281–9135. Comments will not be accepted if submitted via e-mail or the Internet.

FOR FURTHER INFORMATION CONTACT: Allison Ferreira, Fishery Policy Analyst, 978–281–9103.

SUPPLEMENTARY INFORMATION: NCDMF submitted an industry cooperative proposal on January 22, 2002, to conduct an experimental blackfin monkfish (*Lophius gastrophysus*) fishery in the area extending from Avon, NC, to Chincoteague, VA, from 3 to 30 nautical miles seaward of the coast. The study would take place from May 1 to June 30, 2002. The purpose of this study is to collect biological and environmental data to identify the blackfin monkfish component of the commercial monkfish fishery, and to identify the abundance, distribution, and migration patterns of monkfish off the coasts of North Carolina and Virginia. The data to be collected would include, but would not be limited to: catch identified by species, including target species and bycatch; water depth, sea-surface temperature, catch location, gillnet mesh size, net length and net soak times. In addition, the experimenters would report observed gear interactions with marine mammals, sea turtles, and marine birds to NMFS. The primary objective of the study is to collect temporal and spatial data to

determine whether blackfin monkfish is a significant component of the monkfish resource off the coasts of North Carolina and Virginia and should be protected under the FMP. The information obtained from this study could also be utilized to better manage the monkfish resource at the southern end of its range.

The FMP contains only one species in the management unit, the American monkfish or goosefish (*Lophius Americanus*), although the fisheries literature identifies two other species, blackfin monkfish and reticulated goosefish (*Lophiodes reticulatus*) that may be found in the western central Atlantic. Over the past several years, NCDMF and local fishermen have collected several specimens that have been identified as blackfin monkfish. The proportion of the harvest that is blackfin monkfish is unknown. Dockside identification of this species, which is difficult, is complicated by the common practice of processing at sea and the landing of monkfish tails only, which the FMP allows. If the study indicates that blackfin monkfish comprise a significant portion of the monkfish fishery off North Carolina and Virginia, this species should be considered for inclusion in the management unit of the FMP in order to prevent an unregulated fishery for this species from developing.

The proposed exempted experimental fishery would be a continuation of an exempted experimental fishery conducted during May and June 2001. Three vessels, out of a total of five authorized vessels, fished during the 2001 experimental fishery—two from North Carolina and one from Virginia. These three vessels were authorized to fish up to 960 total hours (40 days multiplied by 24 hours per day) each, and were limited to a combined total allowable catch (TAC) of 100,000 lb (45,359 kg) of whole monkfish (blackfin monkfish (*Lophius gastrophysus*) and American monkfish (*Lophius americanus*)) during the permit period. While participating in the experimental fishery, each vessel was required to fish with 8-inch (20.3-cm) diamond mesh or larger; could land no more than 996 lb (452 kg) of whole monkfish per 24-hour period; could temporarily possess for purposes of data collection monkfish less than the minimum size of 17 inches (43.2 cm) total length (TL); and were restricted to landing only at the ports of Hatteras, North Carolina; Wanchese, North Carolina; or Chincoteague, Virginia in order to best monitor experimental activities. In addition, participants were required to report all interactions with marine mammals, sea turtles, or marine birds to NMFS.

A total of 50,491 lb (22,902 kg) of whole monkfish were landed during the 2001 experimental fishery, averaging 935 lb (424 gk) of monkfish per 24-hour period. No blackfin monkfish were collected by participating vessels during the course of the experiment. However, several were collected by one of the participating vessels prior to the start of the experimental fishery on May 1, 2001. Vessels participating in the 2001 experimental fishery experienced no gear interactions with marine mammals. However, one adult female loggerhead turtle was lethally taken off Virginia in May 2001 by a vessel participating in the experimental fishery.

Participating vessels would be selected by NCDMF based upon their knowledge of the gillnet fishery for monkfish, demonstrated knowledge of local waters and fishing methodology, availability of the vessel, possession of monkfish gillnet gear, and suitability of the vessel for carrying observers. In addition, participating vessels must possess an open access monkfish incidental catch permit (Category E). Vessels that hold limited access monkfish permits would be authorized to fish in the study area, provided they have not utilized all of their monkfish DAS and that they comply with other applicable law.

The target species would be blackfin monkfish and American monkfish. Incidental species are expected to be skates, rays, sharks, horseshoe crabs and bluefish. Participating vessels would be authorized to land and sell up to the amount of monkfish allowed under the monkfish limited access Category B permit; currently 1,000 lb (454 kg) of monkfish tails per day-at-sea (DAS). This landing limit is proposed to change to 450 lb (204 kg) per DAS at the start of the 2002 fishing year on May 1, 2002. For the 2002 experimental fishery, participating vessels would be restricted to a combined TAC of 100,000 lb (45,359 kg) of whole monkfish; the level of take authorized for the 2001 experimental fishery. All monkfish landed would be required to meet the minimum size requirement of 17 inches (43.2 cm) TL (§ 648.93(a)(1)), but participants would be authorized to temporarily (for the length of time necessary to collect the data, unless authorized to retain the fish by State or Federal permit) possess monkfish less than the minimum size for purposes of data collection. Participating vessels would also be authorized to sell any incidentally caught species, as long as the vessel holds the appropriate Federal and/or state permits and the corresponding minimum size and possession/landing limit requirements are met.

The EFPs would allow three vessels to fish 40 monkfish DAS per vessel while exempting vessels from the limited access permit eligibility (50 CFR 648.4(a)(9)) and accompanying DAS reporting requirements (§ 648.10(c)) and the monkfish DAS and gear-marking requirements (§ 648.92). Monkfish DAS would be monitored by NCDMF and counted as specified at § 648.92(b)(8)(v), which defines actual at-sea time for trips as less than or equal to 3 hours or greater than 15 hours, or as 15 hours for trips greater than 3 hours but less than or equal to 15 hours.

In order to ensure that the data collected is not biased by fishing behavior in response to fish movements, participating vessels would also be authorized to possess and land monkfish in excess of the incidental catch limit specified under § 648.94(c)(3). In order to obtain data on blackfin monkfish distribution and abundance, a species that is reportedly smaller than the American monkfish, the participating vessels would be authorized to retain monkfish temporarily (for the length of time necessary to collect the data, unless authorized to retain the fish and by State or Federal permit) that are less than the minimum fish size of 17 inches (43.2 cm) TL (§ 648.93(a)(1)), and to fish gear that is less than the minimum gillnet mesh size requirement of 10-inch (25.4-cm) diamond mesh (§ 648.91(c)(1)(iii)).

Participating vessels would be required to fish in accordance with a sampling plan designed by the applicant, maintain logbooks documenting fishing activities, land all monkfish suspected of being blackfin monkfish in a whole condition to aid in identification, and allow biological information to be collected from the catches. In addition, participating vessels would only be authorized to land their catch at the port of Chincoteague, Virginia for purposes of project management and logistics, and to facilitate the collection of biological information of specimens by NCDMF biological staff. Given the need for at-sea sampling in order to adequately identify the blackfin monkfish component of the monkfish fishery and the need to record and monitor interactions between monkfish gillnet gear and threatened and endangered sea turtles and marine mammals, 100-percent observer coverage will be required for this experimental fishery.

The applicant recognizes that the monkfish gillnet fishery may be responsible for sea turtle mortality and

has proposed, in their application, a system of area closures triggered by dates, water temperatures and/or observed sea turtle interactions, to minimize the impact of the experimental fishery on threatened or endangered sea turtles. This proposal served as the basis for developing an interim final rule to protect sea turtles. This interim final rule (67 FR 13098; March 21, 2002), which is effective for 240 days starting from March 15, 2002, requires monkfish gillnet vessels to move their fishing operations steadily northward at specific points in time, based in part on sea surface temperature information. Participating vessels would be required to comply with the provisions of this interim final rule. In addition, the experimental fishery would terminate immediately if three loggerhead turtles are taken or one endangered sea turtle is taken. NMFS will take the necessary steps to ensure consistency with its obligations under the Endangered Species Act before issuing the EFPs.

EFPs would be issued to three vessels to exempt them from monkfish limited access permit eligibility requirements; DAS and reporting requirements; gear-marking requirements; incidental monkfish possession and landing limits; the minimum fish size requirement (for data collection only); and minimum gillnet mesh size, as required by the FMP (50 CFR part 648, subpart F).

Based on the results of this EFP, this action may lead to future rulemaking.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 12, 2002.

John H. Dunnigan,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 02–9327 Filed 4–15–02; 2:41 pm]

BILLING CODE 3510–22–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[I.D. 040202C]

Magnuson-Stevens Act Provisions, Subpart H; General Provisions for Domestic Fishing

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of receipt of petition for rulemaking and request for comments.

SUMMARY: NOAA announces receipt of a petition for rulemaking under the Administrative Procedure Act. Oceana, a non-governmental organization concerned with the environmental health of the oceans, has petitioned the U.S. Department of Commerce to promulgate immediately a rule to establish a program to count, cap, and control bycatch in U.S. fisheries. The Oceana petition asserts that NMFS is not complying with its statutory obligations to monitor and minimize bycatch under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Endangered Species Act (ESA), the Marine Mammal Protection Act (MMPA), and the Migratory Bird Treaty Act (MBTA). The petition seeks a regulatory program that includes a workplan for observer coverage sufficient to provide statistically reliable bycatch estimates in all fisheries, the incorporation of bycatch estimates into restrictions on fishing, the placing of limits on directed catch and bycatch in each fishery with provision for closure upon attainment of either limit, and bycatch assessment and reduction plans as a requirement for all commercial and recreational fisheries.

DATES: Comments will be accepted through June 17, 2002.

ADDRESSES: Copies of the petition are available, and written comments on the need for such a regulation, its objectives, alternative approaches, and any other comments may be addressed to William T. Hogarth, Ph.D., Assistant Administrator for Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910; telephone 301–713–2239. Comments may also be sent via fax to 301–713–1193, attn: Val Chambers. Comments will not be accepted if submitted via e-mail or Internet.

FOR FURTHER INFORMATION CONTACT: Val Chambers, telephone 301–713–2341, fax 301–713–1193, e-mail Val.Chambers@noaa.gov.

SUPPLEMENTARY INFORMATION: The petition filed by Oceana states that wasteful large-scale bycatch of birds, mammals, turtles, and fish is occurring in the United States and worldwide. The petition cites scientific estimates of bycatch poundage and indicates bycatch of a much larger magnitude. The petition asserts that NMFS is allowing this wastage to continue by not meeting its legal obligations for bycatch under the MSA, ESA, MMPA, and the MBTA.

The petition cites specific legal responsibilities of NMFS for bycatch under each of these statutes and concludes that NMFS must count, cap, and control bycatch under the MSA, ESA, and MMPA and that NMFS must monitor and report bycatch of seabirds that occurs in fishing operations and take steps to reduce seabird bycatch. For the MSA and related regulations and Federal Court interpretations, the petition cites national standard 9 and other requirements for minimizing bycatch and related mortality, including a standardized reporting methodology for bycatch. The petition concludes that any FMP or regulation prepared to implement an FMP must contain measures to minimize bycatch in fisheries to the extent practicable and argues that greater observer coverage is required. For the ESA, the petition cites the prohibition on taking endangered species and protection of threatened species, including recovery plans to guide regulatory efforts, as well as consultation requirements and incidental take statements. For the MMPA, the petition cites requirements for a regulatory system to avoid and minimize takes of marine mammals reducing mortality or serious injury to insignificant levels, as well as take reduction plans and monitoring of marine mammal takes. For the MBTA, the petition cites the prohibition on taking any migratory bird, including seabirds, except as permitted by regulations issued by the Department of the Interior, and cites Federal case law and Executive Order 13186 as requirements that NMFS ensure that fishery management plans approved by NMFS comply with the MBTA. The petition also refers to the NMFS-issued National Plan of Action for reducing seabird bycatch and the need to prepare a national seabird bycatch assessment.

The exact and complete assertions of nonconformance with Federal law are contained in the text of Oceana's petition which is available via internet at the following NMFS web address: *http://www.nmfs/noaa.gov/sfa/sfweb/index.htm*. Also, anyone may obtain a copy of the petition by contacting NMFS at the above address.

The petition specifically requests that NMFS immediately undertake a rulemaking to meet its obligations under the above statutory authorities and that such rulemaking include the following four actions:

''1. Develop and implement a workplan for placing observers on enough fishing trips to provide statistically reliable bycatch estimates in all fisheries. This task involves several steps (taking into account the diversity of vessel category, gears used, and fishing region): (a) determining how many fishing trips must be observed, where observers should be stationed, and other details; (b) identifying funding sources to support such

observer coverage, including taxpayer subsidies, taxing landings or user fees; and (c) hiring, training, and deploying the necessary observers.

''2. Incorporate reasonable estimates of bycatch into all total allowable catch levels and other restrictions on fishing.

''3. Set absolute limits on the amount of directed catch and bycatch (including non-fish bycatch) that can occur in each fishery, and close the fishery when the applicable catch or bycatch limit (whichever is reached first) is met.

''4. Within 12 months of initiating rulemaking, develop, approve, and implement bycatch assessment and reduction plans for commercial and recreational fisheries. Such plans should include, at minimum, (a) an assessment of the fishery according to its bycatch, including its types, levels, and rates of bycatch on a per-gear basis and the impact of that bycatch on bycaught species and the surrounding environment; (b) a description of the level and type of observer coverage necessary accurately to characterize total mortality (including bycatch) in the fishery; (c) bycatch reduction targets and the amount of directed and bycatch mortality allowed in each fishery to meet the target; and (d) types of bycatch reduction measures (such as closed areas, gear modifications, or effort reduction) that will be employed in the fishery, including incentives for those who use gears that produce less bycatch. Beginning 12 months after rulemaking commences, NMFS should not permit fishing in any fishery that lacks a functioning bycatch plan.''

The Assistant Administrator for Fisheries has determined that the petition contains enough information to enable NMFS to consider the substance of the petition. NMFS will consider public comments received in determining whether or not to proceed with the development of the regulations requested by Oceana. To this end, NMFS, by separate letter, has requested each of the Regional Fishery Management Councils to assist in evaluating this petition. Upon determining whether or not to initiate the requested rulemaking, the Assistant Administrator for Fisheries, NOAA, will publish a notice of the agency's final disposition of the Oceana petition request in the **Federal Register**.

Dated: April 11, 2002.

John H. Dunnigan,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 02–9462 Filed 4–17–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 654

[I.D. 031402C]

RIN 0648–AN10

Stone Crab Fishery of the Gulf of Mexico; Amendment 7

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of Amendment 7 to the Fishery Management Plan for the Stone Crab Fishery for the Gulf of Mexico; request for comments.

SUMMARY: NMFS announces that the Gulf of Mexico Fishery Management Council (Council) has submitted Amendment 7 to the Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico (FMP) for review, approval, and implementation by NMFS. Amendment 7 would establish a Federal trap limitation program for the commercial stone crab fishery in the exclusive economic zone (EEZ) off Florida's west coast, including the area off Monroe County, FL (i.e., the management area) that would complement the stone crab trap limitation program implemented by the Florida Fish and Wildlife Conservation Commission (FFWCC). In addition, Amendment 7 would revise the Protocol and Procedure for an Enhanced Cooperative Management System (Protocol) consistent with Florida's constitutional revisions that transferred authority for implementation of fishery-related rules from the Governor and Cabinet to the FFWCC. The intended effects are to establish a Federal program that would complement and enhance the effectiveness of the FFWCC's trap limitation program and, thereby, help to reduce overcapitalization in the stone crab fishery.

DATES: Written comments must be received on or before June 17, 2002.

ADDRESSES: Written comments must be sent to Mark Godcharles, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702. Comments also may be sent via fax to 727–570–5583. Comments will not be accepted if submitted via e-mail or Internet.

Requests for copies of Amendment 7, which includes a regulatory impact review and an environmental assessment should be sent to the Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, Florida 33619-2266; phone: 813–228–2815; fax: 813–225–7015; e-mail: gulfcouncil@gulfcouncil.org.

FOR FURTHER INFORMATION CONTACT: Mark Godcharles 727–570–5305, fax 727–570–5583, e-mail Mark.Godcharles@noaa.gov.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires each Regional Fishery Management Council to submit any fishery management plan or amendment to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an amendment, immediately publish a document in the **Federal Register** stating that the amendment is available for public review and comment.

Fishery information available since the early 1980's indicates that the stone crab fishery, in terms of area fished, and numbers of participants and traps, has expanded to a level where the fishery has more participants and traps than necessary to harvest optimum yield. This excessive growth has reduced efficiency in the fishery and failed to increase annual harvest since the early 1990's. Since moratoriums were first implemented (60 FR 13918, March 15, 1995; 63 FR 44595, August 20, 1998), neither Florida nor NMFS has issued new permits for this fishery. On June 26, 2000, Florida adopted its trap certificate program which is designed to reduce the number of traps in the stone crab fishery to an optimal level over about a 30–year period. The FFWCC expects to implement this program by October 1, 2002.

Amendment 7 represents a continuation of cooperative State/Federal efforts to constrain overcapitalization in the stone crab fishery. The state/federal cooperative approach to managing the Florida stone crab fishery was initiated with the development and implementation of the FMP (final rule: 44 FR 53519, September 14, 1979). The fourth management objective in the FMP specified that regulations be developed with the ideal of promoting uniform and consistent management of the fishery in state and federal of the Gulf of Mexico waters off west Florida. In Amendment 7, the Council has proposed the following nine FMP changes to align Federal management of the stone crab fishery with the FFWCC trap reduction program: (1) Recognize, but not require,

Florida's stone crab licenses and trap tags for vessels operating in the management area; (2) establish a Federal program to issue non-transferable (to other persons) vessel permits, trap certificates, and trap tags for EEZ use only; (3) provide opportunity to apply for the proposed Federal vessel permit to those who could meet the qualifying criteria but could not or chose not to obtain the stone crab vessel license or tags issued by the FFWCC; (4) allow participants up to 90 days following the effective date of the final rule implementing Amendment 7 to apply for Federal permits and tags; (5) determine the number of Federal trap tags to be issued to qualifying persons by dividing his/her highest seasonal landings of stone crab claws during one of three fishing seasons (1995/96, 1996/97, or 1997/1998) by 5 lb (2.27 kg); (6) charge a fee for the issuance of Federal trap tags and vessel permits and their annual renewal; (7) establish a Federal appeals process for those denied a Federal permit; (8) revise the Protocol to reflect revisions to Florida's Constitution; and, (9) replace FMP management objective 3 with: take regulatory action to increase catch per unit effort (CPUE) and reduce overcapitalization in terms of gear deployed in the fishery.

In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule to implement Amendment 7 to determine whether it is consistent with Amendment 7, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish it in the **Federal Register** for public review and comment.

NMFS will consider comments received by June 17, 2002, whether specifically directed to the amendment or the proposed rule, in its decision to approve, disapprove, or partially approve Amendment 7. Comments received after that date will not be considered by NMFS in its decision. All comments received by NMFS on Amendment 7 or the proposed rule during their respective comment periods will be addres sed in the final rule.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 12, 2002.

John H. Dunigan

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 02–9520 Filed 4–17–02; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register

Vol. 67, No. 75

Thursday, April 18, 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 COMMERCE

International Trade Administration

[A–602–804, A–570–872, A–533–826, A–580–848, A–421–810, A–821–815]

Notice of Preliminary Determinations of Critical Circumstances: Certain Cold-Rolled Carbon Steel Flat Products From Australia, the People's Republic of China, India, the Republic of Korea, the Netherlands, and the Russian Federation

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary determinations of critical circumstances in the less-than-fair-value investigations of certain cold-rolled carbon steel flat products from Australia, the People's Republic of China, India, the Republic of Korea (with the exception of one company), the Netherlands, and the Russian Federation.

SUMMARY: The Department of Commerce (''Commerce'') has preliminarily determined that critical circumstances exist for imports of certain cold-rolled carbon steel flat products (''CRS'') from Australia, the People's Republic of China (''China''), India, the Republic of Korea (''Korea'') (with the exception of one responding company), the Netherlands, and the Russian Federation (''Russia'').

DATES: April 18, 2002.

FOR FURTHER INFORMATION CONTACT: Paige Rivas at 202–482–0651 (Australia); Carrie Blozy at 202–482–0165 (China); Mark Manning at 202–482–5253 (India); Mark Young at 202–482–6397 (Korea); Geoffrey Craig at 202–482–4161 (the Netherlands); or Juanita H. Chen at 202–482–0409 (Russia), Import Administration, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, N.W., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (''Act''), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 C.F.R. Part 351 (2001).

Background

On October 26, 2001, the Department initiated investigations to determine whether imports of CRS from, *inter alia*, Australia, China, India, Korea, the Netherlands, and Russia are being, or are likely to be, sold in the United States at less-than-fair-value (''LTFV''). *See Notice of Initiation of Antidumping Duty Investigations: Certain Cold-Rolled Carbon Steel Flat Products From Argentina, Australia, Belgium, Brazil, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, the People's Republic of China, the Russian Federation, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela*, 66 FR 54198 (October 26, 2001) (''Initiation Notice''). On November 19, 2001, the International Trade Commission (''Commission'') published its determination that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports of CRS from all of these countries. *See Certain Cold-Rolled Carbon Steel Products From Argentina, Australia, Belgium, Brazil, China, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, Russia, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela*, 66 FR 57985 (November 19, 2001). On November 29, 2001, the petitioners[1] alleged that there is a reasonable basis to believe or suspect critical circumstances exist with respect to the antidumping investigation of CRS from Russia. On December 7, 2001, Petitioners alleged that there is a reasonable basis to believe or suspect critical circumstances exist with respect to the antidumping investigations of CRS from Argentina, Australia, China, India, the Netherlands, Russia, South Africa, Korea, and Taiwan. Petitioners also requested that the Department make an expedited finding with regard to critical circumstances.

In accordance with 19 C.F.R. 351.206(c)(2)(i), because Petitioners submitted their critical circumstances allegations 20 days or more before the scheduled date of the preliminary determinations, the Department must issue the preliminary critical circumstances finding not later than the date of the preliminary determinations. Accordingly, at this time we are issuing the preliminary critical circumstances finding in the investigations of CRS from Australia, China, India, Korea, the Netherlands, and Russia.[2] A full discussion of our analyses may be found below and in the two concurrent country-specific memoranda (''Critical Circumstances Memoranda''), dated April 10, 2002. Parties can find public versions of these memoranda on file at the U.S. Department of Commerce, in the Central Records Unit, in room B–099.

CRITICAL CIRCUMSTANCES

Section 733(e)(1) of the Act provides that the Department will determine that critical circumstances exist if there is a reasonable basis to believe or suspect that: (A)(i) there is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or (ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at less than its fair value and that there was likely to be material injury by reason of such sales, and, (B) there have been massive imports of the subject merchandise over a relatively short period. Section 351.206(h)(1) of the Department's regulations provides

[1] Of the petitioners in the concurrent antidumping duty investigations (Bethlehem Steel Corporation, LTV Steel Company, Inc., National Steel Corporation, Nucor Corporation, Steel Dynamics, Inc., United States Steel LLC, WCI Steel, Inc., and Weirton Steel Corporation), the petitioners alleging critical circumstances are Nucor Corporation, Steel Dynamics, Inc., WCI Steel, Inc., and Weirton Steel Company (hereinafter collectively ''Petitioners'').

[2] We intend to issue our preliminary critical circumstances findings with respect to Argentina, South Africa and Taiwan concurrently with our preliminary dumping determinations.

that, in determining whether imports of the subject merchandise have been ''massive,'' the Department normally will examine: (i) the volume and value of the imports; (ii) seasonal trends; and (iii) the share of domestic consumption accounted for by the imports. In addition, section 351.206(h)(2) of the Department's regulations provides that, ''In general, unless the imports during the 'relatively short period' . . . have increased by at least 15 percent over the imports during an immediately preceding period of comparable duration, the Secretary will not consider the imports massive.'' Section 351.206(i) of the Department's regulations defines ''relatively short period'' as generally the period beginning on the date the proceeding begins (i.e., the date the petition is filed) and ending at least three months later. The regulations also provide, however, that if the Department finds importers, exporters, or producers had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely, the Department may consider a period of not less than three months from that earlier time.

In determining whether the relevant statutory criteria have been satisfied, we considered: (i) the evidence presented by Petitioners in their November 9, 2001, December 7, 2001 and January 14, 2002 letters; (ii) exporter-specific shipment data requested by the Department; (iii) import data available through the Commission's DataWeb website; and (iv) the Commission's preliminary injury determinations.

History of Dumping

To determine whether there is a history of injurious dumping of the merchandise under investigation, in accordance with section 733(e)(1)(A)(i) of the Act, the Department normally considers evidence of an existing antidumping duty order on the subject merchandise in the United States or elsewhere to be sufficient. *See Preliminary Determination of Critical Circumstances: Steel Concrete Reinforcing Bars From Ukraine and Moldova*, 65 FR 70696 (November 27, 2000). Imports of CRS from Korea and the Netherlands were subject to antidumping duties from 1993 through December 2000. *See Revocation of Antidumping and Countervailing Duty Orders on Certain Carbon Steel Products From Canada, Germany, Korea, the Netherlands, and Sweden*, 65 FR 78467 (December 15, 2000). Accordingly, we find a history of dumping of CRS from Korea and the Netherlands. Imports of CRS from Russia are currently subject to a Canadian antidumping duty order, the final determination of which was dated July 28, 1999. *See Canadian International Trade Tribunal Cold-Rolled Decision*(August 27, 1999). Accordingly, we find a history of dumping of CRS from Russia. However, we are not aware of any antidumping order in any country on CRS from Australia, China or India. For this reason, we do not find a history of dumping and material injury of the subject merchandise from Australia, China or India pursuant to section 733(e)(1)(A)(i) of the Act.

Importer Knowledge of Injurious Dumping

In determining whether there is a reasonable basis to believe or suspect that an importer knew or should have known the exporter was selling CRS at LTFV, the Department normally considers margins of 25 percent or more for export price (''EP'') sales and 15 percent or more for constructed export price (''CEP'') sales sufficient to impute importer knowledge of dumping. *See, e.g., Carbon and Alloy Steel Wire Rod From Germany, Mexico, Moldova, Trinidad and Tobago, and Ukraine: Notice of Preliminary Determination of Critical Circumstances*, 67 FR 6224 (February 11, 2002). The Department generally bases its decision with respect to knowledge on the margins calculated in the preliminary determination. However, because section 733(e)(1) of the Act permits the Department to make a preliminary critical circumstances determination prior to the issuance of the preliminary dumping determination, we may rely on other information to determine whether importers had knowledge exporters were selling CRS at LTFV.

In the instant cases we find the antidumping petitions contain sufficient information to conduct our analysis of this criterion. The petition estimated dumping margins for China of 70.68 to 74.16 percent. See Initiation Notice, 66 FR 54198. The petition estimated dumping margins for India of 153.65 percent which, based on additional information provided after the petitions were filed, the Department recalculated as 128.38 percent. Because the highest estimated dumping margin calculated in the petition for each of these countries is greater than 25 percent, there is a reasonable basis to impute knowledge of dumping with respect to imports from these countries. Therefore, we have imputed importer knowledge of dumping of the subject merchandise exported from China and India.

The petition estimated dumping margins for Australia of 24.06 percent. After initiation of the antidumping duty investigation against Australia, the mandatory respondent selected by the Department reported that 100 percent of its U.S. sales during the POI are CEP sales. Given that the respondent's reported CEP sales include the sales that constitute the average unit value (''AUV'') used by Petitioners in the estimated dumping margin, and the AUV is based on the customs import value (which contains no CEP expenses that must be deducted in order to be used in an estimated margin calculation), it is appropriate to apply the estimated dumping margin against the 15 percent threshold for CEP sales. *See* Critical Circumstances Memorandum for Australia, at 5–6. Accordingly, because the estimated dumping margin calculated in the petition for Australia is greater than 15 percent, there is a reasonable basis to impute knowledge of dumping with respect to imports from Australia. Therefore, we have imputed importer knowledge of dumping of the subject merchandise exported from Australia.

In determining whether there is a reasonable basis to believe or suspect an importer knew or should have known there was likely to be material injury by reason of dumped imports, the Department normally will look to the preliminary injury determination of the Commission. If the Commission finds a reasonable indication of present material injury to the relevant U.S. industry, the Department will determine that a reasonable basis exists to impute importer knowledge there was likely to be material injury by reason of dumped imports. *See Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China*, 62 FR 61964 (November 20, 1997). In the present case the Commission has found a reasonable indication that an industry in the United States is materially injured or threatened with material injury due to dumping of imports of CRS from each of the named countries. *See Determinations and Views of the Commission: Certain Cold-Rolled Steel Products From Argentina, Australia, Belgium, Brazil, China, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, Russia, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela*, Investigations Nos. 701–TA–422–425 and 731–TA–964–983 (Preliminary), USITC Publication No. 3471, November 2001 (''Commission Determination''). Section 771(11) of the Act provides that in the event the Commission is ''evenly divided as to whether the determination should be affirmative or negative, the

{Commission} shall be deemed to have made an affirmative determination.'' By analogy, the Department finds that, where the Commission is evenly divided between a finding of material injury and a finding of threat of material injury, it is reasonable to treat the finding as an affirmative finding of material injury. As a result, the Department has determined there is a reasonable basis to believe or suspect importers of CRS from Australia, China, India, Korea, the Netherlands, and Russia knew or should have known there was likely to be material injury by reason of these dumped imports.

Massive Imports

In determining whether there are ''massive imports'' over a ''relatively short period,'' pursuant to section 733(e)(1)(B) of the Act, the Department normally compares the import volumes of the subject merchandise for at least three months immediately preceding the filing of the petition (*i.e.*, the ''base period'') to a comparable period of at least three months following the filing of the petition (*i.e.*, the ''comparison period''). However, as stated in section 351.206(i) of the Department's regulations, ''if the Secretary finds importers, or exporters or producers, had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely, then the Secretary may consider a time period of not less than three months from that earlier time.'' Imports normally will be considered massive when imports during the comparison period have increased by 15 percent or more compared to imports during the base period.

For the reasons set forth in the Critical Circumstances Memoranda, we find sufficient bases exist for finding importers, or exporters or producers, knew or should have known antidumping cases were pending on CRS from Australia, China, India, Korea, the Netherlands, and Russia by May 2001 at the latest. Accordingly, we determined December 2000 through May 2001 should serve as the ''base period,'' while June 2001 through November 2001 should serve as the ''comparison period,'' in determining whether or not imports have been massive over a relatively short period.

According to 19 C.F.R. 351.206(i), the comparison period normally should be at least three months; however, if we determine that importers, exporters or producers had reason to believe that a proceeding was likely, then the Department may consider a longer period. In this case, we have chosen a period of six months as the period for comparison in preliminarily determining whether imports of the subject merchandise have been massive for several reasons. First, at this time we have shipment data covering the six-month period for all exporters being examined for this purpose. We do not believe it is appropriate to use different periods for different exporters. Second, we believe that choosing a six-month period in general properly reflects the ''relatively short period'' commanded by the statute for determining whether imports have been massive. *See* Section 733(e)(1)(B) of the Act. Finally, we are concerned that selecting a longer period for comparison might, in some cases, hamper our ability to fulfill our obligation under the statute to determine whether a genuine surge in imports has occurred *shortly* after exporters knew or should have known about the likelihood of an antidumping petition. However, we welcome comments about the use of a six-month period both in this case and in general.

Pursuant to 19 C.F.R. 351.206(h), we found imports of CRS increased by more than 15 percent for CRS from Australia, China, India, Korea, the Netherlands, and Russia in the comparison period; accordingly, we find that imports have been massive for each of the named countries. With respect to Korea, we noted that the import statistics from Korea indicated that imports from Korea increased 97.12 percent. The imports for one of the respondents, Pohang Iron & Steel Co., Ltd. (''POSCO''), increased by well over 15 percent as well. However, imports for the other respondent, Dongbu Steel Co., Ltd. (''Dongbu''), increased by less than 15 percent. Accordingly, we find imports were massive for POSCO and all other producers/exporters, except for Dongbu.

In summary, we find there is a history of dumping and material injury by reason of dumped imports of CRS from Korea, the Netherlands, and Russia. We also find there is a reasonable basis to believe or suspect importers knew or should have known exporters were selling CRS from Australia, China and India at LTFV and had knowledge of the likelihood of material injury with respect to such imports of CRS. We further find there have been massive imports of CRS over a relatively short period from Australia, China, India, Korea (with the exception of Dongbu), the Netherlands, and Russia.

CONCLUSION

Given the analysis summarized above, and described in more detail in the Critical Circumstances Memoranda, we preliminarily determine critical circumstances exist for imports of CRS from Australia, China, India, Korea (with the exception of Dongbu), the Netherlands, and Russia.

Suspension of Liquidation

In accordance with section 733(e)(2) of the Act, if the Department issues affirmative preliminary determinations of sales at LTFV in the investigations with respect to imports of CRS, the Department, at that time, will direct the U.S. Customs Service (''Customs'') to suspend liquidation of all entries of Australia, China, India, Korea (with the exception of Dongbu), the Netherlands, and Russia that are entered, or withdrawn from warehouse, for consumption on or after 90 days prior to the date of publication in the **Federal Register** of our preliminary determinations in these investigations. Customs shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins reflected in the preliminary determinations published in the **Federal Register**. The suspension of liquidation to be issued after our preliminary determinations will remain in effect until further notice.

Final Critical Circumstances Determinations

We will make final determinations concerning critical circumstances for all countries named in Petitioners' allegations when we make our final dumping determinations in these investigations, which will be 75 days (unless extended) after issuance of the preliminary dumping determinations.

Commission Notification

In accordance with section 733(f) of the Act, we will notify the Commission of our determinations.

We are issuing and publishing these results and notice in accordance with section 777(i) of the Act.

Dated: April 10, 2002

Faryar Shirzad,

Assistant Secretaryfor Import Administration.

[FR Doc. 02–9509 Filed 4–17–02; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–504]

Petroleum Wax Candles From the People's Republic of China (PRC): Notice of Extension of Time Limit of Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: April 18, 2002.

FOR FURTHER INFORMATION CONTACT: Mark Hoadley at (202) 482–0666 or Brett L. Royce at (202) 482–4106, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the Tariff Act of 1930 (the Act), as amended. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations, codified at 19 CFR part 351 (2001).

Background

On August 28, 1986, the Department of Commerce (the Department) published the antidumping duty order on petroleum wax candles from the PRC (51 FR 30686). On August 1, 2001, the Department published an opportunity to request an administrative review of the order (66 FR 39729). On August 31, 2001, the Department received a request from Dongguan Fay Candle Co., Ltd. to conduct an administrative review of the antidumping duty order on petroleum wax candles from the PRC. On October 1, 2001, the Department published a notice of initiation of this administrative review covering the period of August 1, 2000 through July 31, 2001 (66 FR 49924).

Extension of Time Limits for Preliminary Results

Pursuant to section 751(a)(3)(A) of the Act, the Department shall make a preliminary determination in an administrative review of an antidumping duty order within 245 days after the last day of the anniversary month of the date of publication of the order. The Act further provides, however, that the Department may extend that 245–day period to 365 days if it determines it is not practicable to complete the review within the foregoing time period.

Due to the complexities involved with this particular case, including the extensive number of products, the possible inclusion in reported sales of both in-scope and out-of-scope candles, and the fact that the respondent has not been reviewed before, we find that it is not practicable to issue preliminary results of review by the current deadline of May 3, 2002. Therefore, in accordance with section 751(a)(3)(A) of the Act, the Department is extending the time limit for the preliminary results by 120 days.

This extension results in the due date for the preliminary results falling on August 31, 2002, which is a Saturday. Therefore, the preliminary results will be due on the next business day, which is September 3, 2002, since September 2, 2002 is an official holiday. The final results continue to be due 120 days after the publication of the preliminary results.

Dated: April 12, 2002

Joseph A. Spetrini,

Deputy Assistant Secretary for Import Administration, Group III.

[FR Doc. 02–9508 Filed 4–17–02; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–504]

Petroleum Wax Candles from the People's Republic of China: Notice of Extension of Time Limit for Final Results of the Antidumping New Shipper Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: April 18, 2002.

SUMMARY: The Department of Commerce (the Department) is extending the time limit for the final determination of the new shipper review on petroleum wax candles from the People's Republic of China. This review covers the period August 1, 2000 through January 31, 2001. The extension is made pursuant to section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act (hereinafter, ''the Act'').

FOR FURTHER INFORMATION CONTACT: Javier Barrientos, Office of AD/CVD Enforcement VII, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone (202) 482–2243.

SUPPLEMENTARY INFORMATION:

Applicable Statute And Regulations:

Unless otherwise indicated, all citations to the statute are references to the Tariff Act of 1930, as amended.

Extension Of Time Limit Of Final Results:

Under section 751(a)(2)(B)(iv) of the Act, the Department may extend the deadline for completion of a new shipper review if it determines that it is not practicable to complete the review within the statutory time limit of 90 days after issuance of the preliminary determination. In the instant case, the Department has determined that it is not practicable to complete the review within the statutory time limit due to certain complex issues relating to Shanghai New Star Import/Export Co., Ltd. and Peak Candle's sales valuation, surrogate values and factors of production.

Because it is not practicable to complete this review within the time limits mandated by the Act (90 days after the date the preliminary determination is issued), in accordance with Section 751(a)(2)(B)(iv) of the Act, the Department is extending the time limit for the final determination an additional 45 days, to no later than May 30, 2002.

This notice is issued and published in accordance with section 751(a)(2)(B)(iv) of the Act and section 351.214(i)(2) of the Department's Regulations.

Dated: April 12, 2002

Joseph A. Spetrini,

Deputy Assistant Secretary for Import Administration, Group III.

[FR Doc. 02–9510 Filed 4–17–02; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No. 020328074–2074–01]

RIN 0693–ZA48

Announcement of Availability of Funds for a Competition and Announcement of a Public Meeting—Advanced Technology Program (ATP)

AGENCY: National Institute of Standards and Technology, Technology Administration, Commerce.

ACTION: Notice.

SUMMARY: The Technology Administration's National Institute of Standards and Technology (NIST) announces that it will hold a single fiscal year 2002 Advanced Technology Program (ATP) competition and announces a public meeting (Proposers' Conference) for all interested parties. This single competition will continue ATP's practice of being open to all technology areas. All fiscal year 2002 proposals received may be distributed to technology-specific source evaluation boards in areas such as advanced materials, biotechnology, electronics, information technology, etc. This notice

provides general information regarding ATP competitions.

DATES: ATP will begin accepting proposals on April 22, 2002. The ATP has established the following three due dates for submission of proposals: Monday, June 10, 2002; Wednesday, July 31, 2002; and Monday, September 30, 2002. All hand-delivered or electronically submitted proposals must be received by 3 p.m. Eastern Time on the specified dates; all other proposals must be postmarked by the due dates specified above and received no later than 3 p.m. Eastern Time Monday, June 24, 2002, Wednesday, August 14, 2002, or Tuesday, October 15, 2002, respectively. Proposals submitted through guaranteed overnight carriers are deemed to be postmarked on the date they are delivered to the carrier. To be considered for funding in fiscal year 2002, potential proposers must submit their proposals by the first due date of June 10, 2002. Proposals submitted after June 10, 2002, may not be considered for funding in fiscal year 2002, but rather for funding in fiscal year 2003, subject to the availability of funding.

ADDRESSES: Information on the ATP may be obtained from the following address: National Institute of Standards and Technology, Advanced Technology Program, 100 Bureau Drive, Stop 4701, Administration Building 101, Room A413, Gaithersburg, MD 20899–4701.

Additionally, information on the ATP is available on the Internet at *http://www.atp.nist.gov*.

FOR FURTHER INFORMATION CONTACT: Requests for ATP information, application materials, and/or to have your name added to the ATP mailing list for future mailings may also be made by:

(a) Calling the ATP toll-free ''hotline'' number at 1–800–ATP–FUND or 1–800–287–3863. You will have the option of hearing recorded messages regarding the status of the ATP or speaking to one of our customer representatives who will take your name and address. If you reach ATP voice mail, please speak distinctly and slowly and spell the words that might cause confusion. Leave your phone number as well as your name and address;

(b) Sending a facsimile (fax) to 301–926–9524 or 301–590–3053; or

(c) Sending an electronic form available at *http//www.atp.nist.gov/atp/atpform.htm*.

SUPPLEMENTARY INFORMATION:

Background

The ATP statute originated in the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100–418, 15 U.S.C. 278n) and was amended by the American Technology Preeminence Act of 1991 (Pub. L. 102–245). This law has been codified at 15 U.S.C. 278n. The ATP implementing regulations are published at 15 CFR part 295, as amended. The Catalog of Federal Domestic Assistance (CFDA) number and program title for the ATP are 11.612, Advanced Technology Program (ATP).

The ATP is a competitive cost-sharing program designed for the Federal government to work in partnership with industry to accelerate the development and broad dissemination of challenging, high-risk technologies that offer the potential for significant commercial payoffs and widespread benefits for the nation. This unique government-industry partnership accelerates the development of emerging or enabling technologies leading to revolutionary new products, industrial processes and services that can compete in rapidly changing world markets. The ATP challenges industry to take on higher risk projects with commensurately higher potential payoff to the nation. The ATP provides multi-year funding to single companies and to industry-led joint ventures.

The funding instrument used in ATP awards is a ''cooperative agreement.'' Through the use of the cooperative agreement, the ATP is designed to foster a government-industry partnership to accomplish a public purpose of support or stimulation. NIST plays a substantial role by providing technical assistance and monitoring the technical work, business progress, and expenditure of Federal funds.

Funding Availability

Congressional Fiscal Year 2002 appropriations included funds not to exceed $60.7 million for new awards. Because ATP is now funding applications on a rolling basis, some portion of this may be used for new awards submitted pursuant to the procedures established for the FY 2001 competition and similarly a portion may be used for applications submitted under FY 2003 competition.

Eligibility Requirements, Selection Criteria, and Proposal Review Process

The eligibility requirements, selection criteria, and the proposal review process are discussed in detail in the ATP implementing regulations published at 15 CFR part 295, as amended, and the ATP Proposal Preparation Kit dated April 2002.

ATP will group all proposals received by each of the specified due dates and review them as a group called a ''batch.'' Since ATP has established three due dates for proposal submission in fiscal year 2002, there will be three batches. All hand-delivered or electronically submitted proposals must be received by 3 p.m. Eastern Standard Time on the specified dates below:

(a) *Batch 1*—Monday, June 10, 2002.

(b) *Batch 2*—Wednesday, July 31, 2002.

(c) *Batch 3*—Monday, September 30, 2002.

All other proposals must be postmarked by 3 p.m. Eastern Standard Time on the specified due dates and received by 3:00 p.m. Eastern Standard Time on the specified dates below:

(a) *Batch 1*—postmarked by Monday, June 10, 2002, and received by Monday, June 24, 2002.

(b) *Batch 2*—postmarked by Wednesday, July 31, 2002, and received by Wednesday, August 14, 2002.

(c) *Batch 3*—postmarked by Monday, September 30, 2002, and received by Tuesday, October 15, 2002.

Each batch will be reviewed under a multiple stage and sequential review process to reduce the amount of information required at one time. Each stage in the process is called a ''gate.'' There are four gates as follows:

(a) *Gate 1*—The proposer submits detailed information to address the scientific and technological merit selection criterion. Additionally, the proposer submits preliminary information to address the selection criterion on the potential for broad-based economic benefits. If the information submitted is determined to have high merit, ATP notifies the proposer and requests that the required additional information be submitted for consideration in *Gate* 2. If a proposal passes *Gate 1*, the proposer will have two weeks (14 calendar days) from written notification to submit the required information in *Gate 2*.

(b) *Gate 2*—The proposer submits more detailed information to address the potential for broad-based economic benefits selection criterion and detailed budget data. If the information submitted is determined to have high merit, ATP notifies the proposer of its selection as a semi-finalist and the proposal proceeds to *Gate 3*.

(c) *Gate 3*—The proposer is requested to submit required forms and additional documentation, as necessary, and may be invited to NIST for an oral review. If ATP determines, based on all the information received, that the proposal has sufficiently high merit to be funded, the proposal is considered a finalist and proceeds to *Gate 4*.

(d) *Gate 4*—Final award processing and issuance, if selected.

Additionally, the following requirements shall apply:

(a) Semi-finalist proposals will be ranked in the following three categories: ''Superior,'' ''Fundable/Deferred,'' or ''Unfundable.'' Fundable/Deferred proposals may be deferred for consideration in subsequent batches within the same competition.

(b) Proposers may not submit replacement and/or revised pages and/or documents for any portion of a proposal once that portion has been submitted unless specifically requested by NIST.

(c) Once a proposer has received notification that their proposal will not be funded, the proposer may revise that proposal for consideration one additional time and resubmit it no later than the end of this fiscal year 2002 competition date of September 30, 2002.

Funding Amounts, Award Period and Cost Sharing (Matching) Requirements

(a) A single company can receive up to $2 million in total for R&D activities for up to 3 years. ATP funds may only be used to pay for direct costs for single company recipients. Single company recipients are responsible for funding all of their overhead/indirect costs. Small and medium size companies applying as single company proposers are not required to provide cost-sharing of direct costs; however, they may pay a portion of the direct costs, if they wish, in addition to all indirect costs. Large companies applying as single company proposers, however, must cost-share at least 60 percent of the yearly total project costs (direct plus all of the indirect costs). A large company is defined as any business, including any parent company plus related subsidiaries, having annual revenues in excess of $3.197 billion. (Note that this number will likely be updated annually and will be noted in future annual announcements of availability of funds and ATP Proposal Preparation Kits.)

(b) Joint ventures (as defined in 15 CFR 295.2(i)) can receive funds for R&D activities for up to 5 years with no funding limitation other than the announced availability of funds. Joint ventures must cost-share (matching funds) more than 50 percent of the yearly total project costs (direct plus indirect costs). The term matching funds (cost-sharing) is defined in 15 CFR 295.2(l).

(c) Funds derived from Federal sources may not be used to meet the cost-share requirement. Additionally, subcontractors may not contribute towards the cost-share requirement.

Application Forms and Proposal Preparation Kit

The April 2002 version of the ATP Proposal Preparation Kit must be used to prepare and submit all proposals during fiscal year 2002. The Kit is available upon request from the ATP at the address and phone numbers noted in this notice. The Kit is also available on the Internet on the ATP Web site *http://www.atp.nist.gov.* Note that the ATP is mailing the Kit to all those individuals whose names are currently on the ATP mailing list. Those individuals need not contact the ATP to request a copy. The Kit contains proposal cover sheets, other required forms, and all the necessary guidelines for developing an ATP proposal. All proposals must be prepared in accordance with the guidelines in the Kit.

Submission of Electronic Proposals

ATP is now accepting proposals submitted electronically via ATP's Electronic Submission System. To be accepted, the proposal must have a valid ACES digital signature, and the attachment (proposal narrative) must be readable in one of the formats described on the Electronic Submission System website (*webguy.nist.gov*). Details about how to submit electronically, including how to get an ACES Digital Certificate, operating system, hardware and software requirements, downloads, and instructions are available at *webguy.nist.gov.* Font, line spacing, margin, page limit, page numbering, and page size requirements still apply.

The due dates for submission of electronic proposals are the same as those specified under the DATES section of this notice. Please note that an electronically submitted proposal will not be considered to be received unless it has a valid ACES digital signature and the attachment (proposal narrative) is readable in one of the formats described on the Electronic Submission System Web site (*webguy.nist.gov*).

Submission of Revised Proposals

A proposer may submit a proposal that is a revised version of a proposal submitted to a previous ATP competition. NIST will examine such proposals to determine whether substantial revisions have been made. Where the revisions are determined not to be substantial, NIST reserves the right to score and rank, or where appropriate, to reject, such proposals based on reviews of the previously submitted proposal.

Other Requirements

(a) If a proposal is selected as a semi-finalist, ATP reserves the right to seek clarification and necessary information through a list of questions to the proposer.

(b) There are certain types of projects that ATP will not fund because they are inconsistent with the ATP mission. These include:

(1) Straightforward improvements of existing products or product development;

(2) Projects that are predominately basic research;

(3) Pre-commercial scale demonstration projects where the emphasis is on demonstration that some technology works on a large scale or is economically sound rather than on R&D;

(4) Projects involving military weapons R&D or R&D that is of interest only to some mission agency rather than to the commercial marketplace;

(5) Projects that ATP believes would likely be completed with or without ATP funds in the same time frame or nearly the same time frame;

(6) Predominantly straightforward, routine data gathering (*e.g.,* creation of voluntary consensus standards, data gathering/handbook preparation, testing of materials, or unbounded research aimed at basic discovery science), or application of standard engineering practices;

(7) Projects that are simply a follow-on or continuation of tasks previously funded in ATP projects from essentially the same proposing team.

(c) Certain costs that may be allowed in Federal financial assistance programs are not eligible for funding under ATP awards. The ATP Proposal Preparation Kit lists these costs.

(d) For joint ventures, no costs shall be incurred under an ATP project by the joint venture members until such time as a joint venture agreement has been executed by all of the joint venture members and approved by NIST. NIST will withhold approval until it determines that a sufficient number of members have signed the joint venture agreement. Costs will only be allowed after the execution of the joint venture agreement and approval by NIST.

(e) Any proposal that includes research involving human subjects, human tissue and/or cells, data or recordings involving human subjects must meet the requirements of the Common Rule for the Protection of Human Subjects, codified for the Department of Commerce at 15 CFR part 27. In addition, any proposal that includes research on these topics must be in compliance with any statutory

requirements imposed upon NIH and other Federal agencies regarding these topics, all regulatory policies and guidance adopted by NIH, FDA, and other Federal agencies on these topics, and all Presidential statements of policy on these topics, which are provided in the handbook entitled ''Advanced Technology Program Guidelines and Documentation Requirements for Research Involving Human and Animal Subjects.'' This handbook may be obtained through any of the options described in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

The NIST Advanced Technology Program (ATP) adheres to all Presidential policies, statutes, guidelines and regulations regarding the use of human embryonic stem cells. At this time, ATP will not consider proposals that involve the use, derivation, or characterization of human embryonic stem cells.

On December 3, 2000, the U.S. Department of Health and Human Services (DHHS) introduced the Federalwide Assurance of Protection for Human Subjects (FWA). The FWA covers all of an institution's Federally-supported human subjects research, and eliminates the need for other types of Assurance documents. For information about FWAs, please see the OHRP Web site at *http://ohrp.osophs.dhhs.gov/irbasur.htm.*

In accordance with the DHHS change, NIST will accept the submission of human subjects protocols that have been approved by Institutional Review Boards (IRBs) possessing a current, valid FWA from DHHS. NIST will also continue to accept the submission of human subjects protocols that have been approved by IRBs possessing a current, valid Multiple Project Assurance (MPA) from DHHS. NIST will not accept the submission of human subjects protocols that have been approved by IRBs possessing a Single Project Assurance (SPA), nor will NIST issue an SPA for IRB review of a human subjects protocol.

(f) Any proposal that includes research involving vertebrate animals must be in compliance with the National Research Council's ''Guide for the Care and Use of Laboratory Animals'' which can be obtained from National Academy Press, 2101 Constitution Avenue, NW., Washington, DC 20055. In addition, such proposals must meet the requirements of the Animal Welfare Act (7 U.S.C. 2131 *et seq.*), 9 CFR parts 1, 2, and 3, and if appropriate, 21 CFR part 58.

In addition, all requirements as set forth in the handbook entitled ''Advanced Technology Program Guidelines and Documentation Requirements for Research Involving Human and Animal Subjects,'' shall apply. This handbook may be obtained through any of the options described in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

(g) The intellectual property provisions found at 15 U.S.C. 278n(d)(11) and 15 CFR 295.8 shall apply to all ATP awards.

(h) Proposers, including each joint venture participant, shall provide sufficient funds in the project multi-year budget for project audits as specified below. Except for vendors that provide goods and services, subcontractors that receive more than $300,000 each, including universities, are also subject to the audit requirement. It is the responsibility of the recipient to ensure that audits are performed in a timely fashion. Most routine audits can be performed by the recipient's external CPA. However, the Department of Commerce Office of Inspector General (DoC/OIG) and General Accounting Office (GAO) reserve the right to carry out audits as deemed necessary and appropriate. ATP recipients must be willing to submit to audits (*e.g.,* audits of cost-accounting systems, direct-cost expenditures, indirect cost rates, or other periodic reviews) by the Inspectors General or GAO. Periodic project audits shall be performed as follows:

(1) For awards less than 24 months, an audit is required at the end of the project.

(2) For 2-, 3-, or 4-year awards, an audit is required after the first year and at the end of the project.

(3) For 5-year awards, an audit is required after the first year, third year, and at the end of the project.

Proposers should budget for audits as follows:

(1) Proposers should allocate funds in their proposal budgets under the ''Other'' direct cost category for the project audit. For joint ventures, this must be included in each participant's budget, as each participant is responsible for the performance of their own project audit.

(2) If an organization's indirect cost pool includes audit costs, this is acceptable. In these cases, an explanation must be provided in the budget narrative and no audit costs reflected under ''Other'' costs.

(3) If a cognizant Federal agency auditor is resident within the company, the cognizant Federal agency auditor may perform the audit. In this case, an explanation must be provided in the budget narrative and no audit costs reflected under ''Other'' costs or ''Indirect Costs.''

Audits of all recipients shall be conducted in accordance with Government Auditing Standards (GAS), issued by the Comptroller General of the United States (the Yellow Book). If an ATP recipient is required to have an audit performed in accordance with OMB Circular A–133, Audits of States, Local Government, and Non-Profit Organizations, the annual Circular A–133 audit is deemed to meet the ATP audit requirement.

If an ATP recipient does not have an annual Circular A–133 audit performed, the recipient should follow the following project audit requirements:

(1) Audits for single company recipients shall be conducted using the NIST Program-Specific Audit Guidelines for Advanced Technology Program (ATP) Cooperative Agreements with Single Companies.

(2) Audits for joint venture recipients shall be conducted using the NIST Program-Specific Audit Guidelines for Advanced Technology Program (ATP) Cooperative Agreements with Joint Ventures.

(i) All ATP recipients must agree to adhere to the U.S. Export Administration laws and regulations and shall not export or re-export, directly or indirectly, any technical data created with Government funding under an award to any country for which the United States Government or any agency thereof, at the time of such export or re-export requires an export license or other Governmental approval without first obtaining such licenses or approval and the written clearance of the NIST Grants Officer. The Bureau of Export Administration (BXA) shall conduct an annual review for any relevant information about a proposer and/or Recipient. NIST reserves the right to not issue any award or suspend or terminate an existing award in the event that significant adverse information about a proposer or Recipient is disclosed by BXA to the NIST Grants Officer.

(j) *Intergovernmental Review.* The ATP does not involve the mandatory payment of any matching funds from state or local government and does not affect directly any state or local government. Accordingly, the Department of Commerce has determined that Executive Order 12372, ''Intergovernmental Review of Federal Programs'' is not applicable to this program.

(k) *Paperwork Reduction Act.* This notice contains collection of information requirements subject to the Paperwork Reduction Act (PRA). The

use of Standards Forms 424B and SF-LLL has been approved by OMB under the respective control numbers 0348–0040 and 0348–0046. The use of Form NIST–1262 (pp.1–4) and Form NIST–1263 (pp.1–5) has been approved by OMB under the control number 0693–0009. The use of Commerce Department Form CD–346 has been approved by OMB under the control number 0605–0001. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

(l) *Executive Order Statement.* This funding notice was determined to be ''not significant'' for purposes of Executive Order 12866.

(m) ATP is not accepting pre-proposals during fiscal year 2002.

(n) The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the **Federal Register** notice of October 1, 2001 (66 FR 49917), 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. 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.

(o) The Program will retain one copy of each unsuccessful application for recordkeeping purposes. The remaining copies will be destroyed.

(p) NIST requires each recipient, whether receiving Federal funds or only providing matching funds, to have a functioning financial management system that meets the provisions of 15 CFR 14.21, to ensure proper accountability of funds. In cases where a recipient has had no prior Federal support or NIST has reason to question whether the recipient's financial management standards meet Federal requirements, the recipient will be required to submit an accounting system certification issued by an Independent Certified Public Accountant to the NIST Grants Officer within 90 days from the date of award.

(q) *Classification.* Because notice and comment are not required under 5 U.S.C. 553(a)(2), or any other law, for notices relating to public property, loans, grants, benefits, or contracts, a Regulatory Flexibility Analysis, 5 U.S.C. 601 *et seq.*, is not required and has not been prepared for this notice.

Public Meeting

A public meeting (Proposers' Conference) for potential proposers and other interested parties will be held:

• 9:30 a.m.–12:30 p.m. Eastern Standard Time, Thursday, May 2, 2002. Gaithersburg Hilton, 620 Perry Parkway, Gaithersburg, Maryland 20877. Telephone: (301) 977–8900. Facsimile: (301) 977–3450.

The meeting will provide general information regarding the ATP, tips on preparing good proposals, and an opportunity for audience questions. Attendance at this public meeting is not required. No registration fee will be charged. To register for the public meeting or for further information, contact ATP at 1–800–ATP–FUND (1–800–287–3863), or register via the NIST Web site: *www.atp.nist.gov/atp/reg_form.htm.*

Dated: April 17, 2002.

Arden L. Bement,

Director.

[FR Doc. 02–9374 Filed 4–17–02; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 041002C]

Strategic Plan for Fisheries Research (2001)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability.

SUMMARY: The NMFS announces the availability of the Strategic Plan for Fisheries Research (2001). The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) requires the Secretary of Commerce to develop, triennially, a strategic plan for fisheries research for the subsequent 5 years.

ADDRESSES: Requests for copies of the NMFS Strategic Plan for Fisheries Research (2001) should be directed to Mark Chandler, Research, Analysis, and Coordination Division, Office of Science and Technology, NMFS, NOAA, 1315 East-West Highway, Silver Spring, MD 20910. Phone: (301) 713–2363. Fax: (301) 713–1875. This document may be viewed in its entirety at *http://www.st.nmfs.gov/st2/index.html.*

FOR FURTHER INFORMATION CONTACT: Mark Chandler at 301–713–2363 ext. 152.

SUPPLEMENTARY INFORMATION: Section 404 of the MSFCMA requires the Secretary of Commerce to publish in the **Federal Register** a strategic plan for fisheries research for the 5 years immediately following the its publication. The MSFCMA requires that the plan address four major areas of research: (1) Research to support fishery conservation and management; (2) conservation engineering research; (3) research on the fisheries; and (4) information management research. The MSFCMA specifies that the plan shall contain a limited number of priority objectives for each of these research areas; indicate goals and timetables; provide a role for commercial fishermen in such research; provide for collection and dissemination of complete and accurate information concerning fishing activities; and be developed in cooperation with the Councils and affected states.

In 1997, the NOAA Fisheries Strategic Plan (FSP) was published. The FSP was developed in a comprehensive manner, with significant public involvement, including 16 public meetings. The following year, NMFS released the Strategic Plan for Fisheries Research (1998). Both the original (1998) and the updated (2001) Strategic Plans for Fisheries Research are based upon and entirely consistent with the FSP. Many of the objectives found under the ''Major Fishery Research Objectives and Goals'' section of the subject document can be matched with those in the FSP.

The scope of the NMFS Strategic Plan for Fisheries Research (2001) is solely fisheries research to support the MSFCMA. It does not include the regulatory and enforcement components of the NMFS' mission. The NMFS currently conducts a comprehensive program of fisheries research and involves industry and others interested in fisheries in planning and implementing its objectives.

Dated: April 11, 2002.

William Fox, Jr.,

Director, Office of Science and Technology, National Marine Fisheries Service.

[FR Doc. 02–9526 Filed 4–17–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 041202D]

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Council) Ad Hoc Groundfish Fishery Management Plan Environmental Impact Statement (EIS) Oversight Committee will hold a working meeting, which is open to the public, on the draft Groundfish Programmatic Supplemental Environmental Impact Statement (PSEIS).

DATES: The EIS Oversight Committee working meeting will begin Wednesday, May 8, 2002 at 1 p.m. and may go into the evening until business for the day is completed. The meeting will reconvene from 8 a.m. to 5 p.m. on Thursday, May 9, 2002.

ADDRESSES: The meetings will be held in the West Conference Room at the Pacific Fishery Management Council office, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Mr. John DeVore, Groundfish Fishery Management Coordinator; telephone: (503) 326–6352.

SUPPLEMENTARY INFORMATION: The purpose of the EIS Oversight Committee meeting is to develop the range of alternatives that will be evaluated in the PSEIS. The committee will review draft sections of the PSEIS, provide comments to the drafters, and prepare recommendations to the Council regarding the programmatic alternatives for consideration at the upcoming June Council meeting.

Although nonemergency issues not contained in the EIS Oversight Committee agenda may come before the EIS Oversight Committee for discussion, those issues may not be the subject of formal committee action during this meeting. EIS Oversight Committee action will be restricted to those issues specifically listed in this notice, and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Committee's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503) 326-6352 at least 5 days prior to the meeting date.

Dated: April 13, 2002.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 02–9521 Filed 4–17–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 040902F]

Western Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Western Pacific Fishery Management Council's (Council) Crustaceans Plan Team (CPT) members will hold a meeting.

DATES: The CPT meeting will be held on May 2, 2002, from 1 p.m. to 5 p.m.

ADDRESSES: The meetings will be held at the Western Pacific Fishery Management Council office, 1164 Bishop St., Suite 1400, Honolulu, HI 96813.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: The CPT will discuss and may make recommendations to the Council on the following agenda items:

1. Review of the 112th Council Meeting;
2. State of crustacean fisheries in region;
3. Lobster modeling workshop report;
4. Long term research planning;
5. Cooperative research program;
6. Reserve operations plan and sanctuary designation process;
7. Economic value of Crustacean Area 1 permits; and
8. Other business as required.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to meeting date.

Dated: April 13, 2002.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 02–9522 Filed 4–17–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 041002A]

Endangered Species; Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: NMFS has issued modification #3 to Permit 1178 and modification #1 to Permit 1295.

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement under the Endangered Species Act (ESA): NMFS has issued modification #3 to Permit 1178 to Mr. Harold Foster, of NMFS-NEFSC and modification #1 to permit 1295 to Dr. Richard Merrick, of NMFS-NEFSC-PSB.

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Scientific research and/or enhancement permits are issued under

section 10(a)(1)(A) of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

Species Covered in This Notice

The following species:

Sea turtles

Threatened and endangered Green turtle (*Chelonia mydas*)

Endangered Hawksbill turtle (*Eretmochelys imbricata*)

Endangered Kemp's ridley turtle (*Lepidochelys kempii*)

Endangered Leatherback turtle (*Dermochelys coriacea*)

Threatened Loggerhead turtle (*Caretta caretta*)

Permit # 1178

Notice was published on October 26, 2001 (63 FR 49335), that Mr. Harold Foster, of NMFS-NEFSC applied for a modification to 1178. Modification #3 authorizes the import and export of sea turtle pieces and parts for the purpose of research. The applicant has a 5–year scientific research permit to take listed sea turtles incidentally taken in foreign and domestic commercial fisheries operating in state waters and the Exclusive Economic Zone in the Northwest Atlantic Ocean. The work will be conducted by scientific observers aboard commercial fishing vessels. The following species and annual take numbers have been requested: 300 loggerhead (*Caretta caretta*), 85 leatherback (*Dermochelys coriacea*), 10 Kemp's ridley (*Lepidochelys kempi*), 10 hawksbill (*Eretmochelys imbricata*), and 10 green (*Chelonia mydas*) turtles. The applicant has requested authorization to measure, photograph, flipper tag, scan for PIT tags, resuscitate (if necessary) and release turtles taken incidentally in foreign and domestic commercial fisheries. Further, the applicant has requested authority to bring to shore, when feasible, dead sea turtles for necropsy. Necropsy will only be performed by personnel currently permitted to conduct such research. This research supports the National Marine Fisheries Service's mission of assessing the impacts of commercial fisheries on marine resources of interest to the United States. Modification #3 to Permit 1178 was issued on March 25, 2002, authorizing take of listed species. Permit 1178 expires December 31, 2003.

Permit # 1295

Notice was published on October 26, 2001 (66 FR 54233), that Dr. Richard Merrick, of NMFS-NEFSC-PSB applied for a modification to 1295. Modification #1 authorizes the import and export of sea turtle pieces and parts for the purpose of research. The goal of the 5–year plan for sea turtles in the Northeast is to work cooperatively with other regions to support and direct research on sea turtles in order to identify and assess the status of sea turtle stocks, reduce the estimated mortality associated with fishing activities and other anthropogenic and natural sources and to recover ESA listed species. Modification #1 to Permit 1295 was issued on March 28, 2002, authorizing take of listed species. Permit 1295 expires May 31, 2006.

Dated: April 12, 2002.

Ann Terbush

Chief, Permits, Conservation, and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 02–9523 Filed 4–17–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 041002B]

Endangered Species; Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Receipt of an application for a research permit (1375).

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement under the Endangered Species Act (ESA): NMFS has received an application for a research permit from Dr. Thomas J. Kwak, of U. S. Geological Survey - North Carolina Cooperative Fish and Wildlife Research Unit (USGS).

DATES: Comments or requests for a public hearing on any of the new applications or modification requests must be received at the appropriate address or fax number no later than 5 p.m. eastern standard time on May 20, 2002.

ADDRESSES: Written comments on the new application should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the application. Comments will not be accepted if submitted via e-mail or the Internet. The application and related documents are available for review in the indicated office, by appointment:

Permits, Conservation and Education Division, F/PR1, 1315 East West Highway, Silver Spring, MD 20910 (phone:301–713–2289, fax: 301–713–0376).

FOR FURTHER INFORMATION CONTACT: Lillian Becker, Silver Spring, MD (phone: 301-713-2319, fax: 301–713–0376, e-mail: Lillian.Becker@noaa.gov).

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Scientific research and/or enhancement permits are issued under section 10(a)(1)(A) of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

The following species are covered in this notice:

Fish

Endangered Shortnose Sturgeon (*Acipenser brevirostrum*)

Application 1375

The applicant proposes to place 600 caged shortnose sturgeon into the Roankoke/Albemarle river system at 10 test sites that represent variations in water quality to investigate growth, survival and bioaccumulation of contaminants by the fish. They will be

in place for 28 days One hundred additional fish will be used as the baseline for the growth and bioaccumulation. The shortnose sturgeon will be juveniles from the U. S. Fish & Wildlife Service Bears Bluff Hatchery, Charleston, SC. The fish will be double caged to prevent their escaping into the wild.

This experiment is to determine if whether water quality is a factor in the demise of the shortnose sturgeon in the Roankoke/Albemarle river system.

Dated: April 12, 2002.

Ann Terbush,

Chief, Permits, Conservation, and Education Division, office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 02–9524 Filed 4–17–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 040102B]

Marine Mammals

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of Photography Permit No. 1019-1657-00.

SUMMARY: Daniel J. Cox, Natural Exposures, 16595 Brackett Creek Road, Bozeman, Montana 59715, has been issued a permit to take by Level B harassment one species of non-threatened, non-endangered marine mammals, the northern elephant seal (*Mirounga angustirostris*), for purposes of educational/commercial photography.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following offices:

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713-2289); and

Regional Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Long Beach, California 90802-4213, (562/980-4000).

SUPPLEMENTARY INFORMATION: On December 27, 2001, notice was published in the **Federal Register** (66 FR 66888) that the above-named applicant had submitted a request for a permit to take one species of marine mammals by Level B harassment during the course of commercial photographic activities in San Simeon, Piedras Blancas, Ano Nuevo State Reserve, Point Reyes National Seashore, the Farallones and Channel Islands, California. The requested permit has been issued, under the authority of Section 104(c)(6) of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*).

Dated: April 9, 2002.

Ann D. Terbush,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 02–9525 Filed 4–17–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 040102C]

Marine Mammals; File No. 1003–1665–00

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that Dr. Jennifer Moss Burns, University of Alaska Anchorage, Department of Biological Sciences, College of Arts and Sciences, 3211 Providence Drive, Anchorage, AK 99508 has been issued a permit to take Pacific harbor seals (*Phoca vitulina richardsi*) for purposes of scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713–2289; fax (301) 713–0376; and

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668; phone (907) 586–7221; fax (907) 586–7249.

FOR FURTHER INFORMATION CONTACT: Tammy Adams or Ruth Johnson, (301) 713–2289.

SUPPLEMENTARY INFORMATION: On February 15, 2002, notice was published in the **Federal Register** (67 FR 7139) that a request for a scientific research permit to take Pacific harbor seals had been submitted by the above-named individual. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Dated: April 12, 2002.

Ann D. Terbush,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 02–9463 Filed 4–17–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

Department of the Air Force

Global Positioning System Joint Program Office

AGENCY: Department of the Air Force, DoD.

ACTION: Notice and Request for Review/Comment of draft ICD–GPS–705 Version 2.

SUMMARY: This notice informs the public that the Global Positioning System (GPS) Joint Program Office (JPO) has released the current draft of ICD–GPS–705, Navstar GPS Space Segment/User Segment L5 Interfaces, for public review and comment. This ICD describes the interface characteristics of L5, a signal to be incorporated into the GPS system for the benefit of the civilian community. The draft ICD can be reviewed at the following Web site: *http://gps.losangeles.af.mil.* Select ''Configuration Management'', and then select ''Public Data For Review''. Hyperlinks to the draft ICD and review instructions are provided. The reviewer should save the draft ICD to a local memory location prior to opening and performing the review. All comments and their resolutions will be posted to the Web site.

ADDRESSES: Submit comments to SMC/CZERC, 2420 Vela Way, Suite 1467, El Segundo CA 90245–4659. A comment matrix is provided for your convenience at the web site and is the preferred method of comment submittal. Comments may be submitted to the following Internet address: *<smc.czerc@losangeles.af.mil>.* Comments may also be sent by fax to (310) 363–6387.

DATES: The suspense date for comment submittal is April 30, 2002. The following schedule of events is anticipated:

ICD–705 version 2 posted on GPS public Web page: March 29, 2002.

Comment Submittal Suspense Date: April 30, 2002.

Government Response to Comments Suspense Date: May 14, 2002.

FOR FURTHER INFORMATION CONTACT: CZERC at (310) 363–6329, GPS JPO

System Engineering Division, or write to the address above.

SUPPLEMENTARY INFORMATION: The civilian and military communities use the Global Positioning System, which employs a constellation of 24 satellites to provide continuously transmitted signals to enable appropriately configured GPS user equipment to produce accurate position, navigation and time information.

Pamela D. Fitzgerald,

Air Force Federal Register Liaison Officer.

[FR Doc. 02–9465 Filed 4–17–02; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Notice of Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date(s) of Meeting: April 18 & 19.

Time(s) of Meeting: 0800–1700, April 18, 2002, 0800–1700, April 19, 2002.

Place: Institute for Defense Analysis.

1. Agenda: The Operations and Training Panel, Army Science Board FY02 Summer Study on ''Ensuring the Financial Viability of the Objective Force'' is holding a meeting on 18 and 19 April. The meeting will be held at IDA—4850 Mark Center Drive. The meeting will begin at 0800 hours on the 18th and will end at approximately 1700 hours on the 19th. For further information, please contact Maj. Coll S. Haddon—757–878–4694 or email *HaddonC@atsc.army.mil*

Wayne Joyner,

Program Support Specialist, Army Science Board.

[FR Doc. 02–9578 Filed 4–17–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Notice of Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date(s) of Meeting: April 18, 2002.

Time(s) of Meeting: 0900–1700.

Place: Institute for Defense Analysis.

1. Agenda: The Integration and Analysis Panel of the Army Science Board FY02 Summer Study on ''Ensuring the Financing Viability of the Objective Force'' is holding a meeting on 18 April. The meeting will be held at IDA—4850 Mark Center Drive. The meeting will being at 0900 hours and will end at approximately 1700 hours. For further information, please contact Robert Dodd—757–788–5715 or email rdodd@aatd.eustis.army.mil

Wayne Joyner,

Program Support Specialist, Army Science Board.

[FR Doc. 02–9579 Filed 4–17–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Notice of Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ABS).

Date of Meeting: April, 23, 24, 25, 2002.

Time of Meeting: 0800–1700 April 23, 2002; 0800–1700 April 24, 200; 0800–1100, April 25, 2002.

Place: SAIC.

Agenda: The Army Science Board's (ASB) Study ''Ensuring the Financial Viability of the Objective Force'' will have a Plenary Meeting on 23, 24 and 25 April. The meeting will be held at SAIC, 4001 Fairfax Drive, Arlington, VA. The Meeting will begin at 0800 hours on the 23rd and end at approximately 1100 hours on April 25th. For further information, please contact Major Robert Grier, 703–604–7478 or email: *Robert.grier@saalt.army.mil*

Wayne Joyner,

Program Support Specialist, Army Science Board.

[FR Doc. 02–9580 Filed 4–11–02; 8:45 am]

BILLING CODE 3710–08–M

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 June 17, 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: April 12, 2002.

John D. Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Educational Research and Improvement

Type of Review: New.

Title: Academic Libraries Survey: 2002–2005.

Frequency: Biennially.

Affected Public: Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden:

Responses: 3,400.

Burden Hours: 5,950.

Abstract: The Academic Libraries Survey has been a component of the Integrated Postsecondary Education Data System. In 2002 and henceforth it

will be a separate survey. Changes to the survey itself are minor from prior collections of this universe survey. The data are collected on the web and consist of information about library holdings, library staff, library services and usage, library technology, library budget and expenditures.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address *OCIO_IMG_Issues@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 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. 02–9459 Filed 4–17–02; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Leader, Regulatory Information Management, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: An emergency review has been requested in accordance with the Act (44 U.S.C. Chapter 3507 (j)), since public harm is reasonably likely to result if normal clearance procedures are followed. Approval by the Office of Management and Budget (OMB) has been requested by April 23, 2002. A regular clearance process is also beginning. Interested persons are invited to submit comments on or before June 17, 2002.

ADDRESSES: Written comments regarding the emergency review 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 10235, 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 Director of OMB provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The Office of Management and Budget (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, Information Management Group, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. 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. ED 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 respondents, including through the use of information technology.

Dated: April 12, 2002.

John D. Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: New.

Title: SPeNSE Substudy on Paperwork Burden.

Abstract: In order to inform the reauthorization of the Individuals with Disabilities Education Act (IDEA), the Office of Special Education Programs (OSEP) needs information on the causes of reported paperwork burden among special education teachers. This substudy will explore factors associated with paperwork burden through telephone interviews with special education teachers.

Additional Information: During recent hearings for the reauthorization of IDEA, ED heard testimony from administrators and special educators about the tremendous paperwork burden placed on teachers; however, policymakers lack adequate data to adequately characterize this burden, the factors affecting it, and approaches to easing paperwork burden. This substudy will provide ED with the information it needs to inform the upcoming reauthorization of the IDEA and set priorities within the Department for technical assistance and further research.

Frequency: One time.

Affected Public: Individuals or household.

Reporting and Recordkeeping Hour Burden:

Responses: 1,000.

Burden Hours: 250.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, by selecting ''Browse Pending Collections'' and clicking on link number. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information 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 Sheila Carey at her internet address *Sheila.Carey@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 02–9460 Filed 4–17–02; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

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), Oak Ridge. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meeting be announced in the **Federal Register**.

DATES: Wednesday, May 8, 2002, 6 p.m.–9:30 p.m.

ADDRESSES: Garden Plaza Hotel, 215 South Illinois Avenue, Oak Ridge, TN 37830.

FOR FURTHER INFORMATION CONTACT: Pat Halsey, Federal Coordinator, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM–922, Oak Ridge, TN 37831. Phone (865) 576–4025; Fax (865) 576–5333 or e-mail: *halseypj@oro.doe.gov.*

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1. Presentation on the Y–12 Modernization Efforts provided by Ms. Cindy Hayes, BWXT–Y12, L.L.C.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Pat Halsey at the address or telephone number listed above. 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 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 at the end of the meeting.

Minutes: Minutes of this meeting will be available for public review and copying at the Department of Energy's Information Resource Center at 105 Broadway, Oak Ridge, TN between 7:30 a.m. and 5:30 p.m. Monday through Friday, or by writing to Pat Halsey, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM–922, Oak Ridge, TN 37831, or by calling her at (865) 576–4025.

Issued at Washington, DC on April 12, 2002.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 02–9469 Filed 4–17–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Change in DOE Office of Science Business Practices Notice 02–24; Implement Use of Industry Interactive Procurement System (IIPS)

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of changeover to use of Industry Interactive Procurement System (IIPS).

SUMMARY: The U.S. Department of Energy, Office of Science, is announcing a fundamental change in the manner in which business will be conducted. A secure, web-enabled acquisition and financial assistance system, Industry Interactive Procurement System (IIPS), has been developed and is deployed. Effective June 1, 2002, this system will become the way our office receives competitive financial assistance applications. IIPS provides for the posting of solicitations, receipt of applications, and conducting of clarifications or discussions in a paperless environment via the Internet.

DATES: Effective June 1, 2002, applications must be submitted in PDF format through the IIPS system. (However, in order to allow sufficient time for all applicants to register and transition to the IIPS system, the Office of Science will continue to accept printed copies of applications until the end of the fiscal year, i.e., September 30, 2002.)

ADDRESSES: When submitting applications, applicants should use the IIPS web page, which is located at: *http://e-center.doe.gov/.*

FOR FURTHER INFORMATION CONTACT: Director, Grants and Contracts Division, Office of Science, SC–64, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874–1290. Applicants may call 301–903–5212, for information and assistance.

SUPPLEMENTARY INFORMATION: Since we are planning on issuing all solicitations electronically using IIPS, we want you to subscribe to IIPS, free of charge, to receive notifications of financial assistance opportunities in which you are interested. To subscribe to the electronic mailing list, you will need to go to our web site at: *http://e-center.doe.gov/.* From this page, click on the ''register'' button to initiate the subscription process. You will need to provide information similar to that required on the Standard Form 129, Solicitation Mailing List Application. Follow the instructions for ''subscribing'' to IIPS. Best practices suggest you browse the IIPS page frequently to ensure you are receiving the appropriate notices. In order to submit proposals or bids, you must register your firm or institution. To register, click on the ''register'' button on the IIPS home page, so you can choose to ''register'' or ''register and subscribe'' (this is a combination registration and subscription form). Clicking on either option opens a form for you to complete. As with the subscription form, you must complete all the required fields and click on the ''submit'' button at the bottom of the form. Should you need assistance, please feel free to contact the IIPS help desk at 800–683–0751, or by email at: (*helpdesk@pr.doe.gov*).

Office of Science solicitations will include as an attachment, the appropriate forms in PDF fillable format to be submitted with the proposal. All information submitted through IIPS must be in PDF format. Additional information about the Office of Science financial assistance programs is available at our home page, which is located at: *http://www.sc.doe.gov/production/grants/grants.html.* Please bookmark these pages and check back often.

This Notice remains in effect until it is succeeded by another issuance by the Office of Science.

Issued in Washington, DC on April 9, 2002.

John Rodney Clark,

Associate Director of Science for Resource Management.

[FR Doc. 02–9470 Filed 4–17–02; 8:45 am]

BILLING CODE 6430–02–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–341–002 and RP01–48–001]

Egan Hub Partners, L.P.; Notice of Compliance Filing

April 12, 2002.

Take notice that on April 9, 2002, Egan Hub Partners, L.P. (Egan Hub) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the revised tariff sheets listed on Appendix A of the filing.

Egan Hub states that the purpose of this filing is to comply with the Commission's March 14, 2002 order on Egan Hub's Order No. 637 compliance filing.

Egan Hub states that copies of its filing have been mailed to all parties on the official service lists compiled by the Secretary of the Commission in these proceedings.

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. 02–9474 Filed 4–17–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–215–001]

Kinder Morgan Interstate Gas Transmission LLC; Notice of Tariff Filing

April 12, 2002.

Take notice that on April 9, 2002 Kinder Morgan Interstate Gas Transmission LLC (KMIGT) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets, to become effective May 1, 2002:

Substitute Original Sheet No. 37A
Substitute Original Sheet No. 93A

KMIGT states that the filing is being made to amend tariff sheets filed March 29, 2002 in Docket No. RP02–215.

KMIGT states that copies of the filing has been served upon all of its customers and affected 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. 02–9475 Filed 4–17–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP02–139–000]

Northern Natural Gas Company; Notice of Application

April 12, 2002.

Take notice that on April 3, 2002, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124–1000, filed in Docket No. CP02–139–000 an application pursuant to Section 7 of the Natural Gas Act (NGA) and the Commission's Rules and Regulations for a certificate of public convenience and necessity authorizing Northern to install and operate certain natural gas facilities at its Beatrice Compressor Station located in Gage County, Nebraska, to provide incremental capacity on the downstream pipeline system, all as more fully set forth in the application which is on file with the Commission and open to 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).

Specifically, Northern proposes to install a new 6-inch control valve (which will be tied into and controlled from the existing station program logic computer) in the existing 24-inch header at the discharge of the Beatrice Compressor Station. A ball valve will be installed upstream of the proposed control valve for isolation during maintenance. Two anubars will be installed in the 24-inch header to measure flows to the C- and B-Lines. Northern states that additional over-pressure protection will also be required in the station yard.

Northern states that there are currently eight compressor units at the Beatrice Compressor Station for a total of 32,500 horsepower (hp). Northern states that it conducted an Open Season from April 30, 2001 through June 22, 2001 soliciting interest for an expansion project in its Market Area (Project MAX). According to Northern, the Open Season was intended to identify and quantify market growth opportunities and the need to construct facilities necessary to serve the incremental capacity requirements that will commence during the five year period from 2003 to 2007. Upon evaluation of the requests received and a facility analysis, Northern determined that 90,000 Mcf/d of incremental capacity could be made available with minor modifications at its Beatrice Compressor Station. The proposed modifications will allow Northern to better utilize its existing pipeline capacity and compression at the station by allowing gas from the D-Line to flow into the C-Line. Northern contends that the 90,000 Mcf/d of incremental volume will be able to flow downstream of the Beatrice Compressor Station by alleviating a throughput constraint at the station and thereby improving the operational efficiency, reliability, and flexibility on this portion of its system.

Northern proposes to install minor modifications at its Beatrice station to make this incremental capacity available to its customers as soon as practicable. Northern states that the capacity will be dedicated to the firm market requirements related to Project MAX beginning November 2003. The incremental capacity will be posted on Northern's internet website and will be made available to all of Northern's shippers on a non-discriminatory basis beginning with the 2002/2003 heating season. Northern states that starting in November 2003, the Project MAX shippers will then utilize the incremental capacity until it is fully subscribed in November 2007. Northern notes that any contracts that are entered into during the interim period will not

have the Right of First Refusal to the extent that the capacity is dedicated to shippers pursuant to Firm Agreements as part of Project MAX.

Northern asserts that all construction activity will be conducted within the existing fenced area of its compressor station. Northern estimates that the capital cost for this project is $290,000 that will be funded with internally generated funds. Northern notes that it will be at risk for the recovery of the costs associated with the proposed modifications and is not requesting a determination of rolled-in pricing at this time, however, Northern states that it may, at the time it files with the Commission for the Project MAX facilities, request rolled-in treatment of the total project costs. Northern asks that the Commission issue an order granting approval of the proposed project no later than August 1, 2002.

Any questions regarding the application should be directed to Mary Kay Miller, Vice President, Rates & Certificates, Northern Natural Gas Company, P.O. Box 3330, Omaha, Nebraska 68103–0330, telephone (402) 398–7060 or Michael W. McGowan, Vice President, Certificates and Community Relations, Northern Natural Gas Company 1111 South 103rd Street, Omaha, Nebraska 68124, telephone (402) 398–7110.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before May 3, 2002, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

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.

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.

Magalie R. Salas,

Secretary.

[FR Doc. 02–9471 Filed 4–17–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG02–116–000, et al.]

NRG Rockford Equipment II LLC, et al.; Electric Rate and Corporate Regulation Filings

April 11, 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. NRG Rockford Equipment II LLC

[Docket No. EG02–116–000]

Take notice that on April 9, 2002, NRG Rockford Equipment II LLC (NRG Rockford Equipment II) filed with the Federal Energy Regulatory Commission (Commission), an application for determination of exempt wholesale generator status pursuant to section 32 of the Public Utility Holding Company Act of 1935 (PUHCA) and part 365 of the Commission's regulations.

As more fully explained in the application, NRG Rockford Equipment II states that it is a limited liability company that will be engaged either directly or indirectly and exclusively in the business of owning and operating an electric generation facility located in Illinois.

Comment Date: May 2, 2002.

2. American Transmission Company LLC

[Docket No. ER01–1262–001]

Take notice that on April 5, 2002, American Transmission Company LLC (ATCLLC) tendered for filing an executed Generation-Transmission interconnection Agreement between ATCLLC and RockGen Energy, LLC.

ATCLLC requests an effective date of February 16, 2001.

Comment Date: April 26, 2002.

3. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER01–3142–007]

Take notice that on April 4, 2002, Midwest Independent Transmission System Opertor, Inc., tendered for filing recommendations of the Independent Market Monitor (IMM) regarding market power in the Midwest ISO's market for redispatch service.

Comment Date: April 25, 2002.

4. Puget Sound Energy, Inc.

[Docket No. ER02–605–002]

Take notice that on April 5, 2002, Puget Sound Energy, Inc. (PSE), tendered for filing with the Federal Energy Regulatory Commission (Commission) a Motion to Correct Rate Schedules of its Open Access Transmission Tariff to address computational errors in its rates filed in this docket on December 26, 2001 and approved by the Commission on February 15, 2002. Puget Sound Energy, Inc., 98 FERC ¶ 61,168 (2002). PSE requests an effective date of January 1, 2002 for the above-described tariff changes.

Copies of the filing were served on the all persons on the Commission's Service

list, PSE's jurisdictional customers, and the Washington State Utilities and Transportation Commission.

Comment Date: April 26, 2002.

5. Central Illinois Light Company

[Docket No. ER02–708–002]

Take notice that Central Illinois Light Company (CILCO), tendered for filing with the Federal Energy Regulatory Commission (Commission) amendments to CILCO's Ancillary Service Tariff to comply with the Commission's March 1, 2002 Order in this docket.

CILCO requested an effective date of February 1, 2002 for these amendments. Copies of the filing were served on all affected customers, the Illinois Commerce Commission, and the service list in this docket.

Comment Date: April 26, 2002.

6. PacifiCorp

[Docket No. ER02–1492–000]

Take notice that on April 5, 2002, PacifiCorp tendered for filing in accordance with 18 CFR 35 of the Federal Energy Regulatory Commission's (Commission) Rules and Regulations, a Letter Agreement dated November 15, 2001 with Sierra Pacific Power Company.

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment Date: April 26, 2002.

7. Virginia Electric and Power Company

[Docket No. ER02–1493–000]

Take notice that on April 5, 2002, Virginia Electric and Power Company (Dominion Virginia Power or the Company) tendered for filing the following Service Agreement for Firm Point-to-Point Transmission Service by Virginia Electric and Power Company to UBS AG, London Branch designated as Service Agreement No. 355 under the Company's FERC Electric Tariff, Second Revised Volume No. 5. Service Agreement for Non-Firm Point-to-Point Transmission Service by Virginia Electric and Power Company to UBS AG, London Branch designated as Service Agreement No. 356 under the Company's FERC Electric Tariff, Second Revised Volume No. 5.

The foregoing Service Agreements are tendered for filing under the Open Access Transmission Tariff to Eligible Purchasers effective June 7, 2000. Under the tendered Service Agreements, Dominion Virginia Power will provide point-to-point service to UBS AG, London Branch under the rates, terms and conditions of the Open Access Transmission Tariff. Dominion Virginia Power requests an effective date of March 18, 2002, as requested by the customer.

Copies of the filing were served upon UBS AG, London Branch, the Virginia State Corporation Commission, and the North Carolina Utilities Commission.

Comment Date: April 26, 2002.

8. Commonwealth Edison Company

[Docket No. ER02–1494–000]

Take notice that on April 5, 2002, Commonwealth Edison Company (ComEd) submitted for filing with the Federal Energy Regulatory Commission (Commission) an interconnection agreement between ComEd and Midwest Generation, LLC. ComEd requests an effective date for the interconnection agreement of April 6, 2002, and, accordingly, seeks waiver of the Commission's notice requirements.

ComEd states that a copy of the filing was served on Midwest Generation, LLC and the Illinois Commerce Commission.

Comment Date: April 26, 2002.

9. Virginia Electric and Power Company

[Docket No. ER02–1495–000]

Take notice that on April 5, 2002, Virginia Electric and Power Company (the Company) tendered for filing a Service Agreement for Short-Term Market Based Rate Power Sales and the Resale of Transmission Capacity with Wisvest-Connecticut, LLC.

Under the Service Agreement, the Company will provide services to the customer under the terms of the Companys Amended and Restated Market-Based Sales Tariff designated as FERC Electric Tariff (Third Revised Volume No. 4), which was accepted by order of the Commission dated August 30, 2000, in Docket No. ER00–1737–001. The Company requests an effective date of March 22, 2002, as requested by the customer requested.

Copies of the filing were served upon Wisvest-Connecticut, LLC, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment Date: April 26, 2002.

10. Duke Electric Transmission

[Docket No. ER02–1496–000]

Take notice that on April 5, 2002, Duke Electric Transmission (Duke), a division of Duke Energy Corporation, tendered for filing with the Federal Energy Regulatory Commission (Commission) a Service Agreement with Carolina Power & Light Company, for Firm Transmission Service under Duke's Open Access Transmission Tariff. Duke states that this filing is in accordance with part 35 of the Commission's Regulations, 18 CFR 35, and that a copy has been served on the North Carolina Utilities Commission.

Duke requests that the proposed Service Agreement be permitted to become effective on June 1, 2002.

Comment Date: April 26, 2002.

11. Duke Electric Transmission

[Docket No. ER02–1497–000]

Take notice that on April 5, 2002, Duke Electric Transmission (Duke), a division of Duke Energy Corporation, tendered for filing with the Federal Energy Regulatory Commission (Commission) a Service Agreement with Carolina Power & Light Company, for Firm Transmission Service under Duke's Open Access Transmission Tariff. Duke states that this filing is in accordance with part 35 of the Commission's Regulations, 18 CFR. 35, and that a copy has been served on the North Carolina Utilities Commission.

Duke requests that the proposed Service Agreement be permitted to become effective on July 1, 2002.

Comment Date: April 26, 2002.

12. Public Service Company of New Mexico

[Docket No. ER02–1498–000]

Take notice that on April 5, 2002, Public Service Company of New Mexico (PNM) submitted for filing an executed copy of an Agreement for Power Supply and Services (Agreement) dated March 30, 2002 (the requested effective date for the Agreement), between PNM and Colorado River Commission of Nevada (CRC). The Agreement, which begins initial service on May 14, 2002 and runs through December 31, 2004, and is being filed as Service Agreement No. 31 under PNM's FERC Electric Tariff, First Revised Volume No. 3 (Power and Energy Sales Tariff), sets forth the terms and conditions under which PNM will provide Balance of the Month, Day-Ahead, and Real-Time Operations and Scheduling services for CRC. PNM's filing is available for public inspection at its offices in Albuquerque, New Mexico.

Copies of this filing have been served upon CRC, the New Mexico Public Regulation Commission, and the New Mexico Attorney General.

Comment Date: April 26, 2002.

13. Sprague Energy Corp.

[Docket No. ER02–1499–000]

Take notice that on April 5, 2002, Sprague Energy Corp. (Sprague) tendered for filing with the Federal Energy Regulatory Commission (Commission) an application for

authority to sell electricity at market-based rates under Section 205(a) of the Federal Power Act, accompanying requests for certain blanket approvals and for the waiver of certain Commission regulations. Sprague requests that the Commission accept its Rate Schedule FERC No. 1, Original Volume No. 1, for filing.

Sprague is a New Hampshire corporation that intends to engage in wholesale electric energy purchases and sales as a power marketer. Sprague also seeks authority to reassign transmission capacity and to resell firm transmission rights. Sprague is not in the business of generating or transmitting electric power.

Comment Date: April 26, 2002.

14. PJM Interconnection, L.L.C.

[Docket No. OA02–5–000]

Take notice that on April 4, 2002, PJM Interconnection, L.L.C. (PJM) tendered for filing with the Federal Energy Regulatory Commission (Commission), amended FERC Order No. 889 Standards of Conduct (Code of Conduct). PJM proposed to amend its Code of Conduct to specify that PJM employees, PJM officers, and members of the PJM Board of Managers are required annually to execute the Code of Conduct and Standard of Business Ethics Compliance Agreement, and to make other minor stylistic changes

PJM proposed to make its amended Code of Conduct effective on April 5, 2002.

Copies of this filing have been served on all PJM members and each state utility regulatory commission in the PJM control area.

Comment Date: May 6, 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. 02–9396 Filed 4–17–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2652–007]

PacifiCorp, Montana; Notice of Availability of Draft Environmental Assessment

April 12, 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 47,897), the Office of Energy Projects staff has reviewed the application for a subsequent license for the Bigfork Hydroelectric Project located on the Swan River, in Flathead County, Montana, and has prepared a draft environmental assessment (EA) for the project. The project does not occupy any federal or tribal lands. In the draft EA, the Commission's staff has analyzed the potential environmental effects of the existing project and has concluded that approval of the project, with appropriate environmental protection measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the draft EA can be viewed at the Commission's Reference and Information Center, Room 2A, 888 First Street, NE., Washington, DC 20426, or by calling 202–208–1371. The document also can be viewed on the web at *http://rimsweb1.ferc.gov/rims* (call 202–208–2222 for assistance).

Any comments should be filed by May 27, 2002, and should be addressed to Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Please add Project No. 2652–007 to all comments. Comments may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at under ''e-Filing'' link.

For further information, contact Steve Hocking at 202–219–2656.

Magalie R. Salas,

Secretary.

[FR Doc. 02–9472 Filed 4–17–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM01–12–000]

Standard Market Design, Data and Software Standards; Notice of Conference

April 12, 2002.

The Federal Energy Regulatory Commission (Commission) will hold a conference on data and software needs in connection with the Commission's Standard Market Design (SMD) rule. The conference will be held on May 22, 2002, starting at 9:30 a.m. in the Commission Meeting Room at the Federal Energy Regulatory Commission, 888 First Street, NE., in Washington DC.

The conference will discuss what data and software standards are needed to implement SMD efficiently. The focus will be on exploring what should be standardized; whether there should be a standard data model; on examining the potential for developing data sets to benchmark the needed software; and on finding user interfaces that are transparent and which will instill confidence in the process.

All interested parties are invited to attend.

The conference will be transcribed. Those interested in acquiring the transcript should contact Ace Reporters at 202–347–3700, or 800–336–6646. Transcripts will be placed in the public record ten days after the conference.

We will issue further details, including the agenda and a list of participating discussants, as plans evolve. For additional information, please contact René Forsberg at 202–208–0425 or *René.Forsberg@ferc.gov*.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–9473 Filed 4–17–02; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[OH151–1; FRL–7173–3]

Notice of Deficiency for Clean Air Operating Permits Program; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of deficiency.

SUMMARY: Pursuant to its authority under section 502(i) of the Clean Air Act and the implementing regulations at 40 CFR 70.10(b)(1), EPA is publishing this notice of deficiency (NOD) for the State of Ohio's Clean Air Act title V operating permits program. The notice of deficiency is based upon EPA's finding that Ohio's regulations governing insignificant emissions units and Ohio's regulations requiring reports of any required monitoring at least every six months and prompt reports of deviations do not meet the minimum Federal requirements of the Clean Air Act (Act) and 40 CFR part 70. Publication of this notice is a prerequisite for withdrawal of Ohio's title V program approval, but does not effect such withdrawal.

EFFECTIVE DATE: April 10, 2002. Because this notice of deficiency (NOD) is an adjudication and not a final rule, the Administrative Procedure Act's 30-day deferral of the effective date of a rule does not apply.

FOR FURTHER INFORMATION CONTACT: Genevieve Damico, Environmental Engineer, Permits and Grants Section, Air Programs Branch, (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–4761.

I. Background

On May 22, 2000, EPA promulgated a rulemaking that extended the interim approval period of 86 operating permits programs until December 1, 2001 (65 FR 32035). The Sierra Club and the New York Public Interest Research Group challenged the action. In settling the litigation, EPA agreed to publish a notice in the **Federal Register**, so that the public would have the opportunity to identify and bring to EPA's attention alleged deficiencies in title V programs. EPA published that document on December 11, 2000 (65 FR 77376). As stated in the **Federal Register** document, EPA agreed to respond by December 1, 2001, to timely public comments on programs that have obtained interim approval; and EPA agreed to respond by April 1, 2002, to timely comments on fully approved programs.

EPA received three timely comment letters pertaining to Ohio's title V program from the United States Public Interest Research Group, Clean Air Conservancy, and the Earth Day Coalition. In reviewing the commenters' concerns, EPA agreed that one of the comments identified a deficiency in Ohio's program in that Ohio's reporting requirements fail to require that all deviations from permit terms be reported to the permitting authority. EPA is addressing this deficiency in this notice. In addition, the commenters raised other issues that EPA has determined are not deficiencies. EPA is responding to the commenters in writing, explaining the basis for EPA's decision.

In 1997, D. David Altman submitted and amended a petition on behalf of Ohio Citizen Action, the Ohio Environmental Council (which was later replaced by the Ohio Public Interest Research Group (PIRG)), Rivers Unlimited, and the Ohio Sierra Club asking EPA to withdraw or revoke Ohio's authorization and/or approval to administer the Act, the Clean Water Act National Pollutant Discharge Elimination System (NPDES) permit program, and the Resource Conservation and Recovery Act (RCRA) hazardous waste programs in Ohio based on the Ohio Audit Law.

Mr. Altman supplemented this petition on September 18, 1998, August 4, 1999, and January 27, 2000, to add allegations addressing how the Ohio EPA (OEPA) was implementing its programs. The petitioners' September 18, 1998, supplement alleged that OEPA was mishandling these three programs. Their August 4, 1999 supplement included additional justification for petitioners' allegations regarding these implementation issues. Their January 27, 2000 supplement/amendment added allegations to their petition regarding several Clean Air Act programs and the RCRA Solid Waste Management Plan. The petitioners also submitted numerous affidavits in support of the petition in the summer of 2000.

As supplemented, the petition expresses concerns with Ohio environmental programs and asks EPA to withdraw and/or revoke its authorization, delegation and/or approval of OEPA's RCRA hazardous waste program and Solid Waste Management Plan; Clean Water Act (NPDES) permit program; and Clean Air Act Standards of Performance for New Stationary Sources (NSPS), New Source Review (NSR), Prevention of Significant Deterioration (PSD), Noncompliance Penalty, and title V programs. Among other things, the petitioners question how OEPA addresses regulated facilities, follows up on complaints, monitors facilities, issues permits, sets standards, releases information to the public, pursues enforcement, and conducts and oversees cleanups.

On September 4, 2001, U.S. EPA released a draft of a our evaluation of Ohio's programs. A copy of this draft report is at *http://www.epa.gov/region5/ohioreview/index.htm.* We held a public meeting on the draft report on November 13, 2001. We are currently working on the final report. In our draft report we addressed the issue of how OEPA addresses insignificant emissions units (IEUs) in it permits. After further consideration, we find that Ohio's regulation that allows exempting the applicable requirements and other information on IEUs from the permit is contrary to part 70. EPA is addressing this deficiency in this notice.

Under EPA's permitting regulations, citizens may, at any time, petition EPA regarding alleged deficiencies in state title V operating permit programs. In addition, EPA may on its own identify deficiencies. If, in the future, EPA agrees with a new citizen petition or otherwise identifies deficiencies, EPA may issue a new NOD.

II. Description of Action

EPA is publishing a notice of deficiency for the title V operating permits program for the State of Ohio. This document is being published pursuant to section 502(i) of the Act and 40 CFR 70.10(b)(1), which provides that EPA shall publish in the **Federal Register** a notice of any determination that a state's title V permitting authority is not adequately administering or enforcing its title V operating permits program, or any portion thereof. The deficiencies that are the subject of this notice relate to Ohio's regulations governing insignificant emissions units (IEUs) and requiring reports of any required monitoring at least every six months and prompt reports of deviations. These deficiencies apply to all State and local permitting authorities that implement Ohio's title V program.

A. Approval of Ohio's Title V Program

The CAA requires all State and local permitting authorities to develop operating permits programs that meet the requirements of title V of the Act, 42 U.S.C. 7661–7661f, and its implementing regulations, 40 CFR part 70. Ohio submitted its operating permits program in response to this directive. EPA granted full approval to Ohio's air operating permits program on August 15, 1995 (60 FR 42045).

B. Limitation of Deviation Reports to Deviations Detected by Compliance Methods Required by Permits

Ohio Administrative Code (OAC) 3745–77–07(A)(3)(c)(ii) and (iii) limits the reporting of deviations to those which can be detected by the compliance method required by the permit. This limitation is contrary to the requirements of the Act and 40 CFR part 70. Specifically, § 70.6(a)(3)(iii)(A) requires that permitees submit reports of required monitoring at least every 6 months and that all instances of deviations from permit requirements be identified in these reports. Section 70.6(a)(3)(iii)(B) requires that permitees promptly report deviations from permitting requirements to the permitting authority. Section 70.6 does not provide for any exceptions to these requirements. Section 113(c)(2) of the Act, among other things, prohibits any person from knowingly making a false certification or omitting material information from any reports. Finally, 40 CFR 70.5(d) and 70.6(a)(3) require responsible officials to certify that all reports are true, accurate and complete. *See also* FR 8314 (February 24, 1997) (final rule promulgating credible evidence revisions). Together these statutory and regulatory requirements obligate sources to consider all available material information in evaluating and reporting deviations for purposes of promptly reporting deviations and submitting reports of any required monitoring at least semi-annually. Because Ohio's rule only requires permittees to consider compliance method test data when reporting deviations from permit requirements, Ohio's title V program does not meet the minimum requirements of part 70.

C. Exemption of IEUs From Permit Content Requirements

Part 70 authorizes EPA to approve as part of a state program a list of insignificant activities and emission levels (IEUs) which need not be included in the permit application, provided that an application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate the fee amount required under the EPA-approved schedule. *See* 40 CFR 70.5(c). Nothing in part 70, however, authorizes a state to exempt IEUs from the permit content requirements of 40 CFR 70.6.

Ohio's regulations contain criteria for identifying IEUs. *See* OAC 3745–77–01(U). Ohio's regulations require that permit applications contain information necessary to determine the applicability of, or to impose, any applicable requirement. *See* OAC 3745–77–03(A). The Ohio program, however, specifically exempts from the federally enforceable section of its Title V permits federally enforceable applicable requirements to which IEUs are subject. *See* OAC 3745–77–02(E). Although the part 70 regulations provide states some opportunity to exempt or limit the amount of information on IEUs required in a Title V application, the July 21, 1992, preamble to the Title V regulations makes it clear that this exemption does not apply to the permit content (57 FR 32273). Therefore, Ohio's regulations at OAC 3745–77–02(E) are inconsistent with part 70.

The United States Court of Appeals for the Ninth Circuit in Western States Petroleum Association (WSPA) v. Environmental Protection Agency, 87 F.3d 280 (9th Cir. 1996) required EPA to approve the State of Washington's title V program even though Washington's regulations exempted IEUs from certain permit content requirements. The Court did this because EPA had acted inconsistently in previously approving at least eight other State or local programs that the Court found were also deficient in their treatment of IEUs in permits. Ohio was one of the eight permitting authorities identified by the WSPA Court as exempting IEUs from certain permit content requirements. Since issuance of the Court's order in the *WSPA* case, EPA has carefully reviewed the IEU provisions of those eight title V programs identified by the Court as inconsistent with EPA's decision on Washington's regulations and taken action to bring all State programs into consistency with part 70 with regard to the treatment of IEUs in permits. EPA has determined that three of the title V programs identified by the WSPA Court (Massachusetts; North Dakota; Knox County, Tennessee) are, in fact, consistent with EPA's position that insignificant sources subject to applicable requirements may not be exempt from permit content requirements. *See* 61 FR 39338 (July 29, 1996). North Carolina, Florida and Jefferson County, Kentucky have made revisions to their IEU provisions and EPA has approved these. 65 FR 38744, 38745 (June 22, 2000) (Forsyth County, North Carolina); 66 FR 45941 (August 31, 2001) (all other North Carolina permitting authorities); 66 FR 49837 (October 1, 2001) (Florida); 67 FR 7973 (February 21, 2002) (Jefferson County, Kentucky). EPA has also issued a notice of deficiency to the States of Washington and Hawaii; 67 FR 72 (January 2, 2002) (Washington); 67 FR 15385 (April 1, 2002) (Hawaii).

Having addressed the inconsistencies in all other state or local programs identified by the Ninth Circuit when it ordered EPA to approve Washington's IEU provisions, EPA is now notifying Ohio that it must bring its IEU provisions into alignment with the requirements of part 70 and other State and local title V programs or face withdrawal of its title V operating permits program. USEPA committed to address those inconsistent programs in the **Federal Register** notice that granted final interim approval to the title V programs of the State of Tennessee and Memphis-Shelby County (61 FR 39335, July 29, 1996).

Because OAC 3745–77–02, the regulations that exempt IEUs, applies throughout the State of Ohio, this notice of deficiency applies to all State and local agencies that implement Ohio's operating permits program.

III. Availability of EPA Responses to Citizen Comments

As discussed above, EPA is responding in writing to all timely comments that citizens submitted pursuant to the settlement agreement. For all comments not resulting in a NOD, EPA will explain why it found that a NOD was not warranted. EPA will publish a notice of availability in the **Federal Register** notifying the public that EPA has done so. EPA will also post its response letters on the Internet at *http://www.epa.gov/oar/oaqps/permits/ response/* or you may obtain a copy by contacting Genevieve Damico, EPA Region 5, by phone at (312) 353–4761 or by e-mail at *damico.genevieve@epa.gov.*

IV. Effect of Notice of Deficiency

Part 70 provides that EPA may withdraw a part 70 program approval, in whole or in part, whenever the approved program no longer complies with the requirements of part 70 and the permitting authority fails to take corrective action (40 CFR 70.10(c)(1)). This section lists a number of potential bases for program withdrawal, including the case where the permitting authority's legal authority no longer meets the requirements of part 70. Section 40 CFR 70.10(b) sets forth the procedures for program withdrawal, and requires as a prerequisite to withdrawal, that the EPA notify the permitting authority of any finding of deficiency by the Administrator and that the document be published in the **Federal Register**. Today's document satisfies this requirement and constitutes a finding of program deficiency. If the permitting authority has not taken ''significant action to assure adequate

administration and enforcement of the program'' within 90 days after publication of a NOD, EPA may withdraw the state program, apply any of the sanctions specified in section 179(b) of the Act, or promulgate, administer, and enforce a federal title V program. 40 CFR 70.10(b)(2). Section 70.10(b)(3) provides that if a state has not corrected the deficiency within 18 months of the finding of deficiency, EPA will apply the sanctions under section 179(b) of the Act, in accordance with section 179(a) of the Act.[1] In addition, section 70.10(b)(4) provides that, if the state has not corrected the deficiency within 18 months after the date of NOD, EPA must promulgate, administer, and enforce a whole or partial program within 2 years of the date of the finding. This document is not a proposal to withdraw approval of Ohio's title V program. Consistent with 40 CFR 70.10(b), EPA will wait at least 90 days, at which point it will determine whether Ohio has taken significant action to correct the deficiencies.

V. Administrative Requirements

Under section 307(b)(1) of the Act, petitions for judicial review of today's action may be filed in the United States Court of Appeals for the appropriate circuit within 60 days of April 18, 2002.

Dated: April 10, 2002.

Bharat Mathur,

Acting Regional Administrator, Region 5.

[FR Doc. 02–9496 Filed 4–17–02; 8:45 am]

BILLING CODE 6560–50–P

[1] EPA is developing an Order of Sanctions rule to determine which sanction applies at the end of this 18 month period.

ENVIRONMENTAL PROTECTION AGENCY

[OPP–30525; FRL–6831–9]

Pesticide Products; Registration Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of an application to register a pesticide product containing a new active ingredient not included in any previously registered products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Written comments, identified by the docket control number OPP–30525, must be received on or before May 20, 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–30525 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Geri McCann, Registration Division, Office of Pesticide Programs (7505C), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 605–0716; e-mail address: mccann.geri@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	Crop production
	112	Animal production
	311	Food manufacturing
	32532	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/.

2. *In person*. The Agency has established an official record for this action under docket control number OPP–30525. 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–30525 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–30525. 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 registration 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. Registration Applications

EPA received an application as follows to register a pesticide product containing an active ingredient not included in any previously registered products pursuant to the provision of section 3(c)(4) of FIFRA. Notice of receipt of this application does not imply a decision by the Agency on the application.

Product Containing an Active Ingredient not Included in any Previously Registered Product

File Symbol: 72919–R. *Applicant*: Exit Holdings L. L. C., 2620 North 37th Drive, Phoenix, AZ 85009. *Product name*: EH-2001. *Type of product*: Rodenticide. *Active ingredient*: Yellow mustard seed powder and sodium alpha-olefin sulfonate. *Proposed classification/Use*: For control of Richardson's (*Spermophilus richardsonii*) and Wyoming ground squirrels (S.elegans).

List of Subjects

Environmental protection, Pesticides and pest.

Dated: April 9, 2002.

Debra Edwards,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 02–9499 Filed 4–17–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2002–0009; FRL–6832–6]

Availability of Reregistration Eligibility Decision Document for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces availability and starts a 60–day public comment period on the Reregistration Eligibility Decision (RED) document for the pesticide active ingredient propargite. The RED represents EPA's formal regulatory assessment of the health and environmental data base of the subject chemical and presents the Agency's determination regarding which pesticidal uses are eligible for reregistration.

DATES: Comments, identified by docket control number OPP–2002–0009, must be received on or before June 17, 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–2002–0009 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Dayton Eckerson, Special Review and Reregistration Division (7508W), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8038; and e-mail address: eckerson.dayton@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 persons who are or may be required to conduct testing of chemical substances under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) or the Federal Food, Drug, and Cosmetic Act (FFDCA); environmental, human health, and agricultural advocates; pesticides users; and members of the public interested in the use of pesticides. 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/.

To access RED documents and RED fact sheets electronically, go directly to the REDs table on the EPA Office of Pesticide Programs Home Page, at http://www.epa.gov/pesticides/reregistration/status.htm.

2. *In person*. The Agency has established an official record for this

action under docket control number OPP–2002–0009. 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.

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–2002–0009 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 Highway, 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 6.1/8.0/9.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–2002–0009. 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 identified 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 document.
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. Background

A. What Action is the Agency Taking?

The Agency has issued a RED for the pesticide active ingredient listed in this document. Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1988, EPA is conducting an accelerated reregistration program to reevaluate existing pesticides to make sure they meet current scientific and regulatory standards. The data base to support the reregistration of the chemical listed in this document is substantially complete, and the pesticide's risks have been mitigated so that it will not pose unreasonable risks to people or the environment when used according to its approved labeling. In addition, EPA is reevaluating existing pesticides and reassessing tolerances under the Food Quality Protection Act (FQPA) of 1996. The pesticide included in this notice also has been found to meet the FQPA safety standard.

All registrants of pesticide products containing the active ingredient listed in this document have been sent the appropriate RED, and must respond to labeling requirements and product-specific data requirements (if applicable) within 8 months of receipt. Products also containing other pesticide active ingredients will not be reregistered until those other active ingredients are determined to be eligible for reregistration.

The reregistration program is being conducted under Congressionally-mandated time frames, and EPA recognizes both the need to make timely reregistration decisions and to involve the public. Therefore, EPA is generally issuing these REDs as final documents with a 60–day comment period. Although the 60–day public comment period does not affect the registrant's response due date, it is intended to provide an opportunity for public input and a mechanism for initiating any necessary amendments to the REDs. All comments will be carefully considered by the Agency. If any comment significantly affects a RED, EPA will amend the RED by publishing a description of the amendment in the **Federal Register**.

EPA is particularly interested in receiving comments on the practicality of the revised restricted entry intervals (REIs) contained in the RED. (The REI is the period of time following a pesticide application during which EPA restricts worker entry into a treated area to mitigate risks posed by pesticide residues. Once the REI expires, EPA believes residues have declined to a point where they pose negligible risks to workers). As noted in the RED, the Agency typically structures its REI label requirements so that a single REI will apply to all post-application activities for a given crop or crop group. In other words, even if management of a given crop requires multiple post-application activities, the Agency will establish a single REI for all those activities even if

those activities involve different exposure potentials. To ensure that workers are adequately protected, that one REI will usually be based on the activity that involves the highest level of exposure. This approach is favored because users and employers are more likely to understand and comply with clear labels. Also, establishing multiple activity-based REIs for crops could cause confusion and compromise compliance with and enforcement of worker protection regulations. However, when the consideration of risks and benefits indicate that a single REI is unworkable, EPA will consider granting exceptions. For most propargite uses, a single crop-specific REI is being proposed in the RED because no critical activity was identified that warranted establishing an exception. During the 60–day comment period for this RED, however, EPA will accept further comments from growers regarding needs for additional REI exceptions for specific post-application activities, and will add such exceptions where needed if there are adequate margins of exposure (MOEs) and/or benefits associated with such activities warrant such an exception. To assist the Agency in making its risk/benefit finding on a specific exception request, the following benefits-related information is most useful.

1. Identify the crop(s) and provide a description of the specific production task(s) for which the exception is requested. Explain why the task is critical during the REI. As specifically as possible, describe how the task is performed including timing within the growing season, equipment and/or PPE used in performing the task, nature of the contact with treated surfaces, and duration for performing the task including the number of hours per days and number of days.

2. Explain why the critical tasks cannot be performed prior to application or after the REI has expired. Include detailed information on the critical pest(s), the timing of the application, and the impact of modifying the pesticide application to conform to the REI.

3. Describe the geographic area for which the exception or prohibition is requested. If the exception request is limited to a specific geographic area, describe why the circumstances of exposure or economic impact resulting from the prohibition of routine hand tasks during the REI are unique to the geographic area named in the exception.

4. Explain, for each requested crop/task combination, why alternative practices would not be technically or financially viable. Such alternative practices might include rescheduling the pesticide application or hand labor activity; using non-chemical pest control alternatives; using an alternative to hand labor tasks, such as machine cultivation; or substituting a pesticide with a shorter REI. This information should include estimates or data on per acre revenue, and cost of production for the crop area for which the exception is requested. These estimates or data should include: The current situation, the situation if the exception is not granted, the situation if the exception is granted, and specific information on the individual factors which cause differences in revenues and cost among the three situations.

5. Provide documentation or a description of the safety and feasibility of such an exception, including, but not limited to, the period of time required daily per worker to perform the hand labor activity, any suggested methods of reducing the worker's exposure, and any other mitigating factors, such as the availability of mechanical devices that would reduce the workers' contact with the treated surfaces.

B. What is the Agency's Authority for Taking this Action?

The legal authority for this RED falls under FIFRA, as amended in 1988 and 1996. Section 4(g)(2)(A) of FIFRA directs that, after submission of all data concerning a pesticide active ingredient, ''the Administrator shall determine whether pesticides containing such active ingredient are eligible for reregistration,'' before calling in product-specific data on individual end-use products, and either reregistering products or taking ''other appropriate regulatory action.''

List of Subjects

Environmental protection.

Dated: April 5, 2002.

Lois Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 02–9501 Filed 4–17–02 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[PF–1081; FRL–6831–2]

Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket control number PF–1081, must be received on or before May 20, 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.C. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1081 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Mary L. Waller, Fungicide Branch, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–9354; e-mail address: waller.mary@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'' 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 PF–1081. 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 Highway, 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 PF–1081 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 Highway, 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 PF–1081. 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 identified 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. Make sure to submit your comments by the deadline in this notice.

7. 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. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 2, 2002

Robert A. Forrest

Acting Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

The petitioner summary of the pesticide petition is printed below as required by section 408(d)(3) of the FFDCA. The summary of the petition was prepared by Safe Materials, Inc. and represents the views of Safe Materials, Inc. EPA is publishing the petition summary verbatim without editing it in any way. The petition summary announces the availability of a description of the analytical methods available to EPA, for the detection and measurement of the pesticide chemical residues, or an explanation of why no such method is needed.

Safe Materials, Inc.

PP 2F6362

EPA has received a pesticide petition (2F6362) from Safe Materials, Inc., P.O. Box 1065, Valdosta, GA 31603–1065 proposing, pursuant to section 408(d) of FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180 to establish an exemption from the requirement of a tolerance, in or on the raw agricultural commodity cotton seed. EPA has determined that

the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time, or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism.* The **Federal Register** of July 7, 1995 (60 FR 35396) (FRL–4957–9), announced the reclassification of a number of inert ingredients from List 3 to List 4B (minimal risk). EPA included alpha-sec-alkyl($C_{11–15}$)-omega-hydroxypoly(oxyethylene) among those substances on List 4B indicating:

- ''On behalf of the Office of Pesticide Programs, these substances were reviewed by the Structure Activity Team of EPA's Office of Pollution Prevention and Toxics, with each judged to be of low concern for potential human health, and/or environmental effects.''
- ''These inert ingredients were evaluated by the Office of Pesticide Program's inert review group, and determined to be of minimal risk.''
- ''A list of these inert ingredients proposed for reclassification was provided to EPA's Office of Water and to the FDA's Center for Food Safety and Applied Nutrition for comment; no adverse comments were received.''

Additionally, EPA has already exempted from the requirements of a tolerance under 40 CFR 180.1001(c) the residues of alpha-sec-alkyl($C_{11–15}$)-omega-hydroxypoly(oxyethylene) for use in pesticide formulations applied to growing crops, or to raw agricultural commodities after harvest.

The addition of alpha-sec-alkyl($C_{11–15}$)-omega-hydroxypoly(oxyethylene) to the list of substances considered exempt from the requirement of a tolerance when used as an active ingredient, would merely acknowledge the fact, that this product is safe to humans and the environment.

As alpha-sec-alkyl($C_{11–15}$)-omega-hydroxypoly(oxyethylene), contains as an integral part of it's composition the atomic elements, carbon, hydrogen, and oxygen, it is not expected to be degraded into any metabolites of toxicological concern. This nonionic surfactant would be expected to biodegrade ultimately and completely into carbon dioxide and water.

The metabolism of 4-n-nonylphenol (4-NP), a metabolite of alpha-sec-alkyl($C_{11–15}$)-omega-hydroxypoly(oxyethylene), has been investigated. The metabolism was examined in cell cultures of wheat, according to a standard method. Four major radioactively labeled fractions, were detected and isolated. They were shown to be 4-(hydroxy)- and 4-(dihydroxy) nonylphenols, which were glucosylated at the phenolic OH-group and further glucosylated, glucuronidated, and acylated with acetic acid or malonic acid. These results confirm and extend the findings of a trial investigating p-tert-octyphenol in barley plants. Hexaethoxylated p-tert-octylphenol was also reduced to monohydroxylated and glycosylated metabolites. It is proposed that, alpha-sec-alkyl($C_{11–15}$)-omega-hydroxypoly(oxyethylene), would also be metabolized in the same manner.

2. *Analytical method.* Alpha-sec-alkyl($C_{11–15}$)-omega-hydroxypoly(oxyethylene), and its metabolites, can be extracted from crop matrices by blending with methylene chloride. After blending, the extract is filtered, volume reduced, excess solvent is evaporated using nitrogen. The organic residue is then analyzed by using a high performance liquid chromotography (HPLC) equipped with a ultraviolet (UV) detector.

3. *Magnitude of residues.* EPA has already exempted from the requirements of a tolerance under 40 CFR 180.1001(c) the residues of alpha-sec-alkyl($C_{11–15}$)-omega-hydroxypoly(oxyethylene), when used as an inert ingredient in pesticide formulations that may be applied to growing crops, or raw agricultural commodities after harvest. As Safe Materials, Inc. is requesting an exemption from the requirement of a tolerance, the magnitude of residues in cotton seed was not quantified.

B. Toxicological Profile

1. *Acute toxicity.* The acute rat oral LD_{50} was 2,910 milligrams/kilogram (mg/kg) male and 971 mg/kg female. The acute rat dermal LD_{50} was 2,730 mg/kg male and <3,000 mg/kg for female. The 4–hour rat inhalation LC_{50} was 1.06 milligrams per liter (mg/L) for both male and female. Alpha-sec-alkyl($C_{11–15}$)-omega-hydroxypoly(oxyethylene), was slightly irritating to rabbit skin and caused corneal involvement. Based on these results, alpha-sec-alkyl($C_{11–15}$)-omega-hydroxypoly(oxyethylene) would be classified as EPA Category III, for inhalation toxicity and dermal toxicity, EPA Category IV, for oral toxicity and dermal irritation, and EPA Category I, for eye irritation. Alpha-sec-alkyl($C_{11–15}$)-omega-hydroxypoly(oxyethylene), was not a sensitizer to the skin.

2. *Genotoxicty.* The Ames test for mutagenicity of nonoxynol-9, a structurally similar product, was negative.

3. *Reproductive and developmental toxicity.* The broad range of structurally similar products, which are presently approved for use in pesticide formulations, and adjuvants have not been reported to cause reproductive or developmental toxicity. In a 3–month study with rats, dietary administration of alkyl-omega-hydroxypoly(oxyethylene) (100% $C_{11–15}$) at dose levels of 62.5, 125, 250 or 500 mg/kg/day resulted in statistically significant decreases in mean body weight gain, in both males and females at doses above 125 mg/kg/day. Females exhibited significant decreases in mean food consumption. Treatment had no effect on survival, clinical signs, organ weights, and weight gain. A no observed adverse effect level (NOAEL) of 62.5 mg/kg and a lowest observed adverse effect level (LOAEL) of 125 mg/kg was established.

In a 3–month study with rats, dietary administration at 82, 154 and 354 mg/kg/day caused no adverse effects on survival, clinical signs, organ weights, hematology, or gross and histopathology at any dose level. Based upon decrease in body weight gain, a NOAEL of 154 mg/kg/day and a LOAEL of 354 mg/kg/day was established.

A two-generation rat reproductive study to determine reproductive toxicity of octylphenol, a structurally similar product was conducted. Five groups of rats were administered octylphenol at dose levels of 0, 0.2, 20, 200, and 2,000 parts per million (ppm). Effects were observed only at 2,000 ppm, including decreased body weights in adults, and during the latter portion of lactation in offspring and minor body weight-related delays in acquisition of vaginal opening and preputial separation. No effects on reproductive parameters, testes, prostate, or ovary weights or morphology, on sperm counts, motility, morphology or production, or on estrous cyclicity were observed. The NOAELs for systemic and postnatal toxicity were 200 ppm and at or above 2,000 ppm for reproductive toxicity.

4. *Subchronic toxicity.* Para-nonylphenol is used to produce nonylphenol ethoxylates (a class of nonionic surfactants), a subgroup of alkylphenol ethoxylates to which alkyl-omega-hydroxypoly(oxyethylene) (100% $C_{11–15}$) belongs. The primary biodegradation of alkylphenol ethoxylates is the hydrolytic removal of ethoxylate groups. This step is relatively rapid, and results in the intermediate nonylphenol. Thus, it is widely

accepted that tests with para-nonylphenol represent the alkylphenol ethoxylates.

In a 90–day rat feeding study, para-nonylphenol was administered to four groups of rats at dietary concentrations of 0, 15, 50, and 150, mg/kg/day. There were 25 rats/sex/group in the control and high dose groups and 15 rats/sex/group in the low and mid-dose groups. Ten of the 25 rats/sex in the control and high-dose groups were designated as recovery animals and were maintained on control diets for 4 weeks after completion of the 90–day exposure period to assess the reversibility of any effects which might be observed. In-life effects, were limited to small decreases in body weight and food consumption in the 150 mg/kg dose group. Post-mortem measurements at week 14 indicated a dose-related kidney weight increase in males and a decrease in renal haline globules/droplets in males from the high dose group. The kidney weights showed complete recovery following the 4–week post-dosing recovery period. Due to the small magnitude of the changes, (i.e., all weights were within or near laboratory historical control values), and the lack of correlating clinical or histopathological changes, the kidney weight alterations were not considered toxicologically significant. The biological significance of reduced hyaline in the kidneys of male rats from the high dose group is uncertain. Renal tubular hyaline is associated with the rat-specific protein, alpha-2u-globulin, and therefore, this finding was not considered toxicologically relevant to humans. No other effects attributable to para-nonylphenol were observed. Based upon the minor findings for the high dose group, the NOAEL in this study is considered to be 50 mg/kg/day and the LOAEL is 150 mg/kg/day.

5. *Chronic toxicity.* No long-term chronic toxicity studies are available for alkylphenol ethoxylates to which alkyl-omega-hydroxypoly(oxyethylene) (100% C_{11-15}) belongs, but an unpublished 2–year feeding study in rats and an 18–month dermal study in mice using primary alcohol ethoxylates are available. There were no treatment related effects.

Additionally, in its notice of July 7, 1995 (60 FR 35396) (FRL–4957–9) which moved alkyl-omega-hydroxypoly(oxyethylene) (100% C_{11-15}) from List 3 to List 4B (minimal risk), EPA stated:

- ''On behalf of the Office of Pesticide Programs, these substances were reviewed by the Structure Activity Team of the EPA's Office of Pollution Prevention and Toxics with each judged to be of low concern for potential human health and/or environmental effects.''
- ''These inert ingredients were evaluated by the Office of Pesticide Program's Inert Review Group and determined to be of minimal risk.''
- ''A list of these inert ingredients proposed for reclassification was provided to EPA's Office of Water and to the FDA's Center for Food Safety and Applied Nutrition for comment; no adverse comments were received.''

Safe Materials, Inc. believes, alkyl-omega-hydroxypoly(oxyethylene) (100% C_{11-15}), should be classified as a ''Not Likely'' carcinogen based upon lack of carcinogenicity in rats and mice. As alkyl-omega-hydroxypoly(oxyethylene) (100% $C_{11—15}$) has been federally approved for use in pesticide formulations applied to growing crops, or to raw agricultural commodities after harvest, this particular minute, additional use should be of little concern to the welfare of the U.S. population.

6. *Animal metabolism.* The absorption, distribution, metabolism and excretion of alkyl-omega-hydroxypoly(oxyethylene) (100% C_{11-15}) is well understood in mammals. Pharmacokinetic data indicate rapid metabolism and excretion of alkylphenols, which is consistent with the low toxicity of nonylphenol. Current research confirms, that single doses of nonylphenol (5 or 200 mg/kg) are rapidly excreted, and that nonylphenol does not accumulate in the tissues of rats. It has also been proven that the liver and kidney of female rats were able to clear nonoxynol labeled with ^{14}C in the ethylene oxide chain within 48 hours. Similarly, it has been shown that structurally related alkylphenol, octylphenol, was rapidly excreted (half-life of approximately 5 hours) by first-pass hepatic metabolism via glucuronide conjugation. Octylphenol toxicokinetics after repeated administration was investigated, in male Wistar rats receiving daily gavage administrations of 50 or 200 mg octylphenol/kg body weight for 14 consecutive days. Profiles of octylphenol blood concentration vs time determined on day 1 and day 14 were similar, indicating that repeated oral gavage administration did not lead to increased blood concentrations. Only doses which saturated the metabolic capacity of the liver, (<200 mg/kg/day for 14–days), resulted in measurable concentrations of octylphenol in the tissues (primarily the fat). Another group of rats received octylphenol via drinking water saturated with octylphenol (8 ppm) over a period of 28–days. Octylphenol was not detected in any blood sample from animals treated via drinking water.

7. *Endocrine disruption.* A two-generation rat reproductive study to determine reproductive toxicity of octylphenol, a structurally similar product, was conducted. Five groups of rats were administered octylphenol at dose levels of 0, 0.2, 20, 200, and 2,000 ppm. No effects in reproductive parameters, testes, prostate, or ovary weights or morphology, on sperm counts, motility, morphology, production, or on estrous cyclicity were observed. No estrogen-like effects were evident.

In a 90–day rat feeding study, para-nonylphenol (primary breakdown product) was administered to four groups of rats at dietary concentrations of 0, 15, 50, and 150 milligram/kilogram/day (mg/kg/day). There were 25 rats/sex/group in the control and high dose groups and 15 rats/sex/group in the low and mid dose groups. Ten of the 25 rats/sex in the control and high dose groups were designated as recovery animals and were maintained on control diets for 4 weeks after completion of the 90–day exposure period to assess the reversibility of any effects which might be observed. Estrous cyclicity was monitored using vaginal cytology during week 8 of the study, and sperm count, motility and morphology were evaluated at termination. No changes were observed for estrous cycling, sperm evaluations, or effects on endocrine organs. Para-nonylphenol, therefore, did not manifest any estrogen-like activity as measured in these parameters at dietary concentrations as high as 150 mg/kg/day. Safe Materials, Inc., therefore, does not expect alkyl-omega-hydroxypoly(oxyethylene) (100% C_{11-15}) to exhibit any estrogen-like activity.

C. Aggregate Exposure

1. *Dietary exposure.* Alkyl-omega-hydroxypoly(oxyethylene) (100% C_{11-15}), is proposed as a nematicide and fungicide for use on cotton. EPA has exempted from the requirements of a tolerance under 40 CFR 180.1001(c) the residues of alpha-sec-alkyl(C_{11-15})-omega-hydroxypoly(oxyethylene) when used as an inert ingredient in pesticide formulations, that may be applied to growing crops or raw agricultural commodities after harvest. 21 CFR 173.315 permits use as a surface active agent for washing sugar beets prior to the slicing operation at a level not to exceed 3 ppm. 21 CFR 178.3400, allows use as an emulsifier and/or surface active agent in the manufacture of articles or components of articles

intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging or holding food. 21 CFR 181.30 permits the use in the manufacture of paper and paperboard products for use in food packaging.

The **Federal Register**, of July 7, 1995 (60 FR 35396), announced the reclassification of a number of inert ingredients from List 3 to List 4B (minimal risk). EPA included alpha-sec-alkyl(C_{11-15})-omega-hydroxypoly(oxyethylene) among those substances on List 4B indicating:

- ''On behalf of the Office of Pesticide Programs, these substances were reviewed by the Structure Activity Team of EPA's Office of Pollution Prevention and Toxics, with each judged to be of low concern for potential human health and/or environmental effects.''
- ''These inert ingredients were evaluated by the Office of Pesticide Program's Inert Review Group and determined to be of minimal risk.''
- ''A list of these inert ingredients proposed for reclassification was provided to EPA's Office of Water and to the FDA's Center for Food Safety and Applied Nutrition for comment; no adverse comments were received.''

i. *Food.* As 61 companies currently have 135 different pesticide products approved by the EPA containing alpha-sec-alkyl(C_{11-15})-omega-hydroxypoly(oxyethylene) at varying concentrations approved for various use sites including food crops, we believe that the approval of this petition, adding the use of cotton would pose minimal additional risk to the U.S. population.

The addition of alpha-sec-alkyl(C_{11-15})-omega-hydroxypoly(oxyethylene) to the list of substances considered exempt, from the requirement of a tolerance when used as an active ingredient would merely acknowledge the fact that this product is safe to humans and the environment.

The addition of the expanded use on cotton is not expected to significantly increase the dietary exposure to this compound.

ii. *Drinking water.* The product has been shown to readily biodegrade and, therefore, is not likely to be present in potable water supplies. The standard wastewater treatment systems as they exist in the United States are able to treat surfactants effectively, and there is no evidence of accumulation of nonylphenol, or other structurally similar products in the aquatic environments.

A risk assessment of nonylphenol and its ethoxylates (a degradation product of the proposed chemical, in U.S. river water and sediment was conducted. A survey of those river reaches most likely to contain nonylphenol and its ethoxylate residues was conducted based on a random sample of a subset of EPA River Reach File defined by certain selection criteria. Applying enhanced analytical techniques, little or no nonylphenol or nonylphenoethoxylate was found in river water at most locations: median 0.00008 milligrams per liter (mg/L), 95th percentile 0.00027 mg/L.

A study of nonylphenol polyethoxy carboxylate (NPEC) metabolites of nonionic surfactants in U.S. paper mill effluents, municipal sewage treatment plant effluents and river waters reported similar findings. Paper mill effluents typically contained less than 100 µg/L NPECs and NPEC concentrations in effluents from sewage treatment plants ranged from 140 to 270 micrograms/Liter (µg/L). Based upon animal metabolism studies, these low level concentrations in drinking water would be rapidly excreted by humans.

2. *Non-dietary exposure.* Alkyl-omega-hydroxypoly(oxyethylene) (100% C_{11-15}) and structurally, similar surfactants are widely used in various industry, institutional, and household applications. U.S. production exceeded 500 million pounds in 1990. Industrial uses (55% of total volume) included manufacture of plastics, textiles, paper and agricultural chemical products. Institutional applications (30% of total volume) include vehicle cleaning, commercial laundry products, and hard surface cleaners. Personal care products, contraceptives, cosmetics, and household laundry products account for the majority of household applications (15% of total volume).

Given the wide spread use of this group of compounds, the additional exposure resulting from granting this petition is not expected to significantly alter the risk profile.

D. Cumulative Effects

There is a wide range of structurally similar compounds that are used in many products to which the U.S. population is exposed. Safe Materials, Inc. is unaware of any cumulative effects occurring from such uses. Further, the use of the product that is subject to the tolerance exemption petition is not likely to significantly increase daily exposure to this class of compounds. Therefore, a cumulative risk assessment was not done for this chemical.

E. Safety Determination

1. *U.S. population.* In the **Federal Register** of July 7, 1995 (60 FR 35396), which moved alpha-sec-alkyl(C_{11-15})-omega-hydroxypoly(oxyethylene) from List 3 to List 4B (minimal risk) EPA stated:

- ''On behalf of the Office of Pesticide Programs, these substances were reviewed by the Structure Activity Team of EPA's Office of Pollution Prevention and Toxics, with each judged to be of low concern for potential human health and/or environmental effects.''
- ''These inert ingredients were evaluated by the Office of Pesticide Program's Inert Review Group and determined to be of minimal risk.''
- ''A list of these inert ingredients proposed for reclassification, was provided to EPA's Office of Water and to the FDA's Center for Food Safety and Applied Nutrition for comment; no adverse comments were received.''

Expansion of the uses of the product to cotton as an active ingredient, is not likely to significantly increase the U.S. population's exposure to the product and related compounds. Therefore, there is reasonable certainty that no harm to the U.S. population will result from the use described.

2. *Infants and children.* FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety, for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base, unless EPA concludes that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments, either directly through the use of margin of exposure (MOE) analysis, or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. There is no available data to indicate any additional sensitivity of infants and children to this product, or to other similar products, which have been in use for many years and for numerous uses. There are no data that suggest that there is a basis to require an additional margin of safety to be applied.

F. International Tolerances

There are no Codex Alimentarius Commission maximum residue levels established for residues of alpha-sec-alkyl(C_{11-15})-omega-hydroxypoly(oxyethylene).

[FR Doc. 02–9500 Filed 4–17–02; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL ELECTION COMMISSION

Sunshine Act; Meeting

AGENCY: Federal Election Commission.

DATE & TIME: Tuesday, April 23, 2002 at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.

Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

DATE & TIME: Thursday, April 25, 2002 at 10 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor)

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.

Draft Advisory Opinion 2002–04: Austin, Nichols & Co., Incorporated; d/b/a Pernod Ricard USA, by counsel, Brett G. Kappel.

Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Ron Harris, Press Officer, Telephone: (202) 694–1220.

Mary W. Dove,

Secretary of the Commission.

[FR Doc. 02–9624 Filed 4–16–02; 11:19 am]

BILLING CODE 6715–01–M

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 940. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement Nos.: 011560–004, 011561–004, 011562–005.

Title: The Transatlantic Bridge Agreement; COSCO/KL Transatlantic Vessel Sharing Agreement; KL/YM Transatlantic Vessel Sharing Agreement.

Parties:

COSCO Container Lines Company, Limited, Kawasaki
Kisen Kaisha, Ltd.,
Yangming Marine Transport Corporation.

Synopsis: The proposed agreement modifications add ports in the Mediterranean to the geographic scope of the three agreements.

Agreement No.: 011637–007.

Title: AMPAC Cooperative Working Agreement.

Parties:

TMM Lines Limited, LLC,
Hamburg-Süd,
Maruba S.C.A.,
Compania Chilena De Navegacion Interoceanica, S.A.

Synopsis: The proposed amendment adds Compania Chilena De Navegacion Interoceanica, S.A. as a party, revises the number of vessels to be provided by each party, and amends the allocation of space among the parties.

Agreement No.: 011737–005.

Title: The MCA Agreement.

Parties:

Alianca Navegacao e Logistica Ltda.,
Antillean Marine Shipping Corporation,
CMA CGM, S.A.,
Companhia Libra de Navegacao,
Compania Sud Americana de Vapores S.A.,
CP Ships (UK) Limited d.b.a. ANZDL and d.b.a. Contship Containerlines,
Crowley Liner Services, Inc.,
Dole Ocean Cargo Express, Inc.,
Hamburg Sud,
Hapag-Lloyd Container Linie,
King Ocean Central America S.A.,
King Ocean Service De Colombia S.A.,
King Ocean Service De Venezuela S.A.,
Lykes Lines Limited, LLC,
Montemar Maritima S.A.,
Nippon Yusen Kaisha,
Norasia Container Line Limited,
Tecmarine Lines, Inc.,
TMM Lines Limited, LLC,
Tropical Shipping & Construction Co., Ltd.,
Wallenius Wilhelmsen Lines AS.

Synopsis: The proposed amendment adds Nippon Yusen Kaisha as a party to the agreement and deletes Far Eastern Shipping Company as a party to the agreement.

Agreement No.: 011798.

Title: Atlantic Space Charter Agreement.

Parties:

Hapag-Lloyd Container Linie GmbH,
Nippon Yusen Kaisha,
Orient Overseas Container Line Limited,
Orient Overseas Container Line Inc.,
Orient Overseas Container Line (UK) Ltd.,
P&O Nedlloyd Limited,
P&O Nedlloyd BV,
Lykes Lines Limited, LLC,
TMM Lines Limited, LLC,
COSCO Container Lines Company, Ltd.,
Hanjin Shipping Co., Ltd.,
Kawasaki Kisen Kaisha, Ltd.,
YangMing (UK) Ltd.

Synopsis: The proposed agreement establishes a vessel-sharing agreement among the parties in the trade between Miami, New Orleans, and Houston, on the one hand, and ports in North Europe, on the other.

Agreement No.: 201098–002.

Title: New Orleans/Carnival Terminal Agreement.

Parties: The Board of Commissioners of the Port of New Orleans Carnival Corporation.

Synopsis: The proposed amendment is a restatement of the original agreement and also includes provisions for an expanded terminal. The agreement now is to run through November 26, 2007.

Dated: April 12, 2002.

By Order of the Federal Maritime Commission.

Theodore A. Zook,

Assistant Secretary.

[FR Doc. 02–9366 Filed 4–17–02; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

[Docket No. 02–06]

Hudson Shipping (Hong Kong) Ltd. d/b/a Hudson Express Lines; Possible Violations of Section 10(a)(1) of the Shipping Act; of 1984; Notice of Investigation and Hearing

Notice is given that, on April 5, 2002, the Federal Maritime Commission (''Commission'') served an Order of Investigation and Hearing on Hudson Shipping (Hong Kong) Ltd. d/b/a Hudson Express Lines (''Hudson'').

Hudson holds itself out as a non-vessel-operating common carrier (''NVOCC''). It appears that Hudson obtained ocean transportation on behalf of other NVOCCs by permitting them to use its service contracts to transport their shipments at lower rates than should have been applicable.

This proceeding seeks to determine whether Hudson violated section 10(a)(1) of the 1984 Act and, in the event violations are found, whether penalties should be assessed and, if so, in what amount and whether a cease and desist order should be issued.

Any person having an interest in participating in this proceeding may file a petition for leave to intervene in accordance with Rule 72 of the Commission's rules of practice and procedure, 46 CFR 502.72.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 02–9370 Filed 4–17–02; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Reissuance

Notice is hereby given that the following Ocean Transportation Intermediary license has been reissued by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, 46 CFR 515.

License No.	Name/Address	Date Reissued
16183F	AJ International Shipping/Shipping, Inc., 4548 Mundy Road, Jacksonville, FL 32207.	February 6, 2002.

Sandra L. Kusumoto,

Director, Bureau of Consumer Complaints and Licensing.

[FR Doc. 02–9368 Filed 4–17–02; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Revocations

The Federal Maritime Commission hereby gives notice that the following Ocean Transportation Intermediary licenses have been revoked pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, effective on the corresponding date shown below:

License Number: 3504NF.

Name: Indo-China Express, Inc.

Address: 211 Tenth Street, Suite 201, Oakland, CA 94607.

Date Revoked: March 4, 2002.

Reason: Surrendered license voluntarily.

License Number: 4294F.

Name: Louis Espinoza dba Royal International Freight Forwarding Company.

Address: 366 Woodlawn Avenue, Jersey City, NJ 07305–1306.

Date Revoked: February 8, 2002.

Reason: Failed to maintain a valid bond.

Sandra L. Kusumoto,

Director, Bureau of Consumer Complaints and Licensing.

[FR Doc. 02–9367 Filed 4–17–02; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for license as Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel Operating Common Carrier Ocean Transportation Intermediary Applicants

Liberty Maritime, 4545 Lovetta, #3503, Spring, TX 77388, Officer: Michael Koch, Partner/Owner, (Qualifying Individual)

Jet Cargo Forwarders International, Inc., 3100 E. 8th Street, Suite C, National City, CA 91950, Officers: Jessie S. Gomez, President, (Qualifying Individual), Remedios F. Gomez, Secretary

Nex-Freight System Inc., 167—43 148th Avenue, Jamaica, NY 11434, Officer: Hyeok Namkoong, President, Qualifying Individual

Tug Logistics, Inc., 17979 Arenth Avenue, Bldg. #A, City of Industry, CA 91748 Officer: Robert Hsiang Lin, Wu, President, (Qualifying Individual)

Fortune Logistics Inc., 177—25 Rockaway Blvd., Jamaica, NY 11434, Officers: Alan Lo, President, (Qualifying Individual), Tommy Yu, Vice President

Clarke International Services Inc., 359 N. Oak Street, Inglewood, CA 90302, Officers: John J. Clarke, President, (Qualifying Individual). James F. Clarke, Vice President

Calvary Corp., 9660 Flair Drive, Suite 268, El Monte, CA 91731. Officers: Helen F. Ortiz, CFO, (Qualifying Individual), Frank Wang, President

Non-Vessel Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants

Navigational Logistics Inc., 144–24 156th Street, Suite 202, Jamaica NY 11434, Officers: Michael Tsahalis, President (Qualifying Individual), Matteo Sala, Vice President

Andrews Moving and Storage Company, One Andrews Circle, Brecksville, OH 44141, Officers: C. Keith Extep, Vice President (Qualifying Individual), Thomas T. Marshall, CEO

All World Logistics, Inc. dba Internet Shipping Line, 969 Newark Turnpike, Kearny, NJ 07032, Officers: Metin Nerkis, Vice President (Qualifying Individual), James Delaney Chairman

S.T.S. International Freight Forwarders, Inc., 10231 NW 21st Street, Miami, FL 33165 Officers: Maria Teresa Garcia, Secretary, (Qualifying Individual) Samuel Duran, President

Magic Logistics, Inc., 4436 NW 74th Avenue, Miami, FL 33166, Officers: Angela Arias, Director, (Qualifying Individual), Francesca Bazzichelli, President

Ocean Freight Forwarder—Ocean Transportation Intermediary Applicants

Seair International Inc., 147–39 175th Street, Suite 201, Jamaica, NY 11434, Officers: Zi Ping Wang, Vice President (Qualifying Individual), Bhaskar Cacarla, President

Maritime International, Inc., 20 Mingarry Drive, Richmond Hill, GA 31324, Officer: Bruce F. Mccray, President (Qualifying Individual)

RWC, Inc., 640 North Fries Avenue, Wilmington, CA 90744, Officer: Robert Cigliano, President (Qualifying Individual)

Dated: April 12, 2002.

Theodore A. Zook,

Assistant Secretary.

[FR Doc. 02–9369 Filed 4–17–02; 8:45 am]

BILLING CODE 6730–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30DAY–24–02]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 498–1210. Send written comments to CDC, Desk Officer, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Project: Childhood Lead Poisoning Prevention Programs OMB No. 0920–0282—Revision—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Lead poisoning is the most common and societally devastating environmental disease of young children in the United States. The adverse health effects of lead on young children can be profound. Severe lead exposure can cause coma, convulsions, and even death. Lower levels of lead, which rarely cause symptoms, can result in decreased intelligence, developmental disabilities, behavioral disturbances, and disorders of blood production.

In 1992, CDC National Center for Environmental Health (NCEH) began the National Childhood Lead Surveillance Program. The goals of the childhood lead surveillance program are to (1) establish childhood lead surveillance systems at the state and national levels; (2) use surveillance data to estimate the extent of elevated blood-lead levels among children; (3) assess the follow-up of children with elevated blood-lead levels; (4) examine potential sources of lead exposure; and (5) help allocate resources for lead poisoning prevention activities. In 2001, CDC awarded 60 grants and cooperative agreements to fund childhood lead poisoning prevention programs. The quarterly report is designed to collect blood lead screening and test confirmation data from CDC-funded programs. The quarterly report consists of four data tables requiring the following information: (1) The number of children screened by age and Medicaid enrollment status; (2) the number of children screened and confirmed by blood lead level; (3) the number of children screened by ethnicity; and (4) the number of children screened by race. OMB approval for this package will expire on 31 January 2002. This request is for a 3-year revision with a change in the burden hours. The estimated annualized burden is 480 hours.

Type of respondents	Number of respondents	Number of responses/respondent	Average burden/response (in hrs.)
State and Local Grant and Cooperative Agreement Programs	60	4	2

Dated: March 26, 2002.

Nancy E. Cheal,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 02–9380 Filed 4–17–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30DAY–21–02]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 498–1210. Send written comments to CDC, Desk Officer, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Project: Survey to Assess Hepatitis B Vaccination Coverage Among U.S. Health-Care Workers—New—National Center for Infectious Diseases (NCID), Centers for Disease Control and Prevention (CDC). Since 1982, CDC has recommended hepatitis B vaccination of health-care workers who perform tasks that place them at risk for exposure to blood or other potentially infectious materials that may contain hepatitis B virus. Data from 1997 indicated that approximately 65% of U.S. health-care workers had received the hepatitis B vaccine.

Increasing national hepatitis B vaccination coverage among health-care workers to 98% has been included as a goal in the Healthy People 2010 initiative published by the National Center for Health Statistics. A cross-sectional survey has been developed to assess hepatitis B vaccination coverage levels among health-care workers in the United States. The proposed survey will provide data that can be used to assess progress towards achieving the 2010 goal. This survey will also provide data on facility-based hepatitis B vaccination policies and procedures that may affect vaccine coverage levels. The results of the project will assist the Division of Viral Hepatitis, National Center for Infectious Diseases, in the prevention and control of hepatitis B among health-care workers. There are no costs to respondents. The total annualized estimated burden is 2,656 hours.

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Facility survey form	425	1	30/60
Medical record abstraction form	425	25	15/60

Dated: April 10, 2002.

Nancy E. Cheal,

Acting Deputy Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 02–9381 Filed 4–17–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30DAY–22–02]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 498–1210. Send written comments to CDC, Desk Officer, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Project: Statement in Support of Application For Waiver of Inadmissibility OMB No. 0920–0006—Extension—National Center for Infectious Diseases (NCID), Centers for Disease Control and Prevention (CDC).

Section 212(a)(1) of the Immigration and Nationality Act states that aliens with specific health-related conditions are ineligible to receive visas and ineligible for admission into the United States. The Attorney General may waive application of this inadmissibility on health-related grounds if an application for waiver is filed and approved by the consular office considering the application for a visa. The Division of Migration and Quarantine, NCID uses this application primarily to collect information to establish and maintain records of waiver applicants in order to notify the Immigration and Naturalization Service when terms, conditions and controls imposed by waiver are not met. NCID is requesting the extension of this data for 3 years. There total estimated annualize burden is 167 hours.

Respondents or each section	Number respondents	Number of responses/ respondents	Avg. burden/ response (in hours)
Physicians Form CDC 4.422–1	200	1	10/60
Physicians Form CDC 4.422–1a	200	1	20/60
Physicians Form CDC 4.422.1b	200	1	20/60

Dated: April 10, 2002.

Nancy E. Cheal,

Acting Deputy Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 02–9382 Filed 4–17–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–02–41]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

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. Send comments to Anne O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

The Canada/U.S. Joint Health Survey (CUJHS)—New—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC). CUJHS is a one-time collaborative effort of Statistics Canada and the U.S. National Center for Health Statistics to conduct a telephone survey in both countries using the same questionnaire. Approximately 3,000 adults will be interviewed in Canada and 5,000 adults in the U.S. The questionnaire will cover chronic health conditions, functional status and limitations, smoking, height and weight, cancer screening, access to health care, and demographics. The project will be jointly funded with each agency covering the costs of data collection of their own sample and the sharing of all other costs.

The purpose of the survey is to move the national health surveys of both countries toward closer comparability so the health status among residents of countries can be compared in a more concrete manner. This will allow researchers to study the effect of variations in health systems on health care, health status and functional status. This effort can also serve as a model for improving comparability among national health studies generally.

A need for such comparability has been noted by the World Health Organization, the Centers for Disease Control and Prevention and the Robert Wood Johnson Foundation who is funding the study in part.

The specific data from the CUJHS may well contribute toward meeting some of the research needs directly. Its longer term impact will be to demonstrate best practices for use in bi-national and multi-national health surveys. There are no costs to respondents.

Respondents	Number of respondents	Number of responses/ respondent	Avg. burden/ response (in hours)	Total response burden Burden (in hours)
United States	5000	1	20/60	1667
Total				1667

Dated: April 10, 2002.

Nancy E. Cheal,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 02–9383 Filed 4–17–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–02–42]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

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. Send comments to Anne O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project: Estimating the cost of sigmoidoscopy and colonoscopy for colorectal cancer screening in U.S. healthcare facilities: Are current reimbursement levels adequate?—NEW—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Despite strong scientific evidence that screening for colorectal cancer (CRC) reduces the incidence and mortality from this disease, current screening rates in the United States remain low. While lack of awareness about screening recommendation may explain the low demand for regular screening among average risk individuals, recent findings emphasize the supply side barriers to CRC screening. For example, given the size of the U.S. population greater than 50 years of age and the number of practicing gastroenterologists, there may not be enough specialists to perform all recommended screening flexible sigmoidoscopies and colonoscopies, as well as follow-up colonoscopies. In the face of efforts by CDC and other public health agencies to promote CRC screening, it is necessary to determine that supply will be sufficient to meet the increased demand for these procedures. Primary care physicians could fill the gap if reimbursement levels are adequate to cover the costs of these procedures in office-based settings. However, currently there is little information available about the actual cost of providing these procedures in different medical practice settings. The purpose of this request is to obtain OMB clearance to conduct a survey of a nationally representative sample of medical practices providing these procedures in order to estimate the fixed and variable costs of sigmoidoscopy and colonoscopy for colorectal cancer screening and follow-up services.

The estimated procedure costs will be compared across settings and provider types to assess economies of scale and scope. Estimated average costs will be compared with Medicare and other reimbursement levels for these procedures to assess the financial incentives to providers to perform these procedures in an office-based setting. Results of this study will be used to better define the economics of colorectal cancer screening. There are no costs to respondents except for their time.

Form type	Number of respondents	Number of responses/ respondent	Average burden/ response (in hours)	Total burden (in hours)
Telephone survey	3000	1	5/60	250
Mailed survey	2500	1	35/60	1458
Total				1708

Dated: April 10, 2002.

Nancy E. Cheal,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 02–9384 Filed 4–17–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

CDC Advisory Committee on HIV and STD Prevention: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Public Law 92–463) of October 6, 1972, that the CDC Advisory Committee on HIV and STD Prevention of the Department of Health and Human Services, has been renewed for a 2-year period extending through May 11, 2004.

For further information, contact Ron Valdiserri, M.D., Executive Secretary, CDC Advisory Committee on HIV and STD Prevention, 1600 Clifton Road, NE, m/s E–07, Atlanta, Georgia 30333. Telephone 404/639–8002, or fax 404/639–3125.

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: April 12, 2002.

Alvin Hall,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 02–9466 Filed 4–17–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Task Force on Fetal Alcohol Syndrome and Fetal Alcohol Effect: 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 Federal advisory committee meeting.

Name: National Task Force on Fetal Alcohol Syndrome and Fetal Alcohol Effect (NTFFASFAE).

Times and Dates: 8:30 a.m.–4:30 p.m., May 16, 2002. 8:30 a.m.–3 p.m., May 17, 2002.

Place: Doubletree Hotel Atlanta Buckhead, 3340 Peachtree Road, NE, Atlanta, Georgia 30326, telephone 404/231–1234, fax 404/231–5236.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 65 people.

Purpose: The Secretary is authorized by the Public Health Service Act, Section 399G, (42 U.S.C. Section 280f, as added by Public Law 105–392) to establish a National Task Force on Fetal Alcohol Syndrome and Fetal Alcohol Effect to: (1) foster coordination among all governmental agencies, academic bodies and community groups that conduct or support Fetal Alcohol Syndrome (FAS) and Fetal Alcohol Effect (FAE) research, programs and surveillance; and (2) to otherwise meet the general needs of populations actually or potentially impacted by FAS and FAE.

Matters To Be Discussed: Discussions will focus on ways the Task Force can collaborate with CDC on issues of diagnosis of FAS/FAE and to better equip health care providers to recognize the disorder; the special needs of birth mothers of children with FAS/FAE; a discussion of the Substance Abuse and Mental Health Services Administration FAS/FAE Center for Excellence on their initial ''stakeholders'' meetings and the interaction with the Task Force; an update on progress with the ICCFAS; new research items presented by the CDC; and a discussion of the implementation of the Task Force recommendations by various governmental agencies. Additional agenda items include: Working group updates; discussion of future topics, and scheduling the next meeting.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: R. Louise Floyd, DSN, RN, Designated Federal Official, National Center on Birth Defects and Developmental Disabilities, CDC, 4700 Buford Highway, NE, (F–49), Atlanta, Georgia 30333, telephone 770/488–7372, fax 770/488–7361.

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: April 9, 2002.

Alvin Hall,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 02–9386 Filed 4–17–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

Program Exclusions: October 2001

AGENCY: Office of Inspector General, HHS.

ACTION: Notice of program exclusions.

During the month of October 2001, the HHS Office of Inspector General imposed exclusions in the cases set forth below. When an exclusion is imposed, no program payment is made to anyone for any items or services (other than an emergency item or service not provided in a hospital emergency room) furnished, ordered or prescribed by an excluded party under the Medicare, Medicaid, and all Federal Health Care programs. In addition, no program payment is made to any business or facility, *e.g.,* a hospital, that submits bills for payment for items or services provided by an excluded party. Program beneficiaries remain free to decide for themselves whether they will continue to use the services of an excluded party even though no program payments will be made for items and services provided by that excluded party. The exclusions have national effect and also apply to all Executive Branch procurement and non-procurement programs and activities.

Subject, city, state	Effective date
PROGRAM-RELATED CONVICTIONS	
ALFARO, ODALYS ..... MIAMI, FL	04/18/2002
ANDERSON, MAY BERTHA .... ELLSWORTH, KS	04/18/2002
ANDRADA, MARIA CARMELA HAWTHORNE, CA	04/18/2002
ASATRIAN, VARTOUHI ..... LAS VEGAS, NV	04/18/2002
BAHARIAN, KHACHATUR ..... N HOLLYWOOD, CA	04/18/2002
BELLINGHAM ELDER NET-WORK, INC ..... BELLINGHAM, MA	04/18/2002
BORIS, KAREN R ..... POTTSVILLE, PA	04/18/2002
BRAUD, LYNETTE ..... NEW ORLEANS, LA	04/18/2002
BROWN, LAVERNE MAYFIELD ..... HOUSTON, TX	06/12/2001
CARMONA, ALICE YOLANDA FORT PIERCE, FL	04/18/2002
CARTER, GERALD WARREN LAKEWOOD, WA	04/18/2002
CHENTNIK, RICHARD M ..... TERRE HAUTE, IN	04/18/2002
CHILDERS, ROGER L ..... URBANA, OH	04/18/2002
CLARK, KENNETH H	04/18/2002

Subject, city, state	Effective date
LEWIS RUN, PA	
DORRANCE, FRANKIE LYNN IOWA CITY, IA	04/18/2002
FECTEAU, LUCILLE GREENSBORO BEND, VT	04/18/2002
FREEMAN, WHITNEY BRODERICK KANSAS CITY, MO	04/18/2002
GALLANT, NORMAN J AYER, MA	04/18/2002
GARAFOLA, BARBARA CORAL SPRINGS, FL	04/18/2002
GARAY, MARIA LUISA SAN DIEGO, CA	04/18/2002
GITKIN, SAMUEL FORT LEE, NJ	04/18/2002
GODBOUT, JOYCE M BELLINGHAM, MA	04/18/2002
GREENBERG, SAMUEL E METAIRIE, LA	04/18/2002
GUAGLIARDO, FRANK WILLIAM STATEN ISLAND, NY	04/18/2002
HALMOR TRADING CORP BROOKLYN, NY	04/18/2002
HARRINGTON, RAQUEL MARIANNA, FL	04/18/2002
HASWELL, KARLA F SHOALS, IN	04/18/2002
HASWELL, EVERSLEY MCDONALD MONTCLAIR, NJ	04/18/2002
HEALTHTEK VANCOUVER, WA	04/18/2002
HOCKLESS, WAYNE JOSEPH ALEXANDRIA, LA	04/18/2002
HOWARD, KEITH W PETERSBURG, VA	04/18/2002
JAMES, LARRY THAXTER CHESTERFIELD, MO	01/09/2002
JAMORA, TIRSO DAVID JR PLACENTIA, CA	04/18/2002
JONES, GREGORY DAVID EL RENO, OK	04/18/2002
JONES, LORA LEE MADILL, OK	04/18/2002
KADEMYAN, AVETIS LONG BEACH, CA	04/18/2002
KAPUTIKYAN, LEVON TAFT, CA	04/18/2002
LAUKHUFF, RANDY LEWIS III ALEXANDRIA, LA	04/18/2002
MAGIET, HENRY WHITE PLAINS, NY	04/18/2002
MARGARIAN, ANAHIT DUBLIN, CA	04/18/2002
MCCREADY, ROBERT OLIVER MORENO VALLEY, CA	04/18/2002
MCLARNON, MICHAEL C MIAMI, FL	04/18/2002
MILAN, JOSE ANTONIO OLIVARI YAUCO, PR	04/18/2002
MORENO, MAURICIO JAVIER SAN DIEGO, CA	04/18/2002
MOSLEY, CHRISTINA ALBANY, NY	04/18/2002
NYQUIST, JULIE ANDREA ST PAUL, MN	04/18/2002
OLIVEIRA, ELIZABETH M SLIDELL, LA	04/18/2002
PEREZ, LINA MARIANNA, FL	04/18/2002
POWERS, GEORGE WEST HILLS, CA	04/18/2002
QUEENAN, WILLIAM D JR HOUSTON, TX	04/18/2002
RAMOS, BERNADITO CANEJA LOS ANGELES, CA	04/18/2002
RAZIQ, RAFIK R NEWARK, NJ	04/18/2002
RESARI, LOLITA QUINTAL N HOLLYWOOD, CA	04/18/2002
REYES, NESTOR C INDIANAPOLIS, IN	04/18/2002
RICHARDSON, LANNY CHARLES COLUMBIA, TN	4/18/2002
ROBISON, RICK SAMUEL SANDY, UT	4/18/2002
ROSENBERG, DAVID ATLANTIC BEACH, NY	4/18/2002
RUTHERFORD, RICHARD A LAFOLLETTE, TN	4/18/2002
SANTINI, FRANCISCO MIAMI, FL	4/18/2002
SCHNEIDER, JEROME MIAMI LAKES, FL	4/18/2002
SCHULTZ, ALAN EDWIN AGOURA, CA	4/18/2002
SCOTT, MINDY DANBURY, CT	4/18/2002
SEMERDJIAN, SARKIS GLENDALE, CA	4/18/2002
SHACKMAN, STEPHEN J VICTORVILLE, CA	4/18/2002
SIERRA, MYRNA LUZ VIGO BELMONT, MAYAGUEZ, PR	4/18/2002
SMITH, ANDREA LYNN SHREVEPORT, LA	4/18/2002
SWEARINGEN, DANIEL M READ FEATHER LAKE, CO	4/18/2002
TAHERI, SEYED ALI ASFGAR CARLSBAD, CA	4/18/2002
TAHERI, MAHSHID ALAMIRAD OCEANSIDE, CA	4/18/2002
TATEVOSYAN, ARSEN N LAS VEGAS, NV	4/18/2002
TOROSYAN, JIRAIR LOS ANGELES, CA	4/18/2002
URIBE, JULIAN MIAMI, FL	4/18/2002
VALERO, DIEGO HIALEAH, FL	4/18/2002
VARIDIN, EFSTATHIOS MARK SEMINOLE, FL	4/18/2002
VEITH, DEBORAH METAIRIE, LA	4/18/2002
W D LEE CTR FOR LIFE MGMT, INC DETROIT, MI	4/18/2002
WAHBA, ATIF NAGUIB SPENCERPORT, NY	4/18/2002
WAISMAN, RAMI BROOKLYN, NY	4/18/2002
WILLIAMS-BATCHELDER, VERONICA TACOMA, WA	4/18/2002
YARBOROUGH, KIMBERLY DAWN SCAL MANDEVILLE, LA	4/18/2002
ZEVALLOS, CARLOS A GRANADA HILLS, CA	4/18/2002

FELONY CONVICTION FOR HEALTH CARE FRAUD

Subject, city, state	Effective date
BARBER, LYNN M MINERSVILLE, PA	04/18/2002
BELTRAN, MARIA HUNTINGTON STATION, NY	04/18/2002
CARUSO, RONALD J BEMUS POINT, NY	04/18/2002
CUCCIA, RICHARD A METAIRIE, LA	04/18/2002
DINO, JERICO TAFT, CA	04/18/2002
EGAN, THOMAS M BOSTON, MA	04/18/2002
GREENFIELD, JEFFREY B BERWICK, ME	04/18/2002
KU, AUBREY AYER, MA	04/18/2002
LAUERSEN, NIELS BROOKLYN, NY	04/18/2002
MAIORANO, JOHN ISLAND HEIGHTS, NJ	04/18/2002
MARTINEZ, REBECCA LOS ANGELES, CA	04/18/2002
MCCOY, ROBIN DAWN ABERDEEN, SD	04/18/2002
NEEDLES, FRANCINE DIANE CERRITOS, CA	04/18/2002
ROQUE, ISMAEL MIAMI, FL	04/18/2002
ROZENBERG, ARKADY LOS ANGELES, CA	04/18/2002
RYAN, BRANDY L PUEBLO, CO	04/18/2002
SHARP, CYNTHIA MAE CARSON, CA	04/18/2002

FELONY CONTROL SUBSTANCE CONVICTION

Subject, city, state	Effective date
CONNORS, CHARLES F SCRANTON, PA	04/18/2002
CURTIS, KESY JADE GRAND JUNCTION, CO	04/18/2002
DICKELMAN, JOHN SAINT JOHN, IN	04/18/2002
HANSEN, LORI E OKLAHOMA CITY, OK	04/18/2002
JOHNSON, KIMBERLI S LOGAN, UT	04/18/2002
KNIGHT, CECIL DEWAYNE CLEVELAND, TN	04/18/2002
LAWTON, TAMMY PEARL, MS	04/18/2002
MARKEY, MARY B AMA, LA	04/18/2002
MELLEN, JOY RAE BOISE, ID	04/18/2002
ORDOQUI, MODESTO VALENT JACKSONVILLE, FL	04/18/2002
QUATTRONE, JOSEPH D RIDGWAY, PA	04/18/2002
RATLIFF, JASON LYNN FORTVILLE, IN	04/18/2002
SHEFFIELD, GARY WAYNE PINEVILLE, LA	04/18/2002
WILKEY, CORD MAURICE OKLAHOMA CITY, OK	04/18/2002
YONGUE, NICOLE M	04/18/2002

Subject, city, state	Effective date
WARNER ROBINS, GA	
PATIENT ABUSE/NEGLECT CONVICTIONS	
BURGERS, SHARLEAN ..... SALT LAKE CITY, UT	04/18/2002
CARLIN, BRANDY ..... W JORDAN, UT	04/18/2002
CASTILLO-INZUNZA, MIGUEL RAMON ..... ESCONDIDO, CA	04/18/2002
CUDNEY, TIMOTHY GLENN ... OWOSSO, MI	04/18/2002
DAVID, VICTOR MATTHEW .... WALLA WALLA, WA	04/18/2002
FINCH, TRAMISE JENISE ..... LONG BEACH, CA	04/18/2002
HAMMONDS, CATHERINE ..... MODESTO, CA	04/18/2002
HEFFERNON, WANDA JUNE RICHMOND, CA	04/18/2002
JEFFERSON, HALEY Y ..... HARTSVILLE, SC	04/18/2002
KNIGHT, WENDELL COLE ..... MEMPHIS, TN	04/18/2002
KUNTZ, FRANKLIN LEO ..... PORTLAND, OR	04/18/2002
LEMON, ROCKY R ..... CRANE, TX	04/18/2002
MCCRACKEN, SCOTT D ..... CHILLICOTHE, MO	04/18/2002
NYAGAH, JOHN ..... NEW CASTLE, DE	04/18/2002
PAIGE, ADRIENNE S ..... YOUNGSTOWN, OH	04/18/2002
PAUL, PATRICIA PERRY ..... FALLON, NV	04/18/2002
RICCI, DAJON J ..... ALBUQUERQUE, NM	04/18/2002
ROWE, RUTH S ..... GLOUCESTER, MA	04/18/2002
SANCHEZ, FRANCISCA ..... DENVER, CO	04/18/2002
SMITH, MARY REGINA ..... BATESVILLE, MS	04/18/2002
STANDRIDGE, VEDA ..... CHECOTAH, OK	04/18/2002
TAVORMINA, STEVEN T ..... QUEENSBURY, NY	04/18/2002
TOPPIN, BRENDA M WISE ..... MILLSBORO, DE	04/18/2002
VAN OTTERLOO, KEVIN DUANE ..... ANAHEIM, CA	04/18/2002
WHEELWRIGHT, DUSTIN B ... PROVO, UT	04/18/2002
CONVICTION FOR HEALTH CARE FRAUD	
BLOUNT, DIANNE L ..... COLUMBIA, SC	04/18/2002
SPAIN, ANTHONY B ..... PLAINFIELD, NJ	04/19/2002
CONTROLLED SUBSTANCE CONVICTIONS	
BRUNKO, KIMBERLY KAY	04/18/2002

Subject, city, state	Effective date
BRANDON, IA	
LICENSE REVOCATION/SUSPENSION/ SURRENDERED	
ANDRUS-HUNTZINGER, LADONNE ..... SINKING SPRING, PA	04/18/2002
ANTON, REMA RAMZI ..... PHOENIX, MD	04/18/2002
BAILEY, VIOLET L ..... PULLMAN, WA	04/18/2002
BANASHLEY, WAYNELLE DUENAS ..... PHOENIX, AZ	04/18/2002
BARBIN, PATRICK ..... MARKSVILLE, LA	04/18/2002
BASTIANON, PAMALA ANN ... APPLE VALLEY, CA	04/18/2002
BEARD, BRANDON S ..... EUDORA, AR	04/18/2002
BERGO, AMY EVELYN ..... PHOENIX, AZ	04/18/2002
BERNSTINE, RUTHA ..... NATCHITOCHES, LA	04/18/2002
BOURG, MELANIE ..... HOUMA, LA	04/18/2002
BRANDT, LORI ..... TWIN FALLS, ID	04/18/2002
BROWN, LATEASE LAURETTE ..... PHOENIX, AZ	04/18/2002
BROWN, CHARLES S ..... TUCSON, AZ	04/18/2002
BURKE, LEONARD P ..... ARVADA, CO	04/18/2002
CARROLL, MARILYN M ..... BENTON, IL	04/18/2002
CARSON, MELISSA J ..... ELGIN, IL	04/18/2002
CATCHINGS, NONA MARLENE ..... PHOENIX, AZ	04/18/2002
CHAVEZ, ANA M ..... CHICAGO, IL	04/18/2002
CHENOWETH, PENNY L ..... MACOMB, IL	04/18/2002
COLEMAN, PAULETTE C ..... CHICAGO, IL	04/18/2002
COLLINS, LOIS A GREEN ..... WALLINS CREEK, KY	04/18/2002
COOK, JULIA L ..... MURPHYSBORO, IL	04/18/2002
COSS, DAVID A ..... PHOENIX, AZ	04/18/2002
CRONBAUGH, CANDACE ROCHELLE ..... PEORIA, AZ	04/18/2002
D'AMOUN, PAMELA I ..... DECATUR, GA	04/18/2002
DIMALANTA, ANGELO S ..... CHICAGO, IL	04/18/2002
ELLISON, RAEFORD ..... VENTNOR CITY, NJ	04/18/2002
FRAZER, TAMMIE A ..... WESTERLY, RI	04/18/2002
GARRETT, MARCIA MARIE .... INDIANAPOLIS, IN	04/18/2002
GAY, GREGG ..... SANDY, UT	04/18/2002
GILPATRICK, KAREN S ..... ROCK FALLS, IL	04/18/2002
GOLAS, THERESE P	04/18/2002

Subject, city, state	Effective date
TRUMBULL, CT	
GRUBBS, DONNIE W ..... BUCKEYE, AZ	04/18/2002
HALSTED, AMY C ..... CHICAGO, IL	04/18/2002
HAMER, ROBERT LAWRENCE ..... OAKDALE, CA	04/18/2002
HANSON, DARLENE DOLORES ..... THIEF RIVER FALLS, MN	04/18/2002
HEMPLING, WILLIAM HERNICK ..... METAIRIE, LA	04/18/2002
HENDRICKSON, KENT ..... BULLHEAD CITY, AZ	04/18/2002
HILL, ANTOINETTE M ..... CHICAGO, IL	04/18/2002
HOLM, JUDITH ANN ..... OAKDALE, MN	04/18/2002
HOOVER, BELINDA D ..... CHICAGO, IL	04/18/2002
HOUSE, NICOLE L ..... BENTON, IL	04/18/2002
HOUSTON, NANCY J ..... CHARITON, IA	04/18/2002
HUMMEL, KATHLEEN M ..... WAVERLY, IA	04/18/2002
HUNTER, SUSAN D ..... NAPLES, IL	04/18/2002
JACOBS, CHRISTINE ..... SHADOW HILLS, CA	04/18/2002
JOHNSON, ROBERTA ..... E ST LOUIS, IL	04/18/2002
JOHNSON MCGINNIS, DEBORAH ANN ..... TWIN FALLS, ID	04/18/2002
JONES, RHONDA RENEE ..... WICHITA FALLS, TX	04/18/2002
KELLY, TERRANCE E ..... GLENWOOD SPRINGS, CO	04/18/2002
KOREM, RICHARD ALLEN ..... WESTVILLE, IN	04/18/2002
LAYNE, SHANNON K ..... PELHAM, TN	04/18/2002
LAZO, KEVIN ..... BATON ROUGE, LA	04/18/2002
LI, CHEUK BOR ..... FREMONT, CA	04/18/2002
LYERLA, DONALD RAY ..... PORTER, IN	04/18/2002
LYMAN, RAYMOND R ..... DRAPER, UT	04/18/2002
MALSBY, LOLA BARRAGAN .. MORENO VALLEY, CA	04/18/2002
MATERA, KANDY L ..... ELGIN, IL	04/18/2002
MATHEWS, KURIEN S ..... CHICAGO, IL	04/18/2002
MAUCK, SHARON ..... ODESSA, TX	04/18/2002
MCCOY, AFRICA NICOLE ..... BUTLER, AL	04/18/2002
MCDONALD, PEGGI B ..... DAYTONA BCH, FL	04/18/2002
MCLAUGHLIN, ANDREW PAUL JR ..... PHOENIX, MD	04/18/2002
MEARKLE, JANICE ..... SUMMITT, MS	04/18/2002
MERRITT, AMBER A ..... ROCK ISLAND, IL	04/18/2002
MONTOYA, ROBERT JOHN ...	04/18/2002

Subject, city, state	Effective date
TEHACHAPI, CA	
MOORE, LAURIE LEE ..... OMAHA, NE	04/18/2002
NAJJAR, SAMIR SHIBLY ..... YAZOO CITY, MS	04/18/2002
NIKRAVESH, DAVID NEJAT ... VAN NUYS, CA	04/18/2002
ORTIZ, TINA MARIE ..... DALLAS, TX	04/18/2002
PACROPIS, GARY WILLIAM ... AMBLER, PA	04/18/2002
PATTERSON, CHRISTINA A ... PALESTINE, IL	04/18/2002
PEARL, RICHARD E ..... BROOKLYN, NY	04/18/2002
PEREZ, EDWIN ..... JOHNSTON CITY, IL	04/18/2002
PIERCE, KENNETH ALAN JR CARSON CITY, NV	04/18/2002
PONCHO, PAUL L ..... PHOENIX, AZ	04/18/2002
PRINCE, WAYNE LAGUORI ... OAKLAND PARK, FL	04/18/2002
PYLES, JOCELYN N ..... THE WOODLANDS, TX	04/18/2002
RAI, PARMJIT KAUR ..... VALLEYVIEW, OH	04/18/2002
SANGA, JODY T ..... EASTFORD, CT	04/18/2002
SCHENTHAL, STEPHEN JOSEPH ..... DESTIN, FL	04/18/2002
SCHLAU, GAIL ..... MARGATE, FL	04/18/2002
SCOTTI, STEPHEN DOUGLAS EDINA, MN	04/18/2002
SHARPE, RICHARD J ..... WALPOLE, MA	04/18/2002
SMALLEY, MARK RUSSELL ... ODGEN, UT	04/18/2002
SNYDER, STEVEN P ..... LOUISVILLE, KY	04/18/2002
STEEN, PATRICIA A ..... WYANTSKILL, NY	04/18/2002
STOREY, GEORGE ..... WICHITA FALLS, TX	04/18/2002
TAYLOR, BARBARA J ..... ARVADA, CO	04/18/2002
TESTERMAN, JEANNE TOWERY ..... NEWTON, NC	04/18/2002
TROESTER, DENNIS ..... BAY CITY, MI	04/18/2002
VOIGT, DIONE WAYNE ..... TUCSON, AZ	04/18/2002
WEERASINGHE, SHERRY LYNN ..... EDMOND, OK	04/18/2002
WEITZMAN, DAVID DOAH ..... ROCHESTER, IN	04/18/2002
WELLS, ROBERT NELSON .... FRESNO, CA	04/18/2002
WEST, TRINA SUE ..... ARDMORE, OK	04/18/2002
WILLIAMS, MICHAEL T ..... TAMPA, FL	04/18/2002
WINKLHOFER, BONNIE JO .... SAN BERNARDINO, CA	04/18/2002
WINNETT, JAMIE SUE ..... SULPHUR SPRINGS, TX	04/18/2002
FRAUD/KICKBACKS	
GONZALEZ-SANCHEZ, EDULFO	08/09/2000
SAN ANTONIO, TX	
RODRIGUEZ, ROLANDO X ..... SAN ANTONIO, TX	08/16/2000
OWNED/CONTROLLED BY CONVICTED ENTITIES	
ALLIED MEDICAL CLINIC ..... HOMESTEAD, FL	04/18/2002
AUREX, INC ..... JACKSONVILLE, FL	04/18/2002
BODY SCAN TESTING CENTER ..... ST GEORGE, UT	04/18/2002
BOOKER CHIROPRACTIC ..... BOOKER, TX	04/18/2002
COAST MEDICAL SUPPLY ..... LOS ANGELES, CA	04/18/2002
HIGHLAND DRUG CO ..... JACKSONVILLE, FL	04/18/2002
HIGHLAND PARK MEDICAL SUPPLY ..... LOS ANGELES, CA	04/18/2002
PACOIMA MEDICAL SUPPLY PACOIMA, CA	04/18/2002
SYNCHRONIZED MONTROSE CHIRO ..... HOUSTON, TX	04/18/2002
DEFAULT ON HEAL LOAN	
BARNES, STANLEY GEORGE BULLHEAD CITY, AZ	04/18/2002
BLAND, HENRY NELSON JR MIAMI, FL	04/18/2002
BLOOMER, ANDERSAN M ..... BALTIMORE, MD	03/19/2002
CAPEHART, TIMOTHY S ..... LA RUSSELL, MO	04/18/2002
COOK, ROBERT DENNIS ..... TENNILLE, GA	03/19/2002
DIPIETRO, MICHAEL V ..... SEAFORD, NY	04/18/2002
DUPUIS, KENNETH J ..... ORONO, ME	04/18/2002
DURANT, BILL ..... ENCINO, CA	04/18/2002
FERNANDEZ-LORIO, ANAMARIA ..... COLUMBIA, MO	04/18/2002
GHALBI, ABDOLLNASER ..... ANAHEIM, CA	04/18/2002
GORBAHN, MARK KENNETH ATASCADERO, CA	04/18/2002
HOBSON, DONALD A ..... INGLEWOOD, CA	04/18/2002
HOPENSTAND, BOAZ JACOB BEVERLY HILLS, CA	04/18/2002
HOULE, CHERYL T ..... WINDHAM, ME	04/18/2002
IBRAHIM, NAHLA ..... ALHAMBRA, CA	04/18/2002
JACKSON, ROBYN ANNE ..... CALUMET CITY, IL	04/18/2002
JANKORD, DEAN F ..... BURNSVILLE, MN	01/16/2002
JUSTICE, GLENN RAY ..... LAS VEGAS, NV	04/18/2002
LANDOU, LISSA S ..... ELM WOOD PARK, NJ	04/18/2002
LASTER, STEVEN SCOTT ..... INOLA, OK	04/18/2002
LEIBLIE-BRITTAIN, TONYA BETH ..... INDEPENDENCE, MO	04/18/2002
LOGUE, JENNI LYNFRED ..... LOS ANGELES, CA	04/18/2002
LOWMAN, JOHN R ..... PHOENIX, AZ	04/18/2002
MINK, PAUL A ..... LANSING, MI	04/18/2002
MOTLEY, REBECCA K ..... LATHRUP VILLAGE, MI	04/18/2002
RODRIGUEZ, FRANKIE ..... KISSIMMEE, FL	04/18/2002
SHAW, MICHAEL W ..... CHICAGO, IL	04/18/2002
STARACE, WILLIAM J ..... STOCKTON, CA	04/18/2002
THOMAS, JAMES C ..... WAUWATOSA, WI	04/18/2002
TYSON, RICKY D ..... OKLAHOMA CITY, OK	04/18/2002
VAN WINKLE, DAVID WAYNE MENA, AR	04/18/2002
WALDMAN, MARC M ..... MERRICK, NY	04/18/2002
WASHINGTON, DIANE L ..... S HOLLAND, IL	04/18/2002
WINTERS, MARK I ..... CLEVELAND, OH	04/18/2002
WISE, HARRY MICHAEL ..... LITTLETON, CO	04/18/2002
YANG, JINGMIAO ..... WYNNE WOOD, PA	04/18/2002
OWNERS OF EXCLUDED ENTITIES	
PARKER, ROBERTA ..... MINNEAPOLIS, MN	04/18/2002

Dated: April 3, 2002.

Calvin Anderson, Jr.,

Director, Health Care Administrative Sanctions, Office of Inspector General.

[FR Doc. 02–9486 Filed 4–17–02; 8:45 am]

BILLING CODE 4150–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Request; The National Cancer Institute Cancer Information Service Comprehensive Evaluation Plan

SUMMARY: Under the provisions of section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Cancer Institute (NCI) of the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information

collection was previously published in the **Federal Register** on October 18, 2001, pages 52925–52926 and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection

Title: The National Cancer Institute Cancer Information Service Comprehensive Evaluation Plan. *Type of Information Collection Request:* New. *Need and Use of Information Collection:* The NCI Office of Communications has dedicated resources to the Cancer Information Service Branch to conduct an independent, scientifically designed and implemented evaluation of the Cancer Information Service (CIS), an NCI program that serves as a national resource for information and education about cancer. The study will assess the extent to which the program has been implemented and the impact and outcomes of the program in affecting the public and CIS partners. Partners are national, state, and regional organizations that collaborate with CIS.

For this study, three separate data collection efforts will be conducted: (1) The National User Survey, a survey of a sample of CIS Information Service users; (2) the National Partner Survey, a survey of a sample of CIS Networking, Education Program, Program Development, and Research partners; and (3) the Case Study Audience Survey, a survey of audiences served by selected partners. The National User Survey and the National Partner Survey will be conducted using telephone interviews. The Case Study Audience Survey will be conducted using a survey mode that is most appropriate for the targeted audiences (*i.e.,* telephone, self-administered, or in person). The findings will form the basis of annual reports on evaluation findings. These reports will provide assistance in improving the programs, products, and services of CIS. *Frequency of Response:* One time only with the exception of the Case Study Audience Survey, which includes a pre- and postsurvey. *Affected Public:* Organizations and not-for-profit institutions; state, local, or tribal government; individuals and households. *Type of Respondents:* Adults using CIS services and CIS partners. The annual reporting burden is as follows:

TABLE 1.—RESPONDENT AND BURDEN ESTIMATE

Type of respondent	Estimated annual number of respondents	Estimated number of responses of per respondent	Total annual responses	Average burden hours per response	Estimated annualized burden
National User Survey					
Screener respondents	983	1	983	0.08	79
CIS users	833	1	833	0.42	350
National Partner Survey					
CIS partners	333	1	333	0.75	250
Case Study Audience Survey					
Case study audience	133	2	266	0.25	67
Total	2,282		2,415		746

The annualized cost to respondents is estimated at $7,554.00. There are no capital costs to report. There are no operating or maintenance costs to report.

Request for Comments

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) 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; (3) ways 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.

Direct Comments To OMB

Written comments and/or suggestions regarding the items(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans, contact Madeline La Porta, Project Office for Evaluation, Cancer Information Service Branch, National Cancer Institute, 6116 Executive Boulevard, MSC 8322, Bethesda, Maryland 20892–8322; by telephone at (301) 594–8025; by fax at (301) 402–0555.

Comments Due Date

Comments regarding this information collection are best assured of having their full effect if received within 30 days of the date of this publication.

Dated: April 11, 2002.

Reesa Nichols,

OMB Clearance Liaison.

[FR Doc. 02–9453 Filed 4–17–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Alternative Medicine; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the National Advisory Council for Complementary and Alternative Medicine (NACCAM).

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussion could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Complementary and Alternative Medicine.

Date: May 28, 2002.

Open: 8 a.m. to 2:15 p.m.

Agenda: The agenda includes the Opening Remarks by Director, NCCAM, Reports on NCCAM Communications and Outreach, CAPCAM Report, Hypericum Study Results, Final IHR Plan, Final MHHD Plan, and other business of the Council.

Closed: 2:15 p.m. to adjournment.

Agenda: To review and evaluate grant applications and/or proposals.

Place: Neuroscience Conference Center, 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Jane F. Kinsel, PhD., Executive Secretary, National Center for Complementary and Alternative Medicine, National Institutes of Health, 6707 Democracy Blvd., Suite 401, Bethesda, MD 20892. 301/402–7269.

The public comments session is scheduled from 12–12:30 pm. Each speaker will be permitted 5 minutes for their presentation. Interested individuals and representatives of organizations are requested to notify Dr. Jane Kinsel, National Center for Complementary and Alternative Medicine, NIH, 6707 Democracy Boulevard, Suite 401, Bethesda, Maryland, 20892, 301–402–7269, Fax: 301–480–3519. Letters of intent to present comments, along with a brief description of the organization represented, should be received no later than 5 p.m. on May 17, 2002. Only one representative of an organization may present oral comments. Any person attending the meeting who does not request an opportunity to speak in advance of the meeting may be considered for oral presentation, if time permits, and at the discretion of the Chairperson. In addition, written comments may be submitted to Dr. Jane Kinsel at the address listed above up to ten calendar days (June 7, 2002) following the meeting.

Copies of the meeting agenda and the roster of members will be furnished upon request by Dr. Jane Kinsel, Executive Secretary, NACCAM, National Institutes of Health, 6707 Democracy Boulevard, Suite 401, Bethesda, Maryland 20892, 301–402–7269, Fax 301–480–3519.

Dated: April 11, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy, NIH.

[FR Doc. 02–9423 Filed 4–17–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Alternative 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 Center for Complementary and Alternative Medicine Special Emphasis Panel.

Date: April 17–18, 2002.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Suites, 6711 Democracy Blvd., Bethesda, MD 20814.

Contact Person: Carol Pontzer, PhD, Scientific Review Administrator, National Center for Complementary, and Alternative Medicine, 6707 Democracy Blvd., Bethesda, MD 20892.

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.

Dated: April 9, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–9425 Filed 4–17–02; 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 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 open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities.

Date: May 28–30, 2002.

Open: May 28, 2002, 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: May 28, 2002, 9 a.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Bethesda Residence Inn, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: D.G. Patel, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, 6705 Rockledge Drive, Room 6018, Bethesda, MD 20892–7965, (301) 435–0824. *dgpatel@ncrr.nih.gov.*

Name of Committee: National Center for Research Resources Initial Review Group, Clinical Research Review Committee.

Date: June 5–6, 2002.

Open: June 5, 2002, 8 a.m. to 9 a.m.

Agenda: To discuss program planning and other issues.

Place: Holiday Inn—Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Closed: June 5, 2002, 9 a.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: John L. Meyer, PhD, Deputy Director, Office of Review, National center For Research Resources, National Institutes of Health, 6705 Rockledge Drive, Msc 7965, One Rockledge Centre, Room 6018, Bethesda, MD 20892–7965. 301–435–0806. *meyerj@ncrr.nih.gov.*

Name of Committee: National Center for Research Resources Initial Review Group, Comparative Medicine Review Committee.

Date: June 11–12, 2002.

Open: June 11, 2002, 8 a.m. to 9 a.m.

Agenda: To discuss program planning and other issues.

Place: Chevy Chase Holiday Inn, 5520 Wisconsin Ave., Chevy Chase, MD 20815.

Closed: June 11, 2002 9 a.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Chevy Chase Holiday Inn, 5520 Wisconsin Ave., Chevy Chase, MD 20815.

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) 435–0815, *kingc@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: April 9, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–9449 Filed 4–17–02; 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, Loan Repayment Program.

Date: May 2, 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: Mohan Viswanathan, PhD, Scientific Review Administrator, National Center for Research Resources, Office of Review, 6705 Rockledge Drive, Suite 6018, MSC 7965, Bethesda, MD 20892. 301–435–0829. *viswanathanm@ncrr.nih.gov.*

Name of Committee: National Center for Research Resources Special Emphasis Panel, Research Infrastructure.

Date: June 5–6, 2002.

Time: June 5, 2002, 8 a.m. to adjournment.

Agenda: To review and evaluate grant applications.

Place: Marriott Hotels Bethesda, 5151 Pooks Hill Road, Bethesda, MD 20817.

Contact Person: Sheryl K. Brining, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, One Rockledge Center, MSC 7965, 6705 Rockledge Drive, Suite 6018, Bethesda, MD 20892. 301–435–0809. *brinings@ncrr.nih.gov.*

Name of Committee: National Center for Research Resources Special Emphasis Panel, Clinical Research.

Date: June 7, 2002.

Time: 8 a.m. to adjournment.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Mohan Viswanathan, PhD, Scientific Review Administrator, National Center for Research Resources, Office of Review, 6705 Rockledge Drive, Suite 6018, MSC 7965, Bethesda, MD 20892. 301–435–0829. *viswanathanm@ncrr.nih.gov.*

Name of Committee: National Center for Research Resources Special Emphasis Panel, Research Infrastructure.

Date: June 12–13, 2002.

Time: June 12, 2002 8 a.m. to adjournment.

Agenda: To review and evaluate grant applications.

Place: Marriott Hotels Bethesda, 5151 Pooks Hill Road, Bethesda, MD 20817.

Contact Person: Sheryl K. Brining, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, One Rockledge Center, MSC 7965, 6705 Rockledge Drive, Suite 6018, Bethesda, MD 20892. 301–435–0809. *brinings@ncrr.nih.gov.*

Name of Committee: National Center for Research Resources Special Emphasis Panel, Research Infrastructure.

Date: June 19–20, 2002.

Time: June 19, 2002, 8 a.m. to adjournment.

Agenda: To review and evaluate grant applications.

Place: Marriott Hotels Bethesda, 5151 Pooks Hill Road, Bethesda, MD 20817.

Contact Person: Sheryl K. Brining, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, One Rockledge Center, MSC 7965, 6705 Rockledge Drive, Suite 6018, Bethesda, MD 20892. 301–435–0809. *brinings@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: April 9, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–9450 Filed 4–17–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye 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 Eye Institute Special Emphasis Panel.

Date: April 17, 2002.

Time: 10 a.m. to 11 a.m.

Agenda: To review and evaluate grant applications.

Place: 6120 Executive Blvd., Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Samuel Rawlings, PhD, Chief, Scientific Review Branch, Division of Extramural Research, National Eye Institute, Bethesda, MD 20892. 301–451–2020.

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. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: April 9, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–9445 Filed 4–17–02; 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 a meeting of the Board of Scientific Counselors, NHLBI. The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Heart, Lung, and Blood Institute, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NHLBI.

Date: June 6–7, 2002.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, 9000 Rockville Pike, Building 10, Room 7S235, Bethesda, MD 20892.

Contact Person: Elizabeth G. Nabel, MD, Scientific Director for Clinical Research, National Heart, Lung, and Blood Institute, Division of Intramural Research, Building 10, Room 8C103, MSC 1754, Bethesda, MD 20892. 301/496–1518.

Information is also available on the Institute's/Center's home page: *www.nhlbi.nih.gov/meetings/index.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, 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: April 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–9427 Filed 4–17–02; 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 Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Sickle Cell Disease Advisory Committee.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Sickle Cell Disease Advisory Committee.

Date: June 3, 2002.

Time: 8:30 a.m. to 5 p.m.

Agenda: Discussion of program policies and issues.

Place: National Institutes of Health, Two Rockledge Center, Conference Room 7111, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Charles M. Peterson, MD, Director, Blood Diseases Program, Division of Blood Diseases and Resources, National Heart, Lung, and Blood Institute, NIH, Two Rockledge Center, Room 10158, MSC 7950, 6701 Rockledge Drive, Bethesda, MD 20892. 301/435–0050.

Information is also available on the Institute's/Center's home page: *www.nhlbi.nih.gov/meetings/index.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, 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: April 10, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–9438 Filed 4–17–02; 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, Transfusion Medicine/Hemostasis Clinical Research Network.

Date: May 22–23, 2002.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: 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.

(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: April 10, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–9439 Filed 4–17–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; 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 Mental Health Special Emphasis Panel.

Date: April 25, 2002.

Time: 12:30 p.m. to 2 p.m.

Agenda: To review and evaluate contract proposals.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892. (Telephone Conference Call).

Contact Person: Henry J. Haigler, Ph.D, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Rm. 6150, MSC 9608, Bethesda, MD 20892–9608. 301/443–7216. *hhaigler@mail.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. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: April 9, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–9424 Filed 4–17–02; 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, 02–75, Review of R13 Grants.

Date: April 23, 2002.

Time: 2:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, 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, 02–76, Review of R13 Grants.

Date: May 1, 2002.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Natcher Bldg., Conf. Rms. A&D, 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, 02–74, Review of R13 Grants.

Date: May 7, 2002.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, 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, 02–64, Review of R44 Grants.

Date: May 14, 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: 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, 02–63, Review of R44 Grants.

Date: May 14, 2002.

Time: 3 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Natcher Building, Conference Room E½, 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, 02–56, Review of R44 Grants.

Date: May 16, 2002.

Time: 10 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Natcher Building, Conference Room E½, 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: April 9, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–9426 Filed 4–17–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health 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 section 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, and disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel, Review of Loan Repayment Proposals.

Date: May 10, 2002.

Time: 9 a.m. to 10 a.m.

Agenda: To review and evaluate contract proposals.

Place: Nat. Institute of Environmental Health Sciences, Bldg. 4401, Room 3435, 79 T. W. Alexander Drive, Research Triangle Park, NC 27709. (Telephone Conference Call).

Contact Person: Anne P. Sassaman, PhD, Director, Division of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, National Institutes of Health, P.O. Box 12233, MD EC–20, Research Triangle Park, NC 27709. 919/541–7723.

(Catalogue of Federal Domestic Assistance Program Nos. 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures;

93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS)

Dated: April 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–9428 Filed 4–17–02; 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; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Neurological Disorders and Stroke Special Emphasis Panel, April, 10, 2002, 11:30 a.m. to April 10, 2002, 1:30 p.m., 6001 Executive Blvd., Bethesda, MD, 20892 which was published in the **Federal Register** on March 27, 2002 (67 FR 14722), FR Doc. 02–7271.

The meeting will be held on April 22, 2002 from 10 a.m. to 12 p.m. The meeting is closed to the public.

Dated: April 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–9429 Filed 4–17–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health 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 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 Environmental Health Sciences Special Emphasis Panel, review of Mentored Clinical Scientist Development Awards (KO8s).

Date: April 29, 2002.

Time: 2 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: NIEHS, East Campus, Room 3174, Research Triangle Park, NC 27709, (Telephone Conference Call).

Contact Person: Linda K. Bass, PhD, Scientific Review Administrator, Scientific Review Branch, Office of Program Operations, Divisions of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30, Research Triangle Park, NC 27709, (919) 541–1307.

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. 93113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS)

Dated: April 9, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–9431 Filed 4–17–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; 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 Nursing Research Special Emphasis Panel, Loan Repayment Program.

Date: May 14, 2002.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate contract proposals.

Place: 45 Center Drive, Natcher Building, Room 3AN12, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Carole Hudgings, PhD, RN Scientific Review Administrator, Building 45, Room 3AN–12, 45 Center Drive, Bethesda, MD 20892, (301) 594–5976.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: April 10, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–9433 Filed 4–17–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of a meeting of the National Advisory Council for Nursing Research.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Nursing Research.

Date: May 21–22, 2002.

Open: May 21, 2002, 1 p.m. to 5 p.m.

Agenda: For discussion of program policies and issues.

Place: 45 Center Drive, Natcher Building, Conference Room E1/2, Bethesda, MD 20892.

Closed: May 22, 2002, 9:30 a.m. to Adjournment.

Agenda: To review and evaluate grant applications and/or proposals.

Place: 45 Center Drive, Natcher Building, Conference Room E1/2, Bethesda, MD 20892.

Contact Person: Mary Leveck, PhD, Deputy Director, NINR, NIH, Building 31, Room 5B05, Bethesda, MD 20892, (301) 594–5963.

Information is also available on the Institute's/Center's home page: www.nih.gov/ninr/a__advisory.html, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: April 10, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–9434 Filed 4–17–02; 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: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: June 4, 2002.

Time: 10:30 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, 45 Center Drive, Conference Rooms E1/E2, Bethesda, MD 20892, (Telephone Conference Call).

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.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: April 10, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–9435 Filed 4–17–02; 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 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: May 8, 2002.

Time: 10 a.m. to 12 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 45 Center Drive, Building 45, Room 5As25U, Bethesda, MD 20892.

Contact Person: Tommy L. Broadwater, PhD, Chief, Review Branch, Grants Review Branch, National Institutes of Health, NIAMS, Natcher Bldg., Room 5As25U, 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: April 10, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–9436 Filed 4–17–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors, NIDDK.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institutes of Diabetes and Digestive and Kidney Diseases, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIDDK.

Date: June 5–7, 2002.

Open: June 5, 2002, 6 p.m. to 6:30 p.m.

Agenda: Introductions and Overview.

Place: National Institutes of Health, Building 5, Room 127, Bethesda, MD 20892.

Closed: June 5, 2002, 6:30 p.m. to adjournment.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 5, Room 127, Bethesda, MD 20892.

Closed: June 6, 2002, 8 a.m. to adjournment.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 5, Room 127, Bethesda, MD 20892.

Closed: June 7, 2002, 8 a.m. to adjournment.

Agenda: To review and evaluate personal qualificationsn and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 5, Room 127, Bethesda, MD 20892.

Contact Person: Marvin C. Gershengorn, MD, Scientific Director, Division of Intramural Research, National Institute of Diabetes, and Digestive and Kidney Diseases, National Institutes of Health, 9000 Rockville Pike, Bldg. 10, Rm. 9N222, Bethesda, MD 20892, (301) 496–4129.

In the interest of security, NIH has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show a photo I.D. and sign-in at the security desk upon entering the building.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: April 10, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–9437 Filed 4–17–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel. Multi-center Clinical Trial.

Date: May 2, 2002.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: 2 Democracy Plaza, 6707 Democracy Boulevard, Rm. 757, Bethesda, MD 20892. (Telephone Conference Call).

Contact Person: John Connaughton, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 757, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892. (301) 594–7797. *connaughtonj@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: April 10, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Avisory Committee Policy.

[FR Doc. 02–9440 Filed 4–17–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communications 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, ZDC1 SRB–O (21).

Date: April 23, 2002.

Time: 11 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications.

Place: 6120 Executive Blvd, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Stanley C. Oaks, Jr., PhD, Scientific Review Branch, Division of Extramural Research, Executive Plaza South, Room 400C, 6120 Executive Blvd., Bethesda, MD 20892–7180. 301–496–8683.

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. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: April 10, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–9441 Filed 4–17–02; 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: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: May 13–14, 2002.

Time: 8:30 a.m. to 5 p.m.

Agenda: to review and evaluate grant applications.

Place: The Hyatt Regency Hotel, 100 Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Aftab A. Ansari, Ph.D, 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.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: April 9, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–9442 Filed 4–17–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Council on Drug Abuse.

The meeting will be open to the public as indicated below, with attendance limited to space available.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Drug Abuse.

Date: May 22–23, 2002.

Closed: May 22, 2002, 9 a.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Rockville, MD 02852.

Open: May 23, 2002, 9 a.m. to 3:30 p.m.

Agenda: This portion of the meeting will be open to the public for announcements and reports of administrative, legislative and program developments in the drug abuse field.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Rockville, MD 20852.

Contact Person: Teresa Levitin, PhD, Director, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, Bethesda, MD 20892–9547, (301) 443–2755.

Information is also available on the Institute's/Center's home page: *www.drugabuse.gov/NACDAHome.html,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs, National Institutes of Health, HHS)

Dated: April 9, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–9446 Filed 4–17–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Environmental Health Sciences Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Environmental Health Sciences Council.

Date: May 20, 2002.

Open: 8:30 am to 2 pm.

Agenda: Discussion of program policies and issues.

Place: NIEHS, Rodbell Auditorium, Building 101, 111 Alexander Drive, Research Triangle Park, NC 27709.

Closed: 2:00 p.m. to adjournment.

Agenda: To review and evaluate grant applications.

Place: NIEHS, Rodell Auditorium, Building 101, 111 Alexander Drive, Research Triangle Park, NC 27709.

Contact Person: Anne P Sassaman, PhD, Director, Division of Extramural Research and Training, National Institute of Environmental Health, Sciences, National Institutes of Health, P.O. Box 12233, Research Triangle Park, NC 27709. 919/541–7723.

Information is also available on the Institute's/Center's home page: *www.niehs.nih.gov/dert/c-agenda.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143; NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS)

Dated: April 9, 2002.

LaVerne Y. Stringfield,

Director, Officer of Federal Advisory Committee Policy.

[FR Doc. 02–9447 Filed 4–17–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to the 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel.

Date: April 29, 2002.

Time: 2 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: 2 Democracy Plaza, 6707 Democracy Boulevard, Room 752, Bethesda, MD 20892. (Telephone Conference Call).

Contact Person: Francisco O. Calvo, PhD, Chief, Review Branch, DEA, NIDDK, Room 752, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892–6600, (301) 594–8897.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: April 9, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–9448 Filed 4–17–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed 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 disclosures 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 Alcohol Abuse and Alcoholism Special Emphasis Panel, HIV—K23 Application Review.

Date: May 3, 2002.

Time: 10 a.m. to 11 a.m.

Agenda: To review and evaluate grant applications.

Place: Willco Building, Suite 409, 6000 Executive Boulevard, Rockville, MD 20892. (Telephone Conference Call).

Contact Person L. Tony Beck, PhD, Scientific Review Administrator, National Institutes on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Blvd., MSC 703, Bethesda, MD 20892–7003. 301–443–0913. *lbeck@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.171, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of health, HHS)

Dated: April 9, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–9451 Filed 4–17–02; 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 Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Board on Medical Rehabilitation Research.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Advisory Board on Medical Rehabilitation Research, NABMRR Council Session.

Date: May 2–3, 2002.

Time: May 2, 2002, 9 a.m. to 5:30 p.m.

Agenda: The agenda will include reports by the Director, NICHD and Director, NCMRR, update on NCMRR training activities, discussion of the future of medical rehabilitation, and other business of the Board.

Place: Holiday Inn—Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.

Time: May 3, 2002, 8:30 a.m to adjournment.

Agenda: Same as above.

Place: Holiday Inn—Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Ralph M. Nitkin, PhD, Director, BSCD, National Center for Medical Rehabilitation Research, National Institute of Child Health and Human Development, NIH, 6100 Building, Room 2A03, Bethesda, MD 20892. (301) 402–4206.

Information is also available on the Institute's/Center's home page: *www.nichd.nih.gov/about/ncmrr.htm,* where an agenda and any additional information for the meeting will be posted when available.

(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: April 9, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–9452 Filed 4–17–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Office of AIDS Research Advisory Council.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as a sign language interpretation of other reasonable accommations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Office of AIDS Research Advisory Council.

Date: April 17, 2002.

Time: 2 p.m. to Adjournment.

Agenda: NIH Plan for HIV-Related Research; FY 2004 NIH Plan Area of Emphasis; and general OARAC Discussions.

Place: 9000 Rockville Pike, Building 31C, Conference Room 6, Bethesda, MD 20892. (Telephone Conference Call).

Contact Person: Veronica Leftwich, Program Analyst, Office of AIDS Research, National Institutes of Health, Building 2, Room 4W11, Bethesda, MD 20892. (301) 435–7698.

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.

Information is also available on the institute's/Center's home page: *www.nih.gov/od/oar/index.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.187, Undergraduates Scholarship Program for Individuals from Disadvantaged Backgrounds; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Awards; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program, National Institutes of Health, HHS)

Dated: April 9, 2002.

LaVerne Y. Stringfied,

Directed, Office of Federal Advisory Committee Policy.

[FR Doc. 02–9430 Filed 4–17–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institute of Health, Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Office of AIDS Research Advisory Council.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Office of AIDS Research Advisory Council.
Date: April 17, 2002.
Time: 2 p.m. to Adjournment.
Agenda: NIH Plan for HIV-Related Research; FY 2004 NIH Plan Area of Emphasis; and general OARAC Discussions.
Place: 9000 Rockville Pike, Building 31C, Conference Room 6, Bethesda, MD 20892. (Telephone Conference Call).
Contact Person: Veronica Leftwich, Program Analyst, Office of AIDS Research, National Institutes of Health, Building 2, Room 4W11, Bethesda, MD 20892. (301) 435–7698.
This notice is being published less than 15 day prior to the meeting due to the timing limitation imposed by review and funding cycle.
Information is also available on the Institute's/Center's home page: *www.nih.gov/od/oar/index.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program, National Institutes of Health, HHS)

Dated: April 11, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–9432 Filed 4–17–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; 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: Center for Scientific Review Special Emphasis Panel.
Date: April 19, 2002.
Time: 4 p.m. to 5 p.m..
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Alexander D. Ploitis, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4204, MSC 7812, Bethesda, MD 20892, (301) 435–1225, *politisa@csr.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: Center for Scientific Review Special Emphasis Panel.
Date: April 29, 2002.
Time: 1 p.m. to 2 p.m..
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Michael A Oxman, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4112, MSC 7848, 301–435–3565, *oxmanm@csr.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: Center for Scientific Review Special Emphasis Panel.
Date: May 7, 2002.
Time: 11 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Marcia Litwack, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4150, MSC 7804, Bethesda, MD 20892, (301) 435–1719.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 11, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–9422 Filed 4–17–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; 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: Center for Scientific Review Special Emphasis Panel.
Date: April 17, 2002.
Time: 9 a.m. to 10 a.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892. (Telephone Conference Call).
Contact Person: Joseph Kimm, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5178 MSC 7844, Bethesda, MD 20892. (301) 435–1249.
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: Center for Scientific Review Special Emphasis Panel.
Date: April 23, 2002.
Time: 3 p.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892. (Telephone Conference Call).
Contact Person: Marcia Litwack, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4150, MSC 7804, Bethesda, MD 20892. (301) 435–1719.
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: Center for Scientific Review Special Emphasis Panel.
Date: April 29, 2002.
Time: 1 p.m. to 2 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892. (Telephone Conference Call).
Contact Person: Eileen W. Bradley, DSC, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5120, MSC 7854, Bethesda, MD 20892. (301) 435–1179. *bradleye@csr.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. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844,

93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 9, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–9443 Filed 4–17–02; 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, April 24, 2002, 12 p.m. to April 24, 2002, 1 p.m., NIH Rockledge 2, Bethesda, MD, 20892 which was published in the **Federal Register** on April 5, 2002, 67 FR 16414–16415.

The meeting has been changed to April 19, 2002, from 11 a.m. to 12 p.m. The location remains the same. The meeting is closed to the public.

Dated: April 9, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–9444 Filed 4–17–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4739–N–11]

Notice of Proposed Information Collection: Comment Request; Single Family Premium Collection Subsystem-Periodic (SFPCS–P)

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:* June 17, 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: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, L'Enfant Plaza Building, Room 8003, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Doretha Dabney, Branch Chief, Single Family Insurance Operations Branch, U.S. Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, telephone (202) 708–1994, x3471 (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 review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments 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: Single Family Premium Collection Subsystem-Periodic (SFPCS–P).

OMB Control Number, if applicable: 2502–0536.

Description of the need for the information and proposed use: The Mortgage Insurance Premium (MIP) detail is needed to determine if FHA has collected the required MIP for insured cases and to comply with the Credit Reform Act.

Agency form numbers, if applicable: None.

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 number of hours needed to prepare the information collection is 21,600, the estimated number of respondents is 1,800, the frequency of response is monthly generating 21,600 responses, and the estimated time per response is approximately 1 hour.

Status of the proposed information collection: Extension of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: April 11, 2002.

Sean G. Cassidy,

General Deputy Assistant Secretary for Housing-Deputy Federal Housing Commissioner.

[FR Doc. 02–9514 Filed 4–17–02; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: The public is invited to comment on the following applications to conduct certain activities with endangered species and/or marine mammals.

DATES: Written data, comments or requests must be received by May 20, 2002.

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203; fax 703/358–2281.

FOR FURTHER INFORMATION CONTACT: Division of Management Authority, telephone 703/358–2104.

SUPPLEMENTARY INFORMATION:

Endangered Species

The public is invited to comment on the following application(s) for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address above).

PRT–054813

Applicant: Donald O. Allen, Powhatan, VA

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–054314

Applicant: Jose N. Caballero, Hialean, FL

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–054871

Applicant: Brandon Glen McGraw, Granbury, TX

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–053985

Applicant: Saint Louis Zoo, Saint Louis, MO

The applicant requests a permit to import biological samples from various lemur species (*Eulemur sp.*) collected in the wild in Madagascar for the purpose of scientific research. This notification covers activities conducted by the applicant over a five year period.

PRT–809347 & 809349

Applicant: Hawthorn Corporation, Grayslake, IL

The applicant requests the re-issuance of their permits to re-export and re-import Asian elephants (Elephas maximus) and progeny of the animals currently held by the applicant and any animals acquired in the United States by the applicant to/from worldwide locations to enhance the survival of the species through conservation education. This notification covers activities conducted by the applicant over a three year period.

Marine Mammals

The public is invited to comment on the following application(s) for a permit to conduct certain activities with marine mammals. The application(s) was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) and the regulations governing marine mammals (50 CFR 18). Written data, comments, or requests for copies of the complete applications or requests for a public hearing on these applications should be submitted to the Director (address above). Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

PRT–054026

Applicant: Hubbs-Sea World Research Institute, San Diego, CA

Permit Type: Take for scientific research.

Name and Number of Animals: West Indian manatee (*Trichechus manatus latirostris*); 33.

Summary of Activity to be Authorized: The applicant requests a permit to conduct scientific research with 13 captive-held animals and 20 wild animals involving measuring the animals' sonar acoustic reflectivity.

Source of Marine Mammals: Captive-held animals at Sea World of San Diego and Orlando; wild animals in the Indian River Lagoon, Brevard County, Florida.

Period of Activity: Up to 2 years after issuance of permit.

Concurrent with the publication of this notice in the **Federal Register**, the Division of Management Authority is forwarding copies of the above application to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

The U.S. Fish and Wildlife Service has information collection approval from OMB through March 31, 2004, OMB Control Number 1018–0093. Federal Agencies may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a current valid OMB control number.

Dated: March 28, 2002.

Anna Barry,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 02–9476 Filed 4–17–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: The public is invited to comment on the following applications to conduct certain activities with endangered species and/or marine mammals.

DATES: Written data, comments or requests must be received by May 20, 2002.

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203; fax 703/358–2281.

FOR FURTHER INFORMATION CONTACT: Division of Management Authority, telephone 703/358–2104.

SUPPLEMENTARY INFORMATION:

Endangered Species

The public is invited to comment on the following application(s) for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address above).

PRT–055055

Applicant: Clifford G. Graycheck, Jr., Lake, MI

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–054887

Applicant: William G. Hawes, Smith Center, KS

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–054962

Applicant: Alme J. Hutchins, Sierra Madre, CA

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus*

dorcas) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–054860

Applicant: Dr. Nicola Mitchell, c/o Dr. Mary Packard, Colorado State University, Ft. Collins, CO

The applicant requests a permit to import specimens of Brother's Island tuatara (*Sphenodon guntheri*), derived from wild collected eggs in New Zealand, for the purpose of scientific research. This notification covers activities conducted by the applicant over a five year period.

PRT–800411

Applicant: USFWS—National Black-Footed Ferret Conservation Center, Laramie, WY

The applicant requests a renewal of their permit to import/export live captive-born specimens, biological samples, and salvaged material of black-footed ferrets (*Mustela nigripes*) for the purpose of scientific research and enhancement of propagation and survival of the species as prescribed in Service recovery documents. This notification covers activities conducted by the applicant over a five year period.

Marine Mammals

The public is invited to comment on the following application(s) for a permit to conduct certain activities with marine mammals. The application(s) was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) and the regulations governing marine mammals (50 CFR 18). Written data, comments, or requests for copies of the complete applications or requests for a public hearing on these applications should be submitted to the Director (address above). Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

PRT–054830

Applicant: Byron Goode Sadler, Lake Jackson, TX

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Northern Beaufort Sea polar bear population in Canada, for personal use.

PRT–055029

Applicant: Harry M. League, Arlington Heights, IL

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Northern Beaufort Sea polar bear population in Canada, for personal use.

PRT–055028

Applicant: Francis J. Kelsch, Bechtelsville, PA

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Northern Beaufort Sea polar bear population in Canada, for personal use.

PRT–055070

Applicant: Charles C. Marvin, West Fargo, ND.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Lancaster Sound polar bear population in Canada, for personal use.

The U.S. Fish and Wildlife Service has information collection approval from OMB through March 31, 2004, OMB Control Number 1018–0093. Federal Agencies may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a current valid OMB control number.

Dated: April 5, 2002.

Michael S. Moore,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 02–9477 Filed 4–17–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for Issuance of Incidental Take Permits to Gulf Highlands LLC and Fort Morgan Paradise Joint Venture on Privately Owned Lands in Alabama; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; correction.

The U.S. Fish and Wildlife Service (Service) published a document in the **Federal Register** of April 9, 2002, announcing our intent to issue incidental take permits to Gulf Highlands LLC and Fort Morgan Paradise Joint Venture for residential development in Alabama, pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The document incorrectly stated that incidental take authority would be granted for three species of sea turtle.

FOR FURTHER INFORMATION CONTACT: Mr. David Dell, Regional HCP Coordinator, (*see* **ADDRESSES** above), telephone: 404/679–7313, facsimile: 404/679–7081, e-mail: *david—dell@fws.gov;* or Ms. Celeste South, Fish and Wildlife Biologist, Daphne Field Office, Alabama (see **ADDRESSES** above), telephone: 251/441–5181.

Correction: In the **Federal Register** of April 9, 2002, in FR Doc. 02–8491, on page 17089, correct the third sentence to read: The proposed action includes implementation of the Habitat Conservation Plan (HCP) jointly developed by the Applicants, as required by section 10(a)(2)(B) of the Act, to minimize and mitigate for incidental take of the Federally-listed, endangered Alabama beach mouse (*Peromyscus polionotus ammobates*) (ABM), and to avoid incidental take of the Federally-listed endangered Kemp's ridley sea turtle (*Lepidochelys kempii*), the threatened green sea turtle (*Chelonia mydas*), and the threatened loggerhead sea turtle (*Caretta caretta*).

Correct the fourth sentence to read: The subject permits would authorize take of ABM along 2,844 linear feet of coastal dune habitat fronting the Gulf of Mexico in Baldwin County, Alabama.

Dated: April 9, 2002.

Cynthia K. Dohner,

Acting Regional Director.

[FR Doc. 02–9467 Filed 4–17–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Twelfth Regular Meeting; Proposed Resolutions, Decisions, and Agenda Items Being Considered; Taxa Being Considered for Amendments to the CITES Appendices; Public Meeting Reminder

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The United States, as a Party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), may submit proposed resolutions, decisions, and agenda items for consideration at meetings of the Conference of the Parties to CITES. The United States may also propose amendments to the CITES Appendices for consideration at meetings of the Conference of the Parties. The twelfth regular meeting of

the Conference of the Parties to CITES (COP12) will be held in Santiago, Chile, November 3–15, 2002. With this notice we: describe the U.S. approach for COP12;describe resolutions, decisions, and agenda items that the United States is considering submitting for consideration at COP12; describe proposed amendments to the CITES Appendices (species proposals) that the United States is considering submitting for consideration at COP12; invite your comments and information on these potential proposals; and remind you of a public meeting to discuss these potential submissions, which was announced in our **Federal Register** notice of March 27, 2002 (67 FR 14728).

DATES: The public meeting will be held on April 17, 2002, at 1:30 p.m. We will consider written information and comments you submit concerning potential species proposals, proposed resolutions, proposed decisions, and agenda items that the United States is considering submitting for consideration at COP12, and other items relating to COP12, if we receive them by May 17, 2002.

ADDRESSES:

Public Meeting

The public meeting will be held in Sidney Yates Auditorium, in the Department of the Interior at 18th and C Streets, NW., Washington, DC Directions to the building can be obtained by contacting the Division of Management Authority (see ''**FOR FURTHER INFORMATION CONTACT**,'' below). Please note that Sidney Yates Auditorium is accessible to the handicapped and all persons planning to attend the meeting will be required to present photo identification when entering the building. Persons who plan to attend the meeting and who require interpretation for the hearing impaired should notify the Division of Management Authority as soon as possible.

Comment Submission

Comments pertaining to proposed resolutions, proposed decisions, and/or agenda items should be sent to the Division of Management Authority; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive; Room 700; Arlington, VA 22203, or via E-mail at: *cites@fws.gov,* or via fax at: 703/358–2298. Comments pertaining to species proposals should be sent to the Division of Scientific Authority; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive; Room 750; Arlington, VA 22203, or via E-mail at: *scientificauthority@fws.gov,* or via fax at: 703/358–2276. Comments and materials received will be available for public inspection, by appointment, from 8 a.m. to 4 p.m., Monday through Friday, at either the Division of Management Authority or the Division of Scientific Authority.

FOR FURTHER INFORMATION CONTACT: Andrea Gaski, Division of Management Authority, Branch of CITES Operations, phone: 703/358–2095, fax: 703/358–2298, E-mail: *cites@fws.gov*; or Robert R. Gabel, Division of Scientific Authority, phone: 703/358–1708, fax: 703/358–2276, E-mail: *scientificauthority@fws.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, hereinafter referred to as CITES or the Convention, is an international treaty designed to control and regulate international trade in certain animal and plant species that are now or potentially may be threatened with extinction if their trade is not controlled. These species are listed in Appendices to CITES, copies of which are available from the Division of Management Authority or the Division of Scientific Authority at the above addresses, from our World Wide Website at http://international.fws.gov/cites/cites.html, or from the official CITES Secretariat Website at http://www.cites.org/eng/append/index.shtml. Currently, 157 countries, including the United States, are Parties to CITES. CITES calls for biennial meetings of the Conference of the Parties, which review its implementation, make provisions enabling the CITES Secretariat in Switzerland to carry out its functions, consider amendments to the list of species in Appendices I and II, consider reports presented by the Secretariat, and make recommendations for the improved effectiveness of CITES. Any country that is a Party to CITES may propose amendments to Appendices I and II, resolutions, decisions, and agenda items for consideration by the other Parties.

This is our fourth in a series of **Federal Register** notices that, together with announced public meetings, provide you with an opportunity to participate in the development of the United States' negotiating positions for the twelfth regular meeting of the Conference of the Parties to CITES (COP12). We published our first such **Federal Register** notice on June 12, 2001 (66 FR 31686), and with it we requested information and recommendations on potential species amendments for the United States to consider proposing at COP12. Information on that **Federal Register** notice, and on species amendment proposals, is available from the Division of Scientific Authority at the above address. We published our second such **Federal Register** notice on July 25, 2001 (66 FR 38739), and with it we requested information and recommendations on potential resolutions, decisions, and agenda items for the United States to submit for consideration at COP12. You may obtain information on that **Federal Register** notice, and on proposed resolutions, proposed decisions, and agenda items, from the Division of Management Authority at the above address. We published our third such **Federal Register** notice on March 27, 2002 (67 FR 14728), and with it we announced a public meeting to discuss potential species proposals, proposed resolutions, proposed decisions, and agenda items that the United States is considering submitting for consideration at COP12. With that notice, we also provided information on how non-governmental organizations based in the United States can attend COP12 as observers. You may locate our regulations governing this public process in 50 CFR 23.31–23.39.

COP12 is scheduled to be held in Santiago, Chile, November 3–15, 2002.

I. U.S. Approach for COP12

What are the Priorities for U.S. Submissions to COP12?

Priorities for U.S. submissions to COP12 continue to be consistent with the overall objective of U.S. participation in the Convention: to maximize the effectiveness of the Convention in the conservation and sustainable use of species subject to international trade. During the public review process, we have identified over 80 proposals for amendments of the Appendices (species listing proposals), resolutions, decisions, and agenda items for possible submission for consideration at COP12. The majority of comments received through the public review process involved statements of support or disagreement for the various proposed actions with little biological or trade information or supporting justification.

We have undertaken initial assessments of the available trade and biological information on all of the species listing proposals as well as pertinent available data and information on the proposed resolutions, decisions, and agenda items. These assessments were made by considering the quality of information available; the presence, absence, and effectiveness of other

mechanisms that may preclude the need for a CITES action to help conserve species in trade, and the relative importance of the need for and expected benefit of the proposed action. In addition to the information available on the various proposals, we also considered the following factors in arriving at the current provisional determinations:

(1) *Does the proposed action address a serious wildlife trade issue that the United States is experiencing as a range country for species in trade?* Since our primary responsibility is the conservation of our domestic wildlife resources, we will give native species our highest priority. We will place particular emphasis on terrestrial and freshwater species with the majority of their range in the United States and its territories that are or may be in significant trade; marine species that occur in U.S. waters or for which the United States is a major importer; and threatened and endangered species for which we and other Federal and State agencies already have statutory responsibility for protection and recovery. We also consider CITES listings as a proactive measure to monitor and manage trade in native species to preclude the need for the application of stricter measures, such as listing under the Endangered Species Act and/or inclusion in CITES Appendix I.

(2) *Does the proposed action address a serious wildlife trade issue for species not native to the United States?* As a major importer of wildlife and wildlife products, the United States has taken responsibility, by working in close consultation with range countries, for addressing cases of potential over-exploitation of exotic species in the wild. In some cases, the United States may not be a range country or a significant trading country for a species, but we will work closely with other countries to conserve species being threatened by unsustainable global trade. We will consider CITES listings for species not native to the United States, but for which we are a major importer, if that listing will assist in addressing cases of potential overexploitation of exotic species in the wild, and in preventing illegal, unregulated trade. These species will be prioritized based on the extent of trade and status of the species, and also the role the species play in the ecosystem, with emphasis on those species for which a CITES listing would offer the greatest conservation benefits to the species, associated species, and their habitat.

(3) *Does the proposed action address difficulties in implementing or interpreting the Convention by the United States as an importing or exporting country, and would the proposed action contribute to the effective implementation of the Convention by all Parties?* Differences in interpretation of the Convention by 157 Party nations can result in inconsistencies in the way it is implemented. In addition, wildlife trade is dynamic and ever-changing, thus presenting problems when established procedures are not readily applicable to new situations. The United States experiences some of these problems and inconsistencies directly through its own imports and exports, but we also learn of these difficulties through our participation in various fora, such as the CITES Standing Committee and the technical committees, and through discussions with other countries, non-governmental organizations, and the Secretariat. When the United States cannot resolve these difficulties unilaterally or through one-on-one discussions with trading partners, it may propose resolutions or decisions, usually in collaboration with other Parties, or have these topics placed on the agenda of the Conference of the Parties for discussion by all of the Parties.

(4) *Does the proposed action improve implementation of the Convention by increasing the quality of information and expertise used to support decisions by the Parties?* With increased complexity, sophistication, and specialization in the biological sciences and other disciplines, it is critical that the CITES Parties have the best available information upon which to base decisions that affect the conservation of wildlife resources as well as local peoples and economies. Where appropriate, the United States will recommend actions to ensure the availability of up-to-date and accurate information to the Parties, including through the establishment of relationships with relevant international bodies, including other conventions, interjurisdictional resource management agencies, and international non-governmental organizations with relevant expertise.

This notice provides a summary of our initial assessments and a preliminary likelihood of our submitting species proposals, resolutions, decisions, or agenda items for consideration at COP12. Final decisions on proposals for submission for COP12 will be made following a review and analysis of any additional information provided through the public review process leading up to the June 6, 2002, deadline for submission of proposals to the CITES Secretariat.

II. Recommendations for Resolutions, Decisions, and Agenda Items for the United States to Consider Submitting at COP12

In our **Federal Register** notice published on July 25, 2001 (66 FR 38739), we requested information and recommendations on potential resolutions, decisions, and agenda items for the United States to submit for consideration at COP12. We received recommendations for resolutions, decisions, and agenda items from the following organizations or individuals: Earthtrust; International Primate Protection League; International Wildlife Coalition; International Wood Products Association; Minnesota Natural Heritage and Nongame Research Program; Safari Club International; and Whale and Dolphin Conservation Society.

We considered all of the recommendations of the above organizations and individuals, as well as the U.S. approach for COP12 discussed above, when compiling a list of possible resolutions, decisions, and agenda items that the United States is likely to submit for consideration by the Parties at COP12; and when compiling lists of resolutions, decisions, and agenda items for consideration at COP12 that the United States either is currently undecided about submitting, is not considering submitting at this time, or plans to address in other ways. There are some issues for which the United States may consider submitting documents, depending on the outcome of discussions in the CITES Animals, Plants, and Standing Committees, or additional consultations with range country governments and knowledgeable experts.

We welcome your comments and information submissions regarding the resolutions, decisions, and agenda items that the United States is likely to submit, currently undecided about submitting, or currently not planning to submit.

A. What Resolutions, Decisions, and Agenda Items is the United States Likely To Submit for Consideration at COP12?

1. Process for Establishment, Implementation, and Monitoring of Appendix-II Export Quotas

The United States is considering submitting a document related to the establishment and implementation of CITES Appendix-II export quotas, as well as to current problems related to

monitoring and regulating appropriate use of such quotas. The United States is a major importer of live wildlife and wildlife products covered by export quotas.

The use of Appendix-II export quotas has increased significantly over the past several years, and, in 2001, 74 Parties and one non-Party reported such quotas to the CITES Secretariat (Notification to the Parties No. 2001/041; ''Revised export quotas for 2001''). In Notification to the Parties No. 2001/044 (''Management of export quotas and combating fraudulent use of permits and certificates''), the Secretariat noted that the Standing Committee, at its forty-fifth meeting, accepted a report from the Secretariat which was concerned, in part, with the management of export quotas and current practices in this area that are subject to abuse. While this Notification included a number of excellent recommendations to the Parties as to how they could improve the management of their export quota programs, we believe that the quota process would benefit from a more encompassing review and standardization.

Under CITES, there is no formal generic document that provides guidance to the Parties on the establishment, implementation, monitoring, and regulation of a program for Appendix-II export quotas. While a number of Resolutions are concerned with export quotas for Appendix-I species (such as Resolution Conf. 10.15 (Rev.); ''Establishment of quotas for markhor hunting trophies''), there is no equivalent Resolution for export quotas for Appendix-II species, which comprise the vast majority of trade under CITES export quotas.

The United States is undecided at this point in time as to whether it would be more appropriate to submit, for consideration at COP12, a draft resolution or a discussion document on this issue. We plan to discuss this in greater detail with the Secretariat prior to making a final decision.

2. Exchange of Scientific Specimens

At the eleventh meeting of the Plants Committee in September 2001, Switzerland submitted a proposal to exempt herbarium specimens of Appendix-II plant species from CITES controls. The Swiss proposal would have annotated plant listings so that such specimens would be treated as parts or derivatives that would have been excluded from the listings. This proposal was opposed by the United States and others on the basis that the exemption was based on the purpose of the trade in such specimens, not necessarily the characteristics of the specimens themselves, as well as the fact that the Convention already contains specific provisions for exempting such specimens in Article VII, paragraph 6. This exemption is implemented through a registration process described in Resolution Conf. 11.15. We received a comment from the Minnesota Natural Heritage and Nongame Research Program suggesting difficulties in the cross-border movement of vegetative material of CITES-listed species for genetic analyses. In addition, we have heard comments from scientists both within the United States and elsewhere regarding the lack of implementation of the exemption for scientific specimens in many countries, and we have encountered examples of misapplication of the exemption in the issuance of permits by some countries. Comments from scientists have focused mainly on the difficulties encountered in attempting to exchange specimens among institutions for study for taxonomic review, often as part of biodiversity surveys to document the biota of a country or region. This work provides an essential foundation for conservation efforts at both the species and ecosystem levels.

We note that the CITES Parties, in Conf. 11.15, recommended that ''Parties take every opportunity within the scope of the Convention to encourage scientific research on wild fauna and flora, where this may be of use in conserving species that are threatened with extinction or that may become so.'' We are concerned that the lack of implementation of the provisions of the Convention to facilitate scientific exchange may be hampering much-needed work in the area of biodiversity assessments and conservation. Therefore, the United States plans to develop a discussion document for presentation at COP12 to ask the Parties to consider ways to encourage broader implementation of the scientific exchange procedures of Conf. 11.15, and to make these procedures known to the scientific community.

B. On What Resolutions, Decisions, and Agenda Items Is the United States Still Undecided, Pending Additional Information and Consultations?

1. Establishment of Streamlined Procedures for Transporting Crocodilian and Other Reptile Product Samples Across International Borders

The United States submitted a draft decision (Doc. 11.52) to the eleventh meeting of the Conference of the Parties to CITES (COP11) in Kenya in April 2000, which proposed that the trade restrictions on crocodilian skin swatches be reviewed to determine if streamlined permit procedures could be adopted for samples being taken to international trade shows, provided they were not sold at such exhibitions. The United States submitted this draft decision in an attempt to lessen the regulatory burden and facilitate legitimate trade movements of processed crocodilian skin samples, which, in our opinion, pose minimal conservation risks.

A decision was adopted at COP11 (Decision 11.164; *Regarding Movement of Sample Reptile Skins and Other Related Products*) requiring the Secretariat to study this issue with the Animals Committee, World Conservation Union (IUCN) Crocodile Specialist Group, and the World Customs Organization. Decision 11.164 also expanded the scope of this issue by including skin samples from all reptile species, not just crocodilians. The Secretariat is required to submit a resolution to COP12 on this issue, based on these discussions.

The United States proposes a draft negotiating position that supports expansion of this streamlined process to skin samples of all CITES-listed reptile species currently in trade. Sample pieces of reptile skins are used to provide a buyer or potential buyer a way to determine the quality of tanning and the color of skins. Although the samples themselves are not for sale, they are used to generate sales. The international movement of these samples generates considerable paperwork for both the importing and exporting countries and may result in delays for the importer and/or exporter. We believe a streamlined permit system could facilitate legitimate trade in reptile skin samples, while maintaining strict permitting requirements for commercial trade in products.

The United States is considering submitting a draft resolution on this issue, but is currently undecided pending the receipt of information from the Secretariat on the content of the resolution that they will submit to COP12. The United States may develop a negotiating position in support of the Secretariat's resolution, or it may elect to submit an alternative draft resolution on this issue. The United States will make a decision on this issue after reviewing the draft resolution prepared by the Secretariat.

2. Biological Listing Criteria

At the ninth regular meeting of the Conference of the Parties to CITES (COP9), the Parties adopted new criteria

for listing and de-listing species in the Appendices. These criteria, contained in Resolution Conf. 9.24, were more quantitative than previous guidelines and provided a format for proposals to add or delete taxa from Appendices I and II. Conf. 9.24 also requires an evaluation of the effectiveness and applicability of the new criteria before COP12. Toward that end, a Criteria Working Group was established at COP11 to review the criteria, gather input from the Animals and Plants Committees and from the Parties, and make recommendations for improving the criteria. The United States has played an active role in the Criteria Working Group, and submitted detailed comments on each of its reports. The Chairs of the Animals and Plants Committees reviewed the final recommendations of the Working Group and comments by the Parties, and reported to the Standing Committee in March 2002. We are currently reviewing these final recommendations, which, we believe, should promote precautionary, objective, and scientific evaluation of species in international trade. After reviewing the recommendations of the Standing Committee, the United States may consider submitting a proposal at COP12 to improve or expand upon the recommendations, if we feel it is prudent to increase emphasis on the precautionary approach or certain scientific principles, or make the criteria more risk averse.

3. Concerning Whaling and Whale Stocks

The United States continues to participate in efforts in the International Whaling Commission (IWC) to develop a Revised Management Scheme that includes an effective inspection and observation scheme in the event that the moratorium on commercial whaling is lifted. This is important to the deliberations under CITES because, in 1978, the IWC requested the assistance of CITES in enforcing its moratorium on commercial whaling. This request was answered by the CITES Parties in Resolution Conf. 2.9 (later incorporated into Resolution Conf. 11.4; *Conservation of cetaceans, trade in cetacean specimens and the relationship with the International Whaling Commission*), which recommended that ''the Parties agree not to issue any import or export permit or certificate'' for international commercial trade in whale species. These complementary actions established a strong relationship between the two organizations, whereby CITES has agreed to reflect IWC decisions in its Appendices.

The fifty-fourth meeting of the IWC will be convened in Shimonoseki, Japan, May 20–23, 2002. The United States will be particularly interested in population assessments for whale species that are currently subject to commercial and scientific whaling, or that may be targeted for future whaling. Based on the results of the IWC meeting, the United States may submit a draft resolution or discussion document for consideration at COP12, concerning whaling and whale stocks under the competence of the IWC.

4. Introduction From the Sea

Article IV of the Convention has provisions for trade in CITES-listed species taken in the marine environment outside the jurisdiction of any country (the high seas), known as ''introduction from the sea.'' At COP11 in April 2000, the Government of Australia submitted a draft resolution (Doc. 11.18) on interpretation and implementation of CITES regarding introduction from the sea. The Parties were unable to reach agreement on a resolution and continue to disagree on how to apply the Convention when specimens enter trade from the high seas. This has hindered a thorough discussion of listing proposals for certain marine species. The United States believes there is still a need for the Parties to agree to a standard interpretation of terms and an internationally accepted system to implement introduction from the sea. In February 2002, the Sub-Committee on Fish Trade (within the Committee on Fisheries [COFI] of the Food and Agriculture Organization of the United Nations [FAO]) met in Bremen, Germany, to develop a work plan to explore CITES issues related to international fish trade. The United States participated in the meeting. The United States is currently undecided on whether to develop a discussion document on this issue for COP12. We believe introduction from the sea warrants further discussion and welcome draft language or comments.

5. Relationship Between CITES and FAO

At its twenty-fourth meeting (February-March 2001), the COFI of FAO took two decisions concerning CITES. It dictated that: (a) A Technical Consultation be convened to review the CITES listing criteria as they relate to commercially exploited marine species; and (b) the Sub-Committee on Fish Trade at its February 2002 meeting in Bremen, Germany, develop a plan for review of CITES issues. The Technical Consultation, which was convened in October 2001 in Windhoek, Namibia, resulted not only in the generation of important contributions to the CITES Criteria Review, but in a strong collaboration between the two bodies. As marine issues gain more attention in CITES, cooperation between the two fora will become more important and should be encouraged. The United States is considering but is currently undecided on whether to submit a discussion document to promote this cooperation.

6. Protocol Concerning Specially Protected Areas and Wildlife (SPAW) in the Wider Caribbean Region

The United States received a recommendation from the International Wildlife Coalition that it propose a resolution at COP12 calling for closer cooperation between the Secretariats of CITES and the SPAW Protocol. The United States notes the initiative of the CITES Secretariat (approved at COP11) to closely collaborate with Secretariats of Regional Seas Conventions and other regional United Nations Environment Programme (UNEP) offices, as well as the Secretariats of other biodiversity-related Multilateral Environmental Agreements (MEAs) in matters of implementation, enforcement, and capacity building at the regional level. At the First Meeting of the Contracting Parties to SPAW, a decision was taken to promote and facilitate the conclusion of Memoranda of Understanding between the two Secretariats and to conclude an agreement for a two-year pilot on the joint funding of a Programme Officer in the Regional Co-ordinating Unit of the Caribbean Environment Programme. The United States is undecided whether it may be appropriate to submit a draft resolution at COP12 to reinforce this effort.

7. Collaboration Between CITES and the World Customs Organization

One of the objectives of the CITES ''Strategic Vision through 2005,'' adopted by the Parties at COP11, is for CITES to increase cooperation and coordination with related conventions, agreements, and associations. The United States agrees with this objective and is very supportive of synergy and cooperation with international organizations, including the World Customs Organization (WCO). The United States is considering whether to submit a discussion document to COP12 to promote collaboration between CITES Parties and the WCO. The United States remains undecided as to whether to submit a discussion document to COP12 on this issue. We are seeking your

comments and information submissions regarding this matter.

8. Implementation Issues Related to Appendix-III Timber Species

We received a comment from the International Wood Products Association (IWPA) requesting that the United States submit to COP12 the recommendations that it presented in document Doc. PC.11.24.5 at the eleventh meeting of the Plants Committee, which were intended to help the Parties implement new Appendix-III timber listings. The IWPA pointed out that implementation of the recent listing of ramin (Gonystylus spp.) in Appendix III by Indonesia proved to be difficult for IWPA members due to conflicting and incomplete information, and that members experienced costly delays as shipments were held up at ports of import due to confusion over the effective date of the listing as well as to what types of ramin wood products were regulated.

Since COP11, two new timber species, Spanish cedar (Cedrela odorata) and ramin have been listed in CITES Appendix III. The United States, a major importing country of both species, was not consulted by the listing countries prior to the listings, as recommended in Resolution Conf. 9.25 (Rev.). We believe that lack of such consultation of other range countries and major importing countries prior to an Appendix-III listing, particularly a listing of a timber species, may hinder the abilities of those countries to implement the listing in a timely and effective manner, and does not provide those countries with an opportunity to comment on the potential effects of a given Appendix-III listing. Also, U.S. port inspection officials have encountered difficulties in identifying and inspecting shipments of timber products for Appendix-III timber species, such as ramin, whose listings are not annotated to include only logs, sawn wood, and veneer sheets.

The United States is considering, but remains undecided, about submitting a discussion document to COP12 to raise the issue of problems experienced by the Parties in implementing the recent Appendix-III timber listings and provide some recommendations to help the Parties implement such timber listings in the future. It was agreed at the forty-fifth meeting of the Standing Committee in June 2001 that the CITES Secretariat would, with the guidance of a working group of which the United States is a member, develop for consideration at the forty-sixth meeting of the Standing Committee in March 2002, a proposal addressing practical CITES implementation issues. This proposal, as revised by the Standing Committee, would then be submitted for consideration at COP12.

Based on input from the working group, the Secretariat submitted for consideration at the forty-sixth meeting of the Standing Committee a document that included a draft amendment to CITES Resolution Conf. 11.1 (*Establishment of Committees*) to establish an Implementation Subcommittee under the Standing Committee to deal with implementation issues, such as those that the United States presented to the Plants Committee in Doc. PC.11.24.5. However, in its document, the Secretariat recommended against establishing an Implementation Subcommittee. In addition, some Parties had concerns about such a permanent subcommittee. Subsequently, at its forty-sixth meeting, the Standing Committee reconvened its working group and tasked it with reviewing, during the course of the meeting, the Secretariat's document. The working group discussed various means of addressing the need for a body within CITES to address implementation issues, while taking into consideration the concerns of the Secretariat and some of the Parties. One of the options discussed by the working group was to change the structures or Terms of References of the technical committees (Animals and Plants Committees) within CITES to better address implementation issues. The issue was not resolved at the forty-sixth meeting of the Standing Committee, and was referred to the forty-seventh meeting, immediately preceding COP12, for further discussion.

The United States submitted a discussion document at the forty-sixth meeting of the Standing Committee on the issue of implementation problems related to the inclusion in the CITES listings of secondary products, including those from Appendix-III timber species. The United States intends to analyze the Standing Committee's discussions of this issue and the Implementation Committee issue before deciding how to proceed at COP12. Based on these analyses, the United States will decide if it should submit a discussion document on the Appendix-III timber listing implementation issue and/or a draft amendment to CITES Resolution Conf. 11.1. We welcome your comments and information submissions regarding this matter.

C. What Resolutions, Decisions, and Agenda Items Is the United States Not Planning To Submit for Consideration at COP12, Unless it Receives Significant Additional Information?

1. Use of a Standardized, Externally Verified DNA Testing Protocol for Species Determination

We received comments from Earthtrust recommending that the United States propose a resolution for COP12 that sets forth a standardized, externally verified DNA market testing protocol to be employed whenever DNA testing of any species is used to monitor and enforce the Convention. The United States has actively participated in efforts aimed at developing protocols for and coordination of activities concerning DNA testing in both the International Whaling Commission (IWC) and CITES, and will continue to do so. Although Earthtrust's focus is on whales, the proposed resolution language would affect all current DNA testing for CITES enforcement in the United States and would overrule our ability to conduct testing by requiring that all testing be done by an independent laboratory. Therefore, although the United States strongly believes that DNA testing should be an open, transparent process, we do not intend to propose a resolution mandating a standardized DNA testing protocol for all CITES species determinations. However, the United States will continue to work within the IWC on appropriate whale DNA testing protocols that allow transparency and external scrutiny.

2. Guidelines for Handling and Disposition of Confiscated Non-Human Primates

The International Primate Protection League (IPPL) and the International Wildlife Coalition proposed that the United States submit a resolution outlining confiscation and disposition procedures for live primates. The International Wildlife Coalition also proposed that this resolution provide specific guidance to Parties on confiscation procedures when there is a risk, or perceived risk, that an animal could transmit disease to humans. The IPPL and the International Wildlife Coalition are proposing this resolution in response to information they received from media reports describing the drowning of two confiscated primates in Egypt. The United States agrees that the recommendations of the IPPL and the International Wildlife Coalition raise important issues that should be discussed further by the CITES Parties, but does not propose to address them through a resolution at this time.

In Resolution Conf. 10.7, the CITES Parties adopted guidelines that address disposition of confiscated live specimens of species included in the Appendices. Parties are responsible, through these guidelines, to ensure that confiscated live animals are disposed of appropriately and humanely. Absent new facts that indicate a problem with the current guidance, we are not prepared to offer amendments. In the Egyptian case however, the CITES Secretariat has released a statement indicating that Egypt has confirmed the drowning of the two primates after confiscation from a known Egyptian-Nigerian wildlife smuggler, and that the Egyptian Minister of Agriculture is investigating the matter. The CITES Secretariat has also requested that Nigeria investigate this incident and coordinate with Egypt to avoid this type of illegal trade. The outcome of these contacts will be reported to the CITES Secretariat.

We have not received a response from the Egyptian Management Authority regarding our inquiry into this matter. We are pleased with the decision of the Egyptian authorities to investigate the incident and to provide further details to the CITES Secretariat. The United States will wait for this investigation to be concluded and the results reported before considering recommendations for additional guidance to the Parties regarding the handling and disposition of confiscated live primates.

3. Defining the Role and Mandate of the CITES Secretariat

The International Wildlife Coalition proposed that the United States submit an agenda item clearly defining the role, mandate, and scope of authority of the CITES Secretariat. The International Wildlife Coalition feels that, as the Convention has increased in size and complexity, the Secretariat has had to prioritize its activities, and has not always done so in a way that is acceptable to the Parties. The International Wildlife Coalition recommended that the United States seek broad consensus in developing the terms of such a definition, since it would be unlikely to be accepted as the product of a single Party.

The United States does not propose to submit such an agenda item. The role and mandate of the CITES Secretariat are clearly defined in the text of the Convention, current resolutions, and the Strategic Plan of the Convention. In particular, Articles XII, XV, and XVI outline general responsibilities of the Secretariat as well as specific duties with regard to the amendment of the CITES Appendices. Resolution Conf. 5.20 establishes additional guidelines to be followed by the Secretariat when making recommendations to the Parties for proposals to amend the Appendices. Beginning at COP9, the Conference of the Parties initiated a review of the Convention's effectiveness. Following the development of an Action Plan at COP10 in June 1997, the Parties concluded that a Strategic Plan would also need to be developed. The Strategic Plan that came out of these discussions is intended to carry the Convention through 2005. The accompanying Action Plan directs specific activities to the Parties, the three Permanent Committees, and the Secretariat. The United States supports the role and mandate of the Secretariat as laid out in these documents. Therefore, the United States does not propose to submit the issue for discussion at COP12.

4. Re-examining the Terms of Reference for the Animals and Plants Committees

We received a comment from the International Wildlife Coalition requesting that the United States submit an agenda item to COP12 to re-examine the Terms of Reference for the CITES Animals and Plants Committees. The International Wildlife Coalition expressed its belief that, due to the fact that the scope and range of participation in meetings of the Animals and Plants Committees have grown in recent years, and that much of the work is now carried on in working groups composed of both Parties and observers, the current Terms of Reference for the makeup and operation of these committees are inadequate. Of particular concern to the International Wildlife Coalition is that it believes that the current structure of the committees can allow for consensus recommendations by working groups to be ignored or disregarded.

The current Terms of Reference for the Animals and Plants Committees were adopted by the Parties at COP11 in Resolution Conf. 11.1. Although they do not address working groups within the Animals and Plants Committees, the United States believes the Terms of Reference provide the appropriate guidance on the scope of the committees and the manner in which they now conduct their work. Working groups within the Animals and Plants Committees are informal groups that allow for detailed discussions and review of particular issues in a way that allows the committees to efficiently address the issues. These working groups report back to the committees with recommendations that can be further discussed and adopted or modified. Therefore, the United States does not propose to submit this issue for discussion at COP12, unless it receives additional information warranting such a submission.

5. Promoting Enhancement of the Understanding of CITES

The International Wood Products Association (IWPA) recommended that the Parties address the need to enhance the understanding of CITES, particularly with regard to the Appendices. The IWPA is concerned that resource agencies, industry, and the U.S. public do not understand the meaning of listings in the CITES Appendices, and encourages the production and distribution of additional outreach materials targeted at these audiences.

Although the United States does not propose to submit this issue as an agenda item to COP12, we will continue to encourage the Secretariat to produce targeted outreach materials. Additionally, we will continue outreach efforts in this country to promote understanding and appropriate application of CITES. The Secretariat recently distributed a CITES brochure with Notification to the Parties No. 2001/076. The brochure is designed as a general awareness-raising tool and is available in the three languages of the Convention (English, French, and Spanish). In this Notification, the Secretariat encourages the submission of ideas for other outreach materials targeted at specific audiences, such as tourists and industry. In addition, one of the goals of the CITES Strategic Vision through 2005 is to promote greater understanding of the Convention. The United States believes that the objectives outlined in the Strategic Vision, as well as outreach efforts currently underway, address the immediate outreach needs for the Convention.

6. Importance of Parties Committing Sufficient Resources to the Enforcement of CITES Listings

We received a comment from the International Wood Products Association (IWPA) requesting that the United States put before the Parties at COP12 the issue of the importance of Parties committing sufficient administrative, financial, and technical resources to the enforcement of CITES listings. The IWPA commented that CITES implementing regulations are not published in a timely or easily accessible manner in some Party countries, and that there is often inconsistency in their enforcement even if these regulations are available. The IWPA further commented that it believes that a primary cause of such

problems is insufficient funding in some Party countries for their CITES Management Authorities.

The United States agrees that some CITES Parties are currently unable to commit sufficient resources to the enforcement of CITES listings. However, this issue has already been addressed in the CITES Strategic Vision through 2005, adopted by the Parties at COP11. Goal number 1 of the Strategic Vision is to enhance the ability of each Party to implement CITES. This Goal includes several objectives, including, among other actions: assisting Parties in the development of appropriate domestic legislation and policies to promote the effective enforcement of CITES; strengthening the administrative, management, and scientific capacity of Parties by improving the coordination between Management and Scientific Authorities and other national agencies responsible for wild animals and plants; strengthening the enforcement capacity of the Parties and improving coordination among Management Authorities and other agencies, such as police, Customs, and veterinary/phytosanitary services; and encouraging the proper funding of CITES implementation and enforcement by Parties, and the adoption of national mechanisms that have resource users make a greater contribution to such funding. Since the Strategic Vision already addresses the issue of Parties committing sufficient resources to the enforcement of CITES listings and recommends actions to help resolve this issue, the United States does not propose to submit it for discussion at COP12.

7. Validity of permits

Safari Club International (SCI) proposed that the United States submit a resolution to address the practice of not issuing retrospective permits or re-issuing permits to correct errors that were the fault of the issuing Management Authority. SCI expressed the opinion that this is an unfair practice that penalizes the importer for permit errors that are beyond their control. SCI submitted a draft resolution that recommends that Parties consider a permit valid if it contains all of the information and items required in Articles IV and VI of the Convention. The draft resolution provided by SCI goes on to state that the Management Authority of the importing country should clear any shipments accompanied by an apparently valid permit, even if there are some irregularities in the permit. Once the shipment is cleared, the Management Authority of the importing country would consult with the exporting country to rectify the irregularities. In cases where the permit does not contain all of the required information, but it appears from information provided by the importer or exporter, or otherwise available to the importing authorities, that the error in the permit was made by the issuing authority, the shipment would be released for entry, subject to recall, and the importing authority should open consultations with the issuing authority. In addition, the resolution would allow the import of a shipment without being cleared when appropriate authorities are not present at the time of import, provided that the shipment was not for primarily commercial purposes, the permit was surrendered to the importing authorities within 90 days of import, and the surrendered permit is accompanied by a sworn statement that no appropriate Customs or other official was present at the time of import to receive the permit.

The Parties have established procedures through Resolutions Conf. 9.9, 10.2 (Rev.), 10.6, 10.10 (Rev.), 10.14, 10.15 (Rev.), 11.3, and 11.18, which establish requirements on the retrospective issuance of permits to correct errors in previously issued permits, for information that must be provided on a permit, and how a permit should be handled. The United States does not see a need to establish another resolution to address these issues. In addition, it would not be appropriate to propose a resolution that undermines current procedures. The validity of a permit must be established at the time of import, and the import must be cleared by the appropriate authorities, as established by the Convention, CITES resolutions, and domestic regulations. The purpose of issuing export permits is to ensure that a shipment contains the items that have been authorized for export. The need for the appropriate officials to review the permit and clear the shipment is the basis for trade controls established by CITES. Therefore, the United States does not plan to submit such a resolution at COP12.

8. Making non-detriment findings available upon request

The Whale and Dolphin Conservation Society recommended that the United States submit a resolution with provisions that require Scientific Authorities to make copies of non-detriment findings available on request and enable the Plants Committee and Animals Committee to assess the adequacy of non-detriment findings. Although we believe both ideas have merit, because they would increase the transparency of CITES implementation by the Parties, the United States is not likely to submit such a resolution for consideration at COP12. We believe that the Significant Trade Review process (Resolution Conf. 8.9 (Rev.)) provides an important basis for assessing the adequacy of biological and other information used to make export findings. Furthermore, the CITES Secretariat has embarked on a program, pursuant to Doc. 11.40 (*Assistance to Scientific Authorities for Making Non-detriment Findings*) adopted at COP11, to provide technical assistance to selected Scientific Authorities to improve their ability to make non-detriment findings through a series of regional training workshops. These workshops are scheduled to run through the first part of 2003. The United States believes it would be premature to pursue a resolution on non-detriment findings prior to completion of this training program.

III. Recommendations for Species Proposals for the United States to Consider Submitting at COP12

We published a notice in the **Federal Register** on June 12, 2001 (66 FR 31686), in which we requested information and recommendations on potential species amendments for the United States to consider proposing at COP12. In addition to possible species proposals that we have been developing on our own, we received recommendations from the public for possible proposals involving 64 taxa (three families, 14 genera, and 47 individual species). We note, however, that the vast majority of comments involved statements of support or disagreement for given species proposals, with no biological or trade information supporting such statements. We have undertaken initial assessments of the available trade and biological information on all of these taxa. Based on these assessments, we have made provisional determinations of whether or not to proceed with the development of proposals to list or delist species, or transfer them from one Appendix to another. These determinations were made by considering the quality of biological and trade information available on the species; the presence, absence, and effectiveness of other mechanisms that may preclude the need for a CITES listing (e.g., range country actions or other international agreements); and availability of resources. Furthermore, our assignment of a taxon to one of these categories, which reflects the likelihood of our submitting a proposal, included consideration of the following

factors, reflecting the U.S. approach for COP12 discussed above:

(1) Is it a native U.S. species that is or may be significantly affected by trade, or if it is a currently listed U.S. species, does the listing accurately reflect the biological and trade status of the species?

(2) Is it a native U.S. species that is not at this time significantly impacted by trade within the United States, but is being significantly impacted elsewhere in its range?

(3) Is it a foreign species, not native to the United States, but which is or may be significantly affected by trade and the United States is a significant component of the trade (i.e., as an importing country)?

(4) Is it a species for which the United States is neither a range country nor a country significantly involved in trade, but for which trade is a serious threat to the continued existence of the species, other mechanisms are lacking or ineffective for bringing trade under control, and action is urgently needed?

Below, we have provided the actions that the United States is considering taking for COP12 with regard to all of the species proposals recommended by the public, as well as possible species proposals we have been developing on our own.

A. What Species Proposals is the United States Likely to Submit for Consideration at COP12?

The United States is likely to develop and submit proposals for the following taxa. We welcome your comments, especially any biological or trade information on these species. For each species, more detailed information is on file in the Division of Scientific Authority than is presented in the summary below. For some of the species below, particularly those not native to the United States, additional consultations with range countries and knowledgeable experts is proceeding (see discussion), and a final decision is pending the outcome of those consultations.

Plants

1. Cacti (*Sclerocactus nyensis* and *Sclerocactus spinosior blainei* [=*S. blainei*])—Proposal for transfer from Appendix II to Appendix I

Sclerocactus nyensis is a very rare U.S. endemic species of cactus, occurring only in two counties in the State of Nevada. *Sclerocactus spinosior blainei* is another U.S. endemic species of cactus that is known from only three localities in southern Nevada and Utah. Both species were listed in Appendix II on July 1, 1975. The Management Authority of Switzerland has recommended that we consider listing these species in Appendix I. Threats to the species include hobby collecting, agricultural and industrial development, off-road vehicle use, and highway maintenance. The Nevada Natural Heritage Program protects location information for both species because they are considered especially vulnerable to poaching, vandalism, harassment, and hobby collecting. Both cacti are given special status in the State of Nevada and this status is also recognized by the U.S. Bureau of Land Management. Seeds of *S. nyensis* and *S. spinosior blainei* are available on the Internet from Websites located in the Netherlands, Germany, Malta, Austria, and the Czech Republic, indicating that international demand for the species exists and international trade occurs. For these reasons, we currently plan to propose these two species for transfer to CITES Appendix I.

2. Santa Barbara Island dudleya (*Dudleya traskiae*)—Proposal for transfer from Appendix I to Appendix II

Dudleya traskiae is confined to a small island off the coast of California, where there are fewer than 100 individuals in fewer than a dozen populations. This species was listed in CITES Appendix I in 1983. It was proposed for downlisting to Appendix II by Switzerland, as the Depositary Government for CITES, at COP11 in April 2000. The proposal was withdrawn as the result of discussions in which the United States agreed to undertake further review of the species prior to COP12. *Dudleya traskiae* has been listed as Endangered under the U.S. Endangered Species Act since 1978. It is also listed as Endangered by the World Conservation Union (IUCN), as well as Endangered by the State of California (since 1979). The primary threats to *D. traskiae* are fire and competition from exotic vegetation. Though it is valued as an ornamental, collection of individuals from the wild does not appear to be a threat at the present time. International demand for this species is minimal or non-existent, though there is trade in specimens cultivated both within and outside the United States. For these reasons, the United States is considering submitting a proposal to transfer *D. traskiae* from CITES Appendix I to II.

3. Maguire's Lewisia (*Lewisia maguirei*)—Proposal for Removal From Appendix II

Lewisia maguirei is known only from eight sites, all within a very restricted area of Nye County, Nevada. This species was listed in CITES Appendix II in 1983. It was proposed for delisting by Switzerland, as the Depositary Government for CITES, at COP11. The proposal was withdrawn as the result of discussions in which the United States agreed to undertake further review of the species prior to COP12. *Lewisia maguirei* is listed as Endangered by the IUCN. It is protected from most threats, except mineral exploration and development, by its high-elevation habitat. Though this species has ornamental value, international trade is not a significant threat since few applications to export this species have been received, and no trade has been recorded since it was listed. For these reasons, the United States is considering submitting a proposal to remove *L. maguirei* from CITES Appendix II.

Reptiles and Amphibians

4. Orange-Throated Whiptail Lizard (*Cnemidophorus hyperythrus*)—Proposal for Removal From Appendix II

The orange-throated whiptail lizard was listed in CITES Appendix II when CITES went into effect on July 1, 1975. The Western Association of Fish and Wildlife Agencies has requested that the species be removed from the Appendices. The orange-throated whiptail lizard is limited to southwestern California in the United States and Baja California in Mexico, including eight islands in the Gulf of California and two islands in the Pacific Ocean off the coast of Baja California, Mexico. Information on the population status of the orange-throated whiptail lizard is limited. In San Diego, California, the status of the species is considered ''seriously depleted.'' Population surveys in Mexico have been conducted only on three islands in the Gulf of California, where the species appears to be abundant and populations remain stable. The primary threat to *C. hyperythrus* is loss of suitable contiguous habitat to urban, commercial, and agricultural development. This threat of habitat loss could be further exacerbated by commercial trade. However, CITES trade data from the World Conservation Monitoring Centre (WCMC) suggest that legal commercial trade in the species in recent years has been limited, involving primarily scientific specimens. Our Division of Law Enforcement does not have any specific information that indicates there is illegal trade in this species.

In the State of California, *C. hyperythrus* is listed as ''protected,'' and permits to collect and/or possess the

species are granted by the California Department of Fish and Game only for scientific purposes. Additionally, California prohibits the sale of all its native species and requires permits for the sale of native reptiles by biological supply houses to scientific and educational institutions. In Mexico, the species is categorized as ''threatened'' and ''rare,'' and commercial export of wild-caught specimens of native species is prohibited. Therefore, since trade does not appear to be a threat to the species and the species is protected by domestic legislation in both range countries, the United States is considering submitting a proposal to remove *C. hyperythrus* from CITES Appendix II, an action supported by the Mexican Scientific Authority.

B. On what species proposals is the United States still undecided, pending additional information and consultations?

The United States is still undecided on whether to develop COP12 proposals for the following taxa. In some cases, we have not completed our consultation with relevant range countries. In other cases, meetings of experts are expected to occur in the immediate future and generate important recommendations, trade analyses, or biological information on the taxon in question. See the discussions below for more detail. For each species, more detailed information is available in the Division of Scientific Authority than is presented in the summary below. We welcome your comments, and especially any biological and trade information on these species. We delineate what additional information we are seeking or have sought to assist us in making our decision.

Plants

1. Ironwood (*Olneya tesota*)—Proposal for inclusion in Appendix II

Ironwood is a long-lived tree and keystone species of the Sonoran Desert in southwestern Arizona, southeastern California, and northwestern Mexico. It often grows in mixed stands with mesquite (*Prosopsis* spp.). Ironwood has not previously been proposed for CITES listing. Representatives of our Law Enforcement Division and SEMARNAP/PROFEPA (Mexico's wildlife law enforcement agency) have recommended that the species be considered for inclusion in CITES Appendix II. The primary threats to *O. tesota* are charcoal making, wood cutting for commercial craft production, land conversion, and altered burning regimes and competition from exotic buffelgrass. U.S. tourists are the primary market for ironwood carvings, which have been produced in Mexico at a rate that has rapidly depleted the local supply of ironwood. In addition, ironwood is harvested with mesquite to meet American consumer demands for mesquite charcoal because including it in bags of mesquite charcoal makes a heavier product per volume and woodcutters are paid by weight.

Spot checks of mesquite charcoal bags from Sonora in the early 1990s demonstrated that ironwood constituted from 10 to 40 percent of the export volume at that time. Ironwood is extremely slow to recover after harvest. Populations are declining rapidly, especially in Mexico. Wood cutting for charcoal production, fuelwood, and the carving industry is estimated to have caused an average of 17 percent reduction in ironwood's dominance in the vegetation of studied areas. Ironwood has been given special protected status in Mexico, where permits to cut it are required, but enforcement is difficult. It is also of increasing conservation concern in the United States, where habitat destruction is the main threat, but illegal collection has been documented from Organ Pipe Cactus National Monument and other protected areas. For these reasons, the United States is considering submitting a proposal to list ironwood in Appendix II. We are consulting with Mexico regarding this possibility.

2. Lignum vitae (*Guaiacum coulteri, Guaiacum unijugum*, and *Guaiacum angustifolium*)—Proposal for inclusion in Appendix II

Guaiacum is a genus of neotropical evergreen trees distributed throughout Mesoamerica and the Caribbean. There is great taxonomic confusion regarding this genus, but we consider there to be only five true species of *Guaiacum*. In addition to *G. sanctum* L. and *G. officinale* L., which are already listed in CITES Appendix II, the other recognized species are *G. coulteri* A. Gray, *G. unijugum* Brandegee, and *G. angustifolium* Engelm. *Guaiacum coulteri* and *G. unijugum* are endemic to Mexico; the former is distributed along the Pacific slope from Oaxaca to Sonora, and the latter is restricted to the eastern shore of the Cape Region in Baja California. *Guaiacum angustifolium* occurs in northern Mexico and southern Texas. Other taxa that range into Central America are either synonyms of *G. sanctum* or hybrids of *G. sanctum* and *G. coulteri*. *Guaiacum coulteri*, *G. unijugum*, and *G. angustifolium* are not currently listed under CITES and have not previously been proposed for CITES listing. After conducting an extensive review of the status of the species, students from the University of Maryland Sustainable Development and Conservation Biology Program have recommended that these species be considered for Appendix II. The primary threat to the genus *Guaiacum* is habitat loss and over-exploitation. A small but stable international market for *Guaiacum* in Asia, Europe, and North America drives exports from several range countries, including Mexico.

Difficulty in differentiating among *Guaiacum* species in trade justifies listing the entire genus in Appendix II. In particular, there is enough confusion over the identity of *G. coulteri* that significant trade in this species could be occurring under the name *G. sanctum*. *Guaiacum coulteri* also qualifies for Appendix II listing in its own right. Several experts have expressed concern over its status, since it is likely to be declining in Mexico. Habitat degradation is especially problematic for this species, and unregulated trade could exacerbate its decline. For these reasons, the United States is considering whether to submit a proposal to list the remainder of the genus *Guaiacum* in Appendix II. We are consulting with Mexico and other range countries with regard to this possibility.

3. Orchids—Proposal to annotate the listing of Orchidaceae in Appendix II to exempt certain artificially propagated hybrids from CITES permitting requirements

The orchid family is among the largest families of flowering plants, with over 20,000 species in about 900 genera. Orchids occur on every continent except Antarctica, with a concentration of distribution in the tropics, and they occur in a wide variety of habitats. Orchids are also among the most widely recognized and popular horticultural plants, with a growing international demand in recent years. Annual wholesale figures for orchids in the United States alone have now topped 100 million dollars. Millions of plants are documented in trade, based on CITES trade data, and most of these are artificially propagated. At the ninth meeting of the CITES Plants Committee in June 1999, the Plants Committee agreed to review the listing of Orchidaceae as part of the ongoing Review of the Appendices. Using preliminary data assembled by the CITES Secretariat at the tenth meeting of the Plants Committee in December 2000, a working group (including the United States) established a framework for the review, which entailed a breakdown of the trade and assigning different genera

to different levels and purposes of trade. Data were provided to working group members by the CITES Secretariat in advance of the eleventh meeting of the Plants Committee in September 2001. At the eleventh meeting of the Plants Committee, the consensus of the working group was that the orchid family presented too many problems of similarity of appearance and uncertainty about status of the species in the wild. These factors precluded the possibility of a timely review, which ultimately might not lead to the delisting of any species. As an alternative, participants in the meeting agreed to study the possibility of exempting certain high-volume artificially propagated hybrids of six select genera: *Cattleya, Cymbidium, Dendrobium, Oncidium, Phalaenopsis*, and *Vanda*. It was decided that such a proposal could be considered only if clear requirements could be established for trading these hybrids in a manner that would preclude the exemption from being used as a means to circumvent trade control in other orchids, especially wild-collected species. In addition, it was agreed that such a proposal must include identification materials that would establish easily recognizable characteristics of plants that would qualify for this exemption.

Our Division of Scientific Authority and the American Orchid Society are cooperating in the development of a draft proposal and identification materials for presentation to the Plants Committee at its twelfth meeting in May 2002. Depending on support from range countries of these orchid taxa (*i.e.,* the six genera under consideration) as well as the ability of the Plants Committee to develop a final proposal and identification materials that will not result in non-exempt taxa being traded without permits, the United States may co-sponsor a proposal to exempt selected high-volume artificially propagated orchid hybrids from the listing of orchids in Appendix II.

4. Yew (*Taxus* spp.)—Proposal for inclusion in Appendix II

Bristol-Myers Squibb Company has suggested that the United States propose various yew species (*Taxus yunnanensis, T. chinensis, T. celebica, T. cuspidata,* and *T. fuana*) for listing in CITES Appendix II. Yews are slow-growing, long-lived conifers found in temperate forest regions of North America, Europe, and Asia. Yews range in size from small forest trees to shrubs and are often found growing in shaded conditions. The bark and needles of yew contain the chemical compound taxol, which is used in the treatment of various cancers. International trade in yew for taxol extraction is significant throughout the range of the genus, especially in the Eastern Hemisphere. As a result, the Himalayan yew *T. wallichiana* (synonym *T. baccata wallichiana*), native to southeast Asia, was listed in Appendix II of CITES on February 16, 1995. However, prior to listing, both the CITES Secretariat and the IUCN Species Survival Commission expressed concerns regarding taxonomic difficulties within the genus and the ability of Parties to enforce CITES provisions for the species because all yews look very similar in appearance. Historically, the taxonomy of the genus has been based on leaf characteristics and geographical distribution of distinct taxa. Worldwide, 6 to 20 species of *Taxus* are recognized, depending on the reference. The United States submitted two documents at the tenth and eleventh meetings of the Plants Committee on the current status of the nomenclature of the genus as it relates to conservation of the taxa in the wild.

At the eleventh meeting of the Plants Committee, the Nomenclature Committee recommended that the *World Checklist and Bibliography of Conifers* by Aljos Farjon (1998), and its updates, be used by the CITES Parties as the standard reference for *Taxus* to reduce the confusion regarding the nomenclature of the genus. Furthermore, the Plants Committee recommended that the present listing of *T. wallichiana* be reviewed to provide adequate protection for any species within the genus that may be in trade and require regulation. Information from various sources indicates that the trade in yew parts and derivatives, other than those from *T. wallichiana*, for the pharmaceutical industry has increased substantially since the listing of the one species in 1995. Large volumes of *T. yunnanensis* are reportedly exported from Myanmar. Several pharmaceutical companies in the United States are importing paclitaxel derived from *T. yunnanensis* from China. The United States will be pursuing these and other pertinent issues concerning the genus *Taxus* at the twelfth meeting of the Plants Committee in May 2002. In the meantime, the United States will consult with Canada, China, and other range countries about supporting or co-sponsoring an Appendix II listing proposal of the genus *Taxus* at COP12.

Invertebrates

5. Sea cucumbers (26 Species in the Families Holothuridae and Stichopodidae)—Proposal for Inclusion in Appendix II

Sea cucumbers are slow-moving animals that live on the seafloor in sand, mud, and reef environments. They are distributed worldwide from intertidal zones to deep-sea environments. The United States has several native species of sea cucumbers, with active fisheries in several States. Sea cucumbers have not previously been proposed for CITES listing. They are important components of the food chain in coral reefs and associated ecosystems at various trophic levels, and they play an important role as deposit feeders and suspension feeders. Rapid declines in sea cucumber populations may have serious consequences for the survival of other species that are part of the same complex food web because the eggs, larvae, and juveniles constitute an important food source for other marine species, including crustaceans, fish, and mollusks. Sea cucumbers ingest large amounts of sediment, turning over the top layers of sediment in lagoons, reefs, and other habitats, and allowing oxygenation of sediment layers, much like earthworms do on land. This process prevents the build-up of decaying organic matter and may help control populations of pest and pathogenic organisms, including certain bacteria and cyanobacterial mats. Over-exploitation has caused a hardening of the sea floor, eliminating habitat for other benthic and infaunal organisms. Sea cucumbers have been harvested commercially for at least 1,000 years, but the demand in Asian markets worldwide has led to a dramatic increase in international trade for food beginning in the late 1980s and early 1990s, reaching a global annual volume of about 12,000 metric tons of dried sea cucumber (120,000 tons live). Since the mid-1990s, additional markets emerged for natural health products research and home aquaria.

Sea cucumbers are sedentary animals that are especially susceptible to over-exploitation because they are large, easily collected, and do not require sophisticated fishing techniques. Reduction of population densities by fishing may render remaining individuals incapable of successful reproduction, due to the greater distance between males and females. The fishery for the two most valuable species (*Holothuria nobilis* and *H. scabra*) has collapsed in a number of locations due to over-fishing, and significant declines have been noted in many South Pacific

and Southeast Asian locations. Given the past and continuing levels of exploitation to meet international demand, and documented declines or extirpations in some areas, we believe that Holothuridae and Stichopodidae meet the criteria for inclusion in Appendix II. We believe that a family-level listing for the most heavily traded taxa (26 species in the two families mentioned) would be most appropriate given the indiscriminate fishery and similarity between dried specimens in trade. The United States seeks additional information (particularly on abundance, identification techniques, trade volumes, and other range country interest in CITES listing) while considering an Appendix-II listing proposal for sea cucumbers.

Fish

6. Humphead wrasse (*Cheilinus undulatus*)—Proposal for Inclusion in Either Appendix I or Appendix II

The humphead or Napolean wrasse is found in coral reef and channel slope habitats throughout much of the Red Sea, the Indo-Pacific, and Micronesia. It has not previously been proposed for CITES listing. Humphead wrasse is the largest member of the family Labridae and is particularly vulnerable to over-exploitation due to its life history, including slow growth, late maturity, long life, complex social structure, and sex reversal. Despite its widespread distribution, the species is uncommon throughout its range and is subject to over-fishing. Although humphead wrasse are generally found in small social units, they have historically formed large aggregations during peak reproductive periods. Targeting of wrasse and grouper spawning aggregations has led to the elimination of breeding populations from some locations after two to four years of intensive fishing. Furthermore, harvest of immature individuals results in poor recruitment to the spawning population and skewed sex ratios, since many species begin life as females and metamorphose into males.

The primary threat to the species is over-harvest for the live reef food fish trade (LRFFT), which is driven largely by luxury food markets in Hong Kong, mainland China, and other Asian countries. Because of the high international demand and value of the LRFFT (estimated at 32,000 metric tons and 500 million dollars for Hong Kong wholesale markets in 1997), the LRFFT has emerged as the greatest immediate threat to Indo-Pacific grouper and wrasse populations. The trade involves more than ten popular taxa, with rare species such as humphead wrasse commanding the highest prices (up to 174 dollars per kilogram or 87 dollars per pound). The LRFFT has rapidly expanded throughout Southeast Asia, the South Pacific, and the Indian Ocean due to an increasing demand and rapid elimination of the humphead wrasse and other large, economically desirable fish on heavily exploited reefs.

Researchers remain concerned over the status of the humphead wrasse because of its importance as a luxury food item and a high value that is predicted to increase with increasing rarity, which will encourage continued exploitation as stocks continue to decline. Also, because of the difficulty in capturing humphead wrasse and groupers alive, the LRFFT has been a principal driver in the spread of highly destructive cyanide fishing throughout the Indo-Pacific. Cyanide use is illegal in most countries and is known to cause considerable habitat damage and mortality to small, non-target reef fish and invertebrates. Due to documented declines, humphead wrasse are banned from export in many areas of the Indo-Pacific (*e.g.*, the Maldives, certain parts of the Philippines, and Indonesia for certain size classes). Nonetheless, 1997 Hong Kong data showed that the species is still imported from these locations. The humphead wrasse is listed as vulnerable in the 1996 IUCN Red List because of severe declines in sizes and numbers in Southeast Asia (attributed to the LRFFT). There is no regional management program currently in place for the LRFFT. Continued illegal and unsustainable trade, lack of coordinated management, a vulnerable life history, and the prominence of international markets suggest that humphead wrasse qualify for listing in Appendix II or perhaps Appendix I of CITES, and the United States is interested in pursuing a possible listing proposal with involved range countries.

While we are not considering other species of groupers and wrasses for listing at this time, the United States is also interested in gathering more information on other high value species in the LRFFT, such as high-finned grouper (*Cromileptes altivelus*) and giant grouper (*Epinephelus lanceolatus*). All of these species are distinct in appearance and almost exclusively traded alive in international markets, and thus the United States does not foresee complications or confusions with look-alike fishery products from other grouper species that are traded in processed form.

7. Seahorses, Pipefishes, Pipehorses, and Seadragons (Family Syngnathidae)—Proposal for Inclusion in Appendix II

There are approximately 215 species of syngnathids in about 35 genera, including 35 species of seahorses (*Hippocampus* spp.). Species are found in freshwater, brackish, and marine environments. Pipefishes can be found to depths of over 400 meters, and the two species of seadragons are endemic to Australian waters. Seahorses live among sea grasses, mangroves, and coral reefs throughout the tropics and subtropics, as well as pilings, grass beds, and other habitats in tropical and temperate areas between 52 degrees north and 45 degrees south latitude. Most species of seahorses occur in the tropical western Atlantic or Indo-Pacific regions. Life-history strategies of seahorses and other syngnathids make populations susceptible to over-exploitation. These taxa are characterized by sparse distributions, low mobility, small home ranges, low natural adult mortality, low fecundity, long parental care, and varying degrees of mate fidelity.

Life-history characteristics, heavy fishing pressure to supply international demand, by-catch in trawl fisheries, degradation and loss of habitat, and pollution represent the primary threats to syngnathids. A rapidly growing trade in pipehorses and seahorses (primarily for traditional Chinese medicine and its derivatives, with a smaller but significant trade to supply aquarium pets, souvenirs, and curios) is resulting in over-exploitation of wild populations. Seahorses are caught by subsistence fishers by hand, scoop net, or small seine. They also occur as by-catch in shrimp trawlers and other forms of net fishing. It is estimated that at least 20 million seahorses are captured annually from the wild, with the bulk originating in 20 countries. The largest importing jurisdictions are mainland China, Hong Kong, and Taiwan, with an estimated annual consumption of 45 tons (16 million seahorses) in Asia. Seahorses and pipehorses are sold as whole dried animals for preparation in tonics. There has been a recent increase in numbers of seahorses, pipehorses, and pipefish used in prepared medicines (*e.g.,* pills) in Asia, possibly in response to decreases in size of individuals obtained in fisheries catch. The United States intends to consult with range countries and relevant organizations (*e.g.*, Project Seahorse, an international research and trade forum) on the merits of an Appendix-II listing proposal. This will

be greatly facilitated by a CITES-sponsored workshop on syngnathid conservation, tentatively scheduled for Spring 2002.

Reptiles and Amphibians

8. Asian Freshwater Turtles and Tortoises—Proposals for Inclusion in Appendices I and II

A large number of Asian freshwater turtles and tortoises are threatened by over-exploitation for the food and pet trades. We previously evaluated some of these species for COP11 (Southeast Asian softshell turtles [Trionychidae], Malaysian giant turtle *[Orlitia borneensis]*, and Burmese roofed turtle *[Kachuga trivittata])*, but found the data on population status and exploitation to be insufficient to support a CITES listing proposal for any of the taxa at that time. Since COP11, there has been considerable international focus on the status of and trade in Asian freshwater turtles and tortoises, culminating in the August 2000 publication of *Asian Turtle Trade: Proceedings of a Workshop on Conservation and Trade of Freshwater Turtles and Tortoises in Asia.* These proceedings indicate that a number of Asian turtle and tortoise species qualify for inclusion in Appendix II or transfer from Appendix II to I. We noted a number of these taxa in our initial June 12, 2001, **Federal Register** notice on COP12. In response to that notice, a number of commenters supported listing or uplisting various taxa, while one commenter opposed listing individual taxa but supported listing all Asian turtles in Appendix II. One organization provided considerable supporting information for listings of *Kachuga* spp., *Chitra* spp., *Pelochelys* spp., and *Amyda cartilagina,* and uplisting of *Cuora* spp. We are aware of considerable interest on the part of other CITES Parties, including range countries, to submit listing proposals for Asian turtle taxa, including *Heosemys* spp, *Mauremys* spp., and *Orilitia borneensis.* We also believe that additional taxa, including *Carettochelys insculpta* and *Platysternon megacephalum,* qualify for listing whereas certain other taxa qualify for uplisting.

A CITES-sponsored Workshop on Freshwater Turtles and Tortoises was held in China in March 2002. This workshop brought together range and consuming country representatives and international turtle conservationists to address the critical issues of turtle conservation, focusing on Asian freshwater turtles and tortoises. Among the issues discussed were CITES listing needs for Asian turtles. The United States participated in that workshop and will help determine which taxa are the highest priorities for CITES listing, and which country or countries might sponsor proposals for such listings. We will focus on garnering range country support and sponsorship for the highest-priority taxa, and will offer our assistance in the preparation of proposals. The United States may wish to co-sponsor certain of these proposals, or submit them on its own if a suitable range country sponsor does not come forward. For this reason, the United States remains undecided on submitting proposals for Asian freshwater turtle and tortoise taxa for consideration at COP12, pending analysis of the outcome of the workshop and further consultation with other CITES Parties.

9. North American Softshell Turtles (*Apalone* spp.)—Proposal for Inclusion in Appendix II

There are three species of North American softshell turtles. Some authorities place these species in the genus *Trionyx,* whereas others place them in the genus *Apalone.* North American softshell turtles are not currently listed under CITES and have not previously been proposed for CITES listing. The three *Apalone* species, *Apalone spinifera, A. mutica,* and *A. ferox,* occur in the eastern, southeastern, and midwestern United States, respectively. *Apalone mutica* ranges into northern Mexico and *A. spinifera* ranges into southern Canada. These turtles are threatened by habitat loss and modification, and by harvest for the pet trade and human consumption. Records show that, since the early 1990s, U.S. exports of *Apalone* spp. have been generally increasing with some fluctuation between years. Since 1993, at least 10,000 softshell turtles per year were exported from the United States. For several years the recorded number exported exceeded 30,000 turtles. From our records, we are unable to determine if the origin of these turtles is wild or captive, so the impact of the trade on wild populations is difficult to assess.

In addition, few populations of *Apalone* have been well studied and the effects of harvest on populations is poorly documented. The U.S. Geological Survey is currently assessing the status of North American turtle species, including the softshells. Also, the CITES Secretariat conducted a Workshop on Freshwater Turtles and Tortoises in March 2002 (see ''Asian freshwater turtles and tortoises'' above). Since North American softshell turtles are in the Family Trionychinae, which also includes several Asian species of softshell turtles, we expect that the outcome of the workshop may have relevance to conservation of North American softshell turtles. Therefore, the United States intends to analyze the results of the workshop to determine whether or not it will propose these species for listing in CITES Appendix II.

10. Spiny-tailed Lizards (*Uromastyx* spp.)—Proposal for Transfer From Appendix II to Appendix I

Uromastyx lizards inhabit the arid regions of northwest India, southwestern Asia, the Arabian Peninsula, and the Sahara of northern Africa. CITES currently recognizes 14 species. *Uromastyx aegyptia* (including *U. microlepis*) was listed in Appendix III by Tunisia on April 22, 1976. All species in the genus *Uromastyx* were subsequently listed in Appendix II on February 4, 1977. No other proposals have been submitted since. At its fifteenth meeting in July 1999, the CITES Animals Committee reviewed the status of *U. aegyptia* (Egyptian spiny-tailed lizard) as part of Phase IV of the Significant Trade Review process, pursuant to Resolution Conf. 8.9 (Rev.) (*Trade in specimens of Appendix-II species taken from the wild.).* Based on the information available at the time, the species was categorized as a ''species with insufficient information'' (category d (ii) of Decision 10.79 d); now category 2 of Decision 11.106 g)). Because most of the trade in the species originated in Egypt, the Animals Committee issued primary recommendations to that country, through the CITES Secretariat, requesting additional information about Egypt's policy on the export of the species, number of specimens exported between 1997 and 1999, and scientific basis for permitting export of the species. Because Egypt failed to respond to the Animals Committee within the 90-day deadline established by Resolution Conf. 8.9 (Rev.), the CITES Secretariat recommended to the CITES Standing Committee at its forty-fifth meeting (June 2001) that all Parties suspend imports of specimens of *U. aegyptia* from Egypt until the Animals Committee recommendations are implemented. However, during the meeting, Egypt informed the Standing Committee that it was conducting a survey of the species and that export of the species was prohibited. Consequently, the Standing Committee agreed not to take further actions. However, the Standing Committee agreed to re-impose the Animals Committee primary recommendations if trade in the species is re-opened.

The primary threats to *Uromastyx* lizards are over-collection and limited

distribution of individual species. Most range countries have laws prohibiting domestic and international trade in *Uromastyx* spp. However, these laws are not always complied with. Spiny-tailed lizards are traded as pets (live animals) and souvenirs (stuffed animals). In the case of specimens traded as pets, many die during import or soon after arrival. Some species are smuggled out of their country of origin and then imported into the United States and Europe through a third country by claiming the animals as captive born. Success in breeding of spiny-tailed lizards in captivity has been limited. There are currently seven species of *Uromastyx* kept in captivity: *U. maliensis, U. ocellatus, U. acanthinurus, U. aegyptius, U. benti, U. philbyi,* and *U. hardwicki.* The vast majority of the young spiny-tails available in the pet trade are wild-caught. According to WCMC, over 70,000 live specimens of *Uromastyx* spp. were traded between 1990 and 2000, mostly *U. acanthinurus* and *U. maliensis* (considered by some as a subspecies of *U. acanthinurus*). The number of *U. acanthinurus* and *U. maliensis* exported increased from 50 in 1990 to almost 20,850 in 1998. However, information on population trends for wild populations is lacking. The United States intends to consult with range countries of *Uromastyx* species to gather additional status information and to ascertain their interest in sponsoring or co-sponsoring an Appendix-I uplisting proposal.

Mammals

11. Black Sea Bottlenose Dolphin (*Tursiops truncatus ponticus*)—Proposal for Transfer From Appendix II to Appendix I

Bottlenose dolphins (*Tursiops truncatus*) were included in Appendix II on June 28, 1979, and are distributed worldwide in temperate and tropical waters. The subspecies; *Tursiops truncatus ponticus* is endemic to the Black Sea, isolated from other populations of bottlenose dolphins in the Mediterranean and other waters. Black Sea bottlenose dolphins look almost identical to those from other regions, and their genetic distinctness is unknown. At COP11, the United States withdrew a proposal to transfer the subspecies to Appendix I when Georgia (co-sponsor and range country) could not attend. It is believed that overall abundance of dolphins in the Black Sea has declined greatly due to over-exploitation into the 1980s for human consumption and industrial products. A large purse-seine fishery conducted by the former Soviet Union, Bulgaria, and Romania collapsed in the 1960s due to over-harvest, and large takes by rifle continued by Turkey until a ban in 1983. The proportions of the three endemic small cetaceans (bottlenose dolphin, harbor porpoise *Phocoena phocoena relicta,* and long-beaked common dolphin *Delphinus delphis ponticus*) in these catches and their relative degrees of depletion are not known with confidence.

The size of the present population of bottlenose dolphins is unknown, and no estimates exist of sustainable levels of take. The habitat is thought to be highly degraded and declining in quality due to contamination by sewage and industrial effluents, algal blooms, decrease in prey species due to over-fishing, and by-catch in fisheries. There has been a substantial international commercial trade in bottlenose dolphins from the Black Sea. Exporters in Russia and Georgia have been able to obtain CITES permits for export of bottlenose dolphins to several countries, including Cyprus, Malta, Turkey, Israel, Argentina, and Hungary, by stating that the purpose was to establish breeding colonies for conservation and research. In all cases, the actual purpose was commercial and the majority of the animals died during or shortly after transport. There were also some cases of illegal imports. Only one captive birth (in Israel) has occurred, and we are not aware of any scientific research that has resulted from the trade. As signatories to the Bern Convention, range countries Bulgaria, Romania, Turkey, and Ukraine have all banned possession and internal trade in *T. truncatus.* In addition, the Parties to the Bern Convention adopted a resolution in November 2001 urging that this subspecies be transferred to Appendix I. The Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea, and Contiguous Atlantic Area (ACCOBAMS) adopted a similar resolution at a meeting in February 2002. At COP11, Parties recognized the potentially severe threats to Black Sea bottlenose dolphin populations and adopted Decisions 11.91 and 11.139, which called for countries trading in *T. truncatus ponticus* to provide information on trade volumes, mortalities, and international management efforts, and to supply tissue samples for expert genetic analysis. The United States has agreed to be a repository for these tissue samples, and geneticists with the National Marine Fisheries Service are currently working to obtain Black Sea bottlenose dolphin specimens from range countries. Genetic comparisons between these samples and those from other bottlenose dolphin populations are critical to resolving the distinctness of the Black Sea sub-population. Listing subspecies in any CITES Appendix is discouraged by Resolution Conf. 9.24 (*Criteria for amendment of Appendices I and II*), unless the taxon in question is highly distinctive and use of the subspecies name would not lead to enforcement problems.

The United States will strive to obtain samples and complete genetic analysis on Black Sea bottlenose dolphins to develop a defensible listing proposal. We will also continue our consultations with range countries, as well as regional management authorities, to obtain the latest information on population status and to identify sponsors or co-sponsors for a potential uplisting proposal.

12. Bobcat (*Lynx rufus*)—Proposal for Removal From Appendix II

The bobcat (*Lynx rufus*) is found in southern Canada, the contiguous United States, and northern Mexico. The Wildlife Division of the Texas Parks and Wildlife Department (TPWD) has recommended that the United States submit a proposal at COP12 to remove all bobcat populations from the CITES Appendices. All felids not listed in Appendix I, including the bobcat, were listed in Appendix II on April 2, 1977. At COP4 in April 1983, the United States and Canada co-sponsored proposals to remove from Appendix II several Canadian and U.S. populations of North American mammals, including the bobcat. The United States and Canada argued that, at the time of the original listing of the bobcat, there was no indication as to whether the species was intended to be listed because of a need to control trade and prevent the threat of extinction (CITES Article II.2.a) or similarity of appearance to species threatened by trade (CITES Article II.2.b). Because the bobcat did not appear to be threatened by trade and the States and Provinces managed its harvest, the United States and Canada believed that its removal from CITES controls would not threaten the continued survival of the species. However, at COP4, the CITES Secretariat and several Parties, particularly from Western Europe, opposed the bobcat delisting proposal on the grounds that the species was listed because of similarity of appearance. They feared that adoption of the proposal would create enforcement problems. Subsequently, the United States and Canada withdrew the proposal after both Parties agreed that the listing of the bobcat in Appendix II was warranted because of

similarity of appearance to other species of felids.

In its letter to us, the TPWD included a draft delisting proposal containing updated information on the population and trade status of the bobcat in the United States, as well as a general description of the regulatory mechanisms adopted by U.S. States and Canadian Provinces to manage harvest of the species. However, the draft proposal contained no information on the status of the species or regulatory mechanisms in Mexico. The United States will consult with Canada and Mexico for additional information on the status of the species, as well as to determine if these two range countries would support or co-sponsor a proposal to remove the bobcat from Appendix II. We will also consult with our Division of Law Enforcement and enforcement authorities of relevant importing countries about enforcement problems that might arise during the inspection of wildlife shipments involving other felid species to better assess whether the bobcat still meets criterion B of Annex 2b (*Criteria for the inclusion of species in Appendix II in accordance with Article II, paragraph 2 (b)*) and should remain listed because of similarity of appearance.

C. What Species Proposals is the United States not Planning to Submit for Consideration at COP12, Unless it Receives Significant Additional Information?

The United States does not intend to submit its own proposals for the following taxa unless we receive significant additional information indicating that a proposal is warranted. In some cases, we are aware that range countries with greater involvement in the taxon's trade or conservation are preparing listing proposals for COP12. The United States could co-sponsor or actively support such proposals. In other cases, available information does not support a defensible listing proposal. We welcome your comments, especially any biological and trade information on these species that may cause us to reconsider the submission of a proposal. For each species, more detailed information is available in the Division of Scientific Authority than is presented in the summary below. For each taxon, we describe external factors that diminish the need for a U.S. listing proposal or critical information gaps that prohibit us from developing a proposal.

Fungi

1. American Matsutake or Pine Mushroom (*Tricholoma magnivelare*)—Proposal for Inclusion in Appendix II

Tricholoma magnivelare is a widespread mushroom found in boreal and temperate forests in North America, but is most abundant in Washington, Oregon, and northern California. The species has not previously been proposed for CITES listing. The fruiting of American matsutake can vary greatly in occurrence, abundance, and distribution from year to year. In the United States, harvesting is allowed through a permit system on lands managed by State and Federal agencies. Although these agencies issue collection permits, they do not typically monitor the quantity of matsutake harvested from their lands. Illegal harvest does occur on National Park Service lands and other Federal and State lands where harvest is prohibited. Nearly all harvested American matsutake is exported at a premium price to Asia as a substitute for the rare Japanese matsutake (*T. matsutake*). Following a review of the available biological and ecological information on the species, we have concluded that the species is widespread and abundant, and trade does not appear to be a threat to the species. Therefore, the United States does not intend to submit a proposal to list American matsutake in CITES Appendix II.

Lichen

2. Usnea Lichen (*Usnea* spp.)—Proposal for Inclusion in Appendix II

Lichens rank among the least well-known forms of life, and their taxonomic classification is undergoing changes. Many species of lichens were historically circumboreal in their distribution. More recently, lichens have been affected by habitat loss, air pollution, and commercial harvesting. Many species of usnea lichens (*Usnea* spp.) are used medicinally as an antibacterial, and as decoratives in the floral greens industry. The most commonly wild-harvested usnea lichens in the United States are *Usnea barbata, U. florida, U. hirta,* and *U. longissima.* Although *U. longissima* appears to have an extensive range and frequent occurrence, it is commercially collected from the wild and its potential habitat is clearly continually declining. *Usnea longissima,* in particular, is now listed on Red Lists in many parts of Europe and extirpated from much of its range in Scandinavian countries. Furthermore, *U. longissima* has a rank of G3 (at risk) in the Global Heritage Status ranking system, and a rank of S2.1 and S2 (imperiled) in California and Washington, respectively. We have anecdotal evidence that these species are collected from the wild at levels potentially exceeding sustainable rates given their long regeneration time, but we lack sufficient quantitative information to proceed with a listing proposal at this time. We will continue to compile information and consult with range countries and experts on the conservation and international trade status of *Usnea* spp. to determine whether a listing proposal may be appropriate for a future meeting of the Conference of the Parties to CITES.

Plants

3. Mosses—Proposal for Inclusion in Appendix II

Our June 12, 2001, **Federal Register** notice listed ten species of mosses that are known to be wild collected: hanging moss (*Antitrichia curtipendula*), log mosses *(Eurhynchium oreganum, Thuidium delicatulum, Hypnum curvifolium,* and *H. imponens),* cat-tail moss *(Isothecium myosuroides),* Menzie's neckera *(Metaneckera menziesii),* Douglas' neckera *(Neckera douglasii),* lanky moss *(Rhytidiadelphus loreus),* and goose neck moss *(Rhytidiadelphus triquetrus).* We received two comments recommending several additional species: rough moss *(Claopodium crispifolium), Sanionia uncinata, Thudium recognitum,* and the genus *Hypnum,* which includes approximately 20 species. The moss *Claopodium crispifolium* is commercially harvested, whereas the other taxa were suggested due to similarity of appearance among species. None of these species has previously been proposed for CITES listing. These species of mosses are generally widespread throughout their respective ranges. The distributions of some of these species outside North America and western Europe are incompletely known.

The moss species *Claopodium crispifolium, Eurhynchium oregana, Isothecium spiculiferum, Isothecium stoloniferum,* and *Neckera douglasii* are native to the Pacific Northwest of North America. Three species, *Antitrichia curtipendula, Metaneckera menziesii,* and *Rhytidiadelphus loreus* are also predominately found in the Pacific Northwest of North America. Additionally, *Antitrichia curtipendula* is found in Europe and Africa; *Rhytidiadelphus loreus* in Europe and China; and *Metaneckera menziesii* in Asia. *Hypnum curvifolium* and *H. imponens* are distributed from the

Midwest to the East Coast of North America. *Thuidium delicatulum* is found in North, Central, and South America, Europe, and Asia. *Hypnum imponens* occurs in Europe. *Isothecium myosuroides* is found in North America and Europe. *Rhytidiadelphus triquetrus, Thuidium recognitum,* and most of the species in the genus *Hypnum* are circumboreal species found throughout the United States and Canada, Europe, and Asia. *Sanionia uncinata* has been reported to occur in North and South America, Europe, and Asia. Typically, these moss species are found in mixed-conifer/hardwood forests. Whole plants are harvested as mats, which are easily peeled off limbs and logs, forming a kind of moss ''pelt.'' Moss pelts are sold internationally and domestically as packing material in the horticulture trade and for decorations in the floral greens industry. The United States exports primarily to the Netherlands and Germany.

The majority of harvested mosses of the United States is concentrated in two geographical areas: the Pacific Northwest and the Appalachian Mountains. In the Pacific Northwest the commercial demand for mosses has increased steadily since the 1980s. For example, on one particular Pacific Northwest National Forest, permits have been issued for the harvest of 25,000 bushels of moss annually since 1989. Estimates based on permits for moss harvest on publicly owned lands in northwest Oregon are more than 500,000 pounds per year, and illegal harvest is thought to be at least twice the legal harvest. Very little is known about growth and recovery following commercial harvest of moss species and the ecological role that these species play in ecosystems. A prominent bryologist in the western United States commented that one of the many ecological roles mosses have in the Pacific Northwest is nutrient cycling and that excess moss harvest may lead to loss of soil fertility in heavy rainfall forests. U.S. Forest Service field recovery studies in the wild indicate that sites which have been commercially harvested for moss will not be suitable for reharvest for decades. Because population and trade information is still lacking, the United States is not planning to submit a proposal at COP12 to list moss species in Appendix II. Instead, we have contracted a study on trade in U.S. native mosses.

4. Osha and Look-Alike Congeneric Species (*Ligusticum Porteri* and *Ligusticum* spp.)—Proposal for inclusion in Appendix II

Osha is a medicinal plant that occurs throughout much of the Rocky Mountains from northern Wyoming to Chihuahua, Mexico. Several other North American *Ligusticum* species (*L. filicinum, L. canbyi,* and *L. tenuifolium*) are similar to *L. porteri* and may be collected for medicinal purposes and marketed as osha. Osha is not currently listed under CITES and has not previously been proposed for CITES listing. The primary threat to osha appears to be collection for the medicinal market. Osha is traded as ground roots, whole roots, tinctures, and seeds for use as a remedy for head colds, coughs, influenza, pneumonia, and fever. Research indicates that demand for *L. porteri* is increasing. North American *Ligusticum* species may be replacing Chinese *Ligusticum* species in the marketplace because these taxa are becoming increasingly rare due to habitat loss and market pressure. Anecdotal information indicates that demand for osha from the United States may be rising because of decline in populations in Mexico. Experts from U.S. land management agencies indicate that *L. porteri* has been in decline over the last 10 years.

Osha is one of the seven wild medicinal plants under a moratorium on harvest in the State of Montana. In addition, the U.S. Forest Service is not permitting collection of osha on their lands because of concerns over the sustainability of harvest. The harvest of osha is destructive because the whole plant is removed in the process. Cultivation of the species is limited at this time. In order to support the State of Montana and the U.S. Forest Service moratorium on harvest of these species and generate additional trade data, we intend to review and consider listing U.S. native *Ligusticum* species in CITES Appendix III. Consequently, the United States does not intend to seek Appendix-II listing of this taxon at this time.

5. Coneflowers (*Echinacea* spp.)—Proposal for Inclusion in Appendix II

The genus *Echinacea,* comprising nine species, occurs primarily in the Great Plains of the United States and Canada. It has not previously been proposed for CITES listing.

The primary threats to *Echinacea* species vary. Some are collected from the wild for their medicinal properties, some are incidentally collected along with the targeted species, and all are experiencing habitat loss and degradation due to a wide variety of factors, including fire suppression, grazing, use of herbicides, and conversion of prairie to pasture. In 1999, *Echinacea* ranked as the number-one-selling herb in the United States and eighth in international herb sales. Of the nine species in the genus, three (*Echinacea angustifolia, E. pallida,* and *E. purpurea*) have proven medicinal properties and are known to be traded internationally. Four other species (*E. atrorubens, E. paradoxa, E. sanguinea,* and *E. simulata*) are known to be harvested from the wild or suspected to be collected incidentally due to their similarity of appearance to targeted Echinacea species where they co-occur. Two others (*E. laevigata* and *E. tennesseensis*) are quite rare, protected under the U.S. Endangered Species Act, and unlikely to be subject to commercial collection. In particular, *E. angustifolia* and *E. pallida,* though still locally common in parts of their ranges, are known to be declining due to over-collection of roots and seeds from the wild. Organized collection efforts, trespassing on private lands, and unauthorized collecting on public and tribal lands for the purposes of collecting *Echinacea* roots and seeds have been documented, as has the extirpation of entire populations by diggers. Montana and North Dakota have passed legislation banning the harvest of *E. angustifolia.* In order to control illegal trade in these species and generate additional trade data, we intend to review and consider listing U.S. native species of the genus *Echinacea* in CITES Appendix III. Consequently, the United States does not intend to seek Appendix-II listing for this taxon at this time.

6. Saw-Toothed Lewisia (*Lewisia Serrata*)—Proposal for Removal From Appendix II

Saw-toothed lewisia has a very restricted distribution and occurs at only ten localities in California. This species was listed in CITES Appendix II in 1983. It was proposed for delisting by Switzerland, as the Depository Government for CITES, at COP11. The proposal was withdrawn as a result of discussions in which the United States agreed to further review the species prior to COP12. *Lewisia serrata* is listed as Vulnerable by the IUCN. It is a U.S. Forest Service Sensitive Species. The primary threats to *L. serrata* are mining, timber harvest, development, horticultural collecting, and small hydroelectric power projects. Most populations of *L. serrata* occur on National Forest System lands. Though

demand for this species is considered low and confined to alpine plant collectors, the U.S. Forest Service Interim Management Guide for this species cites poaching by private or commercial collectors as a potential threat to its existence. Of the four known occurrences of *L. serrata* on the El Dorado National Forest, one has been extirpated, possibly by illegal collection for horticultural use. An observed 80 percent decline in another population may have been due to poaching. International trade is not a significant threat since few applications to export this species have been received, and no trade has been recorded since it was listed. However, due to reports of illegal collection and the potential for individuals to enter international trade, the United States does not intend to submit a proposal to remove *L. serrata* from CITES Appendix II at this time.

7. Oconee-bells (*Shortia Galacifolia*)—Proposal for Removal From Appendix II

Oconee-bells has a restricted distribution in Georgia, North Carolina, South Carolina, and Virginia. It is abundant at most of its few remaining sites. This species was listed in CITES Appendix II in 1983. It was proposed for delisting by Switzerland, as the Depository Government for CITES, at COP11. The proposal was withdrawn as a result of discussions in which the United States agreed to further review the species prior to COP12. *Shortia galacifolia* is listed as Vulnerable by the IUCN. It is also a U.S. Forest Service Sensitive Species. Natural populations are protected on lands managed by the U.S. Forest Service and the State of North Carolina. The primary threat to *S. galacifolia* is habitat loss, but populations have been lost in the past due to horticultural collection. Illegal collection from U.S. Forest Service lands is suspected. There is reportedly a reasonable demand for this species within the United States, particularly within its natural range. However, there is no international trade in this species, partly because the Division of Scientific Authority has been unable to find no detriment for export applications on three occasions since 1994. It is rarely grown outside its natural range, although it is cultivated in Europe to a limited extent. Due to reports of illegal collection and the potential for individuals to enter international trade, the United States does not intend to submit a proposal to remove *S. galacifolia* from CITES Appendix II at this time.

8. Goldenseal (*Hydrastis Canadensis*)—Proposal for Removal From Appendix II

Goldenseal is distributed across the eastern United States and into Ontario. It has been listed in CITES Appendix II since COP10 (June 1997). The American Herbal Products Association and American Botanicals have proposed that this species be removed from the CITES Appendices. The primary threats to goldenseal are habitat loss due to development and logging and over-collection from the wild. It is estimated that tens of millions of goldenseal individuals are harvested from the wild each year for the herbal products industry. However, only a small fraction of this total is recorded in international trade. Though it has a wide geographic distribution, goldenseal has a relatively narrow niche. Specific habitat requirements, poor seed dispersal and germination, and a highly clumped distribution pattern make this species particularly susceptible to harvest pressures. Goldenseal is becoming increasingly rare and many areas report that populations are in sharp decline due to over-harvest. Since populations are not monitored by most States, there is little direct evidence of current population trends beyond one study that documents a dramatic decline in populations at a Nature Preserve in Indiana over a 26-year period. Poaching has been reported throughout the range, as has the extirpation of entire populations by collectors. Six States (Connecticut, Georgia, Massachusetts, Minnesota, North Carolina, and Vermont) list goldenseal as Endangered. Canada lists it as Threatened. For these reasons, the United States does not intend to submit a proposal to remove goldenseal from Appendix II unless substantial additional information becomes available to indicate that its status in the wild is secure.

9. Bloodroot (*Sanguinaria Canadensis*)—Proposal for Inclusion in Appendix II

Bloodroot has a very broad range and is a frequent component of mesic hardwood forests across the eastern United States and southeastern Canada. It has not previously been proposed for CITES listing. The primary threats to bloodroot are habitat loss and over-collection. It is used in toothpaste, cough syrup, and cattle feed. It is also sold as nursery stock. Most bloodroot is harvested from the wild in the eastern United States. It is cultivated only on a very limited scale. Bloodroot is consumed domestically as well as traded abroad, primarily to Europe. Estimates of the total amount of bloodroot harvested each year span several orders of magnitude, but may include several tens of thousands of pounds of dried rhizomes per year for the medicinals market. The amount harvested for cattle feed is unknown, but potentially significantly greater. Some sources indicate that bloodroot exports are ten times larger than the amount consumed within the United States. Other threats to bloodroot include displacement by exotic species, cattle grazing, surface mining, and the introduction of non-native genotypes from other regions by those attempting to establish it in cultivation. Bloodroot is suspected to be stable in parts of its range, though declining locally in many areas. It is rare in Indiana, Louisiana, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, and Manitoba; extirpated from Washington, DC; and ''exploitably vulnerable'' in New York. Due to the lack of clear evidence that this species is sustaining a general decline in the wild, the United States does not intend to submit a proposal to list it in CITES Appendix II at this time.

10. Black cohosh (*Cimicifuga racemosa* [*Actaea racemosa*]) and Look-Alike Congeneric Species (*Cimicifuga* spp.)—Proposal for Inclusion in Appendix II

Black cohosh has a very broad range in eastern North America and is frequently encountered in a wide variety of wooded habitats across its range. It has not previously been proposed for CITES listing. The primary threats to black cohosh are habitat loss and over-collection. It is in great demand for its medicinal properties. Already popular in Europe and Australia, where most of the harvest is shipped, black cohosh has recently experienced a dramatic increase in consumption, especially in the United States. Some raw material is exported from the United States to Europe, where it is processed for re-export back to the United States. Indicators show long-term growth in demand for black cohosh despite recent wholesale price fluctuations. Most black cohosh is harvested from the wild in the eastern United States. It is cultivated only on a very limited scale. Average annual harvest from the wild is estimated to impact tens of millions of individuals per year. Black cohosh is rare in Illinois, Massachusetts, Mississippi, and Ontario, and extirpated in Iowa, but reportedly abundant in other portions of its range. However, many experts state with certainty that unsustainable harvest is occurring and that populations are declining, especially on public lands. Unauthorized collection on National Forests is reported to be

extensive, and incidents of poaching from National Parks have been documented in recent years. Though it is unlikely that they are targeted for collection from the wild, mountain bugbane (*C. americana* [=*Actaea podocarpa*]) and Appalachian bugbane (*C.* [=*Actaea*] *rubifolia*) are suspected to be incidentally collected along with black cohosh where they co-occur. There are also three other species of *Cimicifuga* found in the western United States and Canada that are likely to be indistinguishable in trade from *C. racemosa*. In order to control illegal trade in these species and generate additional trade data, we intend to review and consider listing U.S. native species of the genus *Cimicifuga* in CITES Appendix III. Consequently, the United States does not intend to seek Appendix-II listing for this taxon at this time.

11. Blue cohosh (*Caulophyllum thalictroides*)—Proposal for Inclusion in Appendix II

Blue cohosh has a very broad range across the eastern United States and Canada and is frequently encountered in a wide variety of wooded habitats. It has not previously been proposed for CITES listing. The primary threats to blue cohosh are habitat destruction and over-collection. It is harvested from the wild for its medicinal value and for sale as nursery stock. An estimated 10,000–25,000 pounds (dry) were traded in 2000, all of which were wild collected. The U.S. market for blue cohosh is relatively small. The species is also traded overseas, especially to Europe, though the amount of material exported is unknown. The number of blue cohosh plants per population is highly variable and can range from only a few stems to thousands of individuals. In certain areas it is considered at risk from collection pressure, but some reports indicate that it is stable in portions of its range. It is rare in Arkansas, Kansas, North Dakota, Nebraska, Rhode Island, South Carolina, South Dakota, Manitoba, and Nova Scotia. Insufficient biological and trade data exist to indicate that blue cohosh qualifies for Appendix II of CITES at this time. For these reasons, the United States does not intend to submit a proposal to list blue cohosh in Appendix II unless substantial additional information is received.

12. Yellow Yam (*Dioscorea villosa*)—Proposal for Inclusion in Appendix II

The taxonomy of *Dioscorea villosa* is inadequately understood. It is unclear whether this species is restricted to the coastal plain or has a much broader distribution throughout the eastern United States. It has not previously been proposed for CITES listing. The primary threats to *D. villosa* are habitat loss and commercial over-exploitation. It is of considerable collecting interest for the herbal products trade. However, due to taxonomic confusion, which species of *Dioscorea* are affected by the market is often unclear. Approximately 60,000 pounds (dry) of *D. villosa* are estimated to have been collected from the wild each year for the past three years, up from an estimated 20,000–25,000 pounds (dry) per year in the early 1990s. This species may be declining in the wild, but assessment is difficult given taxonomic uncertainties. In addition, insufficient trade data exist to indicate that *D. villosa* qualifies for Appendix II of CITES at this time. For these reasons, the United States does not intend to submit a proposal to list this species in Appendix II unless substantial additional information becomes available.

13. Sundews Native to the United States (*Drosera* spp.)—Proposal for Inclusion in Appendix II

The nine species of sundews native to the United States are *Drosera anglica*, *D. brevifolia, D. capensis, D. capillaris, D. filiformis, D. intermedia, D. linearis, D. rotundifolia,* and *D. tracyi*. Sundews have not previously been proposed for CITES listing. Sundews generally grow in acidic soils and hydrologically sensitive areas. Therefore, they are infrequent in their distribution, though some are quite wide ranging and others are locally common where they are found. *Drosera brevifolia* and *D. capillaris* are listed as Rare by the IUCN. The primary threats to sundews are habitat loss and over-collection for their ornamental and medicinal values. Many U.S. States and Canadian provinces provide special protection for various species of *Drosera.* In particular, the State of Montana and U.S. Forest Service Regions 1 and 4 have established a temporary moratorium on the harvest of wild *Drosera* spp. from their lands. *Drosera anglica, D. intermedia,* and *D. linearis* are U.S. Forest Service Sensitive Species. However, *D. linearis* is the only sundew native to the United States known to be declining in status. The primary cause of the decline is habitat degradation. There are also no data to indicate that sundews harvested from the wild are entering international trade. For these reasons, the United States does not intend to submit a proposal to list this taxon in CITES Appendix II unless we receive substantial additional information indicating that international trade is a factor threatening these species.

14. Ill-Scented Trillium (*Trillium erectum*)—Proposal for Inclusion in Appendix II

Ill-scented trillium occurs in eastern Canada and the eastern United States at mid to high elevations in moist woods and on wooded slopes. It is relatively common throughout the central portion of its range where suitable habitat is available. It has not previously been proposed for CITES listing. The primary threats to *T. erectum* are habitat loss, over-collection, and browsing by deer. This species is collected for ornamental and medicinal uses, sometimes intensively. Collection pressure may be exacerbated by the fact that it is slow to mature and primarily reproduces by seed. An estimated 37,500 to 75,000 plants are harvested for the United States and European herbal products markets every year. Wild-collected *Trillium* rhizomes are also sold domestically and exported to Japan, the Netherlands, and the United Kingdom as ornamentals. International demand for *T. erectum* may be on the order of several thousand plants per year. Some experts suspect that this species is over-collected and becoming scarce in some parts of its range. However, others say *T. erectum* is relatively stable. It is common in Pennsylvania, North Carolina, South Carolina, Virginia, and parts of Michigan, but rare in Delaware, Rhode Island, Manitoba, and Nova Scotia; Endangered in Illinois; and ''exploitably vulnerable'' in New York. Habitat destruction is likely the greatest threat to this species. For these reasons, the United States does not intend to submit a proposal to list this species in CITES Appendix II unless we receive substantial additional information indicating a decline in its biological status.

15. Cat's claw (*Uncaria tomentosa* and *U. guianensis*)—Proposal for Inclusion in Appendix II

Cat's claw is a vine native to much of tropical Central and South America. It has not previously been proposed for CITES listing. The primary threat to cat's claw appears to be a sudden increase in potentially unsustainable collection to meet the demand for the plants' medicinal properties. Despite wide distribution, most of the commercial supply of cat's claw comes from Peru. In 1995, Peru exported over 700 tons of dried bark. As of 1999, cat's claw was in demand in more than 30 countries outside Peru, with the United States being the largest importer. The inner bark of cat's claw is reputed to

have therapeutic properties that hold promise for the treatment of numerous conditions such as arthritis, cancers, tumors, and viral infections, including AIDS. Cat's claw has been and still is being harvested mainly from natural stands in high-elevation natural forest. The plant is usually cut at the base and the vine is pulled down from the canopy. Frequently, collectors cut down the tree that supports the cat's claw vine. Forestry officials and conservationists in Peru are encouraging people to propagate cat's claw. The Peruvian Government issued a Presidential Decree in 1999 that prohibits the export of un-processed or mechanically processed cat's claw unless it is obtained from managed natural stocks or plantations. Studies aimed at producing cat's claw *in vitro* are on going. Little biological or trade information about cat's claw from other Central and South America countries is available. While we will continue to collect information and monitor this species, the United States does not intend to submit a proposal to include it in CITES Appendix II at COP12.

16. Cascara Sagrada (*Frangula purshiana* [=*Rhamnus purshiana*])—Proposal for Inclusion in Appendix II

Cascara sagrada is a shade-tolerant understory tree species of Pacific Coast forests of the United States and Canada. It has not previously been proposed for CITES listing. The primary threat to this species is over-exploitation of the bark for its medicinal properties, which is used as a laxative and in sunscreen preparations. Cascara sagrada has long been subjected to intensive exploitation in considerable portions of its range, especially southern British Columbia, western Washington and Oregon, and northern California. Since its peak in the 1960s, the demand for cascara bark has diminished due to the development of alternative drugs and methods of synthesizing the active ingredient found in the bark. In addition, it has been established in plantations, though possibly only to a limited extent. Cascara sagrada has since recovered through much of its natural range, even to the point that special legal protection for it in Canada was repealed. However, it may be experiencing a resurgence in demand in the United States as a result of growing interest in ''natural'' remedies and an FDA ban on certain active ingredients in laxatives.

Cascara sagrada has ranked among the top-selling herbal supplements in the United States in recent years. In addition, demand for it in Europe is significant, and may be substantially larger than domestic demand. Estimates of the average harvest of cascara sagrada bark range from several hundred thousand to a few million pounds (dry) each year, mostly from the wild. Methods of sustainably harvesting the bark are known, but not always used. Some experts indicate that this species is declining in the wild; that many populations are harvested repeatedly, to the extent that they no longer function naturally in their environment; and that older trees cut for bark are becoming uncommon. Incidents of illegal collection have been documented in recent years. The intensity of collecting, and therefore the degree of threat to the species in major portions of its range, is speculative and requires additional documentation. The United States is not planning to submit a proposal to list cascara sagrada in CITES Appendix II, unless we receive additional information suggesting we should take other action.

17. Bigleaf Mahogany (*Swietenia macrophylla*)—Proposal for Inclusion in Appendix II

Bigleaf mahogany ranges from Mexico to Brazil and Bolivia. Defenders of Wildlife has requested that the United States propose this species for inclusion in Appendix II. Proposals to include this species in Appendix II were submitted at COP8 (March 1992) by Costa Rica and the United States, at COP9 (November 1994) by the Netherlands, and at COP10 (June 1997) by Bolivia and the United States. At COP8, the proposal was withdrawn. At COP9, the proposal submitted gained 60 percent of the vote, short of the two-thirds majority needed for adoption. The COP10 proposal also received the majority of the votes, but did not obtain the required two-thirds majority. The primary threat to *S. macrophylla* is commercial over-exploitation. Approximately 120,000 cubic meters of bigleaf mahogany are traded internationally each year, not including illegal and unreported trade, which are likely to be substantial. The United States is by far the largest importer of the species. Brazil, Bolivia, and Peru are the largest exporters. Mahogany is a very long-lived species, with generation times approaching centuries. Regeneration is random, occurring in extensively cleared areas after large-scale disaster. Therefore, it generally occurs in even-aged stands, and modern logging practices commonly lead to the complete removal of stands over a large area, leaving few smaller individuals and an insubstantial seed source for future regeneration. Regeneration after selective felling is often poor or non-existent because seeds need a large canopy opening to germinate. Harvesting and processing are very inefficient.

Bigleaf mahogany populations have been depleted in major portions of its range, especially from Mexico to Colombia. The most extensive stands remain in Brazil, which recently imposed a temporary moratorium on the harvest and export of the species. The species is listed as Vulnerable by WCMC and the IUCN World List of Threatened Trees. Bigleaf mahogany (from the Americas) was listed in Appendix III by Costa Rica in November 1995. The listing included saw-logs, sawn wood, and veneer sheets (i.e., other derivatives such as furniture are exempt from CITES requirements). Bolivia (March 1998), Brazil (July 1998), Mexico (April 1999), Peru (June 2001), and Colombia (October 2001) subsequently have taken the same action. An Appendix-III listing requires that countries that list the species issue permits and ensure that specimens are legally acquired. Non-listing range countries must issue certificates of origin, and importing countries are required to ensure that all shipments are accompanied by the appropriate CITES documents.

The United States is unlikely to submit a proposal at COP12 to list bigleaf mahogany in CITES Appendix II. We are encouraged by recent efforts by Brazil to control illegal trade in this species and by the continuing increase in the number of countries listing this species in Appendix III, although we remain concerned about continuing reports of illegal and unsustainable trade in the species. We will continue to be active in efforts to improve the control of trade in *S. macrophylla* and monitor progress in the event that further action is needed in the future.

18. Port-Orford-Cedar (*Chamaecyparis lawsoniana*)—Proposal for Inclusion in the CITES Appendices

The Port-Orford-cedar is restricted to a small geographic area of 220 miles, from the southwest corner of Oregon to the northwest corner of California. The majority of the species' range is managed by the U.S. Forest Service and the Bureau of Land Management. We received one comment from TRAFFIC North America requesting that ''the United States consider concrete measures to control harvest and/or exports of Port-Orford-cedar by examining the conservation merits of a CITES listing for this species.'' The United States considered an Appendix-II listing proposal for the Port-Orford-cedar for COP9, but our review at that time concluded that existing State and

Federal control mechanisms were sufficient to prevent over-collection of the species. Nearly all harvested Port-Orford-cedar is exported at a premium price to Japan as a substitute for the rare Japanese hinoki (*C. obtusa*) wood.

A 1998 report, compiled by WCMC for the CITES Management Authority of the Netherlands, evaluated the Port-Orford-cedar as meeting the CITES listing criteria for Appendix I. However, most of the decline in Port-Orford-cedar was due to the fact that the species is extremely susceptible to an introduced root rot disease that has spread throughout the species' range. There is currently no known cure for trees infected with the root rot; infected trees are harvested for commercial sale. In 1994, The Nature Conservancy classified Port-Orford-cedar plant communities as G2 (globally imperiled). The U.S. Forest Service and the Bureau of Land Management recently completed a comprehensive range-wide assessment of Port-Orford-cedar indicating that the species is stable. Therefore, in the absence of proof of trade-based threats posed to the species, the United States does not currently intend to submit a proposal to list *C. lawsoniana* in either CITES Appendix I or II.

19. Lloyd's Mariposa Cactus (*Sclerocactus mariposensis*)—Proposal for Transfer From Appendix I to Appendix II

Sclerocactus mariposensis is a small cactus found in the Chihuahua Desert region of northern Mexico and southwest Texas. This species has a very restricted distribution, known from about 30 sites. The species was listed in Appendix II on July 1, 1975, and later uplisted to Appendix I on July 29, 1983. At COP11, Switzerland, on behalf of the Plants Committee, proposed to downlist the species from Appendix I to II. The proposal was rejected with a vote of 47 to 35. *Sclerocactus mariposensis* is listed as Threatened under the U.S. Endangered Species Act and as endangered under Mexican domestic regulation. Collecting from the wild has had the largest impact on *S. mariposensis* and remains its greatest threat. Mining and drilling activities, off-road vehicles, and grazing also threaten the species within the United States. Records indicate that export of seeds and plants from the United States has been limited to artificially propagated specimens. However, artificial propagation of the species is reported to be difficult. Therefore, transfer of *S. mariposensis* to Appendix II could shift trade from artificially propagated specimens to wild specimens, as trade in seeds is usually not regulated under CITES Appendix II. The impact on U.S. populations could be particularly great because trade in cacti seeds of Appendix-II Mexican species originating in Mexico is regulated under the Convention, but trade in seeds of the same species originating in the United States is not. For these reasons the United States does not intend to submit a proposal to transfer the species from Appendix I to II.

20. Siler's Fish-Hook Cactus (*Sclerocactus sileri*)—Proposal for Transfer From Appendix II to Appendix I

It appears from our review of the literature that *Sclerocactus sileri* is a synonym for *Pediocactus sileri,* which is listed as Threatened under the U.S. Endangered Species Act. It was listed in Appendix II on July 1, 1975, and later uplisted to Appendix I on July 29, 1983. Inconsistencies exist in descriptions of the range of this species. We will continue to investigate to determine whether these two names refer to the same species. At this time, the United States does not intend to submit a proposal to transfer the species from Appendix II to I.

21. Small-flower fish-hook cactus (*Sclerocactus parviflorus*)—Proposal for Transfer From Appendix II to Appendix I

Sclerocactus parviflorus is a small U.S. endemic cactus species occurring in Utah, Arizona, Colorado, New Mexico, and Nevada. It was listed in Appendix II on July 1, 1975. Very little information is available about the status of this species. Arizona protects the species because it is subject to damage by theft or vandalism. It is considered a rare plant in New Mexico, under the name *S. cloveriae*. Information provided by New Mexico indicates that, although collection of the species occurs, it is presently at a rate that does not threaten the species. Seeds of *S. parviflorus* are available on the Internet from Websites located in Germany and Malta, indicating international demand for the species exists and international trade occurs. Because so little information about the status of the species is available at this time, the United States does not intend to submit a proposal for transfer to Appendix I. However, we will continue to study this species to determine if a change in listing is needed.

22. All Appendix-II Plants—Proposal To Remove the Exemption of all Seeds, Pollinia, and Fruits, Except Those From Artificially Propagated Plants

The Minnesota Natural Heritage and Nongame Research Program suggested that we should submit a proposal to remove the exemption for seeds, pollinia, and fruits of Appendix-II species except for such specimens derived from artificially propagated plants. The Minnesota Natural Heritage and Nongame Research Program made this suggestion because, it stated, ''the removal of reproductive parts is tantamount to removal of plants and should be subject to the same restrictions.'' The CITES Parties have agreed to exempt seeds and other parts of Appendix-II plants because, generally, trade in seeds is not a threat to the survival of species, since often many more seeds are produced than actually survive to adulthood. Furthermore, Appendix-II plants are those considered to be sufficiently abundant and secure to allow some level of removal from the wild, even as adult plants. In the case of perennial plants, the removal of some seeds is not considered to be a threat to the survival of the species because the plants are likely to produce additional seeds in the future, and some plants reproduce vegetatively at greater rates than through seed. While we realize that all seed is not expendable, and some species produce seed at very low rates, a broad change to include all seed and other reproductive parts of Appendix-II species is not warranted. It is worth noting that the CITES Parties adopted a proposal by Mexico to include seeds in the listing of that country's Appendix-II cactus species, but this has presented implementation problems that have prompted the CITES Plants Committee to pressure Mexico to delist these seeds. If a species is so rare or has specific life-history characteristics that would warrant the inclusion of seeds in a listing, the species should be considered for listing in Appendix I. However, the United States does not intend to go forward with a proposal to include seeds, pollinia, and fruits in the listings of all Appendix-II plants.

Invertebrates

23. Eastern Hemisphere tarantulas (*Poecilotheria* spp.)—Proposal for Inclusion in Appendix II

The 11 known species of Eastern Hemisphere tarantulas (*Poecilotheria*) occur only in the forests of southern India and Sri Lanka. They are threatened by habitat loss and collection for the commercial hobbyist trade. None

of the species are currently listed under CITES. At COP11, the United States co-sponsored a proposal with India and Sri Lanka to list all of the Eastern Hemisphere tarantulas in Appendix II. Although the proposal received a simple majority of votes, it did not receive the two-thirds majority necessary for adoption. Since COP11, the United States has remained active in efforts to conserve these Eastern Hemisphere tarantula species. We have urged both India and Sri Lanka to list *Poecilotheria* spp. in CITES Appendix III. Although this has not yet happened, India recently included the Eastern Hemisphere tarantulas in its schedule of protected species under the Indian Wildlife Protection Law (the tarantulas are already protected by Sri Lankan law). The United States sponsored workshops in India and Sri Lanka to train local conservationists in methods for identifying and conducting field population surveys of tarantulas. We expect that this training will lead to the initiation of long-term monitoring programs for the species. We are also active in efforts to stop illegal collecting of tarantulas by foreign hobbyists and commercial collectors. Given these ongoing conservation efforts, the United States is unlikely to submit a listing proposal for Eastern Hemisphere tarantulas at COP12. However, we are aware that the two range countries, India and Sri Lanka, may have interest in submitting a proposal, and we have offered our assistance to them in the preparation of such a proposal.

Fish

24. Whale Shark (*Rhincodon typus*)—Proposal for Inclusion in Appendix II

The whale shark is the largest fish and is a sluggish pelagic filter feeder often seen swimming on the surface. It occurs in tropical and sub-tropical waters worldwide. The United States unsuccessfully proposed the species for inclusion in Appendix II at COP11. The primary threat to the species is directed commercial harvest, exacerbated by a vulnerable life history. Harvest is facilitated by seasonal aggregations in known areas and driven by a lucrative international market for fins and meat. The whale shark has recently been targeted for its fins, meat, and liver in several places in Asia, including India, Pakistan, China, Indonesia, the Philippines, Taiwan, Japan, and the Maldives. Population size is unknown, but the species is considered to be rare. Local seasonal populations have apparently declined drastically in some places, while fishing effort and price have increased. It is not known to what degree fishing in one area affects populations in other areas, although the fact that at least some of the sharks migrate long distances within ocean basins suggests that the effects may not be purely local.

Whale sharks are currently protected in Australia, the Maldives, Honduras, Malaysia, the U.S. Atlantic coast and Gulf of Mexico, India, South Africa, and the Phillippines, leaving Taiwan as the only jurisdiction with a significant commercial fishery. Illegal trade may be growing and compromises the domestic protection mentioned above. Nonetheless, we are concerned that only limited data are available on trade volumes and the impact of remaining fisheries. Therefore, the United States is reluctant to submit a listing proposal at this time. However, we are still interested in determining ways of obtaining information on current levels of international trade (beyond the valuation data above), range country initiatives for CITES listings, and development of identification manuals.

25. Basking shark (*Cetorhinus maximus*)—Proposal for Inclusion in Appendix II

The Defenders of Wildlife and the Humane Society International recommended that the United States consider a proposal for listing the basking shark in CITES Appendix II. The basking shark is widely distributed in coastal waters and on the continental shelves of temperate zones in the Northern and Southern Hemispheres. The United Kingdom proposed the species for listing in Appendix II at COP11, with the full support of the United States, but was unsuccessful. The species is planktivorous, bears a small number of live young (ovoviviparous), and is the second largest fish in the world (up to 10 meters in length and 5–7 tons in weight), exceeded only by the whale shark. The main threat to basking shark populations is from fishing operations, both targeted on basking sharks and incidental or by-catch in other fisheries. However, because these fish congregate in bays and shallow water, they are also at risk from collisions with vessels. The biology of the species makes it especially vulnerable to exploitation: it has a slow growth rate, a long time to sexual maturity (ca. 12–20 years), a long gestation period (1–3 years) and a similar interval between pregnancies, low fecundity (the only recorded litter was of just six very large pups), and probable small populations. Its habit of ''basking'' at the surface makes it vulnerable to harpoon fisheries. There are a few well-documented fisheries for *C. maximus* (especially from the Northeastern Atlantic) and these suggest stock reductions of 50–90 percent over short periods (typically a few decades or less). These declines have persisted into the long-term with no apparent recovery several decades after exploitation has ceased. Other data, based on sightings and less well-recorded fisheries, suggest similar declines.

Demand for the fins of *C. maximus* has increased in recent years. Fins are known to enter international trade, particularly exported from the Northeastern Atlantic to Eastern Asia, where they command a high value, either fresh or dried, as a food item. This demand currently maintains the viability of targeted fisheries for this species and encourages incidental take in non-target fisheries. A single *C. maximus* can yield over 90 kilograms of fins, and reported prices range from 100–300 U.S. dollars per kilogram (dried) and 26 U.S. dollars per kilogram (fresh). Fins, if unprocessed, are identifiable in trade. There is only limited demand for the flesh and cartilage of this shark. The species is given domestic protection over a limited part of its range, and the United Kingdom placed *C. maximus* fins and whole animals in Appendix III in September 2000. The United States is evaluating the benefits of listing basking shark in Appendix II of CITES.

Given the favorable discussions and votes at COP11, the United Kingdom may re-submit an Appendix-II listing proposal for basking sharks at COP12. Therefore, the United States does not intend to develop a proposal at this time, but will rather consult with the United Kingdom and the European Union as it prepares for COP12. The United States may support any such Appendix-II proposal for basking shark, or may reconsider its plans if no proposal is forthcoming. We would appreciate any information that you might provide on the current status, conservation threats, and international trade in basking shark.

26. White shark (*Carcharodon carcharias*)—Proposal for Inclusion in Appendix I

The Defenders of Wildlife and the Humane Society International suggested that the United States consider listing the white shark in CITES Appendix I or II. Australia and the United States unsuccessfully proposed the white shark for inclusion in CITES Appendix II at COP11. Subsequently, Australia listed the species in Appendix III, effective October 2001. Existing data suggest that white sharks are uncommon and occur singly as scattered,

unassociated individuals and occasionally as pairs. The white shark has always been uncommon to scarce throughout its range excepting certain areas usually frequented by pinniped colonies where it may be seasonally common in its search for food. Evidence of population declines exist from commercial and recreational fishery data in the northwest Atlantic, beach meshing, game fishing, and sightings data in Australia, and beach meshing in South Africa. However, it is impossible to prove worldwide decline in the white shark since it is widespread, and data have historically been meager. Precautionary management measures have recently banned possession and landing of white sharks in several areas (California, U.S. East Coast and Gulf of Mexico, Australia, South Africa, Malta, Namibia, and the Maldives).

The primary threats to white sharks include by-catch in longline and gillnet fisheries, trophy hunting, and demand for jaws and teeth as curios. We believe that international trade in white shark products represents a negligible threat to the species, especially when compared to by-catch losses and other incidental mortality in commercial fisheries. Therefore, the United States does not support a CITES Appendix-I listing for white sharks at this time. However, we could consider supporting or co-sponsoring another country's proposal for an Appendix-II listing to improve the collection of trade data and encourage regional management if the situation arises, and especially if the proposal contained additional trade information to support a listing.

27. Southern bluefin tuna (*Thunnus maccoyii*)—Proposal for Inclusion in Appendix II

The Humane Society International recommended that the United States propose the Southern bluefin tuna for listing in CITES Appendix II. The Southern bluefin tuna inhabits portions of the Pacific, Atlantic, and Indian Oceans in the Southern Hemisphere. The only known spawning ground is located south of Java, Indonesia, and northwest of Australia. Juveniles then migrate along the west coast of Australia, inhabiting coastal waters of southwest, south, and southeast Australia. As fish reach maturity, they extend their ranges to the circumpolar regions. The predominant threat to the species is commercial fishing. The high commercial value of the species makes it extremely attractive to targeted fishing, even when stocks are depleted. The global catch of Southern bluefin tuna has declined from about 80,000 tons in the late 1950's to less than 20,000 tons. Data from Australia, New Zealand, and Japan suggest that the spawning stock biomass is now only 25–47 percent of that in 1980 and 37–58 percent of that in 1986. Since the mid-1990s, stock biomass has been roughly stable with possible slight increases or decreases. There is a risk of further stock declines if current fishing levels are maintained.

International management of the fishery is under the Convention for the Conservation of Southern Bluefin Tuna to which Australia, Japan, New Zealand, and the Republic of Korea are Parties. This Convention establishes (since 1994) the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), which sets the global Total Allowable Catch (TAC) and national allocations for its member countries. It provides an internationally recognized forum for other countries/entities to actively participate in issues relating to management of the species. The CCSBT is actively pursuing efforts to encourage accession to the Convention for the Conservation of Southern Bluefin Tuna by other countries involved in the fishery so that the global fishery can be managed sustainably. The CCSBT has also instituted a Catch Certification Scheme to obtain more accurate information on international trade. Given the regional nature of the fishery, the growing cooperation between harvesting nations, and the recent institution of a Trade Certification Scheme, the United States does not believe an Appendix-II listing is warranted for Southern bluefin tuna at this time.

28. Spiny Dogfish (*Squalus Acanthias*, Northwest Atlantic Stock Only)—Proposal for Inclusion in Appendix II

The Humane Society of the United States recommended that the United States consider proposing the spiny dogfish for listing in CITES Appendix II at COP12. The spiny dogfish has a circumglobal distribution and is found in the temperate portions of the Atlantic and Pacific Oceans. This species has not previously been proposed for CITES listing. According to the most recent scientific assessment, spiny dogfish in the Northwest Atlantic are over-fished. Although total stock biomass is currently at a high level, harvest levels and exploitation rates of the late 1990s cannot be sustained. Spawning stock biomass declined by 50 percent during the 1990s. Recent harvest rates exceed the replacement level for the stock and recruitment has declined. Under the Magnuson-Stevens Act, a Fishery Management Plan (FMP) has been developed for spiny dogfish. The FMP contains a number of measures to reduce harvest, eliminate the directed fishery for spiny dogfish, and thus curtail international trade. Through quota reductions and ''trip limits'' imposed on each vessel, total catch has been reduced from roughly 30 million pounds in 1999 to less than 4 million pounds in 2001. Further quota reductions are expected in the near future, and severe limitations on poundage that can be landed per trip (currently 500 pounds per vessel) essentially eliminate the high-volume fishery that drove international trade in the 1990s. High-volume trade is necessary to maintain international markets because of the high cost of fishing operations and low wholesale value of the product (approximately 15 cents per pound). Fisheries for spiny dogfish are prosecuted by several countries in the North Atlantic and North Pacific, and we believe it would be difficult or impossible to differentiate Northwest Atlantic *S. acanthias* specimens from other *S. acanthias* stocks in trade. Furthermore, the United States believes that rebuilding of this stock can be accomplished under the Magnuson-Stevens Act and, therefore, does not intend to propose this species for listing in CITES Appendix II. We will monitor stock recovery under the Federal FMP (and complementary actions taken in State waters by the Atlantic States Marine Fisheries Commission), and could reconsider listing action before the thirteenth meeting of the Conference of the Parties to CITES (COP13), if the situation warrants it.

29. Orange roughy (*Hoplostethus atlanticus*)—Proposal for inclusion in Appendix II

The Humane Society International recommended that the United States propose listing orange roughy in CITES Appendix II. Orange roughy is widely distributed in deep water (about 300–1500+ meters) at temperate latitudes in the Pacific, Atlantic, and Indian Oceans. It has not previously been proposed for CITES listing. While it is believed to be only a single species, numerous spawning aggregations have been identified, some of which represent genetically distinct populations. The primary threat to this species is over-exploitation by fisheries. Orange roughy have extremely low productivity relative to most other marine teleosts. Studies have suggested an age of maturity of 20–30 years and a maximum age of 100–200 years. Fecundity is also low by comparison with other marine teleosts. These characteristics make the species vulnerable to over-exploitation

and slow to recover or rebuild from over-fishing. *Hoplostethus atlanticus* is exploited and traded internationally by three primary countries: New Zealand, Australia, and Namibia. Due to its low productivity, orange roughy can be fished down rapidly, and several populations in the waters of these three countries have been reduced to only a small fraction of their unexploited stock size. In all three of the primary capture countries, by far the majority of the landings are exported, with relatively smaller amounts entering into domestic trade.

Major export markets include the United States, Europe, and Japan. However, most of the major orange roughy populations are managed under national fishery management plans in these countries, and quotas and catches are gradually being reduced towards sustainable levels. All three of the primary harvesting countries have rigorous monitoring and surveillance systems in place for this species, and therefore illegal trade is likely to be negligible. Given the management steps being taken by the principal harvesting nations, ongoing monitoring programs, and negligible illegal trade, the United States is not prepared to submit an Appendix-II listing proposal for this species at this time.

30. Patagonian toothfish (*Dissostichus eleginoides*)—Proposal for inclusion in Appendix II

The Patagonian toothfish, a species of the Family Nototheniidae, is the largest finfish inhabiting the Southern Ocean with any economic importance. The Humane Society International and TRAFFIC North America recommended that the United States propose Patagonian toothfish for listing in Appendix II of CITES, and TRAFFIC International provided a recent report on the toothfish's conservation status for our review. This species has been fished commercially for about 20 years, and management of the species is under the competence of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR).

The total reported catch of toothfish within the CCAMLR Convention Area for the 2000/01 split-year was 12,645 tonnes. The reported catch of toothfish from outside the CCAMLR Convention Area was 30,152 tonnes for the 2000/01 split-year. However, surveys in the area have never found fishing concentrations and commercial-scale aggregations of Patagonian toothfish at levels that would support these catch reports. In addition, oceanographic conditions (sub-Antarctic and tropical hydrological fronts) present a barrier to a northern distribution of toothfish into the area. Some of the catch taken outside the CCAMLR Convention Area is legal catch from regulated fisheries in the Exclusive Economic Zones (EEZs) off South America. The remainder of this catch, in all likelihood, is fish poached from the CCAMLR Convention Area by vessels not licensed to fish there, and misattributed to unregulated high seas fisheries outside the Convention Area. The estimated unreported and illegally fished catch of Patagonian toothfish during the 2000/01 split-year was 7,599 tonnes. Therefore, it is estimated that 50,396 tonnes of toothfish were harvested (both legally and illegally, accurately reported and misreported) during the 2000/01 split-year.

There are several characteristics of the life history of *D. eleginoides* that make the species vulnerable to over-exploitation. The production of large yolky eggs implies that fecundity of Patagonian toothfish is comparatively low. In addition, *D. eleginoides* matures at a relatively late age, with age at first spawning from 8–10 years of age. The species is relatively slow growing and long-lived, likely surviving to a minimum of 40–50 years old.

CCAMLR adopted a conservation measure to track and monitor trade in *Dissostichus* spp. (Patagonian and Antarctic toothfish), known as the Catch Documentation Scheme (CDS), which became effective in May 2000. Following its adoption, CCAMLR formed an Informal CDS Working Group. The Group met prior to the 2000 and 2001 meetings of CCAMLR, and CCAMLR, at its 2001 meeting, directed that it continue meeting for 2 to 3 years. Based upon the experience of CCAMLR Members in implementing the CDS, the Working Group recommended (and CCAMLR has adopted) amendments to strengthen the CDS and modifications to the Dissostichus Catch Document (DCD) used in tracking toothfish trade and the Guide to completing the DCD.

The United States announced plans to hold a workshop in 2002 to consider elements of an electronic paperless Web-based CDS. The United States, a major importer of toothfish, plans to propose a pre-approval process for domestic implementation of the CDS in 2002. Electronic processing and pre-approval should make it increasingly difficult to market illegally caught toothfish. CCAMLR created a CDS Fund in 2001, which will be used to fund special needs and special projects of the CCAMLR Secretariat aimed at assisting the development and improving the effectiveness of the CDS.

CCAMLR also adopted a resolution urging States participating in the CDS to consider reviewing their domestic laws and regulations, with a view to prohibiting landings and trans-shipments of toothfish declared in a DCD as having been caught in FAO Statistical Area 51, if a Flag State fails to demonstrate that it verified the DCD using automated satellite-linked Vessel Monitoring System data. Area 51 is outside the CCAMLR Convention Area and appears to be a cover on DCDs for toothfish illegally harvested within the Convention Area.

Given the recent adoption of the CDS, its initial success in limiting trade in illegally caught toothfish, and continuing improvements to the CDS, the United States does not believe that an Appendix-II listing for toothfish is warranted at this time. However, we are interested in re-examining the toothfish trade after we have had more time to evaluate the effectiveness of the CDS, and the ability of CCAMLR to track and monitor the trade in countries which have chosen not to issue DCDs. The United States will continue to assess the level of Illegal Unreported or Unregulated (IUU) fishing and the progress in voluntary implementation of the CDS by non-CCAMLR parties in making decisions prior to COP13. The United States is also considering how fisheries trade tracking and monitoring schemes like the CDS might work in conjunction with a CITES listing to obligate trading partners who are not otherwise covered by, or choose not to become a part of, such schemes.

31. Beluga sturgeon (*Huso huso*)—Proposal for Transfer From Appendix II to Appendix I

All Acipenseriformes (sturgeon and paddlefish), including the beluga sturgeon, were listed in Appendix II at COP10 in 1997. Historically found in the waters of the Caspian, Black, Azov, and Adriatic Seas, the beluga sturgeon is currently limited to the Caspian and Black Seas. The species has declined as a result of over-harvesting for the caviar trade, illegal harvest and trade (estimated to be ten times greater than legal trade), habitat loss and degradation, and pollution (largely associated with the petro-chemical industry). Over-harvest has sharply increased since dissolution of the Soviet Union in 1991. The species' life history makes it particularly vulnerable to exploitation and depletion. The beluga sturgeon is a long-lived and slow growth species, reaching reproductive age between 11–17 years of age. Furthermore, individuals do not reproduce on an annual basis. Males spawn every 4 to 7 years, while females may only reproduce every 4 to 8 years.

The problem is further compounded by the proliferation of dams and other river barriers, which prevent passage of individuals to suitable spawning areas as well as important habitats required for feeding and protection of juveniles and sub-adults.

At the present time, the Caspian Sea population is believed to be so depleted that it may no longer support reproduction in the wild. At its sixteenth meeting in December 2000, the Animals Committee reviewed the status of all Acipenseriformes as part of Phase IV of the Significant Trade Review process, pursuant to Decision 11.95 (*Regarding trade in sturgeons and paddlefish*) and Resolution Conf. 8.9 (Rev.) (*Trade in specimens of Appendix-II species taken from the wild*). Based on the information available at the time, the species was placed in Category 1 (according to Decision 11.106 g)), i.e., a ''species for which the available information indicates that the provisions of Article IV of the Convention are not being implemented.'' Subsequently, at its forty-fifth meeting in June 2001, the Standing Committee adopted the Secretariat's recommendation of limited export quotas, prohibition of the 2001 Fall season harvest, development of regional management plans for sturgeon species from the Black and Caspian Sea, and implementation of a research project to assess the status and abundance of all Caspian and Black Seas sturgeon populations, including the beluga sturgeon. The commitment of range countries to the conservation of the species is exemplified by their adherence to all of the Standing Committee's recommendations. Given these conservation efforts, we believe that transfer of beluga sturgeon from Appendix II to I could be counterproductive and discourage range countries from further implementing the Standing Committee's recommendations. Therefore, the United States does not intend to submit an uplisting proposal at COP12.

Reptiles and Amphibians

32. Ozark hellbender (*Cryptobranchus alleganiensis bishopi*)—Proposal for Inclusion in Appendix II

The Ozark hellbender is an aquatic salamander, native to streams of the Ozark Plateau in Arkansas and Missouri. It has not previously been proposed for CITES listing. Kelly Irwin, a State herpetologist with the Arkansas Game and Fish Commission, has suggested listing the species in Appendix II. The species is threatened throughout its range by habitat fragmentation due to siltation and erosion from mining, impoundment construction, and timber harvest. Habitat has also been lost due to pesticide and mining residue contamination. Take is not a major threat to this subspecies due to the difficulty of locating and capturing the animal in the wild and maintaining it in captivity as well as laws in range States prohibiting its take. It is considered a Priority 6 candidate species for review by our Division of Endangered and Threatened Species (66 FR 54807–54832, October 30, 2001). Because trade does not constitute a threat to the species, the United States does not intend to submit a proposal to list it in Appendix II.

33. Alligator snapping turtle (*Macroclemys temminckii*)—Proposal for Inclusion in Appendix II

The alligator snapping turtle is the largest freshwater turtle to inhabit the United States. At COP10, the United States submitted a proposal to include the alligator snapping turtle in Appendix II. The proposal was withdrawn after some countries expressed the view that international trade is minimal and conservation problems for the species should be addressed through domestic measures. There was also opposition from the State of Louisiana to the proposal. Many countries at COP10 indicated that, for an endemic species such as the alligator snapper (which is confined to the United States in river systems that drain into the Gulf of Mexico), inclusion in Appendix III would be preferable. The species is threatened by habitat loss and modification, and harvest for use as pets and for human consumption. Records show a generally steady increase in exports of alligator snapping turtles over the past 12 years from just 290 exported in 1989 to around 23,500 exported in 2000. From our records, we are unable to determine if the origin of these turtles is wild or captive, so the impact of the trade on wild populations is difficult to assess. In addition, few populations of alligator snapping turtle have been well studied, and the effects of harvest on populations is poorly documented.

The U.S. Geological Survey is currently assessing the status of North American turtle species, including the alligator snapping turtle. Information gathered since COP10 more strongly supports the qualification of the species for listing in Appendix II. However, instead of submitting an Appendix-II proposal, we believe that listing the species in Appendix III would improve the regulation, protection, and control of the species in domestic and international trade. Therefore, whereas the United States does not intend to propose this species for listing in Appendix II, we have proposed including the species in Appendix III through our domestic process (see 65 FR 4217).

34. Map turtles (*Graptemys spp.*)—Proposal for Inclusion in Appendix II

Map turtles are freshwater species that inhabit river systems in the east central portion of the United States, with one species ranging north into southern Canada. At COP10, the United States submitted a proposal to include nine of the 12 species of map turtles in Appendix II (and to leave the three more common species unlisted). The proposal received a majority of votes, but did not receive the two-thirds majority required for adoption (37 votes for and 19 votes against). Map turtles are threatened by habitat loss and modification, poor water quality conditions, and harvest for use as pets and for human consumption. Records show that the export of map turtles has generally steadily increased over the past 12 years. A minimum of 670 turtles were exported in 1989, and a maximum of 202,000 were exported in 2000. From our records, we are unable to determine if the origin of these turtles is wild or captive, so the impact of the trade on wild populations is difficult to assess. In addition, few populations of map turtles have been well studied, and the effects of harvest on populations is poorly documented. The U.S. Geological Survey is currently assessing the status of North American turtle species, including the map turtles. Instead of submitting another Appendix-II proposal for map turtles, we believe that including map turtles in Appendix III would improve the regulation, protection, and control of these species in domestic and international trade. Therefore, whereas the United States does not intend to propose map turtles for listing in Appendix II, we have proposed including the genus in Appendix III through our domestic process (see 65 FR 4217).

35. Common snapping turtle (*Chelydra serpentina*)—Proposal for Inclusion in Appendix II

The common snapping turtle occurs throughout the United States east of the Rockies, north into southern Canada, and south into Central America, Colombia, and Ecuador. The species has not been proposed previously for CITES listing. Common snapping turtles are harvested in large numbers both for food and for the pet trade. Although certain local or regional populations may have been depleted by over-harvest, this

species continues to be generally common and widely distributed. Much of the market is domestic, although international trade involving the United States may be increasing. Over the past 11 years the minimum number of live common snapping turtles exported per year averaged 13,300 specimens. From our records, we are unable to determine if the origin of these turtles is wild or captive, so the impact of the trade on wild populations is difficult to assess. In addition, few populations of common snapping turtles have been well studied, and the effects of harvest on populations are poorly documented. The U.S. Geological Survey is currently assessing the status of North American turtle species, including the common snapping turtle. The species does not appear to qualify for listing in Appendix II at this time, given the general abundance of the species throughout most of its range. Therefore, the United States does not intend to submit a listing proposal for the common snapping turtle at COP12.

36. Spotted turtle (*Clemmys guttata*)—Proposal for Inclusion in Appendix II

The spotted turtle occurs in southern Ontario, Canada, and in northeastern, upper Midwestern, mid-Atlantic, and southeastern States in the United States. At COP11, the United States submitted a proposal for the listing of the spotted turtle in Appendix II. However, the majority of CITES Parties did not feel that the threat posed by international trade was significant in relation to threats from habitat loss and collection for domestic use, and did not support the proposal. This species was again included among the initial set of species considered for COP12. A large number of commenters recommended that a listing proposal be submitted at COP12. However, no new data were submitted to indicate that a new CITES listing proposal might be successful. Therefore, the United States is unlikely to submit a listing proposal for spotted turtle at COP12. The U.S. Geological Survey is currently conducting an in-depth review of native U.S. turtle species being harvested for domestic and international trade. The final report on this project is due in April 2002. If that report concludes that the spotted turtle deserves CITES protections, the United States may prepare and submit a proposal to list the species in Appendix II.

37. California mountain kingsnake (*Lampropeltis zonata*)—Proposal for Inclusion in Appendix II

The California mountain kingsnake has a restricted distribution on the west side of the Sierra Nevada mountain range in California and in the coast ranges from southwestern Oregon to northern Baja California, Mexico. Major threats to this species are habitat loss, particularly in southern California, and collection for commercial trade. This species is not currently listed under CITES. It was considered for a possible listing proposal for COP11. However, available information on the status of populations and the impact of collection on populations was, at that time, extremely limited, and appeared inadequate to fulfill CITES listing criteria. Therefore, the United States did not submit a listing proposal for the California mountain kingsnake at COP11. In an effort to gather whatever new information might be available on the status of this species, it was included in the initial set of species being considering for COP12. In response to our request for comments on possible species proposals for COP12, the Humane Society of the United States and the Humane Society International recommended the California mountain kingsnake be listed in Appendix II, while the Western Association of Fish and Wildlife Agencies recommended against listing. However, no new data were submitted by any of the commenters to indicate that CITES listing criteria might be satisfied. Therefore, the United States is unlikely to submit a listing proposal for the California mountain kingsnake at COP12. However, the U.S. Geological Survey is currently conducting an in-depth review of native U.S. snake species being harvested for domestic and international trade. The final report on this project is due in April 2002. If that report concludes that the California mountain kingsnake deserves CITES protection, the United States may prepare and submit a proposal to list the species in Appendix II.

38. Timber rattlesnake (*Crotalus horridus*)—Proposal for Inclusion in Appendix II

The timber rattlesnake occurs from New England southward through Mid-Atlantic, southeastern, and southern States to Arkansas and Texas. At least two subspecies are recognized. Major threats to this species are habitat loss, particularly den sites in the northern portion of its range and native forest habitat in the southeastern and southern portions of its range, and collection for commercial trade. At COP11, the United States submitted an Appendix-II listing proposal for the timber rattlesnake. However, the majority of CITES Parties did not feel that the threat posed by international trade was significant in relation to threats from habitat loss and collection for domestic use, and did not support the proposal. It was withdrawn from consideration prior to a vote. This species was included among the initial set of species considered for COP12. In response to our initial request for comments, the Minnesota Department of Natural Resources, Humane Society of the United States, and the Humane Society International recommended the timber rattlesnake be listed in Appendix II, but the Florida Fish and Wildlife Commission and Georgia Department of Natural Resources opposed an Appendix-II listing. One commenter recommended Appendix I for the timber rattlesnake, and two organizations recommended Appendix III. Our review of trade data since COP11 indicates that documented trade has increased somewhat. Nevertheless, in the absence of new data on the threats posed by international trade, the United States is unlikely to submit a listing proposal for the timber rattlesnake at COP12. However, if the U.S. Geological Survey report on native U.S. snake species being harvested for domestic and international trade, due in April 2002, concludes that the timber rattlesnake deserves CITES protection, the United States may prepare and submit a proposal to list the species in Appendix II.

39. Eastern diamondback rattlesnake (*Crotalus adamanteus*)—Proposal for Inclusion in Appendix II

The eastern diamondback rattlesnake ranges along the coastal plain from southeastern North Carolina to the Florida Keys to southern Mississippi and extreme southeastern Louisiana. The major threats to this species include habitat loss and degradation (due primarily to conversion of suitable habitat to loblolly pine plantations, agricultural fields, and commercial and residential areas), collection for trade and rattlesnake roundups, and intentional killing. The species is not currently listed under CITES. It was considered for a possible listing proposal for COP11. However, available information on the status of populations and the impact of collection on populations was, at that time, extremely limited, and appeared inadequate to fulfill CITES listing criteria. Therefore, the United States did not submit a listing proposal for the eastern diamondback rattlesnake at COP11. In response to our initial request for comments on possible species proposals for COP12, the Humane Society of the United States and the Humane Society International recommended the eastern diamondback rattlesnake be listed in

Appendix II, but the Western Association of Fish and Wildlife Agencies, Florida Fish and Wildlife Commission, and Georgia Department of Natural Resources opposed an Appendix-II listing. However, no new information was presented on the status of populations or magnitude of harvest.

Our review of trade data since 1996 indicates cause for concern for this species. Over 5,400 skins have been exported since 1999, some 3,600 ''skin pieces'' were exported in 2000, and over 100 kilograms of meat were exported in 1998. Still, the extent of the threat posed by international trade is poorly understood, and, consequently, the United States does not intend to submit an Appendix-II listing proposal for the eastern diamondback rattlesnake at COP12. We will continue to closely monitor the status of this species. As with the timber rattlesnake, if the U.S. Geological Survey report on native U.S. snake species being harvested for domestic and international trade, due in April 2002, concludes that the eastern diamondback deserves CITES protection, the United States may prepare and submit a proposal to list the species in Appendix II.

40. Prehensile-tailed skink (*Corucia zebrata*)—Proposal for Transfer From Appendix II to Appendix I

The prehensile-tailed or Solomon Islands skink is found in the lowland primary forests of the Solomon Islands (not a Party to CITES) and the islands of Bougainville and Buka, Papua New Guinea. It was listed in Appendix II on June 6, 1992. No other proposals have been submitted ever since. The primary threats to *C. zebrata* are habitat destruction and collection for the pet trade. According to WCMC, about 22,900 live specimens of *C. zebrata* were traded between 1992 and 2000, mostly wild-caught specimens originating from the Solomon Islands. Wild populations of the prehensile-tailed skink are very susceptible to removal of individuals because of the species' delayed reproduction and low fertility. Juveniles reach sexual maturity at 4–6 years of age. Fertility among *C. zebrata* females is low, with most females breeding biennially. After about seven months of pregnancy, most wild females give birth to a single live offspring. Neonatal mortality may reach up to 40 percent, primarily due to a high incidence of congenital defects.

At its fifteenth meeting in July 1999, the Animals Committee reviewed the status of the *C. zebrata* as part of Phase IV of the Significant Trade Review process, pursuant to Resolution Conf. 8.9 (Rev.) (*Trade in specimens of Appendix-II species taken from the wild*). Based on the information available at the time, the species was categorized as a ''species with insufficient information'' (category d)ii) of Decision 10.79 d); now category 2 of Decision 11.106 g)). As a result of such categorization, the Animals Committee issued primary recommendations, through the CITES Secretariat, to the Solomon Islands requesting detailed information on the distribution and abundance of the species in that country, and the scientific basis for permitting export of the species. Because of the Solomon Islands' failure to respond to the Animals Committee within the 90-day deadline established by Resolution Conf. 8.9 (Rev.), at its forty-fifth meeting in June 2001, the Standing Committee adopted the CITES Secretariat's recommendation that all Parties suspend imports of specimens of *C. zebrata* from the Solomon Islands, until the Animals Committee recommendations are implemented (Notification No. 2001/043, dated July 9, 2001). Given that this trade suspension remains in effect, the United States does not intend to submit at COP12 a proposal to transfer *C. zebrata* from Appendix II to I.

41. Madagascar Reptile Species—Proposals for Transfer of Several Species From Appendix II to Appendix I

At the seventeenth meeting of the Animals Committee (July-August 2001) and the eleventh meeting of the Plants Committee (September 2001), it was agreed that both committees, with assistance from the Secretariat, will conduct a country-wide significant trade review pursuant to Resolution Conf. 8.9 (Rev.) (*Trade in specimens of Appendix-II species taken from the wild*) on Madagascar. The objective of this country-wide review, the first of its kind, is to review trends in trade in Appendix-II species, current concerns about compliance with Article IV, institutional and administrative measures related to implementation of Article IV, and the effectiveness of relevant national legislation and its implementation. Based on the findings made during the country-wide review, the Animals and Plants Committees will draft an implementation plan with recommendations and deadlines for improving management of exports of Appendix-II species from Madagascar. Given the country-wide review being undertaken by the Animals and Plants Committees, the United States does not intend to submit at COP12 the following proposals involving Madagascar species.

The Madagascar big-headed turtle (*Erymnochelys madagascariensis*), also called the Madagascar sideneck turtle and big-headed Madagascar side-necked turtle, was listed in CITES Appendix II on July 1, 1975. It was proposed for uplisting to Appendix I by James Barzyk, Pro Wildlife, The Humane Society of the United States, L. Elliot, and the Humane Society International. It is found in lakes, rivers, and permanent wetlands in the lowlands of western Madagascar. Most of the remaining populations occur outside of protected areas. Although the biggest threat to this species is consumption by locals, international trade has also contributed to the population decline (the population is expected to decrease by 80 percent over the next 75 years). However, the population data is questionable since much of the western part of the species' range has not been surveyed and historical data is lacking. The Reptile and Amphibian Working Group of the IUCN Captive Breeding Specialist Group is recommending an IUCN listing of Critically Endangered. Because Madagascar's export quota in 2001 was exceeded by 248.0 percent in U.S. imports alone, trade may represent a greater threat to the species than it was throughout the 1990s.

The flat-backed tortoise (*Pyxis planicauda*) and the spider tortoise (*Pyxis arachnoides*) were listed in CITES Appendix II on July 1, 1975. The flat-backed spider tortoise, also called the flat-shelled spider tortoise, Madagascar flat-shelled tortoise, and Madagascar flat-tailed tortoise, is found in sandy soil and under leaf litter in the Menabe region of Madagascar. The habitat must have fungi and flowers available seasonally. Its distribution is local and very fragmented, although new subpopulations have recently been discovered. The spider tortoise is found in sandy areas of Didieraceae and Euphorbia forests throughout southern and southwestern coastal Madagascar. *Pyxis* species mature slowly, have a limited reproductive potential (1–3 eggs per year), and occur in low densities. The populations have likely declined by 80 to 90 percent from peak levels due to habitat loss as well as legal and illegal trade. The species are considered extremely difficult to breed in captivity, and many wild subpopulations are extinct. Because Madagascar's export quota in 2001 for the flat-backed tortoise was exceeded by 113.8 percent and for the spider tortoise by 176.4 percent, in U.S. imports alone, at least nine percent of the flat-backed and 17.6 percent of the spider tortoise wild populations

may have been exported to the United States in a single year.

The Parson's chameleon (*Chamaeleo [Calumma] parsonii parsonii*), one of the three largest species of chameleon in the world, is endemic to the densely forested regions on the eastern half of Madagascar. All chameleons were listed in Appendix II on February 4, 1977. Long-term population studies have not been recorded for any of Madagascar's chameleon species. A field assessment was completed in 1999 for the IUCN Species Survival Commission on nine key *Chamaeleo* species including *C. parsonii.* However no specimens of the subspecies *C. parsonii parsonii* were recorded in the sites surveyed. The largest threat to the survival of *C. parsonii parsonii* in the wild is habitat destruction, followed by commercial exploitation for the pet trade. The Parson's chameleon is not easily maintained or bred in captivity. Therefore, most specimens in trade are wild-caught. There are currently no recognized breeding programs for *C. parsonii parsonii* in Madagascar, and past attempts by exporters at hatching the eggs harvested from wild-caught gravid females have been largely unsuccessful. As of August 2001, there were no F2 (second generation) specimens of *C. parsonii parsonii* in Europe or the United States. Captivity-related stress, disease, and inadequate captive husbandry account for significant levels of early mortality in wild-caught imported specimens regardless of life-stage at import. Wild populations of the Parson's chameleon are very susceptible to removal of individuals because of the species' reproductive biology. Limited biological information from captive management indicates that Parson's chameleons may reach sexual maturity and adult size between three and five years of age, substantially later than any other species of *Chamaeleo.* Clutch sizes in captivity range between 20–60 eggs, and the interval between clutches is one year. In November 1994, the Standing Committee directed the CITES Secretariat to inform all Parties about its recommendation to suspend imports of several *Chamaeleo* species (including *C. parsonii*) from Madagascar because Madagascar had not satisfactorily implemented recommendations of the Animals Committee made in accordance with Resolution Conf. 8.9 (Rev.) (*Trade in specimens of Appendix-II species taken from the wild*). Field studies to address some of the recommendations of the Animals Committee began in October 1998. As of August 2001, no data has been published from this research, and the CITES suspension on imports of Parson's and other chameleons from Madagascar remains in effect. According to WCMC, approximately 18,600 wild-caught *C. parsonii* (including *C. parsonii cristifer* and *C. parsonii parsonii*) were legally exported from Madagascar from 1986 to 1999, in spite of the fact that the January 20, 1995, import suspension (Notification to the Parties No. 833) remains in effect (Notification to the Parties No. 1999/20). Although the 1995 import suspension has significantly reduced trade in wild-caught specimens of this species, the suspension could be lifted in the future. In the event the Standing Committee decides to lift the suspension and trade resumes, this species would be placed under heavy pressure from collectors due to the international retail market value, which is as much as 25 times higher than the four species currently eligible for exportation from Madagascar, and the highest of any chameleon species.

Birds

42. Yellow-crested cockatoo (*Cacatua sulphurea*)—Proposal for Transfer From Appendix II to Appendix I

The yellow-crested cockatoo was listed in CITES Appendix II on June 6, 1981. It is endemic to Indonesia, but has been introduced to Singapore and Hong Kong. Trapping for the commercial bird trade and habitat destruction (loss of nest sites) due to agricultural encroachment and illegal timber harvesting have reduced the wild population. Once common, the species is now extinct in parts of its range. This species was proposed by Germany for transfer from Appendix II to I at COP10 and COP11, but the proposals were withdrawn because the Indonesian Government and BirdLife Indonesia had developed a recovery plan for the species, with a goal of establishing a community-based sustainable-use management plan for the species. Furthermore, the Indonesian Government banned the export of the subspecies *C. sulphurea citrinocristata* in 1992 and all other subspecies in 1995. It is believed that these export bans have been at least partially successful in reducing the level of trade in this species. Dian Agista, a researcher working for the Conservation Programme Department, BirdLife Indonesia, did field surveys in 1999 and 2000. Although she attributes the original decline of the species to over-exploitation for the commercial pet trade in the 1980s, the continuing decline is related to habitat loss. WCMC trade data indicates that most of the exports originated in Indonesia, but 99.3 percent occurred before 1994 and legal exports have dropped significantly since then. We have recently learned that another CITES Party may submit a proposal at COP12 to transfer the yellow-crested cockatoo from Appendix II to I. Therefore, the United States does not intend to submit a similar proposal.

43. Yellow-headed amazon (*Amazona oratrix*)—Proposal for Transfer From Appendix II to Appendix I

The yellow-headed amazon was listed in CITES Appendix II on June 6, 1981. Defenders of Wildlife and Species Survival Network have proposed that this species be uplisted to Appendix I. The species is found largely in Mexico, with smaller populations in Belize, Guatemala, and Honduras. The present range is similar to the historic range although the distribution has been reduced to isolated sub-populations due to habitat destruction (loss of nest sites) and mostly illegal trapping. The population has declined by 68 percent in the last 10 years, with as few as 7,000 wild birds remaining in Mexico. Its commercial harvest and export is prohibited in Mexico, Belize, and Honduras. The United States considered a similar proposal to transfer this species from Appendix II to I for COP10, but Mexico, the primary range country for the species, did not support such a proposal. Therefore, the United States did not submit a proposal for this species at COP11. From various discussions and meetings with CITES authorities in Mexico, we are aware of efforts in that country to better control domestic trade in indigenous birds. Among other things, Mexico prohibits the export of any native species unless their export is part of an approved community-based, sustainable-use management plan. In part because the yellow-headed amazon is a potential candidate species for a sustainable-use program, Mexico has not supported the transfer of this species to Appendix I. In addition, only two birds were legally exported from the range countries between 1990 and 1999. Most of the legally exported birds were captive-bred.

Although this species is a popular cage bird and has been subject to significant illegal trade between the United States and Mexico in the past, U.S. and Mexican wildlife law enforcement officials already devote significant effort to interdiction of illegal trade in this and other parrot species, and it is doubtful that these enforcement efforts would be affected by transfer of the species to Appendix I. We understand that Mexican and

international NGOs will meet in the near future with the Mexican Parrot Steering Committee, part of the National Committee for Wildlife Protection, to discuss the status of the species and whether a species proposal at COP12 is warranted. We are encouraged by Mexico's continuing efforts to assess the conservation and management of this species and the United States will likely support Mexico if a listing proposal is presented at COP12.

44. Peregrine Falcon (*Falco peregrinus*)—Proposal for Transfer From Appendix I to Appendix II

The peregrine falcon was listed in CITES Appendix I on July 1, 1975. The Western Association of Fish and Wildlife Agencies has requested that the species be downlisted from Appendix I to Appendix II or III. The peregrine falcon has 19 recognized subspecies. It breeds in habitats ranging from tropics to tundra, deserts, marine habitat, and altitudes up to 4000 meters. While the species appears to be recovering in many parts of the Western Hemisphere and was removed from the U.S. Endangered Species List, habitat loss and contamination due to continued use of organochlorines in some countries (including those along migratory routes) continue to threaten the species. There is also a lack of population data for many subspecies.

At the seventeenth meeting of the Animals Committee (July-August 2001), the United States presented its review of the biological status of the peregrine falcon pursuant to the periodic review of the Appendices process (previously Resolution Conf. 9.1, now Conf. 11.1, Annex 2). In the review, the United States presented three options for consideration: (1) Maintain the species in Appendix I, (2) transfer the entire species to Appendix II with a zero quota for wild-caught birds, and (3) transfer certain geographic sub-populations to Appendix II with a zero quota on wild-caught birds. Three countries supported the retention of the species in Appendix I and the review was referred to the working group for further discussion. After lengthy discussions, the working group agreed that, although on a global scale the species did not meet the biological criteria for inclusion in Appendix I, it could not recommend to the Animals Committee that the depository country prepare and submit a proposal to transfer the species to Appendix II because of concerns about the status of certain subspecies and small populations. Given the lack of information available on all subspecies, the lack of monitoring in some countries, the continued decline of some subspecies, and the enforcement difficulties in distinguishing subspecies from each other, the United States does not plan to submit a proposal to transfer the species from Appendix I to II.

Mammals

45. Asian Pangolins (*Manis* spp.)—Proposal for Transfer From Appendix II to Appendix I

There are three species of Asian pangolin, *Manis pentadactyla, M. crassicaudata,* and *M. javanica,* all of which have been listed in CITES Appendix II since 1975. At COP11, the United States co-sponsored a proposal with India, Nepal, and Sri Lanka to transfer all three Asian pangolin species from Appendix II to I, due to over-exploitation for food, skins, and scales. Although there was considerable range country support for this proposal in Committee I at COP11, a compromise was adopted to retain the species in Appendix II with a zero quota on all commercial trade. The compromise was adopted primarily because it would allow the species to remain in the CITES Significant Trade Review process, thereby stimulating needed research and conservation action. However, the Significant Trade Review process for Asian pangolins ended with a CITES Secretariat recommendation that no further action be taken on these species until the zero quota is removed. Removal of the zero quota will require submission of a proposal. In order to solicit whatever new information might have been generated since COP11, these species were included in our first **Federal Register** notice soliciting information on possible species proposals for COP12. No new information was received. Therefore, the United States does not intend to submit a proposal for Asian pangolins for COP12.

46. Musk Deer (*Moschus* spp.)—Proposal for Transfer From Appendix II to Appendix I

Musk deer are native to Asia, ranging from eastern Siberia south through Manchuria and central China to the Hindu Kush-Karakoram-Himalayan region of Afghanistan, Pakistan, and India. The number of *Moschus* species is not resolved, with authorities describing anywhere from four to seven species. This, in turn, affects subspecies classification. The subspecies *Moschus moschiferus moschiferus* was first listed in CITES Appendix I on July 1, 1975. In 1979, the listing was changed so that *M. moschiferus* (Himalayan population) was listed in Appendix I and all remaining populations of *Moschus* spp. were listed in Appendix II. In 1983, the listing was once again changed such that all musk deer populations of Afghanistan, Bhutan, India, Burma/Myanmar, Nepal, and Pakistan were listed in Appendix I and all other musk deer populations were listed in Appendix II.

At COP11, the United States co-sponsored a proposal with India and Nepal to transfer all Appendix-II musk deer taxa to Appendix I, due to over-exploitation for musk glands. The Russian Federation and China were opposed to this proposal, so Resolution Conf. 11.7 (*Conservation of and trade in musk deer*) and Decisions 11.57, 11.83, 11.92, 11.149 (*Regarding musk deer*) were adopted as a compromise. These two documents directed the Animals Committee, the Secretariat, and CITES Parties to take various actions on behalf of musk deer research and conservation. The results of the activities were reported at the forty-sixth meeting of the Standing Committee in March 2002. In addition, the musk deer is in the midst of the CITES Significant Trade Review process, with recommendations soon to be issued. As a consequence of these activities, it is unlikely that the United States will submit another proposal to uplist musk deer at COP12. However, if adequate progress is not made, and credible information becomes available indicating that musk deer populations continue to decline, the United States may prepare and submit a proposal for COP12.

47. Saiga (*Saiga Tatarica*)—Proposal for Transfer From Appendix II to Appendix I

The saiga occurs on the Eurasian steppes of the Russian Federation, Kazakhstan, Uzbekistan, and Mongolia. It was included in Appendix II of CITES on February 16, 1995. Saiga populations numbered over one million as recently as the early 1990s, but have been reduced to only a small fraction of that number over the last four years. The total population estimate for 2000 was 178,000. Population reductions have come about primarily as a result of excessive hunting, but habitat degradation has also played a role. The United States has played an active role in saiga conservation efforts in the past year. We provided a 10,000 dollar grant to A. Luschekina for her saiga research and conservation efforts in the Republic of Kalmykia (Russian Federation). We have also played a leading role in organizing a saiga conservation workshop, to be held in Kalmykia in Spring 2002. This workshop will bring together researchers, conservationists, and government officials to develop an

emergency conservation strategy for saiga. The saiga was just reviewed under the CITES Significant Trade Review process. One recommendation from the review was that both the Russian Federation and Kazakhstan should halt export of saiga products; both have agreed to do so. Finally, saiga experts we have consulted have expressed the opinion that an Appendix-I listing for saiga could be counter-productive at this stage. As a consequence of these activities, the United States is unlikely to submit an Appendix-I listing proposal for saiga at COP12.

Request for Information and Comments

We invite any information and comments concerning any of the possible COP12 species proposals, resolutions, decisions, and agenda items discussed above. You must submit your information and comments to us no later than May 17, 2002, to be ensured of consideration.

Reminder of Public Meeting

We remind you that we will hold a public meeting to discuss with you species proposals, proposed resolutions, proposed decisions, and agenda items that the United States is considering submitting for consideration at COP12. We announced this public meeting in our **Federal Register** notice of March 27, 2002 (67 FR 14728). The public meeting will be held on April 17, 2002, from 1:30 p.m. to 4:30 p.m. in Sidney Yates Auditorium of the Department of the Interior at 18th and C Streets, NW., Washington, DC. You can obtain directions to the building by contacting the Division of Management Authority (see **FOR FURTHER INFORMATION CONTACT,** above). Sidney Yates Auditorium is accessible to the handicapped. Persons planning to attend the meeting who require interpretation for the hearing impaired should notify the Division of Management Authority as soon as possible.

Future Actions

We expect the CITES Secretariat to provide us with a provisional agenda for COP12 within the next several months. Once we receive the provisional agenda, we will publish it in a **Federal Register** notice. We will also provide it through our Website.

The United States must submit any species proposals, proposed resolutions, proposed decisions, and agenda items for consideration at COP12, to the CITES Secretariat 150 days prior to the start of the meeting (i.e., by June 6, 2002). We will consider all available information and comments, including those presented at the public meeting (see ''DATES'' above) or received in writing during the comment period, in deciding which species proposals, proposed resolutions, proposed decisions, and agenda items warrant submission by the United States for consideration of the Parties. Those we decide to submit for consideration at COP12 will be submitted to the CITES Secretariat by June 6, 2002.

Approximately four months prior to COP12, we will announce those species proposals, proposed resolutions, proposed decisions, and agenda items submitted by the United States to the CITES Secretariat for consideration at COP12 by posting a notice on our Website (http://international.fws.gov/global/cites.html).

Through a **Federal Register** notice approximately two months prior to COP12, we will publish the provisional agenda for COP12 and inform you about proposed U.S. negotiating positions on proposals to amend the Appendices, draft resolutions, draft decisions, discussion papers, and other issues before the Parties for consideration at COP12. We will also publish an announcement of a public meeting that we expect to hold approximately 30 to 45 days prior to COP12, to receive public input on our positions regarding COP12 issues.

Prior to COP12, we will post on our Website any changes the United States makes to its proposed negotiating positions contained in the **Federal Register** notice referred to in the above paragraph.

Author: The primary authors of this notice are Mark Albert, Division of Management Authority; and Dr. Javier Alvarez, Division of Scientific Authority; under the authority of the U.S. Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: April 1, 2002.

Steve Williams,

Director.

[FR Doc. 02–9512 Filed 4–15–02; 4:56 pm]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–930–02–1310DS]

Notice To Extend Public Comment Period for a Draft Environmental Impact Statement (DEIS)

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice to extend public comment period for the Powder River Basin Oil and Gas DEIS.

SUMMARY: Public comment period is being extended on the Powder River EIS. The comment period is being extended due to extensive public comment, a high level of public interest, and the lack of internet access during a portion of the comment period.

DATES: The public comment period is being extended to May 15, 2002. Submissions should be in writing or by E-mail (see addresses below).

ADDRESSES: Comments should be submitted in writing to: Field Manager, Bureau of Land Management, Buffalo Field Office, 1425 Fort Street, Buffalo, Wyoming 82834 or by E-mail to: *buffalo_wmail@blm.gov.*

FOR FURTHER INFORMATION CONTACT: Paul Beels, Powder River Oil and Gas EIS Project Leader, Bureau of Land Management, Buffalo Field Office, at the above addresses or at telephone number (307) 684–1100.

SUPPLEMENTARY INFORMATION: The Notice of Availability of the DEIS was originally published in the **Federal Register** on January 11, 2002 (67 FR 1497).

Dated: April 12, 2002.

Alan L. Kesterke,

Associate State Director.

[FR Doc. 02–9647 Filed 4–16–02; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Partial Consent Decrees in Comprehensive Environmental Response, Compensation, and Liability Act Cost Recovery Action

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that two Partial Consent Decrees in *United States* v. *American Scrap Company et al.,* Civil Action No. 1:99–CV–2047, were lodged with the United States District Court for the Middle District of Pennsylvania on April 10, 2002.

One of the two Partial Consent Decrees resolves the United States' claims against The Ohio Brass Company under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. § 9607(a), for past response costs incurred at the Jack's Creek/Sitkin Smelting Superfund Site in Mifflin County, Pennsylvania. The Partial Consent Decree requires The Ohio Brass Company to pay $1,000,000.00 to the United States.

The second Partial Consent Decree resolves the United States' claims

against the Joseph A. Schiavone Corporation and The Schiavone Corporation under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. § 9607(a), for past response costs incurred at the Jack's Creek/Sitkin Smelting Superfund Site in Mifflin County, Pennsylvania. The Partial Consent Decree requires Joseph A. Schiavone Corporation and The Schiavone Corporation, collectively, to pay $685,000.00 to the United States.

The Department of Justice will accept written comments on the proposed Partial Consent Decrees for thirty (30) days from the date of publication of this notice. Please address comments to the Assistant Attorney General, Environmental and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044–7611 and refer to *United States* v. *American Scrap Company,* DOJ Ref. No. 90–11–2–911/1.

Copies of the proposed Partial Consent Decrees may be examined at the Office of the United States Attorney, Middle District of Pennsylvania, 228 Walnut Street, Harrisburg, PA 17108, and at EPA Region III, 1650 Arch Street, Philadelphia, PA 19103–2029. Copies of the proposed Partial Consent Decrees may also be obtained by mail from the U.S. Department of Justice, Consent Decree Library, P.O. Box 7611, Washington, DC 20044–7611, or by faxing a request to Tonia Fleetwood, facsimile No. (202) 514–0097, phone confirmation No. (202) 514–1547. When requesting copies, please enclose a check to cover the twenty-five cents per page reproduction costs payable to the ''Consent Decree Library'' in the amount of $5.75 (for the Ohio Brass Decree) or $5.75 (for the Schiavone Decree), and reference *United States* v. *American Scrap Company,* DOJ Ref. No. 90–11–2–911/1.

Robert D. Brook,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division, U.S. Department of Justice.

[FR Doc. 02–9377 Filed 4–17–02; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Resource Conservation and Recovery Act and the Clean Air Act

Pursuant to 28 CFR § 50.7, notice is hereby given that, on April 3, 2002, a proposed consent decree in *United States* v. *Cooley, Inc.*, Civil Action No. 02–156, was lodged with the United States District Court for the District of Rhode Island.

In this action the United States sought civil penalties and injunctive relief with respect to violations of the Resource Conservation and Recovery Act (''RCRA''), 42 U.S.C. 6901 *et seq.*, and the Clean Air Act (''CAA''), 42 U.S.C. 7401 *et seq.*, at the facility operated by Cooley, Inc. (''Cooley'') in Pawtucket, Rhode Island. The complaint alleges that Cooley violated a number of RCRA requirements including, *inter alia*, the storage of hazardous waste without a permit, the failure to keep containers of hazardous waste on good condition, the failure to conduct weekly inspections, the failure to provide proper training of employees, and the failure to properly label hazardous waste containers. The complaint also alleges that Cooley violated the CAA by making certain modifications to its Pawtucket facility without obtaining a permit and by failing to comply with certain recordkeeping requirements relating to its usage of volatile organic compounds. Under the terms of the consent decree, Cooley has agreed to comply with the applicable provisions of RCRA and the CAA, to pay a penalty of $325,000, and to implement a Supplemental Environmental Project (''SEP'') involving a project whereby waste plastics will be used to produce flooring material.

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 Donald G. Frankel, Trial Attorney, Department of Justice, One Gateway Center, Suite 616, Newton, Massachusetts 02458 and should refer to *United States* v. *Cooley, Inc.*, D.J. Ref. 90–7–1–06423.

The consent decree may be examined at the Office of the United States Attorney, Westminister Square Building, 10 Dorrance Street, Providence, Rhode Island 02903 (contact Michael Iannotti at 401–528–5477), and at U.S. EPA-New England, 1 Congress Street, Suite 1100, Boston, Massachusetts 02114–2023 (contact Hugh Martinez at 617–918–1867). 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 $15.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Ronald G. Gluck,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 02–9375 Filed 4–17–02; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act (''CAA'')

Consistent with the policy set forth in the Department of Justice regulations at 28 CFR 50.7, notice is hereby given that on April 4, 2002, a proposed Consent Decree was lodged with the United States District Court for the Eastern District of Michigan, in *United States et al.* v. *Rouge Steel Co.*, Civil Action Nos. 00–75452 and 0075454, consolidated. The proposed Consent Decree settles claims asserted by the United States, on behalf of the U.S. Environmental Protection Agency, pursuant to section 113(b) of the Clean Air Act, 42 U.S.C. 9613(b), and the federally enforceable State Implementation Plan (''SIP''), at the Rouge Steel manufacturing facility in Dearborn, Michigan. The United States' case was consolidated with an action filed by Wayne County, Michigan, which the Michigan Department of Environmental Quality (''MDEQ'') subsequently joined. The proposed Consent Decree also settles the County and MDEQ CAA claims. The Consent Decree also settles claims asserted by the United States under Sections 3004(n) and 3005 of the Resource Conservation and Recovery Act, 42 U.S.C. 6924(n) and 6925.

The Consent Decree requires Rouge Steel to pay a total of $458,000 in civil penalties, of which $396,000 is for alleged violations of SIP emission limits at the company's facility. To ensure ongoing compliance with applicable limits, the Decree also requires Rouge Steel to perform certain demonstration tests at its various emission sources.

The Department of Justice will receive written comments relating to the proposed Consent Decree for thirty (30) days from the date of publication of this notice. Comments should be directed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States et al.* v. *Rouge Steel Co.* DOJ Reference # 90–5–2–1–2211/1.

The proposed Consent Decree may be examined at the Office of the United States Attorney for the Eastern District of Michigan, 211 West Fort Street, Suite

2001, Detroit, Michigan 48266 (contact Peter A. Caplan, (313) 226–3800), and at the offices of the U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590 (contact Gaylene Vasaturo, (312) 886–1811). Copies may also be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044–7611. In requesting copies, please refer to the case name and DOJ reference number and enclose a check in the amount of $11.25 (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. 02–9398 Filed 4–17–02; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response Compensation and Liability Act (''CERCLA'')

Notice is hereby given that a proposed consent decree in *United States* v. *Royal Recovery Systems, Inc. and Elliot Packer,* Civ. No. 02–1148 (WGB), was lodged on March 21, 2002 with the United States District Court for the District of New Jersey. The Consent Decree concerns hazardous waste contamination at the Royal Recovery Systems, Inc. Superfund Site (the ''Site''), located in Newark, Essex County, New Jersey. The Consent Decree, which takes into account the Settling Defendants' limited ability to pay, would resolve the liability of Elliot Packer and Royal Recovery Systems, Inc. against whom the United States filed a complaint on behalf of the United States Environmental Protection Agency (''EPA'') for reimbursement of past response costs incurred by the United States in connection with the Site. EPA incurred approximately $342,000 in past response costs relating to this Site. Under the terms of the Consent Decree, the Settling Defendants would be obligated to pay the United States $70,000 plus interest. In addition to this amount, Defendant Packer may be required to pay the United States an additional sum of up to $40,000 in three years.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed 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. *Royal Recovery Systems, et al.,* DOJ Ref. #90–11–3–06154.

The proposed consent decree may be examined at the office of the United States Attorney for the District of New Jersey, 502 Federal Building, 970 Broad Street (contact Assistant United States Attorney Susan Cassell); and the Region II Office of the Environmental Protection Agency, 290 Broadway, New York, New York 10007–1866 (contact Assistant Regional Counsel, Muthu Sundram). A copy of the proposed consent decree may be obtained by mail from the Consent Decree Library, P.O. Box 7611, 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 refer to the referenced case and enclose a check in the amount of $6.00 (25 cents per page reproduction costs) for the Consent Decree, payable to the U.S. Treasury.

Ronald Gluck,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 02–9376 Filed 4–17–02; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons

AGENCY: Department of Justice.

ACTION: Policy guidance document.

SUMMARY: The United States Department of Justice (DOJ) is publishing for public comment policy guidance on Title VI's prohibition against national origin discrimination as it affects limited English proficient persons. This policy guidance is intended to supplant the policy guidance published January 19, 2001.

DATES: Comments must be submitted on or before May 20, 2002. DOJ will review all comments and will determine what modifications, if any, to this policy guidance are necessary.

ADDRESSES: Interested persons should submit written comments to Ms. Merrily Friedlander, Chief, Coordination and Review Section, Civil Rights Division, Department of Justice, 950 Pennsylvania Avenue, NW–NYA, Washington, DC 20530; Comments may also be submitted by facsimile at 202–307–0595.

FOR FURTHER INFORMATION CONTACT: Christine Stoneman or Sebastian Aloot at the Civil Rights Division, 950 Pennsylvania Avenue, NW–NYA, Washington, DC 20530. Telephone 202–307–2222; TDD: 202–307–2678. Arrangements to receive the policy in an alternative format may be made by contacting the named individuals.

SUPPLEMENTARY INFORMATION: The purpose of this policy guidance is to further clarify the responsibilities of recipients of federal financial assistance from the U.S. Department of Justice (DOJ) (''recipients''), and assist them in fulfilling their responsibilities to limited English proficient (LEP) persons, pursuant to DOJ regulations implementing Title VI of the Civil Rights Act of 1964. The policy guidance explains that to avoid discrimination against LEP persons on the ground of national origin, recipients must take reasonable steps to ensure that LEP persons have meaningful access to the programs, services, and information those recipients provide, free of charge.

Guidance on recipients' obligations to take reasonable steps to ensure access to programs and activities by persons with limited English proficiency was originally published on January 16, 2001 and became effective immediately. See 66 FR 3834. That document, like the following guidance, was based on policy guidance issued by the Department of Justice entitled ''Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons with Limited English Proficiency.'' 65 FR 50123 (August 16, 2000).

On January 18, 2002, the January 16, 2001 guidance document was republished for additional public comment. See 67 FR 2671. Over 75 comments were received, and the following guidance was developed after review and consideration of those comments. Prior comments on the original guidance need not be re-submitted.

On March 14, 2002, the Office of Management and Budget (OMB) issued a Report To Congress titled ''Assessment of the Total Benefits and Costs of Implementing Executive Order No. 13166: Improving Access to Services for Persons with Limited English Proficiency.'' The Report made several recommendations designed to minimize confusion and ensure that funds dedicated to LEP services best advance meaningful access for LEP individuals.

One significant recommendation was the adoption of uniform guidance across all federal agencies, with flexibility to permit tailoring to each agency's specific recipients. The first eight sections of this guidance discuss the legal, policy, and general compliance standards followed by a more detailed discussion and examples of how the needs of persons with limited English proficiency should be addressed by recipients of DOJ federal financial assistance. As organized, the guidance is consistent with the OMB recommendation regarding federal-wide uniformity and will function as a model for similar guidance to be issued soon by other agencies.

It has been determined that the guidance does not constitute a regulation subject to the rulemaking requirements of the Administrative Procedure Act, 5 U.S.C. 553.

The text of the complete guidance document appears below.

Dated: April 12, 2002.

Alex Acosta,

Principal Deputy Assistant Attorney General, Civil Rights Division.

I. Introduction

Most individuals living in the United States read, speak and understand English. There are many individuals, however, for whom English is not their primary language. For instance, based on the 2000 census, over 26 million individuals speak Spanish and almost 7 million individuals speak an Asian or Pacific Island language at home. If these individuals have a limited ability to read, speak, or understand English, they are limited English proficient, or ''LEP.'' While detailed data from the 2000 census has not yet been released, 26% of all Spanish-speakers, 29.9% of all Chinese-speakers, and 28.2% of all Vietnamese-speakers reported that they spoke English ''not well'' or ''not at all'' in response to the 1990 census.

Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. The Federal Government funds an array of services that can be made accessible to otherwise eligible LEP persons. Recipients of federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important government services.

This policy guidance clarifies responsibilities, under existing law, of recipients of federal financial assistance from the Department of Justice (''DOJ'') to provide meaningful access to LEP persons. The purpose is to assist recipients in fulfilling their responsibilities to provide meaningful access to LEP persons under existing law. In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally assisted programs and activities may violate prohibitions against national origin discrimination. This policy guidance attempts to clarify legal requirements for LEP persons by providing a description of the factors recipients should consider in fulfilling their responsibilities to LEP persons. These are the same criteria DOJ will use in evaluating whether recipients are in compliance.

The Department of Justice's role under Executive Order 13166 is unique. The Order charges DOJ with responsibility for providing LEP Guidance to other Federal agencies and for ensuring consistency among each agency-specific guidance. Consistency among Departments of the federal government is particularly important. Inconsistency or contradictory guidance could confuse recipients of federal funds and needlessly increase costs without rendering the meaningful access for LEP persons that this Guidance is designed to address. As with most government initiatives, this mandate requires balancing several principles. While this Guidance discusses that balance in some detail, it is important to note the basic principles behind that balance. First, we must ensure that federally-assisted programs aimed at the American public do not leave some behind simply because they face challenges communicating in English. This is of particular importance because, in many cases, LEP individuals form a substantial portion of those encountered in federally-assisted programs. Second, we must achieve this goal while finding constructive methods to reduce the costs of LEP requirements on small businesses, small local governments, or small non-profits that receive federal financial assistance.

There are many productive steps that the federal government, either collectively or as individual grant agencies, can take to help recipients reduce the costs of language services without sacrificing meaningful access for LEP persons. Without these steps, certain smaller grantees may well choose not to participate in federally assisted programs, threatening the critical functions that the programs strive to provide. To that end, the Department plans to continue to provide assistance and guidance in this important area. In addition, DOJ plans to work with representatives of law enforcement, corrections, courts, and LEP persons to identify and share model plans, examples of best practices, and cost-saving approaches. Moreover, DOJ intends to explore how language assistance measures, resources and cost-containment approaches developed with respect to its own federally conducted programs and activities can be effectively shared or otherwise made available to recipients, particularly small businesses, small local governments, and small non-profits.

Many commentators have noted that some have interpreted the case of *Alexander* v. *Sandoval,* 532 U.S. 275 (2001), as impliedly striking down the regulations promulgated under Title VI that form the basis for the part of Executive Order 13166 that applies to federally assisted programs and activities. We have taken the position that this is not the case, and will continue to do so. Accordingly, we will strive to ensure that federally assisted programs and activities work in a way that is effective for all eligible beneficiaries, including those with limited English proficiency.

II. Legal Authority

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, provides that no person shall ''on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.'' Section 602 authorizes and directs federal agencies that are empowered to extend federal financial assistance to any program or activity ''to effectuate the provisions of [section 601] * * * by issuing rules, regulations, or orders of general applicability.'' 42 U.S.C. 2000d–1.

Department of Justice regulations promulgated pursuant to section 602 forbid recipients from ''utiliz[ing] criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.'' 28 CFR 42.104(b)(2).

The Supreme Court, in *Lau* v. *Nichols,* 414 U.S. 563 (1974), interpreted regulations promulgated by the Department of Health, Education, and Welfare, including a regulation similar to that of DOJ, 45 CFR 80.3(b)(2), to hold

that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national-origin discrimination. In *Lau,* a San Francisco school district that had a significant number of non-English speaking students of Chinese origin was required to take reasonable steps to provide them with a meaningful opportunity to participate in federally funded educational programs.

On August 11, 2000, Executive Order 13166 was issued. ''Improving Access to Services for Persons with Limited English Proficiency,'' 65 FR 50121 (August 16, 2000). Under that order, every federal agency that provides financial assistance to non-federal entities must publish guidance on how their recipients can provide meaningful access to LEP persons and thus comply with Title VI regulations forbidding funding recipients from ''restrict[ing] an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program'' or from ''utiliz[ing] criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.''

On that same day, DOJ issued a general guidance document addressed to ''Executive Agency Civil Rights Officers'' setting forth general principles for agencies to apply in developing guidance documents for recipients pursuant to the Executive Order. ''Enforcement of Title VI of the Civil Rights Act of 1964 National Origin Discrimination Against Persons With Limited English Proficiency,'' 65 FR 50123 (August 16, 2000) (''DOJ LEP Guidance'').

Subsequently, federal agencies raised questions regarding the requirements of the Executive Order, especially in light of the Supreme Court's decision in *Alexander* v. *Sandoval,* 532 U.S. 275 (2001). On October 26, 2001, Ralph F. Boyd, Jr., Assistant Attorney General for the Civil Rights Division, issued a memorandum for ''Heads of Departments and Agencies, General Counsels and Civil Rights Directors.'' This memorandum clarified and reaffirmed the DOJ LEP Guidance in light of Sandoval.[1] The Assistant Attorney General stated that because Sandoval did not invalidate any Title VI regulations that proscribe conduct that has a disparate impact on covered groups—the types of regulations that form the legal basis for the part of Executive Order 13166 that applies to federally assisted programs and activities—the Executive Order remains in force.

Pursuant to Executive Order 13166, DOJ developed its own guidance document for recipients and initially issued it on January 16, 2001. ''Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons,'' 66 FR 3834 (January 16, 2001) (''LEP Guidance for DOJ Recipients''). Because DOJ did not receive significant public comment on its January 16, 2001 publication, the Department republished on January 18, 2002 its existing guidance document for additional public comment. ''Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons,'' 67 FR 2671 (January 18, 2002). The Department has since received substantial public comment.

This guidance document is thus published pursuant to Executive Order 13166 and revises the January 16, 2001 publication in light of the public comment received and Assistant Attorney General Boyd's October 26, 2001 clarifying memorandum.

III. Who Is Covered?

Department of Justice regulations, 28 CFR 42.104(b)(2), require all recipients of federal financial assistance from DOJ to provide meaningful access to LEP persons.[2] Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of DOJ assistance include, for example:

- Police and sheriffs' departments
- Departments of corrections, jails, and detention facilities
- Courts
- Certain nonprofit agencies with law enforcement, public safety, and victim assistance missions.

Subrecipients likewise are covered, when federal funds are passed through from one recipient to a subrecipient.

Coverage extends to a recipient's entire program or activity, *i.e.,* to all parts of a recipient's operations. This is true even if only one part of the recipient receives the federal assistance.[3]

Example: DOJ provides assistance to a state department of corrections to improve a particular prison facility. All of the operations of the entire state department of corrections—not just the particular prison—are covered.

Finally, some recipients operate in jurisdictions in which English has been declared the official language. Nonetheless, these recipients continue to be subject to federal non-discrimination requirements, including those applicable to the provision of federally assisted services to persons with limited English proficiency.

IV. Who Is a Limited English Proficient Individual?

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, or understand English can be limited English proficient, or ''LEP,'' entitled to language assistance with respect to a particular type of service, benefit, or encounter.

Examples of populations likely to include LEP persons who are encountered and/or served by DOJ recipients and should be considered when planning language services include, but are not limited to:

- Persons who are in the custody of the recipient, including juveniles, detainees, wards, and inmates.
- Persons subject to or serviced by law enforcement activities, including, for example, suspects, violators, witnesses, victims, those subject to immigration-related investigations by recipient law enforcement agencies, and community members seeking to

[1] The memorandum noted that some have interpreted Sandoval as impliedly striking down the disparate-impact regulations promulgated under Title VI that form the basis for the part of Executive Order 13166 that applies to federally assisted programs and activities. *See, e.g., Sandoval,* 532 U.S. at 286, 286 n.6 (''[W]e assume for purposes of this decision that section 602 confers the authority to promulgate disparate-impact regulations; . . . We cannot help observing, however, how strange it is to say that disparate-impact regulations are 'inspired by, at the service of, and inseparably intertwined with' § 601 * * * when § 601 permits the very behavior that the regulations forbid.''). The memorandum, however, made clear that DOJ disagreed with this interpretation. *Sandoval* holds principally that there is no private right of action to enforce Title VI disparate-impact regulations. It did not address the validity of those regulations or Executive Order 13166 or otherwise limited the authority and responsibility of federal grant agencies to enforce their own implementing regulations.

[2] Pursuant to Executive Order 13166, the meaningful access requirement of the Title VI regulations and the four-factor analysis set forth in the DOJ LEP Guidance are to additionally apply to the programs and activities of federal agencies, including the Department of Justice.

[3] However, if a federal agency were to decide to terminate federal funds based on noncompliance with Title VI or its regulations, only funds directed to the particular program or activity that is out of compliance would be terminated. 42 U.S.C. 2000d–1.

participate in crime prevention or awareness activities.

- Persons who encounter the court system.
- Parents and family members of the above.

V. How Does a Recipient Determine the Extent of Its Obligation To Provide LEP Services?

Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors: (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; (2) the frequency with which LEP individuals come in contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the grantee/recipient and costs. As indicated above, the intent of this guidance is to find a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small business, or small nonprofits.

After applying the above four-factor analysis, a recipient may conclude that different language assistance measures are sufficient for different types of programs or activities. For instance, some of a recipient's activities will be more important than others and/or have greater impact on or contact with LEP persons, and thus may require more in the way of language assistance. The flexibility that recipients have in addressing the needs of the LEP populations they serve does not diminish, and should not be used to minimize, the obligation that those needs be addressed. DOJ recipients should apply the following four factors to the various kinds of contacts that they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons.

(1) The Number or Proportion of LEP Persons Served or Encountered in the Eligible Service Population

One factor in determining what language services recipients should provide is the number or proportion of LEP persons from a particular language group served or encountered in the eligible service population. The greater the number or proportion of these LEP persons, the more likely language services are needed. Ordinarily, persons ''eligible to be served, or likely to be directly affected, by'' a recipient's program or activity, 28 CFR 42.405(d)(1), are those who are served or encountered in the eligible service population. This population will be program-specific, and includes persons who are in the geographic area that has been approved by a federal grant agency as the recipient's service area. However, where, for instance, a precinct serves a large LEP population, the appropriate service area is most likely the precinct, and not the entire population served by the department. Where no service area has previously been approved, the relevant service area may be that which is approved by state or local authorities or designated by the recipient itself, provided that these designations do not themselves discriminatorily exclude certain populations. Appendix A provides examples to assist in determining the relevant service area. When considering the number or proportion of LEP individuals in a service area, recipients should consider LEP parent(s) when their English-proficient or LEP minor children and dependents encounter the legal system.

Recipients should first examine their prior experiences with LEP encounters and determine the breadth and scope of language services that were needed. In conducting this analysis, it is important to include language minority populations that are eligible for their programs or activities but may be underserved because of existing language barriers. Other data should be consulted to refine or validate a recipient's prior experience, including the latest census data for the area served, data from school systems and from community organizations, and data from state and local governments. [4] Community agencies, school systems, religious organizations, legal aid entities, and others can often assist in identifying populations for whom outreach is needed and who would benefit from the recipients' programs and activities were language services provided.

[4] The focus of the analysis is on lack of English proficiency, not the ability to speak more than one language. Note that census data may indicate the most frequently spoken languages other than English and the percentage of people who speak that language who speak or understand English less than well. Some of the most commonly spoken languages other than English may be spoken by people who are also overwhelmingly proficient in English. Thus, they may not be the languages spoken most frequently by limited English proficient individuals. When using census data, it is important to focus in on the languages spoken by those who are proficient in English.

(2) The Frequency With Which LEP Individuals Come in Contact With the Program

Recipients should assess, as accurately as possible, the frequency with which they have or should have contact with an LEP individual from different language groups seeking assistance. The more frequent the contact with a particular language group, the more likely that enhanced language services in that language are needed. The steps that are reasonable for a recipient that serves an LEP person on a one-time basis will be very different than those expected from a recipient that serves LEP persons daily. It is also advisable to consider the frequency of different types of language contacts. For example, frequent contacts with Spanish-speaking people who are LEP may require certain assistance in Spanish. Less frequent contact with different language groups may suggest a different and less intensified solution. If an LEP individual accesses a program or service on a daily basis, a recipient has greater duties than if the same individual's program or activity contact is unpredictable or infrequent. But even recipients that serve LEP persons on an unpredictable or infrequent basis should use this balancing analysis to determine what to do if an LEP individual seeks services under the program in question. This plan need not be intricate. It may be as simple as being prepared to use one of the commercially-available telephonic interpretation services to obtain immediate interpreter services. In applying this standard, recipients should take care to consider whether appropriate outreach to LEP persons could increase the frequency of contact with LEP language groups.

(3) The Nature and Importance of the Program, Activity, or Service Provided by the Program

The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed. The obligations to communicate rights to a person who is arrested or to provide medical services to an ill or injured inmate differ, for example, from those to provide bicycle safety courses or recreational programming. A recipient needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual. Decisions by a federal, state, or local entity to make an activity compulsory, such as particular educational programs in a correctional

facility or the communication of *Miranda* rights, can serve as strong evidence of the program's importance.

(4) The Resources Available to the Recipient and Costs

A recipient's level of resources and the costs that would be imposed on it may have an impact on the nature of the steps it should take. Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets. In addition, ''reasonable steps'' may cease to be reasonable where the costs imposed substantially exceed the benefits.

Resource and cost issues, however, can often be reduced by technological advances, the sharing of language assistance materials and services among and between recipients, advocacy groups, and Federal grant agencies, and reasonable business practices. Where appropriate, training bilingual staff to act as interpreters and translators, information sharing through industry groups, telephonic and videoconferencing interpretation services, pooling resources and standardizing documents to reduce translation needs, using qualified translators and interpreters to ensure that documents need not be ''fixed'' later and that inaccurate interpretations do not cause delay or other costs, centralizing interpreter and translator services to achieve economies of scale, or the formalized use of qualified community volunteers, for example, may help reduce costs. [5] Recipients should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns. Large entities and those entities serving a significant number or proportion of LEP persons should ensure that their resource limitations are well-substantiated before using this factor as a reason to limit language assistance. Such recipients may find it useful to be able to articulate, through documentation or in some other reasonable manner, their process for determining that language services would be limited based on resources or costs.

This four-factor analysis necessarily implicates the ''mix'' of LEP services required. Recipients have two main ways to provide language services: Oral interpretation either in person or via telephone translation service (hereinafter ''interpretation'') and written translation (hereinafter ''translation''). Oral interpretation can range from on-site interpreters for critical services provided to a high volume of LEP persons to access through commercially-available telephonic interpretation services. Written translation, likewise, can range from translation of an entire document to translation of a short description of the document. In some cases, language services should be made available on an expedited basis while in others the LEP individual may be referred to another office of the recipient for language assistance.

The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis. A police department in a largely Hispanic neighborhood may need immediate oral interpreters available and should give serious consideration to hiring some bilingual staff. (Of course, many police departments have already made such arrangements.) Regardless of the type of language service provided, quality and accuracy of those services can be critical in order to avoid serious consequences to the LEP person and to the recipient. Recipients have substantial flexibility in determining the appropriate mix.

VI. Selecting Language Assistance Services

Recipients have two main ways to provide language services: oral and written language services. Quality and accuracy of the language service is critical in order to avoid serious consequences to the LEP person and to the recipient.

A. Oral Language Services (Interpretation)

Interpretation is the act of listening to something in one language (source language) and orally translating it into another language (target language). Where interpretation is needed and is reasonable, recipients should consider some or all of the following options for providing competent interpreters in a timely manner:

Competence of Interpreters. When providing oral assistance, recipients should ensure competency of the language service provider, no matter which of the strategies outlined below are used. Competency requires more than self-identification as bilingual. Some bilingual staff and community volunteers, for instance, may be able to communicate effectively in a different language when communicating information directly in that language, but not be competent to interpret in and out of English. Likewise, they may not be able to do written translations.

Competency to interpret, however, does not necessarily mean formal certification as an interpreter, although certification is helpful. When using interpreters, recipients should ensure that they:

- Demonstrate proficiency in and ability to communicate information accurately in both English and in the other language and identify and employ the appropriate mode of interpreting (*e.g.,* consecutive, simultaneous, summarization, or sight translation);
- Have knowledge in both languages of any specialized terms or concepts peculiar to the entity's program or activity and of any particularized vocabulary and phraseology used in the LEP person's country of origin; [6] and
- Understand and follow confidentiality and impartiality rules to the same extent the recipient employee for whom they are interpreting and/or to the extent their position requires.
- Understand and adhere to their role as interpreters without deviating into a role as counselor, legal advisor, or other roles (particularly in court or law enforcement contexts).

Some recipients, such as courts, may have additional self-imposed requirements for interpreters. Where individual rights depend on precise, complete, and accurate interpretation or translations, particularly in the contexts of courtrooms and custodial or other police interrogations, the use of certified interpreters is strongly encouraged.[7] Where such proceedings are lengthy, the interpreter will likely need breaks and team interpreting may be appropriate to ensure accuracy and to prevent errors caused by mental fatigue of interpreters.

While quality and accuracy of language services is critical, the quality and accuracy of language services is nonetheless part of the appropriate mix of LEP services required. The quality and accuracy of language services in a prison hospital emergency room, for example, must be extraordinarily high, while the quality and accuracy of language services in a bicycle safety

[5] Small recipients with limited resources may find that entering into a bulk telephonic interpretation service contract will prove cost effective.

[6] There may be languages which do not have an appropriate direct interpretation of some courtroom or legal terms and the interpreter should be aware of this and be able to provide the most appropriate interpretation. The interpreter should likely make the recipient aware of the issue and the interpreter(s) and recipient can then work to develop a consistent and appropriate set of descriptions of these terms in that language that can be used again, when appropriate.

[7] For those language in which no formal accreditation or certification currently exists, courts and law enforcement agencies should consider a formal process for establishing the credentials of the interpreter.

class need not meet the same exacting standards.

Finally, when interpretation is needed and is reasonable, it should be provided in a timely manner. To be meaningfully effective, language assistance must be timely. While there is no single definition for ''timely'' applicable to all types of interactions at all times by all types of recipients, one clear guide is that the language assistance must be provided at a time and place that avoids the effective denial of the service, benefit, or right at issue or the imposition of an undue burden on or delay in important rights, benefits, or services to the LEP person. For example, when the timeliness of services is important, such as with certain activities of DOJ recipients providing law enforcement, health, and safety services, and when important legal rights are at issue, a recipient would likely not be providing meaningful access if it had one bilingual staffer available one day a week to provide the service. Such conduct would likely result in delays for LEP persons that would be significantly greater than those for English proficient persons. Conversely, where access to or exercise of a service, benefit, or right is not effectively precluded by a reasonable delay, language assistance can likely be delayed for a reasonable period.

Hiring Bilingual Staff. When particular languages are encountered often, hiring bilingual staff offers one of the best, and often most economical, options. Recipients can, for example, fill public contact positions, such as 911 operators, police officers, guards, or program directors, with staff who are bilingual and competent to communicate directly with LEP persons in their language. If bilingual staff are also used to interpret between English speakers and LEP persons, or to orally interpret written documents from English into another language, they should be competent in the skill of interpreting. Being bilingual does not necessarily mean that a person has the ability to interpret. In addition, there may be times when the role of the bilingual employee may conflict with the role of an interpreter (for instance, a bilingual law clerk would probably not be able to perform effectively the role of a courtroom interpreter and law clerk at the same time, even if the law clerk were a qualified interpreter). Effective management strategies, including any appropriate adjustments in assignments and protocols for using bilingual staff, can ensure that bilingual staff are fully and appropriately utilized. When bilingual staff cannot meet all of the language service obligations of the recipient, the recipient should turn to other options.

Hiring Staff Interpreters. Hiring interpreters may be most helpful where there is a frequent need for interpreting services in one or more languages.

Contracting for Interpreters. Contract interpreters may be a cost-effective option when there is no regular need for a particular language skill.

Using Telephone Interpreter Lines. Telephone interpreter service lines often offer speedy interpreting assistance in many different languages. They may be particularly appropriate where the mode of communicating with an English proficient person would also be over the phone. Although telephonic interpretation services are useful in many situations, it is important to ensure that, when using such services, the interpreters used are competent to interpret any technical or legal terms specific to a particular program that may be important parts of the conversation. Nuances in language and non-verbal communication can often assist an interpreter and cannot be recognized over the phone. Video teleconferencing may sometimes help to resolve this issue where necessary. In addition, where documents are being discussed, it is important to give telephonic interpreters adequate opportunity to review the document prior to the discussion and any logistical problems should be addressed. Depending on the facts, sometimes it may be necessary and reasonable to provide on-site interpreters to provide accurate and meaningful communication with an LEP person.

Using Community Volunteers. In addition to consideration of bilingual staff, staff interpreters, contract interpreters (either in-person or by telephone) as options to ensure meaningful access by LEP persons, use of recipient-coordinated community volunteers may provide a cost-effective supplemental language assistance strategy under appropriate circumstances. They may be particularly useful in providing language access for a recipients' less critical programs and activities. To the extent the recipient relies on community volunteers, it is often best to use volunteers who are trained in the information or services of the program and can communicate directly with LEP persons in their language. Community volunteers used to interpret between English speakers and LEP persons, or to orally translate documents, should be competent in the skill of interpreting. Formal arrangements with volunteers typically help ensure that service is available more regularly, that the volunteers are competent to perform the assigned duties, and that volunteers understand applicable confidentiality and impartiality rules.

Use of Family Members, Friends, Other Inmates, or Other Detainees as Interpreters. Where LEP persons so desire, they should be permitted to use an interpreter of their own choosing (whether a professional interpreter, family member, friend, other inmate, other detainee) in place of or as a supplement to the free language services expressly offered by the recipient. LEP persons may feel more comfortable when a trusted family member, friend, or other inmate acts as an interpreter. In addition, in exigent circumstances that are not reasonably foreseeable, temporary use of interpreters not provided by the recipient may be necessary. However, with proper planning and implementation, recipients should be able to avoid most such situations.

Recipients, however, must be very careful to ensure that family interpreters are appropriate in light of the circumstances and subject matter of the program, service or activity. In many circumstances, family members (especially children), friends, other inmates or other detainees are not competent to provide quality and accurate interpretations. Issues of confidentiality, privacy, or conflict of interests may also arise. LEP individuals may feel uncomfortable revealing or describing sensitive, confidential, or potentially embarrassing medical, law enforcement (*e.g.,* sexual or violent assaults), family, or financial information to a family member, friend, or member of the local community. In addition, such informal interpreters may have a personal connection to the LEP person or an undisclosed conflict of interest, such as the desire to protect themselves or another perpetrator in a domestic violence or other criminal matter. For these reasons, when oral language services are necessary, recipients should generally offer competent interpreter services free of cost to the LEP person. For DOJ recipient programs and activities, this is particularly true in a courtroom, pre- and post-trial proceedings, situations in which health, safety or access to important benefits and services are at stake, or when credibility and accuracy are important to protect an individual's rights and access to important services.

An example of such a case is when police officers respond to a domestic violence call. In such a case, use of family members or neighbors to interpret for the alleged victim, perpetrator, or witnesses may raise

serious issues of competency, confidentiality, and conflicts of interest and is thus inappropriate. While issues of competency, confidentiality, and conflicts of interest in the use of family members (especially children), friends, other inmates or other detainees often make their use inappropriate, the use of these individuals as interpreters may be an appropriate option where proper application of the four factors would lead to a conclusion that recipient-provided services are not necessary. An example of this is a voluntary educational tour of a courthouse offered to the public. There, the importance and nature of the activity may be relatively low and unlikely to implicate issues of confidentiality, conflict of interest, or the need for accuracy. In addition, the resources needed and costs of providing language services may be high. In such a setting, an LEP person's use of family, friends, or others may be appropriate.

If the LEP person voluntarily chooses to provide his or her own interpreter, a recipient should consider whether a record of that choice and of the recipient's offer of assistance is appropriate. Where precise, complete, and accurate interpretations or translations of information and/or testimony are critical for law enforcement, adjudicatory or legal reasons, or where the competency of the LEP person's interpreter is not established, a recipient might decide to provide its own, independent interpreter, even if an LEP person wants to use his or her own interpreter as well. Extra caution should be exercised when the LEP person chooses to use a minor as the interpreter. While the LEP person's decision should be respected, there may be additional issues of competency, confidentiality, or conflict of interest when the choice involves using children as interpreters. The recipient should take extra care to ensure that the LEP person's choice is voluntary and was made with the knowledge that a competent interpreter could be provided by the recipient at no cost to the LEP person.

B. Written Language Services (Translation)

Translation is the replacement of a written text from one language (source language) into an equivalent written text in another language (target language).

What Documents Should be Translated? After applying the four-factor analysis, recipients may determine that an effective LEP policy ensures that certain vital written materials are translated into the language of each regularly encountered LEP group eligible to be served and/or likely to be affected by the recipient's program.

Such written materials could include, for example:

Consent and complaint forms

Intake forms with the potential for important consequences

Written notices of rights, denial, loss, or decreases in benefits or services, parole, and other hearings

Notices of disciplinary action

Notices advising LEP persons of free language assistance

Prison rule books

Written tests that do not assess English language competency, but test competency for a particular license, job, or skill for which knowing English is not required

Applications to participate in a recipient's program or activity or to receive recipient benefits or services.

Whether or not a document is ''vital'' may depend upon the importance of the program, information, encounter, or service involved. For instance, applications for bicycle safety courses should not generally be considered vital, whereas applications for drug and alcohol counseling in prison could be considered vital. Where appropriate, recipients are encouraged to create a policy for determining, consistently, what documents are ''vital'' to the meaningful access of the LEP populations they serve.

Classifying a document as vital or non-vital is sometimes difficult, especially in the case of outreach materials like brochures or other information on rights and services. To have meaningful access to a right or service, LEP persons may need to be aware of those rights and services. Thus, vital information may include, for instance, documents indicating how to obtain oral assistance in understanding other information not contained in the translated documents. Lack of awareness that a particular program, right, or service exists may effectively deny LEP individuals meaningful access. Thus, where a recipient is engaged in community outreach activities in furtherance of its activities, it should regularly assess the needs of the populations frequently encountered or affected by the program or activity to determine whether certain critical outreach materials should be translated. Community organizations may be helpful in determining what outreach materials may be most helpful to translate. In addition, the recipient should consider whether translations of outreach material may be made more effective when done in tandem with other outreach methods, including utilizing the ethnic media, schools, religious, and community organizations to spread a message.

Sometimes a document includes both vital and non-vital information. This may be the case when the document is very large. It may also be the case when the title and a phone number for obtaining more information on the contents of the document in the most frequently-encountered languages other than English is critical, but the document is sent out to the general public and cannot reasonably be translated into many languages.

Into What Languages Should Documents be Translated? The languages spoken by the LEP individuals with whom the recipient has contact determine the languages into which vital documents should be translated. A distinction should be made, however, between the most frequent languages spoken by LEP persons encountered by a recipient and the less common languages. Many recipients serve communities in large cities or across the country. They regularly serve LEP persons who speak dozens and sometimes over 100 different languages. To translate all written materials into all of those languages is unrealistic. Although recent technological advances have made it easier for recipients to store and share translated documents, such an undertaking would incur substantial costs and require substantial resources. Nevertheless, well-substantiated claims of lack of resources to translate all vital documents into dozens of languages do not necessarily relieve the recipient of the obligation to translate those documents into at least several of the most frequently encountered languages and to set benchmarks for continued translations over time. As a result, the extent of the recipient's obligation to provide written translations of documents should be determined by the recipient on a case-by-case basis, looking at the totality of the circumstances in light of the four-factor analysis. Because translation is a one-time expense, consideration should be given to whether the upfront cost of translating a document (as opposed to oral interpretation) should be amortized over the likely lifespan of the document when applying this four-factor analysis.

Safe Harbor. Many recipients would like to ensure with greater certainty that they comply with their obligations to provide written translations in languages other than English. Paragraphs (a) and (b) outline the circumstances that can provide a ''safe harbor'' for recipients regarding the requirements for translation of written materials. A ''safe harbor'' means that if

a recipient provides written translations under these circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations.

The failure to provide written translations under the circumstances outlined in paragraphs (a) and (b) does not mean there is non-compliance. These paragraphs merely provide a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four-factor analysis.

Example: Even if the safe harbors are not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, the translation of the written materials is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Safe Harbor. The following actions will be considered strong evidence of compliance with the recipient's written-translation obligations:

(a) The DOJ recipient provides written translations of vital documents for each eligible LEP language group that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or

(b) If there are fewer than 50 persons in a language group that reaches the five percent trigger in (a), the recipient does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. For example, correctional facilities should, where appropriate, ensure that prison rules have been explained to LEP inmates, at orientation, for instance, prior to taking disciplinary action against them.

Competence of Translators. As with oral interpreters, translators of written documents should be competent. Particularly where legal or other vital documents are being translated, competence can often be achieved by use of certified translators. Certification or accreditation may not always be possible or necessary.[8] Competence can often be ensured by having a second, independent translator ''check'' the work of the primary translator. Alternatively, one translator can translate the document, and a second, independent translator could translate it back into English. This is called ''back translation.''

Translators should understand the expected reading level of the audience and, where appropriate, have fundamental knowledge about the target language group's vocabulary and phraseology. Sometimes direct translation of materials results in a translation that is written at a much more difficult level than the English language version or has no relevant equivalent meaning.[9] Community organizations may be able to help consider whether a document is written at a good level for the audience. Likewise, consistency in the words and phrases used to translate terms of art, legal, or other technical concepts helps avoid confusion by LEP individuals and may reduce costs. Creating or using already-created glossaries of commonly-used terms may be useful for LEP persons and translators and cost effective for the recipient. Providing translators with examples of previous translations of similar material by the recipient, other recipients, or federal agencies may be helpful.

While quality and accuracy of translation services is critical, the quality and accuracy of translation services is nonetheless part of the appropriate mix of LEP services required. For instance, documents that are simple and have no legal or other consequence for LEP persons who rely on them may use translators that are less skilled than important documents with legal or other information upon which reliance has important consequences (including, *e.g.,* information or documents of DOJ recipients regarding certain law enforcement, health, and safety services and certain legal rights). The permanent nature of written translations, however, imposes additional responsibility on the recipient to ensure that the quality and accuracy permit meaningful access by LEP persons.

VII. Elements of Effective Policy on Language Assistance for LEP Persons

After completing the four-factor analysis and deciding what language assistance services are appropriate, a recipient should develop an implementation plan. Recipients have considerable flexibility in developing this plan. For most recipients, a written policy on language assistance for LEP persons (''LEP policy'') may be the most appropriate and cost effective means of implementation. Certain DOJ recipients, such as recipients serving very few LEP persons and recipients with very limited resources, may not need to develop an LEP policy, but such recipients may find it useful to be able to articulate in some other reasonable manner their plan for providing meaningful access to certain law enforcement, health, and safety services and certain legal rights. Entities having significant contact with LEP persons, such as schools, religious organizations, community groups, and groups working with new immigrants can be very helpful in providing important input into this planning process from the beginning.

The following five steps may be helpful in designing an LEP policy and are typically part of effective implementation plans. The failure to include all five elements in an implementation plan, however, does not necessarily mean there is non-compliance.

(1) Identifying LEP Individuals Who Need Language Assistance

The first two factors in the four-factor analysis require an assessment of the number or proportion of LEP individuals eligible to be served or encountered and the frequency of encounters. This requires recipients to identify LEP persons with whom it has contact.

One way to determine the language of communication is to use language identification cards (or ''I speak cards''), which invite LEP persons to identify their language needs to staff. Such cards, for instance, might say ''I speak Spanish'' in both Spanish and English, ''I speak Vietnamese'' in both English and Vietnamese, etc. To reduce costs of compliance, the federal government has

[8] For those languages in which no formal accreditation currently exists, a particular level of membership in a professional translation association can provide some indicator of professionalism.

[9] For instance, there may be languages which do not have an appropriate direct translation of some courtroom or legal terms and the translator should be able to provide an appropriate translation. The translator should likely also make the recipient aware of this. Recipients can then work with translators to develop a consistent and appropriate set of descriptions of these terms in that language that can be used again, when appropriate. Recipients will find it more effective and less costly if they try to maintain consistency in the words and phrases used to translate terms of art and legal or other technical concepts. Creating or using already-created glossaries of commonly used terms may be useful for LEP personals and translators and cost effective for the recipient. Providing translators with examples of previous translations of similar material by the recipient, other recipients, or federal agencies may be helpful.

made a set of these cards available on the Internet. The Census Bureau ''I speak card'' can be found and downloaded at *http://www.usdoj.gov/crt/cor/13166.htm*. When records are normally kept of past interactions with members of the public, the language of the LEP person can be included as part of the record. In addition to helping employees identify the language of LEP persons they encounter, this process will help in future applications of the first two factors of the four-factor analysis. In addition, posting notices in commonly encountered languages notifying LEP persons of language assistance will encourage them to self-identify.

(2) Language Assistance Measures

An effective LEP policy would likely include information about the ways in which language assistance will be provided. For instance, recipients may want to include information on at least the following:

Types of language services available.

How staff can obtain those services.

How to respond to LEP callers.

How to respond to written communications from LEP persons.

How to respond to LEP individuals who have in-person contact with recipient staff.

How to ensure competency of interpreters and translation services.

(3) Training Staff

Staff should know their obligations to provide meaningful access to information and services for LEP persons. An effective LEP policy would likely include training to ensure that:

Staff know about LEP policies and procedures.

Staff having contact with the public (or those in a recipient's custody) are trained to work effectively with in-person and telephone interpreters.

Recipients may want to include this training as part of the orientation for new employees. It is important to ensure that all employees in public contact positions (or having contact with those in a recipient's custody) are properly trained. Recipients have flexibility in deciding the manner in which the training is provided. The more frequent the contact with LEP persons, the greater the need will be for in-depth training. Staff with little or no contact with LEP persons may only have to be aware of an LEP policy. However, management staff, even if they do not interact regularly with LEP persons, should be fully aware of and understand the plan so they can reinforce its importance and ensure its implementation by staff.

(4) Providing Notice to LEP Persons

Once an agency has decided, based on the four factors, that it will provide language services, it is important for the recipient to let LEP persons know that those services are available and that they are free of charge. Recipients should provide this notice in a language LEP persons will understand. Examples of notification that recipients should consider include:

Posting signs in intake areas and other entry points. When language assistance is needed to ensure meaningful access to information and services, it is important to provide notice in appropriate languages in intake areas or initial points of contact so that LEP persons can learn how to access those language services. This is particularly true in areas with high volumes of LEP persons seeking access to certain health, safety, or law enforcement services or activities run by DOJ recipients. For instance, signs in intake offices could state that free language assistance is available. The signs should be translated into the most common languages encountered. They should explain how to get the language help. [10]

Stating in outreach documents that language services are available from the agency. Announcements could be in, for instance, brochures, booklets, and in outreach and recruitment information. These statements should be translated into the most common languages and could be ''tagged'' onto the front of common documents.

Working with community-based organizations and other stakeholders to inform LEP individuals of the recipients' services, including the availability of language assistance services.

Using a telephone voice mail menu. The menu could be in the most common languages encountered. It should provide information about available language assistance services and how to get them.

Including notices in local newspapers in languages other than English.

Providing notices on non-English-language radio and television stations about the available language assistance services and how to get them.

Presentations and/or notices at schools and religious organizations.

(5) Monitoring and Updating the LEP Policy

Recipients should, where appropriate, have a process for determining, on an ongoing basis, whether new documents, programs, services, and activities need to be made accessible for LEP individuals, and they may want to provide notice of any changes in services to the LEP public and to employees. In addition, recipients should consider whether changes in demographics, types of services, or other needs require annual reevaluation of their LEP policy. Less frequent reevaluation may be more appropriate where demographics, services, and needs are more static. One good way to evaluate the LEP policy is to seek feedback from the community.

In their reviews, recipients may want to consider assessing changes in:

Current LEP populations in service area or population affected or encountered.

Frequency of encounters with LEP language groups.

Nature and importance of activities to LEP persons.

Availability of resources, including technological advances and sources of additional resources, and the costs imposed.

Whether existing assistance is meeting the needs of LEP persons.

Whether staff knows and understands the LEP policy and how to implement it.

Whether identified sources for assistance are still available and viable.

In addition to these five elements, effective plans set clear goals, management accountability, and opportunities for community input and planning throughout the process.

VIII. Voluntary Compliance Effort

The goal for Title VI and Title VI regulatory enforcement is to achieve voluntary compliance. The requirement to provide meaningful access to LEP persons is enforced and implemented by DOJ through the procedures identified in the Title VI regulations. These procedures include complaint investigations, compliance reviews, efforts to secure voluntary compliance, and technical assistance.

The Title VI regulations provide that DOJ will investigate whenever it receives a complaint, report, or other information that alleges or indicates possible noncompliance with Title VI or its regulations. If the investigation results in a finding of compliance, DOJ will inform the recipient in writing of this determination, including the basis for the determination. DOJ uses voluntary mediation to resolve most complaints. However, if a case is fully investigated and results in a finding of noncompliance, DOJ must inform the recipient of the noncompliance through a Letter of Findings that sets out the

[10] The Social Security Administration has made such signs available on their website. These signs could, for example, be modified for recipient use.

areas of noncompliance and the steps that must be taken to correct the noncompliance. It must attempt to secure voluntary compliance through informal means. If the matter cannot be resolved informally, DOJ must secure compliance through the termination of federal assistance after the DOJ recipient has been given an opportunity for an administrative hearing and/or by referring the matter to a DOJ litigation section to seek injunctive relief or pursue other enforcement proceedings. DOJ engages in voluntary compliance efforts and provides technical assistance to recipients at all stages of an investigation. During these efforts, DOJ proposes reasonable timetables for achieving compliance and consults with and assists recipients in exploring cost-effective ways of coming into compliance. In determining a recipient's compliance with the Title VI regulations, DOJ's primary concern is to ensure that the recipient's policies and procedures provide meaningful access for LEP persons to the recipient's programs and activities.

While all recipients must work toward building systems that will ensure access for LEP individuals, DOJ acknowledges that the implementation of a comprehensive system to serve LEP individuals is a process and that a system will evolve over time as it is implemented and periodically reevaluated. As recipients take reasonable steps to provide meaningful access to federally assisted programs and activities for LEP persons, DOJ will look favorably on intermediate steps recipients take that are consistent with this Guidance, and that, as part of a broader implementation plan or schedule, move their service delivery system toward providing full access to LEP persons. This does not excuse noncompliance but instead recognizes that full compliance in all areas of a recipient's activities and for all potential language minority groups may reasonable require a series of implementing actions over a period of time. However, in developing any phased implementation schedule, DOJ recipients should ensure that the provision of appropriate assistance for significant LEP populations or with respect to activities having a significant impact on the health, safety, legal rights, or livelihood of beneficiaries is addressed first. Recipients are encouraged to document their efforts to provide LEP persons with meaningful access to federally assisted programs and activities.

IX. Application to Specific Types of Recipients

Appendix A of this Guidance provides examples of how the meaningful access requirement of the Title VI regulations applies to law enforcement, corrections, courts, and other recipients of DOJ assistance.

A. State and Local Law Enforcement

Appendix A further explains how law enforcement recipients can apply the four factors to a range of encounters with the public. The responsibility for providing language services differs with different types of encounters.

Appendix A helps recipients identify the population they should consider when considering the types of services to provide. It then provides guidance and examples of applying the four factors. For instance, it gives examples on how to apply this guidance to:

Receiving and responding to requests for help
Enforcement stops short of arrest and field investigations
Custodial interrogations
Intake/detention
Community outreach

B. Departments of Corrections

Appendix A also helps departments of corrections understand how to apply the four factors. For instance, it gives examples of LEP access in:

Intake
Disciplinary action
Health and safety
Participation in classes or other programs affecting length of sentence
English as a Second Language (ESL) Classes
Community corrections programs

C. Other Types of Recipients

Appendix A also applies the four factors and gives examples for other types of recipients. Those include, for example:

Courts
Juvenile Justice Programs
Domestic Violence Prevention/ Treatment Programs

Appendix A—Application of LEP Guidance for DOJ Recipients to Specific Types of Recipients

While a wide range of entities receive federal financial assistance through DOJ, most of DOJ's assistance goes to law enforcement agencies, including state and local police and sheriffs' departments, and to state departments of corrections. Sections A and B below provide examples of how these two major types of DOJ recipients might apply the four-factor analysis. Section C provides examples for other types of recipients. The examples in this Appendix are not meant to be exhaustive and may not apply in many situations.

The requirements of the Title VI regulations, as clarified by this Guidance, supplement, but do not supplant, constitutional and other statutory or regulatory provisions that may require LEP services. Thus, a proper application of the four-factor analysis and compliance with the Title VI regulations does not replace constitutional or other statutory protections mandating warnings and notices in languages other than English in the criminal justice context. Rather, this Guidance clarifies the Title VI regulatory obligation to address, in appropriate circumstances and in a reasonable manner, the language assistance needs of LEP individuals beyond those required by the Constitution or statutes and regulations other than the Title VI regulations.

A. State and Local Law Enforcement

For the vast majority of the public, exposure to law enforcement begins and ends with interactions with law enforcement personnel discharging their duties while on patrol, responding to a request for services, talking to witnesses, or conducting community outreach activities. For a much smaller number, that exposure includes a visit to a station house. And for an important but even smaller number, that visit to the station house results in entry into the criminal justice, judicial, or juvenile justice systems.

The common thread running through these and other interactions between the public and law enforcement is the exchange of information. Where police and sheriffs' departments receive federal financial assistance, these departments have an obligation to provide LEP services to LEP individuals to ensure that they have meaningful access to the system, including, for example, understanding rights and accessing police assistance. Language barriers can, for instance, prevent victims from effectively reporting crimes to the police and hinder police investigations of reported crimes. For example, failure to communicate effectively with a victim of domestic violence can result in reliance on the batterer or a minor child and failure to identify and protect against harm.

Many police and sheriffs' departments already provide language services in a wide variety of circumstances to obtain information effectively, to build trust and relationships with the community, and to contribute to the safety of law enforcement personnel. For example, many police departments already have available printed *Miranda* rights in languages other than English as well as interpreters available to inform LEP persons of their rights and to interpret police interviews.[1] In areas where significant LEP populations reside, law enforcement officials already may have forms and notices in languages other than English

[1] The Department's Federal Bureau of Investigation makes written versions of those rights available in several different languages. Of course, where literacy is of concern, these are most useful in assisting an interpreter in using consistent terms when providing *Miranda* warnings orally.

or they may employ bilingual law enforcement officers, intake personnel, counselors, and support staff. These experiences can form a strong basis for applying the four-factor analysis and complying with the Title VI regulations.

1. General Principles

The touchstone of the four-factor analysis is reasonableness based upon the specific purposes, needs, and capabilities of the law enforcement service under review and an appreciation of the nature and particularized needs of the LEP population served. Accordingly, the analysis cannot provide a single uniform answer on how service to LEP persons must be provided in all programs or activities in all situations or whether such service need be provided at all. Knowledge of local conditions and community needs becomes critical in determining the type and level of language services needed.

Before giving specific examples, several general points should assist law enforcement in correctly applying the analysis to the wide range of services employed in their particular jurisdictions.

a. Permanent Versus Seasonal Populations

In many communities, resident populations change over time or season. For example, in some resort communities, populations swell during peak vacation periods, many times exceeding the number of permanent residents of the jurisdiction. In other communities, primarily agricultural areas, transient populations of agricultural workers will require increased law enforcement services during the relevant harvest season. This dynamic demographic ebb and flow can also dramatically change the size and nature of the LEP community likely to come into contact with law enforcement personnel. Thus, law enforcement officials may not want to limit their analysis to numbers and percentages of permanent residents. In assessing factor one—the number or proportion of LEP individuals—police departments should consider any significant but temporary changes in a jurisdiction's demographics.

Example: A rural jurisdiction has a permanent population of 30,000, 7% of which is Hispanic. Based on census data and on information from the contiguous school district, of that number, only 15% are estimated to be LEP individuals. Thus, the total estimated permanent LEP population is 315 or approximately 1% of the total permanent population. Under the four-factor analysis, a sheriffs' department could reasonably conclude that the small number of LEP persons makes the affirmative translation of documents and/or employment of bilingual staff unnecessary. However, during the spring and summer planting and harvest seasons, the local population swells to 40,000 due to the influx of seasonal agricultural workers. Of this transitional number, about 75% are Hispanic and about 50% of that number are LEP individuals. This information comes from the schools and a local migrant worker community group. Thus, during the harvest season, the jurisdiction's LEP population increases to over 10% of all residents. In this case, the department may want to consider whether it is required to translate vital written documents into Spanish. In addition, the predictability of contact during those seasons makes it important for the jurisdiction to review its interpretation services to ensure meaningful access for LEP individuals.

b. Target Audiences

For most law enforcement services, the target audience is defined in geographic rather than programmatic terms. However, some services may be targeted to reach a particular audience (e.g., elementary school children, elderly, residents of high crime areas, minority communities, small business owners/operators). Also, within the larger geographic area covered by a police department, certain precincts or portions of precincts may have concentrations of LEP persons. In these cases, even if the overall number or proportion of LEP individuals in the district is low, the frequency of contact may be foreseeably higher for certain areas or programs. Thus, the second factor—frequency of contact—should be considered in light of the specific program or the geographic area being served.

Example: A police department that receives funds from the DOJ Office of Justice Programs initiates a program to increase awareness and understanding of police services among elementary school age children in high crime areas of the jurisdiction. This program involves ''Officer in the Classroom'' presentations at elementary schools located in areas of high poverty. The population of the jurisdiction is estimated to include only 3% LEP individuals. However, the LEP population at the target schools is 35%, the vast majority of whom are Vietnamese speakers. In applying the four-factor analysis, the higher LEP language group populations of the target schools and the frequency of contact within the program with LEP students in those schools, not the LEP population generally, should be used in determining the nature of the LEP needs of that particular program. Further, because the Vietnamese LEP population is concentrated in one or two main areas of town, the police department should expect the frequency of contact with Vietnamese LEP individuals, in general, to be quite high in those areas, and it should apply the four-factor analysis accordingly with respect to other services provided by the police department.

c. Importance of Service/Information

Given the critical role law enforcement plays in maintaining quality of life and property, traditional law enforcement and protective services rank high on the critical/non-critical continuum. However, this does not mean that information about, or provided by, each of the myriad services and activities performed by law enforcement officials must be equally available in languages other than English. While clearly important to the ultimate success of law enforcement, certain community outreach activities do not have the same direct impact on the provision of core law enforcement services as the activities of 911 lines or law enforcement officials' ability to respond to requests for assistance while on patrol, to communicate basic information to suspects, etc. Nevertheless, with the rising importance of community partnerships and community-based programming as a law enforcement technique, the need for language services with respect to these programs should be considered in applying the four-factor analysis.

d. Interpreters

Just as with other recipients, law enforcement recipients have a variety of options for providing language services. Under certain circumstances, when interpreters are required and recipients should provide competent interpreter services free of cost to the LEP person, LEP persons should be advised that they may choose either to secure the assistance of an interpreter of their own choosing, at their own expense, or a competent interpreter provided by the recipient.

If the LEP person decides to provide his or her own interpreter, the provision of this choice to the LEP person and the LEP person's election should be documented in any written record generated with respect to the LEP person. While an LEP person may sometimes look to bilingual family members or friends or other persons with whom they are comfortable for language assistance, there are many situations where an LEP person might want to rely upon recipient-supplied interpretative services. For example, such individuals may not be available when and where they are needed, or may not have the ability to interpret program-specific technical information. Alternatively, an individual may feel uncomfortable revealing or describing sensitive, confidential, or potentially embarrassing medical, law enforcement (*e.g.,* sexual or violent assaults), family, or financial information to a family member, friend, or member of the local community. Similarly, there may be situations where a recipient's own interests justify the provision of an interpreter regardless of whether the LEP individual also provides his or her own interpreter. For example, where precise, complete and accurate translations of information and/or testimony are critical for law enforcement, adjudicatory or legal reasons, a recipient might decide to provide its own, independent interpreter, even if an LEP person wants to use their own interpreter as well.

In emergency situations that are not reasonably foreseeable, the recipient may have to temporarily rely on non-recipient-provided language services. Reliance on children is especially discouraged unless there is an extreme emergency and no preferable interpreters are available.

While all language services need to be competent, the greater the potential consequences, the greater the need to monitor interpretation services for quality. For instance, it is important that interpreters in custodial interrogations be highly competent to translate legal and other law enforcement concepts, as well as be extremely accurate in their interpretation. It may be sufficient, however, for a desk clerk who is bilingual but not skilled at interpreting to help an LEP person figure out to whom he or she needs to talk about setting up a neighborhood watch.

2. Applying the Four-Factor Analysis Along the Law Enforcement Continuum

While all police activities are important, the four-factor analysis requires some prioritizing so that language services are targeted where most needed because of the nature and importance of the particular law enforcement activity involved. In addition, because of the ''reasonableness'' standard, and frequency of contact and resources/costs factors, the obligation to provide language services increases where the importance of the activity is greater.

Under this framework, then, critical areas for language assistance could include 911 calls, custodial interrogation, and health and safety issues for persons within the control of the police. These activities should be considered the most important under the four-factor analysis. Systems for receiving and investigating complaints from the public are important. Often very important are routine patrol activities, receiving non-emergency information regarding potential crimes, and ticketing. Community outreach activities are hard to categorize, but generally they do not rise to the same level of importance as the other activities listed. However, with the importance of community partnerships and community-based programming as a law enforcement technique, the need for language services with respect to these programs should be considered in applying the four-factor analysis. Police departments have a great deal of flexibility in determining how to best address their outreach to LEP populations.

a. Receiving and Responding to Requests for Assistance

LEP persons must have meaningful access to police services when they are victims of or witnesses to alleged criminal activity. Effective reporting systems transform victims, witnesses, or bystanders into assistants in law enforcement and investigation processes. Given the critical role the public plays in reporting crimes or directing limited law enforcement resources to time-sensitive emergency or public safety situations, efforts to address the language assistance needs of LEP individuals could have a significant impact on improving responsiveness, effectiveness, and safety.

Emergency service lines for the public, or 911 lines, operated by agencies that receive federal financial assistance must be accessible to persons who are LEP. This will mean different things to different jurisdictions. For instance, in large cities with significant LEP communities, the 911 line may have operators who are bilingual and capable of accurately interpreting in high stress situations. Smaller cities or areas with small LEP populations should still have to have a plan for serving callers who are LEP, but the LEP policy and implementation may involve a telephonic interpretation service that is fast enough and reliable enough to attend to the emergency situation, or include some other accommodation short of hiring bilingual operators.

Example: A large city provides bilingual operators for the most frequently encountered languages, and uses a commercial telephone interpretation service when it receives calls from LEP persons who speak other languages. Ten percent of the city's population is LEP, and sixty percent of the LEP population speaks Spanish. In addition to 911 service, the city has a 311 line for non-emergency police services. The 311 Center has Spanish speaking operators available, and uses a language bank, staffed by the city's bilingual city employees who are competent translators, for other non-English-speaking callers. The city also has a campaign to educate non-English speakers when to use 311 instead of 911. These actions constitute strong evidence of compliance.

b. Enforcement Stops Short of Arrest and Field Investigations

Field enforcement includes, for example, traffic stops, pedestrian stops, serving warrants and restraining orders, Terry stops, activities in aid of other jurisdictions or federal agencies (*e.g.,* fugitive arrests or INS detentions), and crowd/traffic control. Because of the diffuse nature of these activities, the reasonableness standard allows for great flexibility in providing meaningful access. Nevertheless, the ability of law enforcement agencies to discharge fully and effectively their enforcement and crime interdiction mission requires the ability to communicate instructions, commands, and notices. For example, a routine traffic stop can become a difficult situation if an officer is unable to communicate effectively the reason for the stop, the need for identification or other information, and the meaning of any written citation. Requests for consent to search are meaningless if the request is not understood. Similarly, crowd control commands will be wholly ineffective where significant numbers of people in a crowd cannot understand the meaning of law enforcement commands.

Given the wide range of possible situations in which law enforcement in the field can take place, it is impossible to equip every officer with the tools necessary to respond to every possible LEP scenario. Rather, in applying the four factors to field enforcement, the goal should be to implement measures addressing the language needs of significant LEP populations in the most likely, common, and important situations, as consistent with the recipients' resources and costs.

Example: A police department serves a jurisdiction with a significant number of LEP individuals residing in one or more precincts, and it is routinely asked to provide crowd control services at community events or demonstrations in those precincts. If it is otherwise consistent with the requirements of the four-factor analysis, the police department should assess how it will discharge its crowd control duties in a language-appropriate manner. Among the possible approaches are plans to assign bilingual officers, basic language training of all officers in common law enforcement commands, the use of devices that provide audio commands in the predictable languages, or the distribution of translated written materials for use by officers.

Field investigations include neighborhood canvassing, witness identification and interviewing, investigative or *Terry* stops, and similar activities designed to solicit and obtain information from the community or particular persons. Encounters with LEP individuals will often be less predictable in field investigations. However, the jurisdiction should still assess the potential for contact with LEP individuals in the course of field investigations and investigative stops, identify the LEP language group(s) most likely to be encountered, and provide, if it is consistent with the four-factor analysis, its officers with sufficient interpretation and/or translation resources to ensure that lack of English proficiency does not impede otherwise proper investigations or unduly burden LEP individuals.

Example: A police department in a moderately large city includes a precinct that serves an area which includes significant LEP populations whose native languages are Spanish, Korean, and Tagalog. Law enforcement officials could reasonably consider the adoption of a policy assigning bilingual investigative officers to the precinct and/or creating a resource list of department employees competent to interpret and ready to assist officers by phone or radio. This could be combined with developing language-appropriate written materials, such as consents to searches or statements of rights, for use by its officers where LEP individuals are literate in their languages. In certain circumstances, it may also be helpful to have telephonic interpretation service access where other options are not successful and safety and availability of phone access permit.

Example: A police department receives federal financial assistance and serves a predominantly Hispanic neighborhood. It routinely sends officers on domestic violence calls. The police department is in a state in which English has been declared the official language. The police therefore determine that they cannot provide language services to LEP persons. Thus, when the victim of domestic violence speaks only Spanish and the perpetrator speaks English, the officers have no way to speak with the victim so they only get the perpetrator's side of the story. The failure to communicate effectively with the victim results in further abuse and failure to charge the batterer. The police department should be aware that despite the state's official English law, the Title VI regulations apply to it. Thus, the police department should provide meaningful access for LEP persons.

c. Custodial Interrogations

Custodial interrogations of unrepresented LEP individuals trigger constitutional rights that this Guidance is not designed to address. Given the importance of being able to communicate effectively under such circumstances, law enforcement recipients should ensure competent and free language services for LEP individuals in such situations. Law enforcement agencies are strongly encouraged to create a written policy on language assistance for LEP persons in this area. In addition, in formulating a policy for effectively communicating with LEP individuals, agencies should strongly consider whether qualified independent interpreters would be more appropriate

during custodial interrogations than law enforcement personnel themselves.[2]

Example: A large city police department institutes an LEP plan that requires arresting officers to procure a qualified interpreter for any custodial interrogation, notification of rights, or taking of a statement, and any communication by an LEP individual in response to a law enforcement officer. When considering whether an interpreter is qualified, the LEP policy discourages use of police officers as interpreters in interrogations except under circumstances in which the LEP individual is informed of the officer's dual role and the reliability of the interpretation is verified, such as, for example, where the officer has been trained and tested in interpreting and tape recordings are made of the entire interview. In determining whether an interpreter is qualified, the jurisdiction uses the analysis noted above. These actions would constitute strong evidence of compliance.

d. Intake/Detention

State or local law enforcement agencies that arrest LEP persons should consider the inherent communication impediments to gathering information from the LEP arrestee through an intake or booking process. Aside from the basic information, such as the LEP arrestee's name and address, law enforcement agencies should evaluate their ability to communicate with the LEP arrestee about his or her medical condition. Because medical screening questions are commonly used to elicit information on the arrestee's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners, it is important for law enforcement agencies to consider how to communicate effectively with an LEP arrestee at this stage. In jurisdictions with few bilingual officers or in situations where the LEP person speaks a language not encountered very frequently, telephonic interpretation services may provide the most cost effective and efficient method of communication.

e. Community Outreach

Community outreach activities increasingly are recognized as important to the ultimate success of more traditional duties. Thus, an application of the four-factor analysis to community outreach activities can play an important role in ensuring that the purpose of these activities (to improve police/community relations and advance law enforcement objectives) is not thwarted due to the failure to address the language needs of LEP persons.

Example: A police department initiates a program of domestic counseling in an effort to reduce the number or intensity of domestic violence interactions. A review of domestic violence records in the city reveals that 25% of all domestic violence responses are to minority areas and 30% of those responses involve interactions with one or more LEP persons, most of whom speak the same language. After completing the four-factor analysis, the department should take reasonable steps to make the counseling accessible to LEP individuals. For instance, the department could seek bilingual counselors (for whom they provided training in translation) for some of the counseling positions. In addition, the department could have an agreement with a local university in which bilingual social work majors who are competent in interpreting, as well as language majors who are trained by the department in basic domestic violence sensitivity and counseling, are used as interpreters when the in-house bilingual staff cannot cover the need. Interpreters under such circumstances should sign a confidentiality agreement with the department. These actions constitute strong evidence of compliance.

Example: A large city has initiated an outreach program designed to address a problem of robberies of Vietnamese homes by Vietnamese gangs. One strategy is to work with community groups and banks and others to help allay traditional fears in the community of putting money and other valuables in banks. Because a large portion of the target audience is Vietnamese speaking and LEP, the department contracts with a bilingual community liaison competent in the skill of translating to help with outreach activities. This action constitutes strong evidence of compliance.

B. Departments of Corrections/Jails/Detention Centers

Departments of corrections that receive federal financial assistance from DOJ must provide LEP prisoners[3] with meaningful access to benefits and services within the program. In order to do so, corrections departments, like other recipients, must apply the four-factor analysis.

1. General Principles

Departments of corrections also have a wide variety of options in providing translation services appropriate to the particular situation. Bilingual staff competent in interpreting, in person or by phone, pose one option. Additionally, particular prisons may have agreements with local colleges and universities, interpreter services, and/or community organizations to provide paid or volunteer competent translators under agreements of confidentiality and impartiality. Telephonic interpretation services may offer a prudent oral interpreting option for prisons with very few and/or infrequent prisoners in a particular language group. Reliance on fellow prisoners is generally not appropriate. Reliance on fellow prisoners should only be an option in unforeseeable emergency circumstances; when the LEP inmate signs a waiver that is in his/her language and in a form designed for him/her to understand; or where the topic of communication is not sensitive, confidential, important, or technical in nature and the prisoner is competent in the skill of interpreting.

In addition, a department of corrections that receives federal financial assistance would be ultimately responsible for ensuring that LEP inmates have meaningful access within a prison run by a private or other entity with which the department has entered into a contract. The department may provide the staff and materials necessary to provide required language services, or it may choose to require the entity with which it contracted to provide the services itself.

2. Applying the Four Factors Along the Corrections Continuum

As with law enforcement activities, critical and predictable contact with LEP individuals poses the greatest obligation for language services. Corrections facilities have somewhat greater abilities to assess the language needs of those they encounter, although inmate populations may change rapidly in some areas. Contact affecting health and safety, length of stay, and discipline likely present the most critical situations under the four-factor analysis.

a. Assessment

Each department of corrections that receives federal financial assistance should assess the number of LEP prisoners who are in the system, in which prisons they are located, and the languages he or she speaks. Each prisoner's LEP status, and the language he or she speaks, should be placed in his or her file. Although this Guidance and Title VI are not meant to address literacy levels, agencies should be aware of literacy problems so that LEP services are provided in a way that is meaningful and useful (*e.g.,* translated written materials are of little use to a nonliterate inmate). After the initial assessment, new LEP prisoners should be identified at intake or orientation, and the data should be updated accordingly.

b. Intake/Orientation

Intake/Orientation plays a critical role not merely in the system's identification of LEP prisoners, but in providing those prisoners with fundamental information about their obligations to comply with system regulations, participate in education and training, receive appropriate medical treatment, and enjoy recreation. Even if only one prisoner doesn't understand English, that prisoner should likely be given the opportunity to be informed of the rules, obligations, and opportunities in a manner designed effectively to communicate these matters. An appropriate analogy is the obligation to communicate effectively with deaf prisoners, which is most frequently accomplished through sign language interpreters or written materials. Not every prison will use the same method for providing language assistance. Prisons with large numbers of Spanish-speaking LEP

[2] Some state laws prohibit police officers from serving as interpreters during custodial interrogation of suspects.

[3] In this Guidance, the terms ''prisoners'' or ''inmates'' include all of those individuals, including Immigration and Naturalization Service (INS) detainees and juveniles, who are held in a facility operated by a recipient. Certain statutory, regulatory, or constitutional mandates/rights may apply only to juveniles, such as educational rights, including those for students with disabilities or limited English proficiency. Because a decision by a recipient or a federal, state, or local entity to make an activity compulsory serves as strong evidence of the program's importance, the obligation to provide language services may differ depending upon whether the LEP person is a juvenile or an adult inmate.

prisoners, for example, may choose to translate written rules, notices, and other important orientation material into Spanish with oral instructions, whereas prisons with very few such inmates may choose to rely upon a telephonic interpretation service or qualified community volunteers to assist.

Example: The department of corrections in a state with a 5% Haitian Creole-speaking LEP corrections population and an 8% Spanish-speaking LEP population receives federal financial assistance to expand one of its prisons. The department of corrections has developed an intake video in Haitian Creole and another in Spanish for all of the prisons within the department to use when orienting new prisoners who are LEP and speak one of those languages. In addition, the department provides inmates with an opportunity to ask questions and discuss intake information through either bilingual staff who are competent in interpreting and who are present at the orientation or who are patched in by phone to act as interpreters. The department also has an agreement whereby some of its prisons house a small number of INS detainees. For those detainees or other inmates who are LEP and do not speak Haitian Creole or Spanish, the department has created a list of sources for interpretation, including department staff, contract interpreters, university resources, and a telephonic interpretation service. Each person receives at least an oral explanation of the rights, rules, and opportunities. These actions constitute strong evidence of compliance.

A department of corrections that receives federal financial assistance determines that, even though the state in which it resides has a law declaring English the official language, it should still ensure that LEP prisoners understand the rules, rights, and opportunities and have meaningful access to important information and services at the state prisons. Despite the state's official English law, the Title VI regulations apply to the department of corrections.

c. Disciplinary Action

When a prisoner who is LEP is the subject of disciplinary action, the prison, where appropriate, should provide language assistance. That assistance should ensure that the LEP prisoner had adequate notice of the rule in question and is meaningfully able to understand and participate in the process afforded prisoners under those circumstances. As noted previously, fellow inmates should generally not serve as interpreters in disciplinary hearings.

d. Health and Safety

Prisons providing health services should refer to Department of Health and Humans Services' guidance [4] regarding health care providers' Title VI and Title VI regulatory obligations, as well as with this Guidance.

Health care services are obviously extremely important. How access to those services is provided depends upon the four-factor analysis. If, for instance, a prison serves a high proportion of LEP individuals who speak Spanish, then the prison health care provider should likely have available qualified bilingual medical staff or interpreters versed in medical terms. If the population of LEP individuals is low, then the prison may choose instead, for example, to rely on a local community volunteer program that provides qualified interpreters through a university. Due to the private nature of medical situations, only in unpredictable emergency situations or in non-emergency cases where the inmate has waived rights to a non-inmate interpreter would the use of other bilingual inmates be appropriate.

e. Participation Affecting Length of Sentence

If a prisoner's LEP status makes him/her unable to participate in a particular program, such a failure to participate should not be used to adversely impact the length of stay or significantly affect the conditions of imprisonment. Prisons have options in how to apply this standard. For instance, prisons could: (1) Make the program accessible to the LEP inmate; or (2) waive the requirement.

Example: State law provides that otherwise eligible prisoners may receive early release if they take and pass an alcohol counseling program. Given the importance of early release, LEP prisoners should, where appropriate, be provided access to this prerequisite in some fashion. How that access is provided depends on the three factors other than importance. If, for example, there are many LEP prisoners speaking a particular language in the prison system, the class could be provided in that language for those inmates. If there were far fewer LEP prisoners speaking a particular language, the prison might still need to ensure access to this prerequisite because of the importance of early release opportunities. Options include, for example, use of bilingual teachers, contract interpreters, or community volunteers to interpret during the class, reliance on videos or written explanations in a language the inmate understands, and/or modification of the requirements of the class to meet the LEP individual's ability to understand and communicate.

f. ESL Classes

States often mandate English-as-a-Second language (ESL) classes for LEP inmates. Nothing in this Guidance indicates how recipients should address such mandates. ESL courses can serve as an important part of a proper LEP plan in prisons because, as prisoners gain proficiency in English, fewer language services are needed. However, the fact that ESL classes are provided does not necessarily obviate the need to provide meaningful access for prisoners who are not yet English proficient.

g. Community Corrections

This guidance also applies to community corrections programs that receive, directly or indirectly, federal financial assistance. For them, the most frequent contact with LEP individuals will be with an offender, a victim, or the family members of either, but may also include witnesses and community members in the area in which a crime was committed.

As with other recipient activities, community corrections programs should apply the four factors and determine areas where language services are most needed and reasonable. Important oral communications include, for example: interviews; explaining conditions of probations/release; developing case plans; setting up referrals for services; regular supervision contacts; outlining violations of probations/parole and recommendations; and making adjustments to the case plan. Competent oral language services for LEP persons are important for each of these types of communication. Recipients have great flexibility in determining how to provide those services.

Just as with all language services, it is important that language services be competent. Some knowledge of the legal system may be necessary in certain circumstances. For example, special attention should be given to the technical interpretation skills of interpreters used when obtaining information from an offender during pre-sentence and violation of probation/parole investigations or in other circumstances in which legal terms and the results of inaccuracies could impose an enormous burden on the LEP person.

In addition, just as with other recipients, corrections programs should identify vital written materials for probation and parole that should be translated when a significant number or proportion of LEP individuals that speak a particular language is encountered. Vital documents in this context could include, for instance: probation/parole department descriptions and grievance procedures, offender rights information, the pre-sentence/release investigation report, notices of alleged violations, sentencing/release orders, including conditions of parole, and victim impact statement questionnaires.

C. Other Types of Recipients

DOJ provides federal financial assistance to many other types of entities and programs, including, for example, courts, juvenile justice programs, shelters for victims of domestic violence, and domestic violence prevention programs. The Title VI regulations and this Guidance apply to those entities. Examples involving some of those recipients follow:

1. Courts

Application of the four-factor analysis requires recipient courts to ensure that LEP parties and witnesses receive competent language services, consistent with the four-factor analysis. At a minimum, every effort should be taken to ensure competent interpretation for LEP individuals during all hearings, trials, and motions during which the LEP individual must and/or may be present. When a recipient court appoints an attorney to represent an LEP defendant, the court should ensure that either the attorney is proficient in the LEP person's language or that a competent interpreter is provided during consultations between the attorney and the LEP person.

Many states have created or adopted certification procedures for court interpreters. This is one way for recipients to ensure competency of interpreters. Where certification is available, courts should

[4] A copy of that guidance can be found on the HHS Web site at *http://www.hhs.gov/ocr/lep/* and at *http://www.usdoj.gov/crt/cor.*

consider carefully the qualifications of interpreters who are not certified. Courts will not, however, always be able to find a certified interpreter, particularly for less frequently encountered languages.

Example: A state court receiving DOJ federal financial assistance has frequent contact with LEP individuals as parties and witnesses, but has experienced a shortage in certified interpreters in the range of languages encountered. State court officials work with training and testing consultants to broaden the number of certified interpreters available in the top several languages spoken by LEP individuals in the state. Because resources are scarce and the development of tests expensive, state court officials decide to partner with other states that have already established agreements to share proficiency tests and to develop new ones together. The state court officials also look to other existing state plans for examples of: codes of professional conduct for interpreters; mandatory orientation and basic training for interpreters; interpreter proficiency tests in Spanish and Vietnamese language interpretation; a written test in English for interpreters in all languages covering professional responsibility, basic legal term definitions, court procedures, *etc.* They are considering working with other states to expand testing certification programs in coming years to include several other most frequently encountered languages. These actions constitute strong evidence of compliance.

Many individuals, while able to communicate in English to some extent, are still LEP insofar as ability to understand the terms and precise language of the courtroom. Courts should consider carefully whether a person will be able to understand and communicate effectively in the stressful role of a witness or party and in situations where knowledge of language subtleties and/or technical terms and concepts are involved or where key determinations are made based on credibility.

Example: Judges in a county court receiving federal financial assistance have adopted a voir dire for determining a witness' need for an interpreter. The voir dire avoids questions that could be answered with ''yes'' or ''no.'' It includes questions about comfort level in English, and questions that require active responses, such as: ''How did you come to court today?'' etc. The judges also ask the witness more complicated conceptual questions to determine the extent of the person's proficiency in English. These actions constitute strong evidence of compliance.

Example: A court encounters a domestic violence victim who is LEP. Even though the court is located in a state where English has been declared the official language, it employs a competent interpreter to ensure meaningful access. Despite the state's official English law, the Title VI regulations apply to the court.

When courts experience low numbers or proportions of LEP individuals from a particular language group and infrequent contact with that language group, creation of a new certification test for interpreters may be overly burdensome. In such cases, other methods should be used to determine the competency of interpreters for the court's purposes.

Example: A witness in a county court in a large city speaks Urdu and not English. The jurisdiction has no court interpreter certification testing for Urdu language interpreters because very few LEP individuals encountered speak Urdu and there is no such test available through other states or organizations. However, a non-certified interpreter is available and has been given the standard English-language test on court processes and interpreter ethics. The judge brings in a second, independent, bilingual Urdu-speaking person from a local university, and asks the prospective interpreter to interpret the judge's conversation with the second individual. The judge then asks the second Urdu speaker a series of questions designed to determine whether the interpreter accurately interpreted their conversation. Given the infrequent contact, the low number and proportion of Urdu LEP individuals in the area, and the high cost of providing certification tests for Urdu interpreters, this ''second check'' solution may be one appropriate way of ensuring meaningful access to the LEP individual.

Example: In order to minimize the necessity of the type of intense judicial intervention on the issue of quality noted in the previous example, the court administrators in a jurisdiction, working closely with interpreter and translator associations, the bar, judges, and community groups, have developed and disseminated a stringent set of qualifications for court interpreters. The state has adopted a certification test in several languages. A questionnaire and qualifications process helps identify qualified interpreters even when certified interpreters are not available to meet a particular language need. Thus, the court administrators create a pool from which judges and attorneys can choose. A team of court personnel, judges, interpreters, and others have developed a recommended interpreter oath and a set of frequently asked questions and answers regarding court interpreting that have been provided to judges and clerks. The frequently asked questions include information regarding the use of team interpreters, breaks, the types of interpreting (consecutive, simultaneous, summary, and sight translations) and the professional standards for use of each one, and suggested questions for determining whether an LEP witness is effectively able to communicate through the interpreter. Information sessions on the use of interpreters are provided for judges and clerks. These actions constitute strong evidence of compliance.

Another key to successful use of interpreters in the courtroom is to ensure that everyone in the process understands the role of the interpreter.

Example: Judges in a recipient court administer a standard oath to each interpreter and make a statement to the jury that the role of the interpreter is to interpret, verbatim, the questions posed to the witness and the witness' response. The jury should focus on the words, not the non-verbals, of the interpreter. The judges also clarify the role of the interpreter to the witness and the attorneys. These actions constitute strong evidence of compliance.

Just as corrections recipients must take care to ensure that eligible LEP individuals have the opportunity to reduce the term of their sentence to the same extent that non-LEP individuals do, courts should ensure that LEP persons have access to programs that would give them the equal opportunity to avoid serving a sentence at all.

Example: An LEP defendant should be given the same access to alternatives to sentencing, such as anger management and alcohol abuse counseling, as is given to non-LEP persons in the same circumstances.

Courts have significant contact with the public outside of the courtroom. Providing meaningful access to the legal process for LEP individuals might require more than just providing interpreters in the courtroom. Recipient courts should assess the need for language services all along the process, particularly in areas with high numbers of unrepresented individuals, such as family, landlord-tenant, traffic, and small claims courts.

Example: Only twenty thousand people live in a rural county. The county superior court receives DOJ funds but does not have a budget comparable to that of a more-populous urbanized county in the state. Over 1000 LEP Hispanic immigrants have settled in the rural county. The urbanized county also has more than 1000 LEP Hispanic immigrants. Both counties have ''how to'' materials in English helping unrepresented individuals negotiate the family court processes and providing information for victims of domestic violence. The urban county has taken the lead in developing Spanish-language translations of materials that would explain the process. The rural county modifies these slightly with the assistance of family law and domestic violence advocates serving the Hispanic community, and thereby benefits from the work of the urban county. Creative solutions, such as sharing resources across jurisdictions and working with local bar associations and community groups, can help overcome serious financial concerns in areas with few resources.

There may be some instances in which the four-factor analysis of a particular portion of a recipient's program leads to the conclusion that language services are not currently required. For instance, the four-factor analysis may not necessarily require that a purely voluntary tour of a ceremonial courtroom be given in languages other than English by courtroom personnel, because the relative importance may not warrant such services given an application of the other factors. However, a court may decide to provide such tours in languages other than English given demographics and court preferences. Because the analysis is fact-dependent, the same conclusion may not be appropriate with respect to all tours.

Just as with police departments, courts and/or particular divisions within courts may have more contact with LEP individuals than an assessment of the general population would indicate. Recipients should consider

that higher contact level when determining the number or proportion of LEP individuals in the contact population and the frequency of such contact.

Example: A county has very few residents who are LEP. However, many Vietnamese-speaking LEP motorists go through a major freeway running through the county, which connects two areas with high populations of Vietnamese speaking LEP individuals. As a result, the Traffic Division of the county court processes a large number of LEP persons, but it has taken no steps to train staff or provide forms or other language access in that Division because of the small number of LEP individuals in the county. The Division should assess the number and proportion of LEP individuals processed by the Division and the frequency of such contact. With those numbers high, the Traffic Division may find that it needs to provide key forms or instructions in Vietnamese. It may also find, from talking with community groups, that many older Vietnamese LEP individuals do not read Vietnamese well, and that it should provide oral language services as well. The court may already have Vietnamese-speaking staff competent in interpreting in a different section of the court; it may decide to hire a Vietnamese-speaking employee who is competent in the skill of interpreting; or it may decide that a telephonic interpretation service suffices.

2. Juvenile Justice Programs

DOJ provides funds to many juvenile justice programs to which this Guidance applies. Recipients should consider LEP parents when minor children encounter the legal system. Absent an emergency, recipients are strongly discouraged from using children as interpreters for LEP parents.

Example: A county coordinator for an anti-gang program operated by a DOJ recipient has noticed that increasing numbers of gangs have formed comprised primarily of LEP individuals speaking a particular foreign language. The coordinator may choose to assess the number of LEP youths at risk of involvement in these gangs, so that she can determine whether the program should hire a counselor who is bilingual in the particular language and English, or provide other types of language services to the LEP youths.

When applying the four factors, recipients encountering juveniles should take into account that certain programs or activities may be even more critical and difficult to access for juveniles than they would be for adults. For instance, although an adult detainee may need some language services to access family members, a juvenile being detained on immigration-related charges who is held by a recipient may need more language services in order to have access to his or her parents.

3. Domestic Violence Prevention/Treatment Programs

Several domestic violence prevention and treatment programs receive DOJ financial assistance and thus must apply this Guidance to their programs and activities. As with all other recipients, the mix of services needed should be determined after conducting the four-factor analysis. For instance, a shelter for victims of domestic violence serving a largely Hispanic area in which many people are LEP should strongly consider accessing qualified bilingual counselors, staff, and volunteers, whereas a shelter that has experienced almost no encounters with LEP persons and serves an area with very few LEP persons may only reasonably need access to a telephonic interpretation service. Experience, program modifications, and demographic changes may require modifications to the mix over time.

Example: A shelter for victims of domestic violence is operated by a recipient of DOJ funds and located in an area where 15 percent of the women in the service area speak Spanish and are LEP. Seven percent of the women in the service area speak various Chinese dialects and are LEP. The shelter uses community volunteers to help translate vital outreach materials into Chinese (which is one written language despite many dialects) and Spanish. The shelter hotline has a menu providing key information, such as location, in English, Spanish, and two of the most common Chinese dialects. Calls for immediate assistance are handled by the bilingual staff. The shelter has one counselor and several volunteers fluent in Spanish and English. Some volunteers are fluent in different Chinese dialects and in English. The shelter works with community groups to access interpreters in the several Chinese dialects that they encounter. Shelter staff train the community volunteers in the sensitivities of domestic violence intake and counseling. Volunteers sign confidentiality agreements. The shelter is looking for a grant to increase its language capabilities despite its tiny budget. These actions constitute strong evidence of compliance.

[FR Doc. 02–9461 Filed 4–17–02; 8:45 am]

BILLING CODE 4410–13–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Advanced Lead-Acid Battery Consortium

Notice is hereby given that, on March 21, 2002, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Advanced Lead-Acid Battery Consortium (''ALABC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Harbon Conslight Storage Battery MFG Co., Ltd., Harbin, Peopole's Republic of China has been added as a party to this venture. Also, Lomold Ventures Ltd., Paarl, South Africa has been dropped as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and ALABC intends to file additional written notification disclosing all changes in membership.

On June 15, 1992, ALABC field its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 29, 1992 (57 FR 33522).

The last notification was filed with the Department on September 28, 2001. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on January 23, 2002 (67 FR 3236).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–9402 Filed 4–17–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Aerospace Vehicle Systems Institute (''AVSI'') Cooperative

Notice is hereby given that, on March 14, 2002, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seg.* (''the Act''), the Aerospace Vehicle Systems Institute (''AVSI'') Cooperative has filed written notifications simultaneously with the Attorney General and the Federal trade Commission disclosing changes in its membership and production status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Parker Hannifin Corporation, acting through its Parker Aerospace Division, Irvine, CA and Hamilton Sunstrand, acting through its Hamilton Sundstrand Aerospace Division, Rockford, IL have been dropped as parties to this venture.

Furthermore, the AVSI Cooperative intends to undertake the following joint research projects:

''Requirements Development for Web-Based Technical Publications''—To investigate how structured information management technology can facilitate the creation and dissemination of technical and maintenance

documentation throughout the life cycle of an aerospace vehicle system or component.

''Mitigating Radiation Effects on Current and Future Avionics Systems''—To develop a set of guidelines to mitigate atmospheric radiation effects on current and future aircraft avionics systems and electronics devices.

''Methods to Account for Accelerated Semiconductor Device Wear Out''—To develop methods to evaluate mechanisms and accommodate the effects of accelerated semiconduct device wear out on avionics system design, production and support. This also includes developing methods to account for shorter lifetimes in avionics system safety and reliability analysis.

''Thermal Management of COTS Based Avionics''—To investigate methods to determine and satisfy thermal management requirements for avionics systems using current and future commercial off the shelf components and assemblies. This includes investigating new cooling techniques using both analytical and experimental methods to evaluate tradeoffs between functional and environmental control system requirements.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and the AVSI Cooperative intends to file additional written notification disclosing all changes in membership.

On November 18, 1998, the AVSI Cooperative filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on February 18, 1999 (64 FR 8123).

The last notification was filed with the Department on June 18, 2001. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on August 10, 2001 (66 FR 42237).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–9401 Filed 4–17–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—J Consortium, Inc.

Notice is hereby given that, on March 11, 2002, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), J. Consortium, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, FINREAD, Paris, France; and Ken'ichi Hasimoto (individual member), Tokyo, Japan have been added as parties to this venture. Also, Markus Dommann, Zurich, Switzerland has been dropped as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and J Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On August 9, 1999, J Consortium, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 21, 2000 (65 FR 15175).

The last notification was filed with the Department on January 30, 2002. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 8, 2002 (67 FR 10760).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–9399 Filed 4–17–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Petrotechnical Open Software Corporation (''POSC'')

Notice is hereby given that, on March 14, 2002, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Petrotechnical Open Software Corporation (''POSC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, SDC Geologix, Norwich, United Kingdom; Oil and Natural Gas Corporation Ltd., Dehra Dun, India; and Flare Consultants Limited, Marlow, United Kingdom have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Petrotechnical Open Software Corporation (''POSC'') intends to file additional written notification disclosing all changes in membership.

On January 14, 1991, Petrotechnical Open Software Corporation (''POSC'') filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on February 7, 1991 (56 FR 5021).

The last notification was filed with the Department on February 23, 2000. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 8, 2001 (66 FR 13971).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–9400 Filed 4–17–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: 60-day notice of information collection under review; Registration for classification as refugee; Form I–590.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until June 17, 2002.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) 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;

(2) Evaluate the accuracy of the agencies estimate of the burden of the

proposed 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, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Registration for Classification as Refugee.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–590. Office of International Affairs, Immigration and Naturalization Service.

(4) *Affected Public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. This information collection provides a uniform method for applicants to apply for refugee status and contains the information needed in order to adjudicate such applications.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 140,000 responses at 35 (.583) Minutes per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 81,620 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Regulations and Forms Services Division, Immigration and Naturalization Service, U.S. Department of Justice, Room 4304, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Patrick Henry Building, 601 D Street, NW., Suite 1600, Washington, DC 20530.

Dated: April 12, 2002.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 02–9487 Filed 4–17–02; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities Proposed Collection; Comment Request

ACTION: 60-day notice of information collection under review; Sworn statement of refugee applying for admission to the United States; Form G–646.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until June 17, 2002.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) 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;

(2) 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;

(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, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved information collection.

(2) *Title of the Form/Collection:* Sworn Statement of Refugee Applying for Admission into the United States.

(3) *Agency form number, if any, and the applicable component sponsoring the collection:* Form G–646. Office of International Affairs, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. This form provides the grounds of admissibility to the United States as they apply to refugees. The information collected allows INS to make admissibility determinations for refugees.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 75,000 responses at 30 minutes (.50 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 37,500 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Regulations and Forms Services Division, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestion regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact Mr. Robert B. Briggs, Clearance Officer, U.S. Department of Justice, Information Management and Security Staff, Justice Management Division, 601 D Street, NW., Patrick Henry Building, Suite 1600, Washington, DC 20530.

Dated: April 12, 2002.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 02–9488 Filed 4–17–02; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: 30-day notice of information collection under review: Fax request form from benefit agency to INS for

confirmation of status of I–130 and fax request form from benefit agency to EOIR for confirmation of status.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on February 7, 2002 at 67 FR 5852, allowing for a 60-day public comment period. No comments were received by the INS on this proposed information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until May 20, 2002. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Room 10235, Washington, DC 20530; 202–395–7316.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) 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;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed 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, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Fax Request Form from Benefit Agency to INS for Confirmation of Status of I–130 and Fax Request Form from Benefit Agency to EOIR for Confirmation of Status.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* No Agency Form Number (File No. OMB–14). Adjudications Division, Immigration and Naturalization Service.

(4) *Affected public will be asked or required to respond, as well as a brief abstract:* Primary: State, Local or Tribal Governments. The data collected on these fax request sheets will be used by the INS and EOIR to determine eligibility for immigration benefits. The fax request sheets permit the INS and EOIR to share information with state and federal benefit granting agencies, making determinations relating to battered aliens for whom and I–130 petition has been filed, or who have made a *prima facie* case for status.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 12,000 responses at 20 minutes (.333 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 3996 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Regulations and Forms Services Division, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Patrick Henry Building, 601 D Street, NW., Suite 1600, Washington, DC 20530.

Dated: April 12, 2002.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 02–9489 Filed 4–17–02; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF LABOR

Office of the Secretary

Combating Child Trafficking in Togo Through Education

AGENCY: Bureau of International Labor Affairs, Department of Labor.

ACTION: Notice of availability of funds and solicitation for cooperative agreement applications (SGA 02–03).

This notice contains all of the necessary information and forms needed to apply for cooperative agreement funding.

SUMMARY: The U.S. Department of Labor (USDOL), Bureau of International Labor Affairs (ILAB), will award up to US$2 million to an organization or organizations to develop and implement formal, non-formal and vocational education programs as a means to combat the trafficking of children in Togo. The education programs will complement existing USDOL and other agencies' programs in Togo that combat child trafficking and promote education. ILAB is seeking applications from qualified organizations for the purpose of implementing a program to promote school attendance and provide educational opportunities for victims of child trafficking and children at risk of being trafficked. The program will include components in raising awareness of trafficking and of the importance of education; strengthening transitional centers that receive children returned from trafficking; promoting children's academic integration into transitional and formal basic and vocational education programs; supporting preventive measures to increase school retention of children vulnerable to trafficking; strengthening institutions and policies to reduce trafficking and promote school attendance; and promoting the sustainability of program interventions.

DATES: The closing date for receipt of applications is June 3, 2002. Applications must be received by 4:45 p.m. (Eastern Time) at the address below. No exceptions to the mailing, delivery, and hand-delivery conditions set forth in this notice will be granted. Applications that do not meet the conditions set forth in this notice will not be honored. Telegram, telefacsimile (FAX), and e-mail applications will not be honored.

ADDRESSES: Application forms will not be mailed. They are published in this Federal Register Notice, and in the **Federal Register** which may be obtained from your nearest U.S. Government office or public library or online at

http://www.nara.gov/fedreg/nfpubs.html.

Applications must be delivered to: U.S. Department of Labor, Procurement Services Center, 200 Constitution Avenue, NW., Room N–5416, Attention: Lisa Harvey, Reference: SGA 02–03, Washington, DC 20210. Applications sent by e-mail, telegram, or facsimile (FAX) will not be accepted. Applications sent by other delivery services, such as Federal Express, UPS, etc., will be accepted; however, the applicant bears the responsibility for timely submission.

FOR FURTHER INFORMATION CONTACT: Lisa Harvey. E-mail address: *havey-lisa@dol.gov.* All applicants are advised that U.S. mail delivery in the Washington, DC area has been slow and erratic due to the recent concerns involving anthrax contamination. All applicants must take this into consideration when preparing to meet the application deadline. It is recommended that you confirm receipt of your application by contacting Lisa Harvey, U.S. Department of Labor, Procurement Services Center, telephone (202) 693–4570 (this is not a toll-free number), prior to the closing deadline. All inquiries should reference SGA 02–03.

SUPPLEMENTARY INFORMATION: The U.S. Department of Labor (USDOL), Bureau of International Labor Affairs (ILAB), announces the availability of funds to be granted by cooperative agreement to one or more qualifying organizations for the purpose of promoting school attendance and combating child trafficking in Togo. The cooperative agreement will be actively managed by ILAB's International Child Labor Program (ICLP), to assure achievement of the stated goals. Applicants are encouraged to be creative in proposing cost-effective interventions that will have a demonstrable impact in promoting school attendance by Togolese children who have been victims of trafficking or at risk of being trafficked.

I. Background and Program Scope

A. USDOL Support to the Global Elimination of Child Labor/Child Trafficking and Expanding Access to Education

In 2001, press reports from West Africa brought the issue of child trafficking to the world's attention by detailing the voyage of the ship Etireno, which was reputedly carrying children being trafficked between countries for purposes of employment. The International Labor Organization (ILO) estimates that there are 250 million working children between the ages of 5 and 14 in developing countries, about half of whom work full-time. Children who are trafficked are among the most exploited, and qualify as victims of the worst forms of child labor equivalent to slavery under ILO Convention 182 on the Worst Forms of Child Labor. Trafficked children who work full-time are generally unable to attend school. Furthermore, children who are trafficked have often dropped out of school early or have never attended school at all.

The existence of child labor and the trafficking of children for exploitative employment have many implications for a country. In source communities from which children are trafficked, sending a child to be employed far from home influences others to do likewise. The negative effects of trafficking include poorly educated children with low skills who return to their communities traumatized, in ill health (e.g., HIV/AIDS, sexually transmitted diseases, drug addiction), and susceptible to premature death. It is often challenging to reintegrate these children into communities that are already resource-poor and overburdened with social problems. Contrary to the belief that migration of children is a solution to poverty, it often reproduces it and leads to other social problems.

It is important to undertake education initiatives for child laborers and their at-risk siblings, and particularly for children who are victims of or susceptible to trafficking, because their lack of schooling hinders their personal development, as well as that of a modern workforce, overall labor market reform, poverty reduction and social progress. Education is a key investment that has been linked to the acceleration of a nation's productivity and socioeconomic development. Poorly educated workers tend to earn less, live in poverty, and may in turn send their own children to work at a young age. Consequently, it is important to keep children in educational settings instead of in workplaces. Further, keeping children in school protects them from the abuses of trafficking.

Since 1995 and as mandated by the U.S. Congress, USDOL has supported a worldwide technical assistance program implemented by the International Labor Organization's International Program on the Elimination of Child Labor (ILO/IPEC). USDOL contributions to date to ILO/IPEC have amounted to over $112 million, making the United States the program's largest donor and the leader in global efforts to combat child labor. USDOL has supported ILO/IPEC projects that target child trafficking in various countries, including in West and Central Africa, as described in Appendix D.

In USDOL's FY 2001 appropriations, in addition to US $45 million in funds earmarked for ILO/IPEC, the Department received US $37 million for a Child Labor Education Initiative that will fund programs that increase access to quality, basic education in areas with a high incidence of abusive and exploitative child labor. The cooperative agreement(s) awarded under this solicitation will be funded by this new initiative.

USDOL's Child Labor Education Initiative nurtures the development, health, safety and enhanced future employability of children around the world by increasing access to basic education for children removed from child labor or at risk of entering it. Child labor elimination will depend in part on improving access to, quality of, and relevance of education. Without improving educational quality and relevance, children withdrawn from child labor may not have viable alternatives and could resort to other forms of hazardous work.

The Child Labor Education Initiative has the following four goals:

1. Raise awareness of the importance of education for all children and mobilize a wide array of actors to improve and expand education infrastructures;
2. Strengthen formal and transitional education systems that encourage working children and those at risk of working to attend school;
3. Strengthen national institutions and policies on education and child labor; and
4. Ensure the long-term sustainability of these efforts.

B. Child Labor and Trafficking in Togo

Child labor and trafficking in Togo can be understood in terms of the social, political and economic developments that have taken place in Togo in the last decade. In the early 1990s, Togo experienced a period of political turmoil and economic contraction. According to the World Bank, per capita income is estimated to have fallen by 28% between 1990 and 1993. In 1993, government revenues fell to a mere 10% of GDP, causing a sharp decline in the provision of social services.

Further, political instability resulting from the controversial 1993 presidential elections led to a sharp fall in the flow of foreign aid to the country. In response to the crises, Togo launched a comprehensive adjustment program in 1994 that contributed to reversing the economic deterioration. However, a disputed presidential election and an

energy crisis in 1998 contributed to another sharp economic decline. Since then, the political, social and economic situation has continued to deteriorate, and poverty has been on the rise.

One result of the increase in poverty has been an escalation in the incidence of child labor and trafficking. Adding to this issue is the inadequacy of Togo's education system, which underwent a sharp deterioration in the 1990s.

Estimates of the magnitude of child labor and trafficking in Togo vary significantly (from 140,000 to 200,000 for child labor), and key stakeholders agree that there is a need for better data to inform policies and programs at both national and regional levels. A non-governmental organization (NGO) working in Togo on trafficking estimates that the majority of trafficked children are between 9 and 13 years of age, and that 70 percent of them are girls. Although trafficked children originate in all parts of Togo, many children come from the Central and Maritime regions, where they may initially work before going overseas. General consensus among actors is that the primary trafficking destinations for Togolese children are Gabon for girls (who often work in the markets or as domestic servants) and Nigeria for boys (who engage in agricultural work). Although precise figures are lacking, anecdotal accounts indicate that girls are often sexually exploited while they are abroad, and that some girls return pregnant or with sexually transmitted diseases including HIV/AIDS. The Sokodé regional office of the Ministry of Social Affairs also estimates that approximately 30 percent of boys become addicted to drugs while working abroad, and that some may become intermediaries for dealers in order to continue their habit after they return to Togo. If verified to exist, this work would be a worst form of child labor under ILO Convention 182.

In addition to being sent overseas to work, many Togolese children are also trafficked within Togo. Children migrate from rural to urban areas, primarily to Lomé or the Maritime region, to work in houses, in the market, or in the cotton industry. Girls are more visible in the streets and markets, while boys often work in unpaid apprenticeships; all work long hours without adequate rest. In some parts of the country, bonded labor occurs in the traditional practice known as *trokosi,* whereby young girls are given to voodoo priests as compensation for offenses allegedly committed, or debts incurred, by a member of the girl's family. The U.S. Embassy is currently financing a study on this practice because little is known about what takes place in *trokosi,* although it is reported that these girls are not allowed to attend school.

Although the causes of child labor and trafficking in specific areas of Togo are not yet systematically documented, a number of contributing factors have been identified by NGOs and government organizations. Among these are: poverty; large numbers of children under 15 in a family; cultural practices (including polygamy); parental illiteracy; belonging to certain ethnic groups; and lack of knowledge of child rights. Girls are sometimes sent to work to earn money for their dowry or for fear that they may become pregnant if sent to school. Alternatively, a girl may seek out opportunities to go abroad to work in order to escape an early or forced marriage.

In some regions, land tenure also appears to have contributed to an increasing incidence of child labor and trafficking. In Vogan, for example, the state phosphate company appropriated land, leaving families landless. It is reported that the number of children sent to work has increased in order to compensate for lost income. It is also reported that children and their parents often view education as unimportant. Since the labor market is not well developed, uneducated people often enter into petty commerce as a lifetime occupation.

A number of organizations are working on programs to combat child trafficking in Togo. These programs address some of the causes of child labor/trafficking and barriers to education, but are insufficient due to their small scale. Summaries of these programs are presented in Appendix E of this solicitation.

C. Gaps in the Prevention of Trafficking and Reintegration of Children Into Education Settings in Togo

In spite of the number of programs already being undertaken in Togo to combat trafficking, analysis by USDOL has identified a number of gaps that hamper efforts to prevent trafficking and provide access to education for child victims of trafficking. These gaps form the core of the problem that the scope of work of this solicitation aims to address.

1. Lack of Data and of Information Sharing

Institutions working on child trafficking in Togo lack adequate capacity to gather and share data, and analyze the correlation between data on education and child labor/trafficking. For example, as noted above in Section I.B, there are varied estimates on how many children are being trafficked or involved in child labor in Togo. The identification of the numbers of children entering or vulnerable to trafficking and child labor is linked to the number of children in an age cohort, and the number of children not in school. School dropout is linked to a number of risk factors that can be identified and then quantified. But getting precise figures on all of these elements is difficult due to the lack of universal birth registry of children, the lack of figures on drop out rates, and still embryonic attempts to categorize the causes of trafficking and drop out (risk factors) at particular locations. There is also limited knowledge of the barriers to education in specific locations, and of the educational attainment and needs of trafficked children.

2. Limited Coordination and Weak Partnerships Among Institutional Actors

As reported by many actors in Togo, there is inadequate national coordination to address child trafficking and reintegrate children into their communities of origin. Despite strong commitment to combating child trafficking, there is little broad-based collaborative action around trafficking and education, and there is competition for leadership among different actors in both the public sector and civil society, and between the public sector and civil society.

Through IPEC and World Bank-funded projects with the Ministries of Labor and Social Affairs, there have been attempts to begin coordinating direct action programs at the regional and prefecture levels. Preliminary national and regional action plans have been developed in consultation with different partners and can serve as a base for building partnerships to improve and expand the education infrastructure for children who are returned victims of trafficking or at risk of being trafficked. It is important that USDOL's Child Labor Education Initiative enhance collaboration between both of these ministries, and strengthen their relationship with the Ministry of Education and other ministries to address the education and supporting needs of the target children.

3. Challenges to raising awareness

Although several organizations have already conducted awareness raising campaigns on the realities and consequences of trafficking among some audiences, for example traditional and political leaders, it is not certain that the message has been passed onto other stakeholders including parents and

children. Further, there are powerful counter-forces to awareness-raising against trafficking in Togo including family poverty; the belief that children will be better off when they leave home because they will have access to education or will gain a skill; and the notion that children leaving the family will earn money for a dowry, a business, or the family. Also prevalent in Togo is the belief that trafficked children who return with no money, ill, or who have faced other unfortunate events have just been unlucky. These misfortunes are not seen to be the norm and therefore have little bearing on decisions of whether children should leave or stay.

4. High Drop Out Rates For Younger Children, Particularly For Girls, Who Are Highly Vulnerable to Trafficking

Although precise data on dropout rates are not available, the Ministry of Education in Togo has observed that rates of school retention, particularly for girls, are progressively lower at each higher grade, beginning as early as second grade. Work is one of the major reasons why children drop out of school. Parents of boys sometimes think that the apprenticeships or work abroad offer a better chance for acquiring marketable skills, while girls' parents perceive that their daughters do not need an education since they will marry, and need to collect money for their dowry by working, either in Lomé, or abroad in Gabon.

5. Lack of Continuity Between Transitional and Permanent Schooling

Children who return to Togo after being trafficked generally end up at a transition center where they receive a number of services, including health care and some schooling, prior to being reunited with their parents. However, there is often a gap between the temporary schooling at the transition centers, and the schooling they receive after returning to their place of origin. Without continuity, there is a risk of losing the benefits of the education received at the transition center. Further, teachers receiving the children at the place of origin may be inadequately prepared to support the successful reintegration of children into school. To aid in their successful reintegration, teachers at both transitional and permanent schools need training to deal with the psychosocial and special academic needs of children victims of trafficking, and to communicate and coordinate on the special needs of specific children.

6. Lack of Schooling Alternatives For Older Children

Whereas younger children in Togo can be more successfully integrated into the formal school system, it is more difficult for older children to return to school. A number of trafficked children may never have gone to school, and older children are not likely to enroll at lower grade levels in formal schools with much younger children. Without alternative educational opportunities that address older children's special needs, they are likely to remain illiterate, or semi-literate, and not be able to access better employment and income opportunities.

7. Limited Follow-Up of Reintegrated Children

Related to the lack of continuity between transitional and formal schooling is the limited follow-up of reintegrated children. In Togo, because of lack of resources, public and private sector organizations that reintegrate the children generally do not follow up on them after about one year, and less in some cases. After being returned, some of the children may not attend school and may even be trafficked again. Although there are now attempts to build community-based monitoring systems to address this problem, they are limited in scope and reach.

8. Insufficient Community Capacity To Address Child Trafficking Through Education

Although Togo has a strong tradition of community mobilization and using community structures for development in education and other sectors, communities have not been heavily involved in addressing the problem of child trafficking. Parent and Teacher Associations (PTAs) are stronger in Togo than in many other African countries, and the government supports community schools. Vis-à-vis education, UNICEF and other organizations have been working to develop self-help groups, and to use community structures (village committees) to develop village action plans which can subsequently be funded. Both Ministry of Social Affairs and Ministry of Labor projects funded through the World Bank and IPEC are aiming to work with community structures. However, such efforts are relatively nascent. Furthermore, only a small number of communities can currently be targeted due to the projects' limited resources.

9. Gaps in Policy and Enforcement

There are gaps in education and child labor policies that relate to combating child trafficking. Togo has a compulsory school attendance policy to age 15, but Togo's Labor Code (Article 114) allows children to begin working at age 14. In addition to inconsistencies in domestic laws, there are also discrepancies between domestic policies and international agreements.

Another policy gap in Togo is the fact that trafficking of children is not currently considered a crime. The Ministry of Social Affairs has expressed a desire to develop case law and precedents, and to develop the capacity of Togolese lawyers to sue for damages and obtain compensation for trafficked children. This money would then be used for the child's education, and possibly for a savings account to benefit the child. The issue of policy implementation of this idea is complex because it involves various facets of domestic and international law, and the ability to enforce them.

In addition to gaps in policy, there is inadequate enforcement of existing laws. Even if there were consistency among domestic laws, and between domestic policies and international legal commitments, their lax enforcement in Togo remains a serious problem.

10. Challenges to Achieving Sustainability

Sustainability is ultimately linked to project impact and the ability of individuals, communities and a nation to ensure that the activities or changes implemented by a project endure. A project's impacts are manifested at the level of individuals, organizations, and systems. For individual children and their families this would mean a positive and enduring change in their life conditions as a result of project interventions. At the level of organizations and systems, sustained impact would involve continued commitment and ability (including financial commitment and policy change) to continue the actions generated by the project as long as they are still needed, including enforcement of existing policies that target trafficking, child labor and school attendance.

In Togo, there are a number of factors that affect the ability of a project to achieve sustainable impact at these multiple levels. At the level of individual families and children, these include family poverty and the choices made vis-à-vis work versus school for children. Sustainability will thus be tied to the ability to provide income alternatives to the family to replace income from child labor, and a change in attitudes that places education rather

than child labor at the forefront of decision-making.

Sustainability of organizational commitment to the issue is affected by the lack of resources. Inadequate government funding has led to lack of means of transport for monitoring, long delays in paying teachers and government cadres, and the inability to build schools and provide related school infrastructure and maintenance. Low donor funding is also a limiting factor.

At the system level, sustainability will be adversely affected by inadequate policies and laws to protect children and to allow them access to education, as well as by the lax enforcement of existing policies and laws. Insufficiency of resources at the national level to promote education and combat trafficking also poses a threat to sustainability.

II. Authority

ILAB is authorized to award and administer this program by the Consolidated Appropriations Act, 2001, Public Law 106–554, 114 Stat. 2763A–10 (2000).

III. Application Process

A. Eligible Applicants

Any commercial, international, or non-profit organization capable of successfully developing and implementing education programs for child victims of trafficking or children at risk is eligible to apply for this cooperative agreement. Partnerships of more than one organization are also eligible, and applicants are strongly encouraged to work with organizations already undertaking projects in Togo, including local NGOs (see Appendix E). The capability of an applicant or applicants to perform necessary aspects of this solicitation will be determined under Section V.B Rating Criteria and Selection.

Please note that eligible cooperative agreement applicants must not be classified under the Internal Revenue Code as a 501(c)(4) entity. See 26 U.S.C. 501(c)(4). According to Section 18 of the Lobbying Disclosure Act of 1995, an organization, as described in Section 501(c)(4) of the Internal Revenue Code of 1986, that engages in lobbying activities will not be eligible for the receipt of federal funds constituting an award, grant, or loan.

B. Submission of Applications

One (1) ink-signed original, complete application in English plus two (2) copies of the application must be submitted to the U.S. Department of Labor, Procurement Services Center, 200 Constitution Avenue, NW, Room N–5416, Washington, DC 20210, not later than 4:45 p.m. ET, June 3, 2002. Accompanying documents should also be in English. To aid with review of applications, USDOL also encourages applicants to submit two additional paper copies of the application (five total). Applicants who do not provide additional copies will not be penalized.

The application must consist of two (2) separate parts. Part I of the application must contain the Standard Form (SF) 424, ''Application for Federal Assistance'' (Appendix A) (The entry on SF 424 for the Catalog of Federal Domestic Assistance Number (CFDA) is 17.700) and sections A–F of the Budget Information Form SF 424A (Appendix B). Part II must contain a technical application that demonstrates capabilities in accordance with the Statement of Work and the selection criteria.

To be considered responsive to this solicitation, the application must consist of the above-mentioned separate sections not to exceed 25 single-sided (8½″ x 11″), double-spaced, 10 to 12 pitch typed pages. *Any applications that do not conform to these standards may be deemed non-responsive to this solicitation and may not be evaluated.* Standard forms and attachments are not included in the page limit. Each application must include a table of contents and an abstract summarizing the application in not more than two (2) pages. These pages are also not included in the page limits.

Upon completion of negotiations, the individual signing the SF 424 on behalf of the applicant must be authorized to bind the applicant.

C. Acceptable Methods of Submission

The grant application package must be received at the designated place by the date and time specified or it will not be considered. Any application received at the Office of Procurement Services after 4:45 pm EST, June 3, 2002 will not be considered unless it is received before the award is made and:

1. it was sent by registered or certified mail not later than the fifth calendar day before June 3, 2002;

2. it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the U.S. Department of Labor at the address indicated; or

3. it was sent by U.S. Postal Service Express Mail Next Day Service-Post Office to Addressee, not later than 5 pm at the place of mailing two (2) working days, excluding weekends and Federal holidays, prior to June 3, 2002.

The only acceptable evidence to establish the date of mailing of a late application sent by registered or certified mail is the U.S. Postal Service postmark on the envelope or wrapper and on the original receipt from the U.S. Postal Service. If the postmark is not legible, an application received after the above closing time and date shall be processed as if mailed late. ''Postmark'' means a printed, stamped or otherwise placed impression (not a postage meter machine impression) that is readily identifiable without further action as having been applied and affixed by an employee of the U.S. Postal Service on the date of mailing. Therefore applicants should request that the postal clerk place a legible hand cancellation ''bull's-eye'' postmark on both the receipt and the envelope or wrapper.

The only acceptable evidence to establish the date of mailing of a late application sent by U.S. Postal Service Express Mail Next Day Service-Post Office to Addressee is the date entered by the Post Office receiving clerk on the ''Express Mail Next Day Service-Post Office to Addressee'' label and the postmark on the envelope or wrapper and on the original receipt from the U.S. Postal Service. ''Postmark'' has the same meaning as defined above. Therefore, applicants should request that the postal clerk place a legible hand cancellation ''bull's-eye'' postmark on both the receipt and the envelope or wrapper.

The only acceptable evidence to establish the time of receipt at the U.S. Department of Labor is the date/time stamp of the Procurement Services Center on the application wrapper or other documentary evidence or receipt maintained by that office.

Applications may be sent by e-mail, telegram, or facsimile (FAX) will not be accepted. Applications sent by other delivery services, such as Federal Express, UPS, etc., will be accepted, however, the applicant bears the responsibility for timely submission. Because of delay in the receipt of mail in the Washington, D.C. area, it is recommended that you confirm receipt of your application by contacting Lisa Harvey, U.S. Department of Labor, Procurement Services Center, telephone (202) 693–4570 (this is not a toll-free number), prior to the closing deadline. All inquiries should reference SGA 02–03.

D. Funding Levels

Up to US$2 million is available for this program. Although USDOL will award only one cooperative agreement, a partnership of more than one organization may apply to implement the program.

E. Program Duration

The duration of the program(s) funded by this SGA is four (4) years. The start date of program activities will be negotiated upon awarding of the cooperative agreement (hereafter referred to as ''grant'').

IV. Requirements

A. Statement of Work

In developing their proposals, applicants should take into account the gaps and challenges to preventing trafficking, promoting school attendance, and reintegrating trafficked children into educational settings outlined in Section I.C above. Applicants should explain how the services provided under this grant will address the gaps outlined in Section I.C. They should also consider the implementing environment in Togo described in Section I.B and Appendix E, and the lessons learned from other experiences in trafficking projects available as background documents on-line at (*http://www.ilo.org/public/english/standards/ipec/publ/childtraf/trafficking.pdf*), or in hard copy upon request (see Appendix F).

The applicants should also propose approaches and strategies to meet the education needs of the identified target beneficiaries in Togo—children at risk of being trafficked or child victims of trafficking. The approaches should support the goals of USDOL's Child Labor Education Initiative (EI): (1) Raise awareness of the importance of education for all children and mobilize a wide array of actors to improve and expand education infrastructures; (2) Strengthen formal and transitional education systems that encourage working children and those at risk of working to attend school; (3) Strengthen national institutions and policies on education and child labor, and (4) Ensure the long-term sustainability of these efforts.

The cooperative agreement awardee (hereafter referred to as ''Grantee'') is expected to work cooperatively with stakeholders in the country, including the Ministry of Education, Ministry of Labor, Ministry of Social Affairs, Ministry of Technical Education and Professional Training, NGOs, national steering/advisory committees on child labor and education, community and faith-based organizations, and trafficked and at-risk children and their families. In order to avoid duplication, enhance collaboration, expand impact, and develop synergies, the Grantee should coordinate project activities with those already being undertaken for victims of trafficking with USDOL funding by the ILO/IPEC, and by the World Bank with the Ministry of Social Affairs. The Ministry of Social Affairs currently works with 15 communities in the Central and Maritime regions. Although project resources may be used to conduct jointly funded awareness raising campaigns, training, and information gathering, the bulk of project resources should be directly devoted to expanding and improving education and support programs for target children. Project key personnel should work closely with the ILO/IPEC's National Program Manager, and where warranted with staff of the Ministries of Labor, Education, Social Affairs and Technical Education in developing project interventions. Project activities should also be coordinated with those funded by other donors, such as the World Bank. Finally, the Grantee should assure that youth with disabilities have physical and programmatic access to programs operated with the use of USDOL funds.

Below is a listing of specific requirements to guide applicants in the development of responses to this solicitation.

Overall, the applicant should propose creative and innovative approaches to improve access, quality and relevance of education for Togolese children up to age 18 who have been victims of trafficking, or who are at risk of being trafficked. The geographical target area will be the Central and Maritime regions of Togo. The exact number of communities and children to benefit from this Child Labor Education Initiative Project will be identified by the Grantee in collaboration with the ministries of Labor, Social Affairs and Education in the first three months of the project, and will form the basis of the first year's work plan.

The applicant should also work closely with local authorities and educators to create a coherent model of education interventions to provide education alternatives to children at risk of trafficking or victims of trafficking. In the process of implementation it is expected that capacity of local delivery mechanisms for education to this target group will be strengthened. Although new and innovative solutions are strongly encouraged, at a minimum, the applicant is expected to propose approaches that address the following areas of implementation:

1. Awareness Raising and Mobilization of Actors To Promote School Attendance and Reduce Child Trafficking

a. Assist local organizations to develop a multi-tiered communications strategy with audience segmentation and targeted messages that raise awareness and influence opinions and behavior of multiple actors including parents and children, educators, community leaders, and others to promote school attendance and reduce trafficking. The strategy should complement rather than duplicate previous awareness raising campaigns, and where possible coordinate with future ones planned by other projects so as to reduce duplication and mixed messages.

b. On the basis of the communications strategy, conduct awareness raising campaigns to targeted audiences to promote school attendance and reduce the lure of trafficking.

c. Use communications strategy to mobilize actors to propose solutions to reduce trafficking and promote school attendance.

d. Through awareness raising and related activities, promote the development of working and task-oriented multi-sectoral partnerships at the community, regional, and national levels to combat trafficking, promote school attendance, and improve education infrastructure in areas of high incidence of child trafficking.

2. Strengthen Education Systems To Promote School Attendance, Reduce Trafficking, and Reintegrate Trafficked Children Into Education Settings

Strengthening of education systems to address project goals will involve at least the following components: (1) Identification of target communities and baseline data collection; (2) Prevention of dropout of younger children at risk of being trafficked through improved quality and relevance of education; and (3) Reintegration of older trafficking victims into educational settings.

Targeting at-risk communities:

The Grantee should work with the Ministries of Education, Labor, and Social Affairs and other relevant partners to:

a. Identify the number and location of target communities for EI project interventions.

b. In target communities, gather and correlate baseline socioeconomic and education data on (1) children returned from trafficking; and (2) children at risk of being trafficked to identify trends and patterns in these data.

c. Assess educational infrastructure and quality in target communities, and identify specific gaps to be filled by the project.

Prevention

The Grantee should work with the Ministry of Education and other relevant partners to:

a. Identify risk factors for formal school dropout, causes of drop out, and drop out trends in areas of high trafficking.

b. Develop a strategy to increase retention and promotion to next grade for children at risk of being trafficked, particularly girls.

c. Reduce drop out rates for at-risk children through improved primary school quality and enrichment programs in areas of high trafficking, or scholarship programs.

Reintegration of Trafficked Children

The Grantee should work with the Ministry of Education and Ministry of Social Affairs, Ministry of Technical Education and other relevant partners to:

a. Strengthen the links between education programs at transition centers and permanent schools, including through increased capacity to assess and share psychosocial and education needs of child victims of trafficking.

b. Support development/expansion of bridge programs that allow eventual reintegration of younger children (up to age 15) victims of trafficking into the formal school system or vocational training. These programs should include innovative approaches to improve teaching materials, pedagogy, learning assessment, and monitoring of results. The programs can include psychosocial counseling and guidance, recreational activities, tutoring, and life skills training.

c. Develop innovative vocational education and skills training programs for older children (ages 15–18) who are either victims of trafficking or at risk of being trafficked that allow them access to improved future employment opportunities. These programs can include psychosocial counseling and guidance, tutoring, and life skills training.

Funds provided by this grant in support of this component may be used for the construction/repair/expansion of education or boarding facilities to benefit target children, and for the provision of related pedagogical and training materials, if local communities can leverage complementary resources in support of proposed education facilities and programs.

3. Strengthen institutions and policies to promote school attendance, reduce trafficking, and reintegrate trafficked children into educational settings

The objective of this component is to promote approaches to create accountability mechanisms within the government to document the problem and monitor (in partnership with civil society organizations) the progress in reaching target communities both in the prevention of child trafficking through school retention, and reintegration of children into educational settings after being returned from trafficking. The development and expansion of multi-sectoral partnerships to reduce trafficking and support the education of target children is critical. Specifically the project should:

a. Improve Ministry of Education capacity to collect data on correlations between school attendance and performance, drop out and trafficking. The result of strengthened capacity would be the ability to collect, process, analyze, map and correlate data between trafficking and educational attainment, with the objective of informed education and child labor (anti-trafficking) policies. Data should be collected and processed in collaboration with the ministries of Labor and Social Affairs.

b. Strengthen the capacity of key civil society organizations and communities to monitor and follow up on the education of children at risk of being trafficked or returned from trafficking, to complement government monitoring.

c. Enhance inter-institutional coordination capacity, collaboration and working partnerships between the Ministries of Labor, Social Affairs and Education, and Technical Education concerning the education of children who have been victims of trafficking, or who are at high risk of being trafficked.

d. Enhance partnerships between the public sector and civil society on the issue of education of children who have been victims of trafficking, or who are at high risk of being trafficked.

e. Improve coordination and implementation of existing policies and laws on school attendance and child labor in target areas of project intervention.

f. Promote legislation/litigation to compensate victims of trafficking through payment by traffickers and employers for their social reintegration and education.

In implementing these three components, the Grantee will design approaches that promote sustainability of impact at the individual, organization and system-wide level as described above in Section I.C above. As one means to promote sustainability, the Grantee can leverage alternative income generation/credit programs for opportunities for families of children benefiting from this project, and/or for older children who complete skills and/or vocational training.

In addition to meeting these requirements, the Grantee will be expected to monitor the implementation of the program, report to USDOL on a quarterly basis, and evaluate program results. The grant(s) will include funds to plan, implement and evaluate programs and activities, conduct various studies pertinent to project implementation, and to establish education baselines to measure program results. The Grantee must develop annual work plans that will be approved by USDOL. Corresponding indicators of performance will also be developed by the Grantee and approved by USDOL.

B. Deliverables

Unless otherwise indicated, the Grantee(s) must submit copies of all required reports to ILAB by the specified due dates. Other documents, such as project design documents, are to be submitted by mutually agreed upon deadlines.

1. *Project Designs.* A project document in a format to be established by ILAB in the logical framework format will be used, and will include a background/justification section, project strategy (objectives, outputs, activities, indicators, means of verification), project implementation timetable and project budget. The project design will be drawn from the proposal written in response to this solicitation. The document will also include sections that address coordination strategies, project management and sustainability. The time for delivery of this document will be negotiated at the time of the award.

2. *Technical and Financial Progress Reports.* The Grantee must furnish a typed technical report to ILAB on a quarterly basis by 31 March, 30 June, 30 September, and 31 December. The Grantee must also furnish a separate financial report to ILAB on the quarterly basis mentioned above. The format for the technical progress report will be the format developed by ILAB and must contain the following information:

a. For each project objective, an accurate account of activities carried out under that objective during the reporting period;

b. An accounting of staff and any subcontractor hours expended;

c. An accounting of travel performed under the cooperative agreement during the reporting period, including purpose of trip, persons or organizations contacted, and benefits derived;

d. A description of current problems that may impede performance, and proposed corrective action;

e. Future actions planned in support of each project objective;

f. Aggregate amount of costs incurred during the reporting period; and

g. Progress on indicators (to be reported annually).

3. *Annual Work Plan.* An annual work plan will be developed within three months of project award and approved by ILAB to ensure coordination with other relevant social actors in Togo. Subsequent annual work plans will be delivered no later than one year after the previous one.

4. *Monitoring and Evaluation Plan.* A monitoring and evaluation plan will be developed, in collaboration with ILAB, including beginning and ending dates for the project, planned and actual dates for mid-term review, and final end of project evaluations. The monitoring plan will be prepared after completion of baseline surveys, including revision of indicators provided in project document, targets, and means of verification.

5. *Evaluation Reports.* The Grantee and the Grant Officer's Technical Representative (GOTR) will determine on a case-by-case basis whether mid-term evaluations will be conducted by an internal or external evaluation team. All final evaluations will be external in nature. The Grantee must respond to any comments and recommendations resulting from the review of the mid-term report.

C. Production of Deliverables

1. *Materials Prepared Under the Cooperative Agreement.* The Grantee must submit to ILAB all media-related and educational materials developed by it or its sub-contractors before they are reproduced, published, or used. ILAB considers that education materials include brochures, pamphlets, videotapes, slide-tape shows, curricula, and any other training materials used in the program. ILAB will review materials for technical accuracy. The Grantee must obtain prior approval from the Grant Officer for all materials developed or purchased under this cooperative agreement. All materials produced by the Grantee must be provided to ILAB in a digital format for possible publication by ILAB.

2. *Acknowledgment of USDOL Funding.* In all circumstances the following must be displayed on printed materials:

''Preparation of this item was funded by the United States Department of Labor under Cooperative Agreement No. E–9–X–X–XXXX.''

When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all Grantees receiving Federal funds, including State and local governments and recipients of Federal research grants, must clearly state:

a. The percentage of the total costs of the program or project which will be financed with Federal money;

b. The dollar amount of Federal funds for the project or program; and

c. The percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

In consultation with ILAB, USDOL's role will be identified as one of the following:

a. The USDOL logo may be applied to USDOL-funded material prepared for world-wide distribution, including posters, videos, pamphlets, research documents, national survey results, impact evaluations, best practice reports, and other publications of global interest. The Grantee will consult with USDOL on whether the logo should be used on any such items prior to final draft or final preparation for distribution. In no event will the USDOL logo be placed on any item until USDOL has given the Grantee written permission to use the logo, after obtaining appropriate internal USDOL approval for use of the logo on the item.

b. If ILAB determines that the use of the logo is not appropriate and does not give written permission, the following notice must appear on the document:

This document does not necessarily reflect the views or policies of the U.S. Department of Labor, nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government.

D. Administrative Requirements

1. *General.* Grantee organizations are subject to applicable Federal laws (including provisions of appropriations law) and the applicable Office of Management and Budget (OMB) Circulars. Determinations of allowable costs will be made in accordance with the applicable Federal cost principles. The cooperative agreement(s) awarded under this SGA are subject to the following administrative standards and provisions, if applicable:

29 CFR Part 36—Federal Standards for Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance.

29 CFR Part 93—New Restrictions on Lobbying.

29 CFR Part 95—Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations, and with Commercial Organizations, Foreign Governments, Organizations Under the Jurisdiction of Foreign Governments and International Organizations.

29 CFR Part 96—Federal Standards for Audit of Federally Funded Grants, Contracts and Agreements.

29 CFR Part 98—Federal Standards for Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants).

29 CFR Part 99—Federal Standards for Audits of States, Local Governments, and Non-Profit Organizations.

2. *Sub-contracts.* Sub-contracts must be awarded in accordance with 29 CFR 95.40–48. In compliance with Executive Orders 12876 as amended, 13230, 12928 and 13021 as amended, the Grantee is strongly encouraged to provide sub-contracting opportunities to Historically Black Colleges and Universities, Hispanic-Serving Institutions and Tribal Colleges and Universities.

3. *Key Personnel.* The applicant shall list individual(s) who has (have) been designated as having primary responsibility for the conduct and completion of all project work. The applicant will submit written proof that key personnel will be available to begin work on the project no later than three weeks after award. The Grantee agrees to inform the GOTR whenever it appears impossible for these individual(s) to continue work on the project as planned. The Grantee may nominate substitute personnel and submit the nominations to the GOTR; however, the Grantee must obtain prior approval from the Grant Officer for all key personnel. If the Grant Officer is unable to approve the personnel change, he/she reserves the right to terminate the cooperative agreement.

4. *Encumbrance of Cooperative Agreement Funds.* Cooperative agreement funds may not be encumbered/obligated by the Grantee before or after the cooperative agreement period of performance. Encumbrances/obligations outstanding as of the end of the cooperative agreement period may be liquidated (paid out) after the end of the cooperative agreement period. Such encumbrances/obligations shall involve only specified commitments for which a need existed during the grant period and which are supported by approved contracts, purchase orders, requisitions, invoices, bills, or other evidence of liability consistent with the Grantee's purchasing procedures and incurred within the cooperative agreement period. All encumbrances/obligations incurred during the cooperative agreement period shall be liquidated within 90 days after the end of the grant period, if practicable.

5. *Site Visits.* USDOL, through its authorized representatives, has the

right, at all reasonable times, to make site visits to review project accomplishments and management control systems and to provide such technical assistance as may be required. If USDOL makes any site visit on the premises of the Grantee or a sub-contractor(s) under this grant(s), the Grantee shall provide and shall require its sub-contractors to provide all reasonable facilities and assistance for the safety and convenience of the Government representatives in the performance of their duties. All site visits and evaluations shall be performed in a manner that will not unduly delay the work.

V. Review and Selection of Applications for Award

A. The Review Process

USDOL will screen all applications to determine whether all required elements are present and clearly identifiable. Each complete application will be objectively rated by a technical panel against the criteria described in this announcement. Applicants are advised that the panel recommendations to the Grant Officer are advisory in nature. The Grant Officer may elect to select a Grantee on the basis of the initial proposal submission; or, the Grant Officer may establish a competitive or technically acceptable range for the purpose of selecting qualified applicants. If deemed appropriate, following the Grant Officer's call for the preparation and receipt of final revisions of proposals, the evaluation process described above will be repeated to consider such revisions. The Grant Officer will make final selection determination based on what is most advantageous to the Government, considering factors such as panel findings and the availability of funds. The Grant Officer's determination for award under this SGA is final.

Note: Selection of an organization as a cooperative agreement recipient does not constitute approval of the cooperative agreement application as submitted. Before the actual cooperative agreement is awarded, USDOL may enter into negotiations about such items as program components, funding levels, and administrative systems. If the negotiations do not result in an acceptable submission, the Grant Officer reserves the right to terminate the negotiation and decline to fund the proposal.

B. Rating Criteria and Selection

The technical panel will review applications against the various criteria on the basis of 100 points with an additional 5 points available for non-federal or leveraged resources.

The factors are presented in the order of emphasis that they will receive.

1. *Approach, Understanding of the Issue, and Budget Plan (40 points).*

a. *Overview.* This section of the proposal must explain:

(1) The applicant's proposed innovative methods for performing all the specific areas of work requirements presented in this solicitation.

(2) The expected outcomes over the period of performance for each of the tasks; and

(3) The approach for producing the expected outcomes.

The applicant should describe in detail the proposed approach to comply with each requirement in Section IV.A of this solicitation, including all tasks and methods to be utilized to implement the project. Also, the applicant should explain the rationale for using this approach. In addition, this section of the proposal should demonstrate the applicant's thorough knowledge and understanding of the issues involved in providing education to children victims of trafficking or at risk of being trafficked; best-practice solutions to address their needs; and the implementing environment in Togo.

b. *Implementation Plan.* The applicant must submit an implementation plan, preferably with a visual such as a Gantt chart, for the project in Togo. The implementation plan should list the outcomes, objectives and activities during the life of the project, and scheduling of time and staff starting with the execution of the cooperative agreement and ending with the final report. In describing the implementation plan, the applicant should address the following points:

(1) Describe the use of existing or potential infrastructure and use of qualified personnel, including qualified nationals, to implement the project. The applicant should also include a project organizational chart, demonstrating management structure, key personnel positions, and indicating proposed links with Government, civil society leaders, educators, and other significant local actors.

(2) Develop a list of activities and explain how each relates to the overall development objective of reducing child trafficking and the effects of trafficking through education.

(3) Explain how appropriate awareness raising, training, and pedagogic materials will be developed.

(4) Demonstrate how the organization will strengthen national institutions and policies on education and combating child trafficking.

(5) Demonstrate how the organization would systematically report on project performance to measure the achievement of the project objective(s).

(6) Demonstrate how the organization would build national and local capacity to ensure that project efforts to reduce trafficking and the effects of trafficking through the provision of education are sustained after completion of the project.

c. *Budget Plan.* The applicant must develop a budget of up to US $2 million for the project. This section of the proposal should explain the costs for performing all of the requirements presented in this solicitation and for producing all required reports and other deliverables presented in this solicitation; costs must include labor, equipment, travel, and other related costs.

d. *Management and Staff Loading Plan.* This section must also include a management and staff loading plan. The management plan should include the following:

(1) A project organization chart and accompanying narrative which differentiates between elements of the applicant's staff and subcontractors or consultants who will be retained;

(2) A description of the functional relationship between elements of the project's organization; and

(3) The identity of the individual responsible for project management and the lines of authority between this individual and other elements of the project.

(4) A description of how the implementation plan will be integrated into and support the anti-trafficking projects being implemented under ILO/IPEC and World Bank sponsorship.

The staff loading plan should identify all key tasks and the person-days required to complete each task. Labor estimates for each task should be broken down by individuals assigned to the task, including subcontractors and consultants. All key tasks should be charted to show time required to perform them by months or weeks.

This section will be evaluated in accordance with applicable Federal laws and regulations. The budget must comply with Federal cost principles (which can be found in the applicable OMB Circulars) and with ILAB budget requirements contained in the application instructions in Section III of this solicitation.

2. *Experience and Qualifications of the Organization (35 points).*

The evaluation criteria in this category are as follows:

a. The organization applying for the award has international experience implementing basic, transitional, and vocational education programs that

address issues of access, quality, and policy reform for disadvantaged children including working children and victims of trafficking.

b. The organization has a field presence in Togo, or in the region, or could rapidly establish an office in Togo that gives it the capability to work directly with government ministries, educators, civil society leaders, and other local organizations, e.g., community-based or faith-based groups; the organization can document that it has already established relations of this nature in the target country or can show that it has the capacity to readily establish such relations.

c. The organization has experience working with, or can show it has the ability to work with U.N. and multilateral donor organizations.

The proposal should include information about previous grants or contracts relevant to this solicitation including:

a. The organization for which the work was done;

b. A contact person in that organization with his or her current phone number;

c. The dollar value of the grant, contract, or cooperative agreement for the project;

d. The time frame and professional effort involved in the project;

e. A brief summary of the work performed; and

f. A brief summary of accomplishments.

This information on previous grants and contracts shall be provided in appendices and will *not* count in the 25-page maximum page requirement.

3. *Experience and Qualifications of Key Personnel (25 points).*

This section of the proposal must include sufficient information to judge the quality and competence of staff proposed to be assigned to the project to assure that they meet the required qualifications. Successful performance of the proposed work depends heavily on the qualifications of the individuals committed to the project. Accordingly, in its evaluation of the applicant's proposal, USDOL will place emphasis on the applicant's commitment of personnel qualified for the work involved in accomplishing the assigned tasks. Information provided on the experience and educational background of personnel should indicate the following:

a. The identity of key personnel assigned to the project. ''Key personnel'' are staff who are essential to the successful operation of the project and completion of the proposed work and, therefore, may not be replaced or have their hours reduced without the approval of the Grant Officer.

b. The educational background and experience of all staff to be assigned to the project.

c. The special capabilities of staff that demonstrate prior experience in organizing, managing and performing similar efforts.

d. The current employment status of staff and availability for this project. The applicant should also indicate whether the proposed work will be performed by persons currently employed or is dependent upon planned recruitment or subcontracting. Note that management and professional technical staff members comprising the applicant's proposed team should be individuals who have prior experience with organizations working in similar efforts, and are fully qualified to perform work specified in the Statement of Work. Where subcontractors or outside assistance are proposed, organizational control should be clearly delineated to ensure responsiveness to the needs of USDOL. Key personnel must sign letters of agreement to serve on the project, and indicate availability to commence work within three weeks of grant award.

The following information must be furnished:

a. The applicant should designate a Program Director (Key Personnel) to oversee the project and be responsible for implementation of the requirements of the cooperative agreement in all of the countries of eventual implementation. The Program Director must have a minimum of three years of professional experience in a leadership role in implementation of complex basic education programs in developing countries in areas such as education policy; improving educational quality and access; teacher training and materials development; educational assessment of disadvantaged students; development of community participation in the improvement of basic education; and monitoring and evaluation of basic education projects. Points will be given for candidates with additional years of experience. Preferred candidates will also have knowledge of child labor and trafficking issues, and experience in the development of transitional, formal, and vocational education of children removed from child labor and/or victims of child trafficking.

b. The applicant should designate an Education Specialist (Key Personnel) who will provide leadership in developing the technical aspects of this project in collaboration with the Project Director. This person must have at least three years experience in basic education projects in developing countries in areas including student assessment, teacher training, educational materials development, educational management, and educational monitoring and information systems. This person must have experience in working successfully with ministries of education, networks of educators, employers' organizations and trade union representatives or comparable entities. Additional experience with child labor, psychosocial counseling, the education of child victims of trafficking, and education monitoring and evaluation is an asset.

c. The applicant should specify other personnel proposed to carry out the requirements of this solicitation.

d. The applicant should include a description of the roles and responsibilities of all personnel proposed for this project and a resume for each professional person to be assigned to the program. Resumes should be attached in an appendix. At a minimum, each resume should include: the individual's current employment status and previous work experience, including position title, duties performed, dates in position, and employing organizations and educational background. Duties should be clearly defined in terms of role performed, *e.g.,* manager, team leader, consultant, etc. Indicate whether the individual is currently employed by the applicant, and (if so) for how long.

4. *Leverage of Funding (5 points).*

The Department will give up to five (5) additional rating points to applications that include non-Federal resources that significantly expand the dollar amount, size and scope of the proposal. Of special interest is an organization's ability to provide income-generation and/or credit programs in support of families of target children, or for older children who complete education programs and are ready for self-employment. These programs will not be financed by the project, but can complement and enhance project objectives. The applicant may include any leveraging or co-funding anticipated. To be eligible for the additional points in the criterion, the applicant must list the source(s) of funds, the nature, and possible activities anticipated with these funds under this cooperative agreement and any partnerships, linkages or coordination of activities, cooperative funding, etc.

Signed at Washington, DC, this 12th day of April, 2002.

Lawrence J. Kuss,

Grant Officer.

Appendix A: SF 424—Application Form.

Appendix B: SF 424A—Budget Information Form.

Appendix C: Background Information on the Causes and Effects of Trafficking on Children.

Appendix D: Background Information on USDOL-Funded Projects to Address the Trafficking of Children.

Appendix E: Background Information on Education and Anti-Trafficking Programs in Togo.

Appendix F: Background Material available in hard copy (upon request).

BILLING CODE 4510–28–P

Appendix A: SF 424 - Application Form.

APPLICATION FOR FEDERAL ASSISTANCE

APPENDIX "A"

OMB Approval No. 0348-0043

1. TYPE OF SUBMISSION: Application ☐ Construction ☐ Non-Construction	Preapplication ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
		3. DATE RECEIVED BY STATE	State Application Identifier
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address (give city, county, State and zip code):	Name, telephone number and fax number of the person to be contacted on matters involving this application (give area code):

6. EMPLOYER IDENTIFICATION NUMBER (EIN):

☐☐-☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: (enter appropriate letter in box) ☐

A. State
B. County
C. Municipa
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H Independent School Dist.
I State Controlled Institution of Higher Learning
J . Private University
K Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify): _____

8. TYPE OF APPLICATION:
☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify):

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:

☐☐-☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (cities, counties, States, etc.):

13. PROPOSED PROJECT:		14. CONGRESSIONAL DISTRICTS OF:	
Start Date	Ending Date	a. Applicant	b. Project

15. ESTIMATED FUNDING:		
a. Federal	$	.00
b. Applicant	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON

DATE _____

b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

c. State	$ .00	
d. Local	$ .00	
e. Other	$ .00	
f. Program Income	$ .00	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? ☐ Yes If "Yes," attach an explanation. ☐ No
g. TOTAL	$ .00	

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424

(REV 4-88)

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APPENDIX B

PART II - BUDGET INFORMATION

SECTION A - Budget Summary by Categories

	(A)	(B)	(C)
1. Personnel			
2. Fringe Benefits (Rate)			
3. Travel			
4. Equipment			
5. Supplies			
6. Contractual			
7. Other			
8. Total, Direct Cost (Lines 1 through 7)			
9. Indirect Cost (Rate %)			
10. Training Cost/Stipends			
11. TOTAL Funds Requested (Lines 8 through 10)			

SECTION B - Cost Sharing/ Match Summary (if appropriate)

	(A)	(B)	(C)
1. Cash Contribution			
2. In-Kind Contribution			
3. TOTAL Cost Sharing / Match (Rate %)			

BILLING CODE 4510–28–C

Note: Use Column A to record funds requested for the initial period of performance (i.e. 12 months, 18 months, etc.); Column B to record changes to Column A (i.e. requests for additional funds or line item changes; and Column C to record the totals (A plus B)).

Instructions for Part II—Budget Information

Section A—Budget Summary by Categories

1. *Personnel:* Show salaries to be paid for project personnel which you are required to provide with W2 forms.
2. *Fringe Benefits:* Indicate the rate and amount of fringe benefits.
3. *Travel:* Indicate the amount requested for staff travel. Include funds to cover at least one trip to Washington, DC for project director or designee.
4. *Equipment:* Indicate the cost of non-expendable personal property that has a useful life of more than one year with a per unit cost of $5,000 or more. Also include a detailed description of equipment to be purchased including price information.
5. *Supplies:* Include the cost of consumable supplies and materials to be used during the project period.
6. *Contractual:* Show the amount to be used for (1) procurement contracts (except those which belong on other lines such as supplies and equipment); and (2) sub-contracts/grants.
7. *Other:* Indicate all direct costs not clearly covered by lines 1 through 6 above, including consultants.
8. *Total, Direct Costs:* Add lines 1 through 7.
9. *Indirect Costs:* Indicate the rate and amount of indirect costs. Please include a copy of your negotiated Indirect Cost Agreement.
10. *Training /Stipend Cost:* (If allowable)
11. *Total Federal Funds Requested:* Show total of lines 8 through 10.

Section B—Cost Sharing/Matching Summary

Indicate the actual rate and amount of cost sharing/matching when there is a cost sharing/matching requirement. Also include percentage of total project cost and indicate source of cost sharing/matching funds, *i.e.* other Federal source or other Non-Federal source.

Note: Please include a detailed cost analysis of each line item.

Appendix C: The Causes and Effects of Trafficking on Children

Child trafficking is considered one of the worst forms of child labor under ILO Convention 182 on the Worst Forms of Child Labor to which the United States, Togo and many other countries are signatories. ILO Convention 182 categorizes child trafficking as belonging to the same category as forced labor. Specifically, Convention 182 identifies four categories of the worst forms of child labor, and calls for their immediate elimination:

- All forms of slavery or practices similar to slavery, *such as the sale and trafficking of children;* debt bondage and serfdom and forced or compulsory labor; including force or compulsory recruitment of children for use in armed conflict;
- The use, procurement or offering of a child for prostitution, production of pornography or pornographic performances;
- The use, procurement or offering of a child for illicit activities in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- Work which by its nature or by the circumstances by which it is carried out, is likely to harm the health, safety, or morals of children.

Children who are trafficked often engage in one or more of the above-mentioned categories of the worst forms of child labor.

As noted by the ILO in a recent report, *Trafficking of Children: The Problem and Responses Worldwide,* (available electronically at *http://www.ilo.org/public/english/standards/ipec/publ/childtraf/trafficking.pdf*), child trafficking can occur within national boundaries, but can also cross borders and regions. ''The victims, mostly separated from their families and communities end up in prostitution and other exploitative forms of work, such as agriculture, mining, manufacturing, fishing, begging and domestic service. They are defenceless against abuse and exploitation and traumatized''' (ILO, *Trafficking of Children,* p. iii).

It is estimated that millions of children in many countries are trafficked, but the exact number of victims is unknown. Often the children who are victims of trafficking come from impoverished or rural areas/countries and go to urban areas of the same country, or to wealthier countries. Trafficking involves a series of actions and actors (including recruiters, intermediaries, transporters, employers, and family members) at different points, from point of origin to final destination. The final outcome is the exploitation through work of the child being relocated, and a serious compromise of the child's access to education and other aspects of healthy human development. The exploitation is manifested through the abusive conditions to which the child is subjected, including physical and mental abuse, confinement, inadequate or non-existent health care, poor accommodation, and hazardous work.

Trafficking is a complex issue involving a series of motivations and aspirations that are both benevolent and malevolent. Children and their families can be drawn into trafficking through persuasion and/or deception. They are led to believe that a child will be better off because he/she will receive an education or job skills, earn money, and be cared for by adults with more means than their parents. In many such cases, children or their families approach the recruiters, who take advantage of parents' hopes and aspirations for their own personal gain. In other cases, children are trafficked as a result of deception, threat or coercion.

As noted in the ILO report on trafficking cited above, among factors that encourage trafficking are poverty; the desire to earn a living and help support family; low level of education of parents; scarcity of schools; political conflict and natural disasters that devastate local economies; cultural attitudes toward children, and girls in particular; and inadequate local laws and regulations or lack of enforcement. The consequences of child trafficking include death or permanent damage to physical and mental health; drug dependency; family disintegration; the risk of violence, physical and emotional damage due to premature sexual activity, and exposure to HIV/AIDS and other sexually transmitted diseases (STDs). In the case of girls there is also the risk of pregnancy, early motherhood, and reproductive illnesses that might affect future reproductive ability.

Appendix D: Background Information on USDOL-funded Projects to Address the Trafficking of Children (through the International Labor Organization's International Program on the Elimination of Child Labor (ILO/IPEC))

Ongoing Projects

Africa

Combating the Trafficking in Children for Labor Exploitation in West and Central Africa—Phase Two (Benin, Burkina Faso, Cameroon, Gabon, Ghana, Cote d''Ivoire, Mali, Nigeria, & Togo)

Description: The project aims to assist government agencies and nongovernmental organizations in effectively preventing and abolishing child trafficking for the purpose of domestic work, work on plantations, street trading, begging and prostitution. Support will be extended to partner organizations to rescue and rehabilitate 9,000 child victims. The project will address the problem on both national and regional levels through awareness raising campaigns; mobilization, capacity building, and coordination of social partners and key actors; provision of multi-disciplinary preventive and rehabilitative programs for child victims, children at risk of trafficking and their parents; development of multilateral and bilateral agreements to prevent trafficking; and the organization of sub-regional meetings to review regulations and enforcement practice of trafficking in children.

Status: The three-year project began in July 2001, and USDOL's contribution to ILO/IPEC is $4,279,154.

Latin America and the Caribbean

Brazil and Paraguay—Prevention and Elimination of Commercial Sexual Exploitation of Children and Adolescents

Description: This project aims to eliminate the commercial sexual exploitation of children and adolescents in border areas between Paraguay and Brazil. Action will be taken to rescue and rehabilitate 1,000 children that have been sexually exploited, and offer 400 families credit support to

further income generation. Relevant public, private, governmental and nongovernmental institutions will be strengthened to implement efforts to eliminate the commercial sexual exploitation of children, and to make available reliable and credible information related to the commercial sexual exploitation of children, including possible child trafficking networks.

Status: The three-year project began in August 2001, and USDOL's contribution to ILO/IPEC is $1,995,464.

South Asia

South Asia Sub-regional Program to Combat the Trafficking of Children for Exploitative Employment (Bangladesh, Nepal and Sri Lanka)

Description: The project addresses the problem of trafficking in children for purposes of domestic work, work on plantations, work on construction sites, sex tourism, pornography, and prostitution, both on the national and sub-regional levels. Some 1,700 children will be rescued from exploitive work situations and will receive rehabilitation services. An additional 6,000 children will be prevented from being trafficked. The project will enhance the capacity of government and nongovernmental organizations to address trafficking issues, and will support sub-regional cooperation and joint action among the South Asia Association for Regional Cooperation (SAARC) countries.

Status: The two-year project began in June 2000, and USDOL's contribution to ILO/IPEC is $1,789,426.

Timebound Program in Nepal

Description: The Timebound Program in Nepal will comprise a set of comprehensive and integrated initiatives that will show visible results in the elimination of the worst forms of child labor in the country in a specific time period. Child victims of trafficking for labor or sexual exploitation has been identified as one of six worst forms of child labor in Nepal to receive priority attention. It is estimated that some 2,000 children will benefit directly from this component of the project. Children will receive trauma counseling before reintegration into school or vocational training.

Status: USDOL contribution to the entire ILO/IPEC project is $5.5 million (child trafficking component is $1.5 million) for a four-year period. The project began in September 2001, and the trafficking component of the project will commence in July 2002.

Projects Completed in Recent Years

Africa

Combating the Trafficking in Children for Labor Exploitation in West and Central Africa—Phase One (Benin, Burkina Faso, Cameroon, Gabon, Ghana, Cote d Ivoire, Mali, Nigeria, & Togo)

Description: The first phase of this project produced a sub-regional report synthesizing studies on the nature and scope of child trafficking in the participating countries and developed strategies for national and concerted regional actions to address the problem. Efforts were made to channel identified children to NGO's already providing social protection and support services for victims of trafficking. The project began in 1999 and is now completed. USDOL's contribution to ILO/IPEC was $225,525.

South Asia

Setting National Strategies for the Elimination of Girls' Trafficking and Commercial Sexual Exploitation of Children in Nepal

Description: The project aimed to strengthen the role of the Ministry of Social Welfare in combating child trafficking and coordinating an action plan at the national level to combat child trafficking for commercial sexual exploitation. Some 120 children were removed from prostitution and provided rehabilitation services and educational opportunities. Public awareness campaigns on the trafficking of children were carried out in villages and carpet factories. The two-year project commenced in 1997 and is now complete. USDOL's contribution to ILO/IPEC was $190,323.

Appendix E: Background Information on Education and Anti-Trafficking Programs in Togo

Many government ministries and organizations are currently working to combat child labor and trafficking, as well as to provide educational services to youth. Although these efforts are significant in nature, they are being carried out on a relatively small scale and are mostly uncoordinated. This section summarizes some of the interventions most pertinent to a Child Labor Education Initiative project in Togo.

Government Ministries

Ministry of Education

The Togolese Ministry of Education has been working to expand educational access for all children, and bureaus of the ministry in both Lomé and Sokodé are making special efforts to support girls' education. With recent efforts to develop inter-ministerial cooperation, notably with the launching of the ILO/IPEC program, it has been involved in preliminary meetings to develop an action plan to combat child labor and trafficking. The regional Directorate of the Ministry of Education in Sokodé has also been developing a working relationship with the Ministry of Social Affairs on child trafficking. Following a presentation on child trafficking, there have been three follow up meetings with various government ministries and local leaders to discuss the causes of child labor. One of these meetings was devoted to establishing local committees to fight against child trafficking.

In addition to government schools, the Ministry of Education supports community-based schools (Ecoles d'Initiative Locale) by providing manuals and technical assistance for teacher training. In cooperation with the World Bank, the Ministry has implemented an Education Management and Support Project (PAGED), and also collaborates on education programs with several NGOs, including Aide et Action, Plan International, La Colombe, and CARE.

Ministry of Labor

The Togolese Ministry of Labor has recently begun actively working with ILO/IPEC to implement a policy to combat child labor, and has designated a special unit within the ministry to work with IPEC. Its efforts to combat child labor fall into three categories: (1) Awareness-Raising, (2) Action Programs with IPEC to get returned trafficking victims into school, and (3) Legislation to revise the Togolese Labor Code to bring it in line with international agreements.

In 1998/99, in collaboration with IPEC, the Ministry conducted a sample survey of 600 children to assess the extent of the child labor problem. The results pointed to the existence of child labor in a large number of sectors including: market porters, agriculture, domestic workers, gravel porters, artisan workshops, and fishing. The survey also found that trafficking of children within Togo eventually led to their trafficking outside the country. Using the results of this survey, a National Action Plan was developed in collaboration with IPEC and other ministries. The plan focuses on three groups of children: exploited and abused child workers, child victims of trafficking, and street children. Among the activities proposed are: creation of a database on traffickers; improvement of legislation on children; regional exchange of information on trafficking; improvement of cooperation between police, customs and immigration officers; improvement of educational opportunities for girls and street children; awareness raising campaigns; and the rehabilitation and reintegration of trafficked children.

Among its other responsibilities, the Ministry of Labor inspects workplaces and mediates conflicts that arise in apprenticeships. The office in Sokodé estimated that it resolves about 20 such conflicts per year, and that many more are resolved through the employers' unions, which employers of apprentices are required by law to join.

Ministry of Social Affairs

The Ministry of Social Affairs has been spearheading the fight against the exploitation of children, with very few available resources. Its activities include: An annual awareness raising campaign on trafficking; withdrawing children from exploitative situations (particularly trafficking); arranging for the repatriation of trafficking victims, including coordinating with local NGOs to receive them in transit houses; and arranging children's reintegration into family and enrollment in school or apprenticeships. The Ministry is working with CARE-Togo to implement the World Bank-financed Institutional Development Fund (IDF) project, which has established 15 village-based committees nationwide dedicated to preventing trafficking and following up with trafficked children who have been reintegrated.

The Sokodé regional office of the Ministry of Social Affairs has developed regional and prefectoral action plans to address the most

pressing social needs in the area, but most of the plans have yet to be implemented due to lack of resources.

Ministry of Technical Education and Professional Training

The Ministry of Technical Education and Professional Training offers two vocational training options for older children: apprenticeships and technical institutes, of which there are 11 nationwide. The Ministry also has Regional Centers of Technical Education and Professional Training, where training is tailored to meet regional needs (e.g., night courses, HIV/AIDS education). Training at a technical institute lasts three years and is less expensive than apprenticeships. Students must be between 14 and 20 years of age at the time of enrollment, and must have completed at least two years of secondary school.

The Ministry has put forth regulations governing apprenticeships, including duration (between one and four years) and fees. There are reportedly many violations in the apprenticeship system whereby parents must pay a large amount in cash and kind to get their children accepted into an apprenticeship. It is reported that the children may not learn the required skill set in the legal time limit set for the apprenticeship, but may serve as unpaid laborers for many years. Violations of the apprenticeship system are investigated when formal complaints are filed.

Dual training, whereby children attend evening literacy courses while engaged in apprenticeships, is an option available to apprentices. This training is partially subsidized by the ministry.

International Donors

IPEC

The IPEC program in Togo began in March 2001 and is funded by France and the United States. The organization is undertaking efforts to remove children under age 14, particularly girls, from the worst forms of child labor, and to improve working conditions for children ages 15 and over. IPEC has worked with local chiefs to raise awareness of child labor and trafficking, and has subcontracted three initiatives: (1) Reinforcing the capacity of communities to combat child labor and trafficking. (This capacity building program is directly implemented by the Ministry of Social Affairs, with overall coordination by the Ministry of Labor); (2) combating child labor among market porters in Lomé with the Bureau International Catholique de l'Enfance—BICE; and (3) combating the exploitation of girls in domestic service in Lomé, with WAO-Afrique. These initiatives last between 12 and 24 months. Togo is also part of the USDOL-funded regional eight-country trafficking project, in which US $159,000 is designated for direct action programs in Togo. These funds are intended for awareness raising and other interventions to reach 200 target communities. In the first year 10 pilot communities will be identified in each region with future expansion anticipated in subsequent years.

UNICEF

UNICEF's interventions in Togo are threefold: (1) awareness-raising on the rights of women and children; (2) education programs, especially for girls aged 5–14 years and parents; and (3) strengthening of local capacity. UNICEF works with 500 villages in three zones of the Maritime region to formulate village action plans to address problems identified by the communities themselves. These programs include enrollment of children in school; income-generating activities; registration of births as a means to increase school enrollment and control trafficking; vaccination certificates, and training of caregivers at childcare centers. Where UNICEF has opened schools, it works to build the community's capacity to financially sustain the school after the end of the program, or until the government can take it over.

UNICEF works closely with several NGOs as well as with IPEC and the Ministry of Labor. It works with the World Bank at a regional level. Its five-year project budget is US $3 million, of which $1.7 million is available for programs, and the remaining $1.3 million for research. UNICEF does not finance the village action plans, but encourages villages to seek funding from other sources. UNICEF has also launched an early childhood development center to help give at-risk children an advantage in school.

The Ambassador's Special Self Help Fund

Among other small grants it provides to local organizations, the U.S. Ambassador's Special Self Help Fund is financing a study of the traditional practice of trokosi, in which some families in the Vo region give their daughters to voodoo priests in order to repay a spiritual or monetary debt, or to compensate for offences committed by a member of the family. These girls are bonded for life and do not have the opportunity to go to school. Exact numbers on how many girls are involved are lacking, but the study is expected to be complete in 2002.

Peace Corps

Peace Corps/Togo's Small Business Development project was begun in 1991, in collaboration with the Federation of Savings and Credit Unions in Togo (FUCEC). There are currently approximately 15 Peace Corps Volunteers who work in this sector, offering business training and consulting services to members of local credit unions. Many Volunteers work with women's groups, while others assist individuals. They help associations get officially registered, and in rural areas, focus on informal savings groups.

Peace Corps/Togo also has a Girls' Education and Empowerment Project (recently renamed Education and Development) that was started in 1999. The 30 Volunteers assigned to this project make efforts to enroll girls in school, to keep them there, and to help those who are out of school find work. This project includes a scholarship program that has been operating for seven years. Volunteers work in an advisory capacity with local NGOs that receive up to $1,500 each (with 10% for administrative costs) to administer scholarships, tutoring and mentoring programs. Each NGO works with about 40 girls.

The scholarship program has two funding sources: a US $7,000 memorial fund, and US $50,000 from the State Department's Education for Democracy Development Initiative (EDDI). In addition to project funds, Peace Corps/Togo has a Small Project Assistance (SPA) program that awards a maximum of $500 per project and emphasizes training projects.

World Bank

The World Bank has awarded a $306,000 grant from its Institutional Development Fund (IDF) to the Ministry of Social Affairs' Directorate for the Protection and Promotion of the Family and Children (DPPFE), which has in turn subcontracted the money to NGOs. The IDF Project's primary objectives are to strengthen DPPFE's institutional capacity and to develop partnerships between government and civil society through joint child protection initiatives.

The Bank has not undertaken any new program lending in Togo since 1998. It currently has five projects, only two of which are new: a $5 million health project and a $15 million HIV/AIDS project. Both are loans. The Bank's education project ended in June 2001, and there are no other projects in the pipeline.

As part of its education strategy in Togo, the Bank places emphasis on making communities directly responsible for schools. The teachers are hired and paid by the communities (with supplements from the Bank), and are supervised by inspectors from the Ministry of Education.

International NGOs

BICE-Togo

Bureau International Catholique de l'Enfance (BICE) has been working in Togo since 1996. Among its areas of focus are child porters in the market, and internal and external child trafficking. In the interest of preventing trafficking, BICE provides partial scholarships for children, and is currently supporting 467 children, 63% of whom are girls. It also holds two-hour tutoring sessions per week to maximize each child's chance of passing. Since 1997 BICE has been working in seven rural villages in Lac and Vo prefectures in an effort to address the problem at its roots. The organization works to return victims of trafficking to their place of origin and re-insert them in school, and then conducts awareness raising activities in these areas. Each community has an Education Support Committee made up of teachers, students in their fourth year of secondary school, and others. These students are trained by BICE over a period of years. In Lomé, BICE has conducted a series of awareness raising activities in the markets on child porters. The NGO has its own preschool in Lomé for children of market porters to prevent them from working. Among its funding sources are the European Union, Fonds Pélorin (a French department store), and the Oak Foundation.

BICE is also part of a Group for Exchange and Coordination among Education Actors, a group of 24 governmental and non-governmental entities that get together for

monthly workshops on topics proposed by a rotating Secretariat. BICE works in partnership with IPEC.

CARE-International

CARE's most direct intervention in the area of child labor is through the Institutional Development Fund (IDF) Project, funded by the World Bank via the Ministry of Social Affairs' Directorate for the Protection and Promotion of the Family and Children (DPPFE), and implemented with six local partners. CARE's activities in this $306,000 project include technical support for the creation and training of local committees against child labor and trafficking, training and awareness raising to prevent child labor and trafficking, and pilot initiatives for child protection.

In 1998, CARE began a five-year, $622,000 initiative—the Programme for the Promotion of Educational and Employment Opportunities for Girls in Urban and Rural Areas in Togo (PEP)—funded by Comic Relief, UK, and implemented in conjunction with AHUEFA and La Colombe in Lomé and Vo District. After nine months of literacy and life skills training, PEP beneficiaries may choose to participate in a three-year non-formal education program (with the goal of reintegrating into the formal system), vocational training, or an income generating activity. A total of 653 girls and women currently benefit from the PEP Project.

The Social and Professional Protection for Young Domestic Workers (PROMAM) Project has been operating in Lomé since 2000. To date, PROMAM has worked with 247 domestic workers (ages 15 to 30) and their employers to strengthen the workers' professional capacities, improve their working conditions, and guard against the exploitation of child labor. PROMAM is in the process of creating a training center for girls.

All of CARE's projects set aside a small portion of the budget to fund income-generating activities in support of the projects' larger goals.

PLAN International

PLAN International works on the problem of child trafficking in the Central Region of Togo. In a village that is the source of many trafficked children, PLAN is working with a women's group to improve their ability to care for their children, and to increase their revenues through micro-finance. With support from the Government of Togo and the respective communities, PLAN assists with the construction of schools, including the purchase of materials and teachers' salaries. PLAN also works with community-based schools by providing teacher training, offering scholarships, and assisting in the development of teaching materials. In addition to supporting the formal school system, PLAN provides non-formal education for children who have never attended school, and offers workshops where they can learn various trades.

In the area of trafficking, PLAN uses mass media (radio and TV) to sensitize people to the issue. In 2002, PLAN intends to strengthen its transit center for child victims of trafficking, so that children can remain for more than two weeks before returning to their families. The center will also provide training for girls to assist in their reintegration. Among PLAN's partners are the Ministries of Social Affairs, Labor, Education, and Security, as well as WAO-Afrique and FUCEC (Federation of Savings and Credit Unions in Togo). PLAN has also helped to sensitize border police to the issue of child trafficking. By January 2002, PLAN is scheduled to complete a study on child trafficking, including its forms, causes and consequences. Funding for the study is being provided by Japan over a five-year period, with $50,000 for the study and accompanying activities for the first year.

Terre des Hommes

One of Terre des Hommes' primary areas of intervention in Togo focuses on child labor and exploitation, particularly trafficking. The Oasis Center was created in 1986–87 to assist lost children, but now targets children who have escaped from work, including trafficked children. The Center serves as a transit house, offering accommodation, care and basic education classes to approximately 50–60 children until they can be reunited with their families. The length of stay ranges from a few days to a few weeks.

Terre des Hommes works with the Ministry of Social Affairs, civil and military police, judges, local chiefs and social centers to reintegrate children into their home villages, and coordinates with UNICEF to repatriate children who have been trafficked from other countries to Togo. The NGO maintains a file on each child, including information on his/her age, type of work (and if paid), work location, age when placed, trafficking history and details of abuse. Each file also includes data on the child's parents (religion, tribe, language, education, etc.). An additional children's center, financed by the U.S. Embassy, is under construction.

Terre des Hommes is financed primarily by the Terre des Hommes Foundation in Switzerland, but also receive funds from private citizens, Swiss international aid, and other countries (e.g., various embassies, European Union). The organization is also striving to obtain local funding in order to develop a more sustainable model.

WAO-Afrique

WAO-Afrique has been working with child labor in Togo since 1991. The organization conducted a study in 1994 that revealed that 150,000–200,000 children work in Togo. In 1998, WAO-Afrique coordinated with the Ministry of Interior, PLAN International and border police to organize a meeting to raise awareness of child labor and exploitation. The meeting resulted in a formal definition of child trafficking, and a resolution to treat trafficking as a crime. In addition to its efforts in Togo, WAO-Afrique works on a regional level in West and Central Africa, and is currently collaborating with Radda Barnen (Save the Children-Sweden) to organize a regional conference next year. The NGO is also in the process of creating a regional observatoire (watchdog agency) to collect and maintain information for all countries in the West and Central African region.

WAO-Afrique runs a center in Lomé that serves as a gathering place for child laborers. Under the guidance of the NGO, seven to ten adolescents form an executive committee that works in Lomé neighborhoods to raise awareness on child labor and to provide support for children who work.

Another of WAO–Afrique's focus areas is micro-credit. The organization collaborates with FUCEC to run a micro-credit center for women that meets at the Evangelical Presbyterian Church of Togo in Lomé. WAO–Afrique and the church guarantee the loans, and FUCEC provides training that covers not only credit and business management, but also health and nutrition. Over 200 women benefit from this program.

ALISEI

ALISEI is an Italian NGO founded in 1998 that has a regional trafficking project based in Gabon that also covers Togo, Benin, and Nigeria. Of the $3 million project budget, $45,000 per year is allocated to Togo. The organization intends to undertake actions to prevent child trafficking, to reintegrate trafficked children into their home villages, to follow up with them, and to provide vocational training for older children. ALISEI is in the first phase of the 18-month project. It has trained personnel to conduct follow-up activities (in collaboration with the ILO), and has started activities to provide schooling and vocational training for trafficked children. The organization is currently negotiating with the European Union to start a small micro-credit program for those who complete the vocational training.

National NGOs

La Colombe

La Colombe works at the grassroots level in girls' education, child labor, internal trafficking, literacy promotion, vocational training, civic education and sexual harassment. The NGO has offices in Lomé and Vogan, and a girls' training center in Vogan (the origin of the majority of market porters). The training center in Vogan consists of a non-formal education center for girls and a vocational training center for older girls. Students at the vocational center are required to take literacy and cooking classes, and then can choose among a variety of options including tapestry, batik and hair braiding.

In 1997, the U.S. Embassy used Democracy and Human Rights Funds (DHRF) to finance a project with La Colombe aimed at sensitizing the public to women's rights. In 2000, the Ambassador's Special Self-Help Fund financed the construction of a latrine for a school in Vo Prefecture.

GF2D

Groupe de réflexion et d'action Femme, Démocratie et Développement (GF2D) is headed by a Magistrate of the Togolese Supreme Court. The NGO started with an association of women lawyers in 1992 and opened its first center in 1994. There are now four centers in the country, including one in Lomé, that offer training on legal issues (e.g., marriage, civil status, property rights, etc.) to women, children and some men, and then follow up with them. The center in Lomé receives approximately 30 clients per week and periodically handles issues related to

trafficked children. With the exception of the program and center directors, the lawyers who work at the center are volunteers. There are also 300 paralegals who work in awareness raising throughout the country.

In addition to offering legal assistance, GF2D operates the Center for Research on and Training of Women (CRIFF). CRIFF maintains a library that area students can use when researching women's issues, and has the capacity to conduct research.

In collaboration with La Colombe and another NGO, AHUEFA, GF2D has developed the Assistance to Young Girls Program that will provide services including tutoring for students repeating a grade. This is a three-year pilot project with a total budget of 21,871,000 CFA francs (approximately US$30,000). The project has not yet begun due to lack of funds.

CIAF

The Inter-African Committee on Traditional Practices that Affect the Health of Women and Children-Central Region (CIAF) works in eight African countries and has been operating in Togo since 1986. The primary focus of the Sokodé-based organization is to reduce the incidence of female excision in the Central Region of Togo by raising awareness of the health risks. The NGO also works to keep girls in school in order to decrease the likelihood of excision and of early marriage, and to reduce the risk of being trafficked.

CIAF collaborates extensively with the Association for the Holistic Development of Women and Young Girls (ADIF). While CIAF focuses mainly on excision and girls' education, ADIF works with girls in school who lack resources, and raises awareness on trafficking, AIDS and the importance of education.

Appendix F: Background Material Available in Hard Copy (upon request)

1. Project Document for Combating the Trafficking in Children for Labor Exploitation in West and Central Africa (Phase I)
2. Project Document for Combating the Trafficking in Children for Labor Exploitation in West and Central Africa (Phase II)
3. The Trafficking of Children: The Problem and Responses Worldwide

[FR Doc. 02–9515 Filed 4–17–02; 8:45 am]

BILLING CODE 4510–28–P

DEPARTMENT OF LABOR

Office of the Secretary

Child Labor Education Initiative

AGENCY: Bureau of International Labor Affairs, U.S. Department of Labor.

ACTION: Notice of intent to publish solicitations for cooperative agreement applications.

SUMMARY: The U.S. Department of Labor (USDOL), Bureau of International Labor Affairs (ILAB), intents to award up to U.S. $17 million to organizations to develop and implement formal, non-formal, and vocational education programs as a means to combat exploitative child labor in Togo, Zambia, Peru, Bolivia, and Pakistan, and to encourage innovative approaches to increase access to basic education around the world (Education Innovations Grant). ILAB will publish solicitations for cooperative agreement applications from qualified organizations to implement programs that promote school attendance and provide educational opportunities for working children or children at risk of working. The programs should focus on innovative ways to address the many gaps and challenges to basic education found in the countries mentioned above.

DATES: The solicitations for cooperative agreement applications will be published in the **Federal Register** on or before September 30, 2002. Interested parties should regularly check the **Federal Register** for actual publishing dates of future solicitations and may submit an application up to 30 days after the date of publication.

ADDRESS: Once Solicitations are published in the **Federal Register**, applications must be delivered to: U.S. Department of Labor, Procurement Services Center, 200 Constitution Avenue, NW., Room N–5416, Attention: Lisa Harvey, Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Lisa Harvey. E-mail address: *harvey-lisa@dol.gov.* All inquiries should make reference to the USDOL Child Labor Education Initiative—Solicitations for Cooperative Agreement Applications.

SUPPLEMENTARY INFORMATION: Since 1995 and as mandated by the U.S. Congress, USDOL has supported a worldwide technical assistance program implemented by the International Labor Organization's International Program on the Elimination of Child Labor (ILO/IPEC). USDOL contributions to date to ILO/IPEC have amounted to over $112 million, making the United States the program's largest donor and the leader in global efforts to combat child labor.

In USDOL's FY 2001 appropriations, in addition to $45 million in funds earmarked for ILO/IPEC, USDOL received $37 million for an Education Initiative that will fund programs that increase access to quality basic education in areas with a high incidence of abusive and exploitative child labor. The cooperative agreement(s) awarded under this solicitation will be funded by this new initiative.

USDOL's Education Initiative nurtures the development, health, safety, and enhanced future employability of children around the world by increasing access to basic education for children removed from child labor or at risk of entering it. Eliminating child labor will depend in part on improving access to, quality of, and relevance of education. Without improving educational quality and relevance, children withdrawn from child labor may not have viable alternatives and may return to work or resort to other hazardous, unhealthy means of subsistence.

The Education Initiative has the following four goals:

1. Raise awareness of the importance of education for all children and mobilize a wide array of actors to improve and expand education infrastructures;
2. Strengthen formal and transitional education systems that encourage working children and those at risk of working to attend school;
3. Strengthen national institutions and policies on education and child labor; and
4. Ensure the long-term sustainability of these efforts.

The objective of the USDOL's involvement in increasing access to quality basic education is to complement existing efforts to eradicate the worst forms of child labor, to build on the achievements of and lessons learned from these efforts, to expand impact and build synergies, and to avoid duplication of resources and efforts.

Signed at Washington, DC, this 15th day of April, 2002.

Lawrence J. Kuss,

Grant Officer.

[FR Doc. 02–9516 Filed 4–17–02; 8:45 am]

BILLING CODE 4510–28–P

DEPARTMENT OF LABOR

Office of the Secretary

Education Innovations to Combat Child Labor

AGENCY: Bureau of International Labor Affairs, Department of Labor.

ACTION: Notice of availability of funds and solicitation for Cooperative Agreement Applications (SGA 02–01).

This notice contains all of the necessary information and forms needed to apply for cooperative agreement funding.

SUMMARY: The U.S. Department of Labor, Bureau of International Labor Affairs, will award US $5 million to an organization to administer an education innovations program under the Child Labor Education Initiative of the International Child Labor Program. The program will promote, assess, and

document innovative approaches to providing basic education to child laborers and children at risk of working in countries or regions with high rates of child labor. One organization (or a partnership of two organizations) will be selected to implement this program. The program will enable the organization to identify and promote innovative locally developed and community-based pilot projects that correspond to the Child Labor Education Initiative's strategic objectives, and to document innovative models for potential replication and expansion. As part of this cooperative agreement, the organization may use up to US $750,000 to support its (their) own projects that address the educational needs of working children and those at risk of working.

DATES: The closing date for receipt of applications is June 7, 2002. Applications must be received by 4:45 p.m. (Eastern Time) at the address below. No exceptions to the mailing, delivery, and hand-delivery conditions set forth in this notice will be granted. Applications that do not meet the conditions set forth in this notice will not be honored. Telegram, facsimile (FAX), and e-mail applications will not be honored.

ADDRESSES: Application forms will not be mailed. They are published in this Federal Register Notice, and in the **Federal Register** which may be obtained from your nearest U.S. Government office or public library or online at *http://www.nara.gov/fedreg/nfpubs.html.*

Applications must be delivered to: U.S. Department of Labor, Procurement Services Center, 200 Constitution Avenue, NW., Room N–5416, Attention: Lisa Harvey, Reference: SGA 02–01, Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Lisa Harvey. E-mail address: *harvey-lisa@dol.gov*. All applicants are advised that U.S. mail delivery in the Washington, DC area has been slow and erratic due to the recent concerns involving anthrax contamination. All applicants must take this into consideration when preparing to meet the application deadline. It is recommended that you confirm receipt of your application by contacting Lisa Harvey, U.S. Department of Labor, Procurement Services Center, telephone (202) 693–4570 (this is not a toll-free number), prior to the closing deadline. All inquiries should reference SGA 02–01.

SUPPLEMENTARY INFORMATION: The U.S. Department of Labor (USDOL), Bureau of International Labor Affairs (ILAB), announces the availability of funds to be granted by cooperative agreement to one qualifying organization or to a partnership between two such organizations for the purpose of identifying innovative and locally-developed methods of preventing and combating child labor through basic education. The cooperative agreement will be managed by the International Child Labor Program (ICLP), ILAB, to assure achievement of the stated goals. Applicants are encouraged to be creative in proposing mechanisms for implementing the education innovations program, selecting projects, and establishing an effective monitoring and evaluation system to measure outcomes of the program and develop final documentation of potential models for replication or expansion.

I. Background and Program Scope

A. USDOL Support of the Global Elimination of Child Labor

The International Labor Organization estimates that there are 250 million working children between the ages of 5 and 14 in developing countries, about half of whom work full-time. Full-time child workers are generally unable to attend school, and from an early age part-time child laborers must balance economic survival with schooling, often to the detriment of their education.

The existence of child labor has many implications for a country. Education is a key investment that has been linked to the acceleration of a nation's productivity and socioeconomic development. Poorly educated workers tend to earn less, live in poverty, and may need to send their own children to work at a young age. It is important to undertake education initiatives for child laborers and their at-risk siblings because their lack of schooling hinders the development of a modern workforce, overall labor market reform, poverty reduction and social progress.

Since 1995, as mandated by the U.S. Congress, USDOL has supported a worldwide technical assistance program implemented by the International Labor Organization's International Program on the Elimination of Child Labor (ILO/IPEC). USDOL contributions to date to ILO/IPEC have amounted to some US $112 million, making the United States the program's largest donor and a leader in global efforts to combat child labor. In USDOL's FY 2001 and 2002 appropriations, in addition to US $90 million in funds earmarked for the ILO/IPEC, the Department received an additional US $74 million for a Child Labor Education Initiative that will fund programs that increase access to quality, basic education in areas with a high incidence of child labor. The cooperative agreement(s) awarded under this solicitation will be funded by this new initiative.

USDOL's Child Labor Education Initiative nurtures the development, health, safety and enhanced future employability of children around the world by increasing access to basic education for children removed from child labor or at risk of entering it. Child labor elimination will depend in part on improving access to, quality of, and relevance of education. Without improving educational quality and relevance, children withdrawn from child labor may not have viable alternatives and could resort to other forms of hazardous work.

The Child Labor Education Initiative has the following four goals:

1. Raise awareness of the importance of education for all children and mobilize a wide array of actors to improve and expand education infrastructures;
2. Strengthen formal and transitional education systems that encourage working children and those at risk of working to attend school;
3. Strengthen national institutions and policies on education and child labor; and
4. Ensure the long-term sustainability of these efforts.

A more detailed discussion of these objectives is provided in Appendix C.

B. The Education Innovations Program of the Child Labor Education Initiative

The education innovations program is intended to provide support to community-based organizations in countries or areas within countries with high rates of child labor. The program seeks to promote the capacity of local non-governmental organizations (NGOs), civil society organizations (CSOs), or other organizations already working on the issues of basic education and/or child labor to respond creatively and effectively to the complex challenge of educating children removed from child labor or at risk of entering it. The program will support innovative, locally developed pilot activities that support the Child Labor Education Initiative's four strategic objectives (*see* Section I.A).

Projects that receive support under the education innovations program would work to identify and develop new initiatives; to extend successful existing activities; or to encourage knowledge sharing through the establishment of best practices. The program will promote innovation by ensuring careful monitoring and

documentation of activities from pilot projects with the potential for expansion and/or replication.

The education innovations program will seek to provide funds to organizations with the ability to create demonstrable impact on access to quality basic education with the funds. The major portion of the funds (US $4.25 million) will be used to support innovative grassroots initiatives to improve access and quality of education for working children or children at risk of going to work and for the overall administration of the program. The remainder of the funding (US $750,000) will be available to the Cooperative Agreement Awardee (hereafter referred to as ''Grantee'') to support projects by its (their) own field offices for the education of child laborers or children at risk of working. All activities funded must correspond to the Child Labor Education Initiative's strategic objectives.

II. Authority

ILAB is authorized to award and administer this program as set forth in the Consolidated Appropriations Act, 2001, Public Law 106–554, 114 Stat. 2763A–10 (2000).

III. Application Process

A. Eligible Applicants

Any commercial, international, or non-profit organization with prior experience in increasing access to basic education (formal or non-formal) for disadvantaged groups, extensive international field presence, and a demonstrated capacity to develop, administer, monitor, and document the education innovations program is eligible for this cooperative agreement. A maximum of two organizations may submit one application under this solicitation to work in partnership in performing all the specific work requirements presented herein for the development and administration of the education innovations program. Prior experience in administering such programs is highly desirable.

The capability of an applicant to perform necessary aspects of this solicitation will be determined under Section V.B—Rating Criteria and Selection.

Please note that eligible cooperative agreement applicants must not be classified under the internal revenue code as a 501(c)(4) entity. See 26 U.S.C. 501(c)(4). According to section 18 of the Lobbying Disclosure Act of 1995, an organization, as described in section 501(c)(4) of the Internal Revenue Code of 1986, that engages in lobbying activities will not be eligible for the receipt of federal funds constituting an award, grant, or loan.

B. Submission of Applications

One (1) ink-signed original, complete application in English plus two (2) copies of the application, must be submitted to the U.S. Department of Labor, Procurement Services Center, 200 Constitution Avenue, NW., Room N–5416, Washington, DC 20210, not later than 4:45 p.m. ET, June 7, 2002. Accompanying documents must also be in English. To aid with review of applications, USDOL also encourages applicants to submit two additional paper copies of the application (five total). Applicants who do not provide additional copies will not be penalized.

The application must consist of two (2) separate parts. Part I of the application must contain the Standard Form (SF) 424, ''Application for Federal Assistance'' (Appendix A) (The entry on SF 424 for the Catalog of Federal Domestic Assistance Number (CFDA) is 17.700) and sections A–F of the Budget Information Form SF 424A (Appendix B). Part II must contain a technical application that demonstrates the applicant's capabilities in accordance with the Statement of Work and the selection criteria.

To be considered responsive to this solicitation, the application must consist of the above-mentioned separate sections not to exceed 30 single-sided (8½ × 11 inches), double-spaced, 10 to 12 pitch typed pages. *Any applications that do not conform to these standards will be deemed non-responsive to this solicitation and will not be evaluated.* Standard forms and attachments are *not* included in the page limit. Each application must include a table of contents and an abstract summarizing the application in *not* more than two (2) pages. These pages are also not included in the page limits.

Upon completion of negotiations, the individual signing the SF 424 on behalf of the applicant must be authorized to bind the applicant.

C. Acceptable Methods of Submission

Applications sent by e-mail, telegram, or facsimile (FAX) will not be accepted. Applications sent by other delivery services, such as Federal Express, UPS, etc., will be accepted; however, the applicant bears the responsibility for timely submission. Because of delays in the receipt of mail in the Washington, DC area, it is recommended that you confirm receipt of your application by contacting Lisa Harvey, U.S. Department of Labor, Procurement Services Center, telephone (202) 693–4570 (this is not a toll-free number), prior to the closing deadline. All inquiries should reference SGA 02–01.

D. Funding Levels

Up to US $5 million will be awarded under this cooperative agreement (hereafter also referred to as ''grant''). The Grantee will use at least US $4.25 million to fund activities (through the use of sub-contracts) worldwide in countries or regions with high child labor rates, and that support the strategic objectives of the Child Labor Education Initiative, and to administer the program. Funds of up to US $750,000 are also provided for promising and innovative activities by the Grantee's own field offices (either at the country or regional level), corresponding to the strategic objectives of the USDOL's Child Labor Education Initiative. All funds must be obligated by the Grantee by January 2005.

E. Project Duration

The duration of the program funded by this SGA is four (4) years. The start date of program activities will be negotiated upon award of grant. All activities under the grant must be closed and all activities of the Grantee finalized by the end of September 2007.

IV. Project Requirements

A. Statement of Work

1. Recognizing that child labor adversely impacts long-term poverty alleviation and future labor market development, the emphasis of the education innovations program must be on the following:

a. Developing innovative strategies for involving government and other social partners in the development and implementation of projects to provide education to all children in areas of high prevalence of child labor, with priority given to the worst forms of child labor (as defined in ILO Convention No. 182).

b. Developing relevant information, education, and communication materials aimed at increasing awareness at the local and national levels of the importance of including child laborers in Education for All initiatives.

c. Promoting best practices and replicable programs that provide future strategies to improve educational access and quality for children removed from child labor or at risk of being drawn into work.

d. Identifying policy, programs, and practical measures in target countries to strengthen the capacity of national and local institutions to support and sustain the removal of children from work, and their placement and successful

integration and achievement in education settings.

e. Identifying approaches to increase local ownership and sustainability of the programs.

2. All projects funded should support one or more of the four goals of USDOL's Child Labor Education Initiative listed in Section I.A.

3. In response to this solicitation and in subsequent implementation, the Grantee shall:

a. Design a US $5 million program to correspond to the strategic objectives of the Child Labor Education Initiative. The program will have two components: at least US $4.25 million to be applied towards funding grassroots education innovations and the administration of the entire program, and up to US $750,000 to fund the Grantee's own innovative activities that combat child labor through education. When designing the program, the Grantee should consider the following elements: composition of project selection committee(s); means of advertising fund availability (so as to reach as broad a population as possible); process to manage sub-contracts; method for disbursement of funds; and technical and financial reporting. Similar processes should be applied to funds for the Grantee's own programs as to sub-contracts.

b. Develop a process and criteria for selection of organizations that will receive funds to undertake efforts to improve access to quality, relevant education for child laborers and for children at risk of working (see Section V.B.4 and V.B.5). Funds will be awarded through sub-contracts to foster innovation in education. Projects funded should vary in size: at least 15% of available funding should go to small sub-contracts (under US $10,000); at least 45% of available funds should go to medium-size sub-contracts (US $10,000–$100,000); and no more than 40% of available funding should go to larger sub-contracts (US $100,000–$250,000). Sub-contracts may not exceed US $250,000 and may be awarded in any country worldwide (even where the Grantee has no field presence). Distribution of grant money across regions should be proportionate to the need evident in those regions. The Grantee will advertise availability of funds as necessary and select projects, with USDOL review and approval of all requests for proposals. Funds from this portion of the grant may not be awarded to the Grantee's own offices. Final approval of projects selected for funding must be given by USDOL.

c. Design an approach to monitor the implementation of all projects funded, evaluate education innovations program outcomes and document potentially replicable or expandable activities. Corresponding indicators of performance will be developed by the Grantee and approved by USDOL to ensure compliance with the strategic objectives of the Child Labor Education Initiative.

d. The Grantee will be expected to monitor the implementation of the program, report to USDOL on a quarterly basis, evaluate program results, and deliver final documentation of best practices. The Grantee must develop annual work plans that will be approved by USDOL, one for the administration of the education innovations sub-contracts and another for funds provided to the Grantee's projects. Corresponding indicators of performance will also be developed by the Grantee and approved by USDOL.

B. Deliverables

Unless otherwise indicated, the Grantee must submit copies of all required reports to ICLP/ILAB by the specified due dates. Other documents, such as project design documents, are to be submitted by mutually agreed upon deadlines. All project activities must be completed and closed out by the end of September 2007.

1. *Project Design.* A project document in a format to be established by ILAB will be used, and will include a background/justification section, project strategy (objectives, outputs, activities, indicators), project implementation timetable, and project budget. The project design will be drawn from the application written in response to this solicitation. The document will also include sections that address coordination strategies, project management, and sustainability. The time for delivery of this document will be negotiated at the time of the award.

2. *Annual Work Plan.* An annual work plan, in a mutually agreed-upon format and preferably with a visual such as a Gantt chart, will be developed within two months of project award and approved by ILAB. Subsequent annual work plans will be delivered no later than one year after the previous one.

3. *Monitoring and Evaluation Plans.* By the end of the third month of the award, the Grantee must submit two monitoring and evaluation plans: one for sub-contracts and another for funds provided to its own offices. These plans will be developed in collaboration with ILAB, and will include site visits, reporting requirements, and planned and actual dates for the midterm review and final evaluation.

4. *Technical and Financial Progress Reports.* The Grantee must furnish a typed technical report to ILAB on a quarterly basis by 31 March, 30 June, 30 September, and 31 December. The Grantee must also furnish a separate financial report (SF–272) to ILAB on the quarterly basis mentioned above. The format for the technical progress report will be the format developed by ILAB and must contain the following information:

a. For each project objective, an accurate account of activities carried out under that objective during the reporting period;

b. An accounting of staff and any subcontractor hours expended;

c. A description of current problems that may impede performance, and proposed corrective action;

d. Future actions planned in support of each project objective;

e. Aggregate amount of costs incurred during the reporting period; and

f. Progress on indicators of performance (to be reported annually).

5. *Spotlight Stories.* The Grantee will submit ''spotlight stories'' that highlight the activities and illuminate best practices being undertaken by sub-contractors to ILAB on an annual basis.

6. *Presentation of Models.* At both the halfway point and at the conclusion of the program, the Grantee will present ILAB with innovative models funded by the education innovations program that address the four goals of USDOL's Child Labor Education Initiative.

7. *Evaluation Reports.* The Grantee and the Grant Officer's Technical Representative (GOTR) will determine on a case-by-case basis whether an internal or external evaluation team will conduct the midterm evaluation of the education innovations program. The Grantee will respond to any comments and recommendations resulting from the review of the midterm report. The final evaluation will be external in nature. Terms of reference for the evaluations must be provided to USDOL for comments before evaluations are conducted.

C. Production of Deliverables

1. *Materials Prepared Under the Cooperative Agreement.* The Grantee must submit to ILAB all media-related and educational materials developed by it or by its sub-contractors before they are reproduced, published, or used. ILAB considers that education materials include brochures, pamphlets, videotapes, slide-tape shows, curricula, and any other training materials used in the program. ILAB will review materials

for technical accuracy. The Grantee must obtain prior approval from the Grant Officer for all materials developed or purchased under this cooperative agreement. All materials produced by the Grantee must be provided to USDOL in a digital format for possible publication by USDOL.

2. *Acknowledgment of USDOL Funding.* In all circumstances the following must be displayed on printed materials:

Preparation of this item was funded by the United States Department of Labor under Cooperative Agreement No. E–9–X–X–XXXX.

When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, a Grantee receiving Federal funds must clearly state:

a. The percentage of the total costs of the program or project that will be financed with Federal money;

b. The dollar amount of Federal funds for the project or program; and

c. The percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

In consultation with ILAB, identification of USDOL's role will be determined to be one of the following:

(1) The USDOL logo may be applied to USDOL-funded material prepared for world-wide distribution, including posters, videos, pamphlets, research documents, national survey results, impact evaluations, best practice reports, and other publications of global interest. The Grantee will consult with USDOL on whether the logo should be used on any such items prior to final draft or final preparation for distribution. In no event will the USDOL logo be placed on any item until USDOL has given the Grantee written permission to use the logo, after obtaining appropriate internal USDOL approval for use of the logo on the item.

(2) If ILAB determines the logo is not appropriate and does not give written permission, the following notice must appear on the document:

This document does not necessarily reflect the views or policies of the U.S. Department of Labor, nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government.

D. Administrative Requirements

1. *General.* Grantee organizations are subject to applicable Federal laws (including provisions of appropriations law) and the applicable Office of Management and Budget (OMB) Circulars. Determinations of allowable costs will be made in accordance with the applicable Federal cost principles. The cooperative agreement(s) awarded under this SGA are subject to the following administrative standards and provisions, if applicable:

29 CFR Part 36—Federal Standards for Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance.

29 CFR Part 93—New Restrictions on Lobbying.

29 CFR Part 95—Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations, and with Commercial Organizations, Foreign Governments, Organizations Under the Jurisdiction of Foreign Governments and International Organizations.

29 CFR Part 96—Federal Standards for Audit of Federally Funded Grants, Contracts and Agreements.

29 CFR Part 98—Federal Standards for Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants).

29 CFR Part 99—Federal Standards for Audits of States, Local Governments, and Non-Profit Organizations.

2. *Sub-contracts.* Sub-contracts must be awarded in accordance with 29 CFR 95.40–48. In compliance with Executive Orders 12876 as amended, 13230, 12928 and 13021 as amended, the Grantee is strongly encouraged to provide sub-contracting opportunities to Historically Black Colleges and Universities, Hispanic Serving Institutions and Tribal Colleges and Universities. No sub-grants shall be awarded under this grant.

3. *Key Personnel.* The applicant shall list individual(s) who has (have) been designated as having primary responsibility for the conduct and completion of all work in project(s) it proposes (see Section V.B.3). The applicant will submit written proof that key personnel will be available to begin work on the project no later than three weeks after award. The Grantee agrees to inform the GOTR whenever it appears impossible for these individual(s) to continue work on the project as planned. The Grantee may nominate substitute personnel for approval of the GOTR; however, the Grantee must obtain prior approval from the Grant Officer for all key personnel. If the Grant Officer is unable to approve the personnel change, he/she reserves the right to terminate the cooperative agreement.

4. *Encumbrance of Cooperative Agreement Funds.* Cooperative agreement funds may not be encumbered/obligated by the Grantee before or after the cooperative agreement period of performance. Encumbrances/obligations outstanding as of the end of the cooperative agreement period may be liquidated (paid out) after the end of the cooperative agreement period. Such encumbrances/obligations shall involve only specified commitments for which a need existed during the grant period and which are supported by approved contracts, purchase orders, requisitions, invoices, bills, or other evidence of liability consistent with the Grantee's purchasing procedures and incurred within the cooperative agreement period. All encumbrances/obligations incurred during the cooperative agreement period shall be liquidated within 90 days after the end of the grant period, if practicable.

5. *Site Visits.* USDOL, through its authorized representatives, has the right, at all reasonable times, to make site visits to review project accomplishments and management control systems and to provide such technical assistance as may be required. If USDOL makes any site visit on the premises of the Grantee or a sub-contractor under this grant, the Grantee shall provide and shall require its sub-contractors to provide all reasonable facilities and assistance for the safety and convenience of the Government representatives in the performance of their duties. All site visits and evaluations shall be performed in a manner that will not unduly delay the work.

V. Review and Selection of Applications for Award

A. The Review Process

USDOL will screen all applications to determine whether all required elements are present and clearly identifiable. Each complete application will be objectively rated by a technical panel against the criteria described in this announcement. Applicants are advised that the panel recommendations to the Grant Officer are advisory in nature. The Grant Officer may elect to select a Grantee on the basis of the initial application submission; or, the Grant Officer may establish a competitive or technically acceptable range for the purpose of selecting qualified applicants. If deemed appropriate, following the Grant Officer's call for the preparation and receipt of final revisions of applications, the evaluation process described above will be repeated to consider such revisions. The Grant Officer will make final selection determination based on what is most advantageous to the

Government and overall best value to the Government, considering factors such as: Panel findings; demonstrated capacity of the applicant to effectively implement the proposed program; and the overall framework developed for the implementation of activities. The Grant Officer's determination for award under this SGA is final.

Note: Selection of an organization(s) as a cooperative agreement recipient does not constitute approval of the cooperative agreement application as submitted. Before the actual cooperative agreement is awarded, USDOL will enter into negotiations concerning such items as program components, administrative systems, selection process for sub-contractors, and monitoring and evaluation systems. If the negotiations do not result in an acceptable submission, the Grant Officer reserves the right to terminate the negotiation and decline to fund the application.

B. Rating Criteria and Selection

The technical panel will review applications against the various criteria on the basis of 100 points with an additional 5 points available for non-federal or leveraged resources.

The factors are presented in the order of emphasis that they will receive.

1. *Approach, Understanding of the Issue, and Budget Plan (45 points).*

This section of the application must demonstrate the applicant's thorough knowledge and understanding of the overall issues involved in providing and advocating for basic education to children removed from exploitative work or at risk of working; best-practice solutions to address their needs; and the implementing environment in the countries proposed for targeting under the application.

a. Structure of the education innovations program. This section of the application must explain the applicant's proposed method for performing all the specific work requirements presented in this solicitation for the development and administration of the education innovations program as listed in Section IV.A. The applicant must explain the rationale for its approach. This section should include:

(1) *Number of countries targeted:* Sub-contracts may be awarded in countries where the Grantee has no field office, but specific information must be provided on how the applicant intends to select and monitor all sub-contracted projects [*see* (4) and (7) below], including designating the office responsible for those sub-contracts. This section must also provide a plan to ensure regional and country diversity in the overall education innovations program.

(2) *Method of solicitation:* Detailed information on how the applicant intends to provide information at the country level regarding the availability of funds for innovative education projects.

(3) *Duration of sub-contracts:* USDOL stipulates that 15% of total funding should go to small projects, 45% to medium, and 40% to large, as defined in Section IV.A.3.b. The applicant should provide information on the duration of sub-contracts; all program (including sub-contract) activities must be completed and closed out by the end of September 2007).

(4) *Process of project selection:* The process established to select projects to be funded through sub-contracts must be competitive. Deadlines for submission of applications must be fixed (no rolling deadlines), but there may be multiple competitive deadlines. All funds must be obligated by January 2005. The applicant should explain how sub-contractors will be selected, including means of selection; types of individuals and/or organizations likely to be involved in the selection process; and administrative level(s) at which selection takes place. USDOL retains approval power prior to the final selection of any project.

(5) *Criteria for project selection:* The Grantee will review and accept proposals for innovative grassroots education projects from organizations around the world. Successful proposals will support the four strategic objectives of the Child Labor Education Initiative and will be funded through sub-contracts. The Grantee will develop criteria for the selection of projects. In this section, the applicant should provide preliminary criteria with accompanying rationale to explain the criteria selected. The criteria should include the following required elements:

(a) Demonstrated financial viability;

(b) Local registration in the host country;

(c) Bank account in the organization's name; and

(d) Potential for sustainability through local contributions of monetary or non-monetary resources.

(6) *Funds disbursement:* The applicant should provide information on how funds will be provided to sub-contractors and what types of financial controls will be instituted to ensure proper use of funds by sub-contractors and the overall programmatic message. Funds must be disbursed in accordance with 29 CFR 95.22.

(7) *Monitoring and Evaluation:* The applicant should describe the process for systematically reporting on project performance to measure the achievement of the program objectives and documenting best practices. An analysis of management challenges that may arise and how those will be handled should also be included in this section, as well as where the responsibility for monitoring would lie within the program structure.

b. *Overview of funding option for the Grantee's field offices (country level or regional).* Since the Grantee's field offices are precluded from competing for sub-contracts under the grassroots component of the education innovations program, the Grantee will be provided with up to US $750,000 for the promotion of its own innovative and promising activities, centering on the theme of education for children at work or at risk of work. All activities supported by these funds must correspond to the Child Labor Education Initiative strategic objectives; examples of activities that might be funded are located in Appendix C. The activities planned are subject to USDOL final approval. This section of the application should explain:

(1) *Selection and administration:* The applicant's proposed method for administering the US $750,000 component of this award to be disbursed to its field offices;

(2) *Technical Sample of a proposed project.* The applicant must create one (1) model work plan of a proposed project. For this competition, the work plan is merely an example of a project which might be funded with the US $750,000 provided to the Grantee for activities by its own organization that correspond to the strategic objectives of the Child Labor Education Initiative. It will not necessarily be funded under the grant, although the successful applicant will not be precluded from considering this work plan for funding under the terms of the agreement. This work plan must be one that could realistically be put into practice by the field office named and must include actual data, beneficiaries and staffing, and realistic assessments of what could be accomplished with the amount of funds provided by the project. USDOL will consider the design of the proposal, the creativity of the various activities proposed, and the types of resources to be utilized under the proposal. (Please note that the project presented in the technical sample need not utilize the entire US $750,000.) The applicant should address the following points:

(a) Describe the use of existing or potential infrastructure of the field office and the use of existing qualified personnel, including qualified nationals, to implement the project. The

applicant should include a project organizational chart demonstrating management structure, personnel, and indicating proposed links with Government, business leaders, trade unions, and relevant local organizations (*e.g.,* community-based or faith-based groups) in the country in which proposed activities would take place. However, the development of such links is not necessary and applicants will not receive any extra points for actual communications with those organizations, or for the creation of an infrastructure in that country for this competitive grant process.

(b) Develop a list of activities and explain how each relates to the overall objective of providing basic education to child laborers or to children at risk of work.

(c) Show how the project's objectives relate to the applicant's existing activities and objectives on education.

c. *Implementation Plan.* The applicant must submit an implementation plan, preferably with a visual such as a Gantt chart. The implementation plan must list the outcomes, objectives, outputs and activities during the life of the program, and scheduling of staff time, starting with the execution of the cooperative agreement and ending with the final report and documentation of innovative models. Applicants should provide information on the approach for producing all required deliverables and any additional outputs/deliverables it proposes to accomplish under the overall program.

d. *Budget Plan.* This section of the application must contain the applicant's budget plan for developing and administering both portions of the education innovations program, providing data on the costs for performing all of the requirements presented in this solicitation and for producing all required reports and other deliverables listed. Costs must include labor, equipment, travel, and other related costs. Preference may be given to applicants with lower administrative costs.

e. *Management and Staff Loading Plan.* This section must include a management and staff loading plan. The management plan should include the following:

(1) Location of the office that will coordinate the administration of the education innovations program;

(2) A project organization chart and accompanying narrative which differentiates between elements of the applicant's staff and sub-contractors or consultants who will be retained;

(3) The identity of the individual(s) responsible for the development and management of the program and the lines of authority between the individuals; and

(4) A detailed explanation of the monitoring and supervision system that the applicant will implement in order to ensure appropriate management of the education innovations program at both the Grantee and the sub-contractor level.

The staff loading plan should identify all key tasks and the person-days required to complete each task. Labor estimates for each task should be broken down by individuals assigned to the task at the Grantee level, including sub-contractors and consultants. All key tasks should be charted by months or weeks to show time required to perform them.

This section will be evaluated in accordance with applicable Federal laws and regulations. The budget must comply with Federal cost principles (which can be found in the applicable OMB Circulars) and with ILAB budget requirements contained in the application instructions in Section IV.D of this solicitation.

2. *Experience and Qualifications of the Organization (30 points).*

The evaluation criteria in this category are as follows:

a. *Field Presence.* The applicant must have international field presence. The applicant should provide USDOL with a listing of all its offices in both regions as well as countries or how the applicant plans to establish the necessary field presence for the projects. Preference may be given to applicants with more extensive field presence. The applicant should also show ability to support field offices through infrastructure, communication systems, technical assistance, and other systems that enhance capacity to perform in difficult field environments.

b. *Education Experience.* The applicant must demonstrate that it has experience in basic education (formal or non-formal), preferably working with disadvantaged populations such as working children and children removed from child labor. The applicant's capability may be demonstrated by submitting evidence in an annex on the number of contracts or grants with other organizations and the length of time of those contracts or grants. The annex should include the following information on the applicant's education projects:

(1) The organization for/with which the work was done, as relevant;

(2) A contact person in that organization with his/her current phone number;

(3) The dollar value of the grant, contract, or cooperative agreement for the project;

(4) The time frame and professional effort involved in the project;

(5) A brief summary of the work performed; and

(6) A brief summary of accomplishments.

(7) Additional capability may be demonstrated if one or more of the staff members to be assigned to oversee the education innovations program has experience in the following areas:

(a) Basic education (including student assessment, teacher training, educational materials, educational management, educational monitoring and information systems); and

(b) Education policy as it affects any disadvantaged population.

c. *Program Management Experience.* Prior experience at the organizational level managing numerous projects involving awarding funds to outside organizations (*e.g.,* small projects programs) is preferred. The applicant must provide evidence of such experience, including:

(1) Total budget of the program;

(2) Administrative costs as percentage of total budget;

(3) Source of funds (*e.g.,* donor);

(4) Size, number, and duration of grants/contracts awarded;

(5) Number of countries in which money was awarded; and

(6) Types of organizations to whom funds were awarded.

e. *Sound Financial System.* The results of an independent financial audit must accompany the application.

f. *Monitoring System.* The applicant must present evidence of a system of monitoring programs and documenting results that is already in place.

g. *Partnership.* If two organizations are applying for the award in the form of a partnership, they must demonstrate an approach to ensure successful collaboration including clear delineation of respective roles and responsibilities. The applicants must also identify the lead organization and submit the partnership agreement. (Please note that points will be neither awarded nor deducted for partnership formation as long as a collaborative capability can be shown.)

3. *Experience and Qualifications of Key Personnel (25 points).*

This section of the application must include sufficient information to judge the quality and competence of staff proposed to be assigned to the education innovations program to assure that staff meet the required qualifications. Successful performance

of the proposed work depends heavily on the qualifications of the individuals committed to the program. Accordingly, in evaluating the application considerable emphasis will be placed on the applicant's commitment of personnel who are qualified to accomplish the assigned tasks. Individuals designated as key personnel must sign letters of agreement to serve and indicate availability to commence work within three weeks of grant award.

The applicant should include a resume for each professional to be assigned to the program in an annex. At a minimum, each resume should include: the individual's educational background, current employment status and previous work experience, including position title, duties performed, dates in position, and employing organizations. The resume should highlight the special capabilities of the individual that demonstrate prior experience in organizing, managing and performing similar efforts.

a. *Program Director (Key Personnel).* The Program Director will provide leadership, vision and technical expertise to be applied to the development of the education innovations program including thematic content, award criteria, approaches to encourage innovation, and development of a communications strategy to ensure widespread global dissemination of the objectives and requirements of the education innovations program, and later of its results. The Director must have a minimum of three years of leadership experience in the fields of international development, international education, communications, or implementation of programs and projects in developing and emerging countries. Experience in strategic planning, strategic communications, and monitoring and evaluation is preferred. Points will be given for candidates with additional years of experience.

b. *Program Manager (Key Personnel).* The Program Manager will take care of the day-to day operations of the education innovations program. He/She must have a minimum of three years of professional experience with the management of similar programs. Preferred candidates will also have knowledge of child labor issues and experience in the development and management of basic education programs in developing countries in areas such as education policy, improving educational quality and access, and monitoring and evaluation of basic education projects.

c. *Other staff.* The applicant must identify other (not key personnel) staff positions required to implement this grant, and must propose candidates for the position. The duties of the personnel should be clearly defined in terms of role performed, *e.g.,* manager, team leader, consultant, etc. Resumes should be included in the annex.

4. *Leverage of Funding (5 points).*

The Department will give up to five (5) additional rating points to applications that include non-Federal resources that significantly expand the dollar amount, size and scope of the application. The applicant may include any leveraging or co-funding anticipated. To be eligible for the additional points in the criterion, the applicant must list the source(s) of funds, the nature, and possible activities anticipated with these funds under this cooperative agreement and any partnerships, linkages or coordination of activities, cooperative funding, etc.

Signed in Washington, DC, this 12th day of April, 2002.

Lawrence J. Kuss,

Grant Officer.

Appendix A: SF 424—Application Form.

Appendix B: SF 424A—Budget Information Form.

Appendix C: Guidelines for Project Selection.

BILLING CODE 4510–28–P

Appendix A: SF 424 - Application Form.

APPLICATION FOR FEDERAL ASSISTANCE

APPENDIX "A"

OMB Approval No. 0348-0043

1. TYPE OF SUBMISSION: Application ☐ Construction ☐ Non-Construction; Preapplication ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address (give city, county, State and zip code):	Name, telephone number and fax number of the person to be contacted on matters in this application (give area code):

6. EMPLOYER IDENTIFICATION NUMBER (EIN):

☐☐-☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: (enter appropriate letter in box) ☐

A. State
B. County
C. Municipa
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H Independent School Dist.
I State Controlled Institution of Higher Learning
J . Private University
K Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify): _____

8. TYPE OF APPLICATION:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify):

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:

☐☐-☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (cities, counties, States, etc.):

13. PROPOSED PROJECT:		14. CONGRESSIONAL DISTRICTS OF:	
Start Date	Ending Date	a. Applicant	b. Project

15. ESTIMATED FUNDING:

a. Federal	$	.00
b. Applicant	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON

DATE _____

b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

c. State	$ .00	
d. Local	$ .00	
e. Other	$ .00	
f. Program Income	$ .00	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? ☐ Yes If "Yes," attach an explanation. ☐ No
g. TOTAL	$ .00	

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)

Prescribed by OMB Circular A-102

Authorized for Local Reproduction

APPENDIX B

PART II - BUDGET INFORMATION

SECTION A - Budget Summary by Categories

	(A)	(B)	(C)
1. Personnel			
2. Fringe Benefits (Rate)			
3. Travel			
4. Equipment			
5. Supplies			
6. Contractual			
7. Other			
8. Total, Direct Cost (Lines 1 through 7)			
9. Indirect Cost (Rate %)			
10. Training Cost/Stipends			
11. TOTAL Funds Requested (Lines 8 through 10)			

SECTION B - Cost Sharing/ Match Summary (if appropriate)

	(A)	(B)	(C)
1. Cash Contribution			
2. In-Kind Contribution			
3. TOTAL Cost Sharing / Match (Rate %)			

BILLING CODE 4510–28–C

Note: Use Column A to record funds requested for the initial period of performance (i.e. 12 months, 18 months, etc.); Column B to record changes to Column A (i.e. requests for additional funds or line item changes; and Column C to record the totals (A plus B).

Instructions for Part II—Budget Information

Section A—Budget Summary by Categories

1. *Personnel:* Show salaries to be paid for project personnel which you are required to provide with W2 forms.
2. *Fringe Benefits:* Indicate the rate and amount of fringe benefits.
3. *Travel:* Indicate the amount requested for staff travel. Include funds to cover at least one trip to Washington, DC for project director or designee.
4. *Equipment:* Indicate the cost of non-expendable personal property that has a useful life of more than one year with a per unit cost of $5,000 or more. Also include a detailed description of equipment to be purchased including price information.
5. *Supplies:* Include the cost of consumable supplies and materials to be used during the project period.
6. *Contractual:* Show the amount to be used for (1) procurement contracts (except those which belong on other lines such as supplies and equipment); and (2) sub-contracts/grants.
7. *Other:* Indicate all direct costs not clearly covered by lines 1 through 6 above, including consultants.
8. *Total, Direct Costs:* Add lines 1 through 7.
9. *Indirect Costs:* Indicate the rate and amount of indirect costs. Please include a copy of your negotiated Indirect Cost Agreement.
10. *Training /Stipend Cost:* (If allowable).
11. *Total Federal funds Requested:* Show total of lines 8 through 10.

Section B—Cost Sharing/Matching Summary

Indicate the actual rate and amount of cost sharing/matching when there is a cost sharing/matching requirement. Also include percentage of total project cost and indicate source of cost sharing/matching funds, i.e. other Federal source or other Non-Federal source.

Note: Please include a Detailed cost analysis of each line item.

Appendix C: Guidelines for Project Selection.

In developing their proposals, potential sub-contractors should propose an approach that will support the goals of USDOL's Child Labor Education Initiative. The Grantee will review and accept proposals for funding from organizations on objectives that buttress USDOL's Child Labor Education Initiative's four broad objectives:

1. *Raise awareness of the importance of education for all children and mobilize a wide array of actors to improve and expand education infrastructures.*

Actions under this objective will include awareness raising, development of multi-sectoral partnerships and networks in support of the education of child workers in target countries/worldwide, and making child workers a key target group in ''Education for All'' and basic education initiatives in target countries. Relevant Education for All and Dakar Framework for Action targets include: (1) early childhood education and care; (2) primary education; (3) learning achievement and outcomes; (4) training in essential skills; and (5) education for better living. Partnerships and networks can include organizations of parents, teachers, the private sector, NGOs, the media, and faith-based organizations interested in promoting the welfare and education of children and the reduction and eventual elimination of child labor.

2. *Strengthen formal and transitional education systems that encourage working children and those at risk of working to attend school.*

All actions under this objective will correspond to the needs of children removed from work and children at risk of working and could include pilot direct action programs to test approaches to the retention and academic success of these special target groups. Projects to be funded under the education innovations program could include targeted teacher training to improve classroom methods and strengthen the capacity of educators to nurture the academic success of children removed from child labor; development and field testing of learning materials that improve educational quality and are relevant to communities where working children live; development or improvement of pre-vocational and vocational programs; innovative partnerships with the private sector and other organizations to enhance the relevance of schooling for children and to provide marketable skills for children reaching employable age; development and pilot testing of pre-school and extracurricular/enrichment activities for children removed from work or at risk of entering the workforce.

3. *Strengthen national institutions and policies on education and child labor.*

Projects to be funded under the education innovations program to correspond with this objective could include country assessments with recommendations on how to effectively incorporate child laborers as a target group in Education for All and other national basic education policies; activities such as conferences and workshops that encourage consultation and joint policy and program planning among national institutions working in education and child labor policy; provision of training and technical assistance to staff of key organizations (*e.g.,* education system and school administrators, teachers' unions, policy units in Ministries of target countries, *etc.*) to increase their capacity in areas such as leadership, management, strategic planning, educational finance, implementation of policy change, and outreach to constituencies in order to effectively implement education programs that benefit child laborers; the development and/or strengthening of monitoring and evaluation of the educational status and performance of children removed from work or at risk of entering the workforce.

4. *Ensure the long-term sustainability of these efforts.*

Projects to be funded under the education innovations program to correspond to this objective could include the development of strategies for increasing resources for the education of children removed from child labor; strengthening the capacity of organizations in the target countries to mobilize resources and develop volunteer and other programs that benefit children removed from work or at risk of entering the workforce; the development of corporate citizen and philanthropic education initiatives that benefit children removed from work or at risk of entering the workforce.

[FR Doc. 02–9517 Filed 4–17–02; 8:45 am]

BILLING CODE 4510–28–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification

The following parties have filed petitions to modify the application of existing safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. Consolidation Coal Company

[Docket No. M–2002–028–C]

Consolidation Coal Company, Consol Plaza, 1800 Washington Road, Pittsburgh, Pennsylvania 15241–1421 has filed a petition to modify the application of 30 CFR 75.364(b)(2) (Weekly examination) to its Loveridge No. 22 Mine (I.D. No. 46–01433) located in Marion County, West Virginia. The petitioner requests that the Proposed Decision and Order for its previously granted petition for modification, docket number M–93–275–C, be amended as it relates to air courses ventilating the No. 3 North seals and the No. 2–1/2 North seals at the Loveridge No. 22 Mine. The petitioner requests that paragraph 4 of the PDO be amended to permit a certified person to conduct weekly examinations of each of the eight (8) monitoring stations to evaluate the quality of (methane and oxygen content measured by a hand held instrument) and the quantity of air entering and exiting the monitoring station, and to determine air course leakage. The petitioner asserts that the proposed alternative method would provide at

least the same measure of protection as the existing standard.

2. Consolidation Coal Company

[Docket No. M–2002–029–C]

Consolidation Coal Company, Consol Plaza, 1800 Washington Road, Pittsburgh, Pennsylvania 15241–1421 has filed a petition to modify the application of 30 CFR 75.364(b)(2) (Weekly examination) to its Loveridge No. 22 Mine (I.D. No. 46–01433) located in Marion County, West Virginia. The petitioner requests a modification of that part of the existing standard that requires a certified person to make a weekly examination of the return air course from the Back Door Seals and the 2 East Seals through the Main South headings to the Sugar Run return fan. The petitioner proposes to establish evaluation check points 1 through 9 to insure proper ventilation between the Back Door Seals and 2 East Seals area through the Main South headings to the Sugar Run return fan instead of conducting weekly examinations of the entire area. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

3. Warrior Coal, LLC

[Docket No. M–2002–030–C]

Warrior Coal, LLC, P.O. Box Drawer 1210, Madisonville, Kentucky 42431 has filed a petition to modify the application of 30 CFR 75.1103–4(a) (Automatic fire sensor and warning device systems; installation; minimum requirements) to its Cardinal Mine (I.D. No. 15–17216) located in Hopkins County, Kentucky. The petitioner requests a modification of the existing standard to permit a carbon monoxide detection system to be installed in belt entries to identify a sensor location in lieu of identifying each belt flight. The petitioner proposes to install a carbon monoxide monitoring system as an early warning fire detection system in all belt entries. The petitioner has outlined specific procedures in this petition that would be used when implementing this proposed alternative method. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

4. Drummond Company, Inc.

[Docket No. M–2002–031–C]

Drummond Company, Inc., P.O. Box 10246, Birmingham, Alabama 35202–0246 has filed a petition to modify the application of 30 CFR 75.902 (Low- and medium-voltage ground check monitor circuits) to its Shoal Creek Mine (I.D. No. 01–02901) located in Jefferson County, Alabama. The petitioner requests a modification of that part of the existing standard that pertains to circuits interruption by an approved ground check device causing a circuit breaker to open. The petitioner proposes to interrupt the low- and medium voltage circuits with ground check relays used in conjunction with fully rated contactors in lieu of circuit breakers. The petitioner states that this circuit arrangement would be used on low- and medium voltage power distribution circuits necessary for belt conveyor operation. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

5. Fools Gold Energy Corporation

[Docket No. M–2002–032–C]

Fools Gold Energy Corporation, 2255 Upper Johns Creek Road, Kimper, Kentucky 41539 has filed a petition to modify the application of 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 30 CFR 18.41(f) (Plug and receptacle-type connectors) to its No. 4 Mine (I.D. No. 15–16036) located in Pike County, Kentucky. The petitioner proposes to use permanently installed, spring-loaded locking devices to secure battery plugs on mobile battery-powered machines to prevent unintentional loosening of the battery plugs from battery receptacles, and to eliminate the potential hazards associated with difficult removal of padlocks during emergency situations. The petitioner asserts that using padlocks to secure battery plugs would result in diminution of safety to the miners.

6. Grace Mining, Inc.

[Docket No. M–2002–033–C]

Grace Mining, Inc., P.O. Box 520, Virgie, Kentucky 41572 has filed a petition to modify the application of 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 30 CFR 18.41(f) (Plug and receptacle-type connectors) to its No. 4 Mine (I.D. No. 15–16583) located in Pike County, Kentucky. The petitioner proposes to use permanently installed, spring-loaded locking devices to secure battery plugs on mobile battery-powered machines to prevent unintentional loosening of the battery plugs from battery receptacles, and to eliminate the potential hazards associated with difficult removal of padlocks during emergency situations. The petitioner asserts that using padlocks to secure battery plugs would result in diminution of safety to the miners.

7. Chestnut Coal

[Docket No. M–2002–034–C]

Chestnut Coal, R.D. 3, Box 142B, Sunbury, Pennsylvania 17801 has filed a petition to modify the application of 30 CFR 75.1312(a) (Explosives and detonators in underground magazines) to its No. 10 Slope Mine (I.D. No. 36–07059) located in Northumberland County, Pennsylvania. The petitioner requests a modification of the existing standard to permit the quantity of explosives kept underground to be more than the maximum 48 hour supply. The petitioner proposes to transport explosive powder underground once a week and store the powder in an adequate storage magazine located in a dry area instead of storing a 48-hour supply of powder. The petitioner states that the powder would be used on a regular basis and any powder left over from the previous week would be rotated so that the old supply is used first. The petitioner also states that if the mine is idle for an extended period of time, any powder left in the magazine would be removed from the mine and sent back to the supplier. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

8. Drummond Company, Inc.

[Docket No. M–2002–035–C]

Drummond Company, Inc., P.O. Box 10246, Birmingham, Alabama 35202–0246 has filed a petition to modify the application of 30 CFR 75.900 (Low- and medium-voltage circuits serving three-phase alternating current equipment; circuit breakers) to its Shoal Creek Mine (I.D. No. 01–02901) located in Jefferson County, Alabama. The petitioner requests a modification of the existing standard that pertain to the use of circuit breakers to provide undervoltage and grounded phase protection to low- and medium voltage circuits. The petitioner proposes to interrupt the low- and medium voltage circuits with ground check relays used in conjunction with fully rated contactors in lieu of using circuit breakers. The petitioner states that this circuit arrangement would be used on low- and medium voltage power distribution circuits necessary for belt conveyor operation. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

9. New Century Mining, Inc.

[Docket No. M–2002–036–C]

New Century Mining, Inc., P.O. Box 1781, Alabaster, Alabama 35007–1781 has filed a petition to modify the application of 30 CFR 77.214(a) (Refuse piles; general) to its Pineywoods Preparation Plant (I.D. No. 01–02976) located in Shelby County, Alabama. The petitioner requests a modification of the existing standard to permit construction of a coarse refuse disposal area, Coarse Refuse Disposal Area No. 5, within the face-up area of the abandoned Kodiak Mine No. 1. The petitioner proposes to cover the existing sealed entries with additional impervious, non-combustible earthen material which would contain enough fines to ensure an airtight seal and place the material in lifts not to exceed 12 inches. The petitioner has listed in this petition specific procedures that would be used when implementing its proposed alternative method. The petitioner asserts that application of the existing standard would result in a diminution of safety to the miners and that the proposed alternative method would provide at least the same measure of protection as the existing standard.

10. Rivers Edge Mining, Inc.

[Docket No. M–2002–037–C]

Rivers Edge Mining, Inc., 1970 Barrett Court, P.O. Box 1990, Henderson, Kentucky 42420 has filed a petition to modify the application of 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 30 CFR 18.41(f) (Plug and receptacle-type connectors) to its Rivers Edge Mine (I.D. No. 46–08890) located in Boone County, West Virginia. The petitioner proposes to use a threaded ring and a spring-loaded device instead of a padlock on all battery plug connectors on mobile battery-powered machines used inby the last open crosscut to prevent the plug connector from accidently disengaging while under load. Warning tags stating ''Do Not Disengage Plugs Under Load'' will be placed on all battery plug connectors on the battery-powered machines. The petitioner states that training in the safe practices and provision for compliance with its proposed alternative method would be provided to all persons who are required to operate or maintain the battery-powered machines. The petitioner asserts that application of the existing standard would result in a diminution of safety to the miners and that the proposed alternative method would provide at least the same measure of protection as the existing standard.

11. Coastal Coal—West Virginia, LLC

[Docket No. M–2002–038–C]

Coastal Coal—West Virginia, LLC, Brooks Run Operation, 61 Missouri Run Road, Cowen, West Virginia 26206 has filed a petition to modify the application of 30 CFR 75.1002 (Location of trolley wires, trolley feeder wires, high-voltage cables and transformers) to its Mine No. 4A East (I.D. No. 46–07125) located in Webster County, West Virginia. The petitioner proposes to use continuous mining machines with nominal voltage power circuits not to exceed 2,400 volts at its Mine No. 4A East. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

Request for Comments

Persons interested in these petitions are encouraged to submit comments via e-mail to ''comments@msha.gov,'' or on a computer disk along with an original hard copy to the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 20, 2002. Copies of these petitions are available for inspection at that address.

Dated at Arlington, Virginia this 15th day of April, 2002.

Marvin W. Nichols, Jr.,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 02–9483 Filed 4–17–02; 8:45 am]

BILLING CODE 4510–43–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 to be submitted:

1. *The title of the information collection:* 10 CFR part 26, ''Fitness for Duty Program''.

2. *Current OMB approval number:* 3150–0146.

3. *How often the collection is required:* On occasion.

4. *Who is required or asked to report:* All licensees authorized to construct or operate a nuclear power reactor and all licensees authorized to possess, use, or transport unirradiated Category 1 nuclear material.

5. *The number of annual respondents:* 74.

6. *The number of hours needed annually to complete the requirement or request:* 63,284 (6265 hours of reporting burden and 57,019 hours of recordkeeping burden).

7. *Abstract:* 10 CFR part 26, ''Fitness for Duty Program,'' requires licensees of nuclear power plants and licensees authorized to possess, use, or transport unirradiated Category 1 nuclear material to implement fitness-for-duty programs to assure that personnel are not under the influence of any substance or mentally or physically impaired, to retain certain records associated with the management of these programs, and to provide reports concerning significant events and program performance. Compliance with these program requirements is mandatory for licensees subject to 10 CFR part 26.

Submit, by June 17, 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/public-involve/doc-comment/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 12th day of April 2002.

For the Nuclear Regulatory Commission.

Beth C. St. Mary,

Acting NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 02–9484 Filed 4–17–02; 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:* 48 CFR part 20, Nuclear Regulatory Commission Acquisition Regulation (NRCAR).

2. *Current OMB approval number:* 3150–0169.

3. *How often the collection is required:* On occasion; one time.

4. *Who is required or asked to report:* Offerors responding to NRC solicitations and contractors receiving awards from NRC.

5. *The number of annual respondents:* 355.

6. *The number of hours needed annually to complete the requirement or request:* 26,088 hours (7.3 hours per response).

7. *Abstract:* The mandatory requirements of the NRCAR implement and supplement the government-wide Federal Acquisition Regulation, and ensure that the regulations governing the procurement of goods and services within the NRC satisfy the needs of the agency.

Submit, by June 17, 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/public-involve/doc-comment/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 12th day of April 2002.

For the Nuclear Regulatory Commission.

Beth St. Mary,

Acting NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 02–9485 Filed 4–17–02; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request for Reinstatement of an Information Collection: OF–311

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget a request for reinstatement of an information collection, the voluntary Application for Federal Employee Commercial Garnishment (OF–311). The application may be completed by the creditors of Federal employees. The application facilitates the processing of a wide variety of commercial garnishment orders issued by various State and local jurisdictions. The application provides information about commercial garnishment orders and facilitates the processing of commercial garnishments by Federal agencies in a uniform manner that otherwise would not be possible.

OPM did not receive any comments as a result of the 60-Day Notice.

OPM anticipates that approximately 100 Forms OF–311 will be completed annually for OPM employees and that each form takes approximately 10 minutes to complete. The annual estimated burden is 17 hours or less. OPM anticipates, however, that many other Federal agencies will suggest that creditors complete the Form OF–311.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, E-mail to *mbtoomey@opm.gov,* or by FAX at 202–418–3251. Please include a mailing address with your request.

DATES: Comments on this proposal should be received on or before May 20, 2002.

ADDRESSES: Send or deliver comments to:

James S. Green, Associate General Counsel, Office of General Counsel, U.S. Office of Personnel Management, 1900 E Street, NW., Room 7553, Washington, DC 20415

and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION REGARDING ADMINISTRATIVE COORDINATION CONTACT: Jill Gerstenfield, Attorney, Office of the General Counsel, (202) 606–1700.

Office of Personnel Management.

Kay Coles James,

Director.

[FR Doc. 02–9365 Filed 4–17–02; 8:45 am]

BILLING CODE 6325–48–M

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting: Notice of Application to Withdrawal From Listing and Registration on the American Stock Exchange LLC (DRS Technologies, Inc., Common Stock, par Value $.01 per Share) File No. 1–8533

April 12, 2002.

DRS Technologies, Inc. (''Issuer''), a Delaware corporation, has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to section 12(d) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 12d2–2(d) thereunder,[2] to withdraw its Common Stock, par value $.01 per share (''Security''), from listing and

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

registration on the American Stock Exchange LLC (''Amex'' or ''Exchange'').

The Issuer stated in its application that it has met the requirements of Amex Rule l8 by complying with all applicable laws in effect in the State of Delaware, in which it is incorporated, and with the Amex's rules governing an issuer's voluntary withdrawal of a security from listing and registration.

On February 20, 2002, the Board of Directors (''Board'') of the Issuer adopted resolutions to terminate the listing of its Security on the Amex and to list its Security on the New York Stock Exchange, Inc. (''NYSE''), effective April 30, 2002. The Issuer stated that the Board took such action in order to avoid the direct and indirect cost and the division of the market resulting from dual listing on the Amex and NYSE.

The Issuer's application relates solely to the withdrawal of the Security from listing and registration on the Amex and shall have no effect upon the Security's continued listing and registration on the NYSE under section 12(b) of the Act.[3]

Any interested person may, on or before May 2, 2002, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609, facts bearing upon whether the application has been made in accordance with the rules of the NYSE and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Jonathan G. Katz,

Secretary.

[FR Doc. 02–9478 Filed 4–17–02; 8:45 am]

BILLING CODE 8010–01–P

[3] 15 U.S.C. 781(b).

[4] 17 CFR 200.30–3(a)(1).

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration on the Chicago Stock Exchange, Inc. (BIOQUAL, Inc., Common Stock, $.01 par Value) File No. 1–13527

April 12, 2002.

BIOQUAL, Inc., a Delaware corporation (''Issuer''), has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to section 12(d) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 12d2–2(d) thereunder,[2] to withdraw its Common Stock, $.01 par value (''Security''), from listing and registration on the Chicago Stock Exchange, Inc. (''CHX'' or ''Exchange'').

The Issuer states in its application that it has met the requirements of the CHX Article XXVIII, Rule 4, by complying with Exchange's rules governing an issuer's voluntary withdrawal of a security from listing and registration. In making the decision to withdraw the Security from listing and registration on the CHX, the Issuer considered (i) the cost associated with maintaining such listing and (ii) the Security's low trading volume. The Issuer determined that the benefits of continued listing of the Security on the Exchange did not justify the expense of maintaining such listing. Issuer stated that the Security is currently quoted on the OTC Bulletin Board.

The Issuer's application relates solely to the Security's withdrawal from listing on the CHX and from registration under section 12(b) of the Act[3] and shall not affect it obligation to be registered under section 12(g) of the Act.[4]

Any interested person may, on or before May 2, 2002, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609, facts bearing upon whether the application has been made in accordance with the rules of the CHX and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Jonathan G. Katz,

Secretary.

[FR Doc. 02–9479 Filed 4–17–02; 8:45 am]

BILLING CODE 8010–01–P

[1] 15 U.S.C. 78*l*(d).

[2] 17 CFR 240.12d2–2(d).

[3] 15 U.S.C. 78*l*(b).

[4] 15 U.S.C. 78*l*(g).

[5] 17 CFR 200.30–3(a)(1).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45744; File No. SR–CHX–2000–08]

Self-Regulatory Organizations; The Chicago Stock Exchange, Inc.; Order Granting Approval of Proposed Rule Change and Amendment No. 1, and Notice of Filing and Order Granting Accelerated Approval of Amendment No. 2 to the Proposed Rule Change, to Establish a Board Review Process for Decisions of the Exchange's Committee on Specialist Assignment and Evaluation Regarding Specialist Firm Consolidations

April 12, 2002.

I. Introduction

On March 17, 2000, the Chicago Stock Exchange, Inc. (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change amending CHX Article XXX, Rule 1, Interpretation .01, to establish a review process for certain decisions of the Exchange's Committee on Specialist Assignment and Evaluation (''Committee''). On April 3, 2000, the Exchange amended the proposal.[3] The proposed rule change, along with Amendment No. 1, was published for comment in the **Federal Register** on July 12, 2000.[4] The Commission received two comment letters on the proposal.[5] The CHX submitted a letter in response to these comments.[6] On September 7, 2001, the CHX again amended the proposal.[7] This

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* March 31, 2000 letter from Ellen J. Neely, Vice President and General Counsel, CHX, to Katherine A. England, Assistant Director, Division of Market Regulation (''Division''), SEC (''Amendment No. 1''). In Amendment No. 1, the CHX made minor, technical changes to the proposal.

[4] *See* Securities Exchange Act Release No. 43010 (July 5, 2001), 65 FR 43066.

[5] *See* October 6, 2000 letter from Gerald M. Miller, Vanasco Genelly & Miller, on behalf of Chicago Securities Group Limited Partnership, to Jonathan G. Katz, Secretary, SEC (''Vanasco letter''); October 6, 2000 letter from Dempsey & Company LLC (representing five specialist units on the CHX) to Jonathan G. Katz, Secretary, SEC (''Dempsey letter'').

[6] *See* November 24, 2000 letter from Paul B. O'Kelly, Executive Vice President, Market Regulation and Legal, CHX, to Joseph P. Morra, Special Counsel, Division of Market Regulation (''Division''), SEC.

[7] *See* August 31, 2001 letter from Paul B. O'Kelly, Chief Operating Officer, CHX, to Joseph P. Morra, Special Counsel, Division, SEC (''Amendment No. 2''). In Amendment No. 2, the CHX (i) clarified that the proposed rule change was not submitted as a

order approves the proposed rule change as amended by Amendment Nos. 1 and 2. The Commission has found good cause to approve Amendment No. 2 on an accelerated basis.

II. Description of the Proposal

The Exchange proposes to amend its rules to add ''consolidations'' to the list of circumstances that may lead to the need for assignment or reassignment of a security, and establish a review process for certain Committee decisions. Specifically, the Exchange proposes an amendment to CHX Article XXX, Rule 1, Interpretation .01.

The Committee currently is charged with approving the assignment of stocks to specialist firms and their co-specialists, as well as evaluating the performance of such specialists and co-specialists. The Committee also reviews and must approve the transfers of assigned issues that typically occur in connection with the acquisitions of specialist firms by other specialist firms.

The CHX reports it is experiencing significant consolidation of its specialist firms. The Exchange's Board of Governors (''Board'') believes that specialist firm consolidations and the concentration of business that can result from these consolidations can raise issues that are significant in the context of the Exchange's long-term business plan and operational forecasts. According to the CHX, these issues are beyond those typically addressed by the Committee in the ordinary stock allocation process. The CHX has determined that it is both appropriate and necessary for the Board to review Committee decisions that raise the broader issues referenced above. Accordingly, the CHX proposes a procedure for discretionary, and in certain cases, mandatory Board review and approval of stock assignment transfers in the case of specialist firm consolidations, and for discretionary authority to review and approve transfers of assigned stocks in circumstances where there is a change in control of a specialist firm.

Under the proposal, the Committee will continue to review transfers of assigned stocks in connection with specialist firm consolidations or changes in control of specialist firms, subject to new review procedures. The proposal would add consolidations to the current list of events leading to assignment proceedings. [8]

The proposed rule sets forth certain factors the Committee must consider when the consolidation creates concentration. Concentration occurs when a consolidation creates or increases a specialist unit's financial interest in trades constituting 10% or more of the total CHX trade volume in the three preceding calendar months.[9] Under the proposal, the full Board of Governors, excluding those Governors that are co-specialists or affiliates of specialists or co-specialists (a ''Board Panel'') may on its own initiative review any Committee decision involving a change in control or consolidation of a specialist unit. The Board Panel must give any interested member an opportunity to present its views on the matter. Committee decisions will be final if any member of a Board Panel does not request that the Board Panel initiate a review within ten days of a Committee decision. However, a Board Panel must review all Committee decisions made with respect to consolidations that create concentration. Board Panel decisions, and the basis for those decisions, must be in writing and communicated to the specialist.

III. Summary of Comments

The Commission received two comments on the proposal,[10] both of which objected to the Commission approving the proposed rule change. As discussed below, the CHX responded to these comments.[11]

Unnecessary Burden On Competition. The commenters believe the proposal would impose significant burdens on the ability of specialists to compete with over-the-counter market makers.[12] The commenters believe that consolidation of specialist firms on the CHX floor provides a broader range of stocks to the firm, and permits the aggregation of greater capital than would be possible by smaller firms, which helps them to compete with third market makers.[13] By limiting the ability of specialist firms to consolidate, the commenters believe the proposal places an unnecessary burden on competition by limiting the ability of specialists to expand their businesses in order to effectively compete, and perhaps placing restrictions on the transfer of a business.[14]

Appealability. The commenters object to language in the proposal that would make decisions by the Committee or the Board ''final.'' [15] The commenters believe that, when an exchange takes an action that restricts access to the exchange's market, the action must provide for due process, by way of an appeal to the SEC.[16] The commenters asked that the CHX make clear that ''final'' judgments about the allocation of stocks are appealable to the Commission.[17]

Disclosure Of Confidential Information. The commenters expressed concern that specialists would be required to disclose detailed financial information to the Committee, and possibly to the Board. Because the disclosure of confidential financial information has the potential to harm specialist units, the commenters asked that the CHX delineate procedures to prevent further disclosure of confidential information or to eliminate potential competitors from serving on the Board.[18] Further, the Dempsey letter stated that the proposal should be amended to limit the scope of information available for review to information related to the specified factors in the rule. This would address concerns, in the commenter's view, that the Committee could request

result of any pre-judgment about the consequences of concentration among specialist firms; rather, the proposed rule reflects the CHX's view that concentration of specialist firms may create broader risks to the Exchange; (ii) clarified that the Committee does not consider a member firm's activities in other market centers (other than trading in the issue to be assigned) when it assigns stocks, except to the extent such activity is relevant to the Committee's overall assessment of the firm's risk controls and procedures; (iii) clarified that information provided to the CHX staff, the Committee, and the Exchange's Board of Governors, will be kept confidential; (iv) clarified that specialists and affiliates of specialists cannot sit on the Committee or that Board panels that will review Committee decisions will not involve specialists or their affiliates; and (v) made minor changes to the proposed rule language to clarify the intent of the proposal, and to incorporate certain changes suggested by the commenters.

[8] There are currently seven circumstances under which the Committee may assign or reassign a security: (i) New listing or obtaining unlisted trading privilege; (ii) specialist request; (iii) corporation request; (iv) split-up and/or merger of specialist units; (v) fundamental change in specialist unit; (vi) unsatisfactory performance action; or (vii) disciplinary action.

[9] When a consolidation creates concentration, the Committee will consider (i) the effect of the consolidation on the specialist units' capital supporting specialist activities, experience and quality of management, experience and performance of co-specialists, risk controls and procedures, and operational efficiencies; and (ii) the effect of the consolidation on the CHX's ability to enhance its position as a market center by promoting competition among members, minimize risk to the financial integrity of the marketplace, and continue operating in the public interest by enhancing market quality and public awareness of the products and services offered through the CHX.

[10] *See* footnote 5, *supra.*

[11] *See* footnote 6, *supra.* As noted in footnote 6, and discussed in more detail herein, some of the changes proposed in Amendment No. 2 were made in response to the comments.

[12] Vanasco letter at 1; Dempsey letter at 1–2.

[13] Vanasco letter at 2.

[14] Vanasco letter at 2; Dempsey letter at 2.

[15] Vanasco letter at 2–3; Dempsey letter at 3.

[16] *Id.*

[17] Vanasco letter at 3; Dempsey letter at 3.

[18] Vanasco letter at 3; Dempsey letter at 3–4.

confidential information outside the scope of review.

Miscellaneous Ambiguities. The commenters asked that the CHX clarify the following ambiguities:

(i) The current rules provide for two types of business changes that would require assignment proceedings—a split up and/or merger of a specialist unit, and a fundamental change of a specialist unit. While the current rules do not define ''fundamental change,'' they provide examples of actions that would or would not be considered a fundamental change. The proposal would add ''consolidation'' to the rule. The commenters note that, unlike a split up, merger, or fundamental change that result only from ownership changes, a consolidation could arise from contractual arrangements that do not result from ownership changes. The proposal does not explain why a change in or creation of a non-ownership financial interest should require Committee approval.[19]

(ii) The filing is unclear as to whether *any* consolidation would require a posting, or whether a consolidation would require posting *only* when it would result in a specialist unit having a financial interest in trades constituting 10% or more of the CHX's total volume in the three preceding calendar months (''concentration'').[20]

(iii) The current rule requires a posting only when there is an ownership change that results in a change of control. The proposed rule would require a posting when two specialists come under common control. Thus, the mere combination of control would be a triggering event. However, the commenter states the proposed rule would not require a posting when there is a change in control as long as the new controlling person did not control another specialist.[21] The commenter believes this conflicts with the basic intent of the rule which is to allow for transfer of books.

(iv) The filing is unclear if the CHX intends to restrict the participation of affiliates of specialists (as opposed to co-specialists) from the Board Panel.[22] The CHX currently defines a co-specialist as an individual trading stock on the floor of the CHX on behalf of a specialist firm. The commenter believes the CHX should restrict participation of the affiliates of specialists as well.

CHX's Response To Comments. The CHX offered the following in response to the comment letters:[23]

(i) *Effect on Competition:* While the commenters believe the proposed rule will hinder their ability to compete with over-the-counter market makers, the CHX notes that Exchange members are subject to a number of rules that are not imposed upon their competitors in other markets, while their competitors are subject to other rules that are not imposed on Exchange specialists. The CHX believes it has an interest in assuring that the process of assigning stocks to specialist units is fair to all specialist firms, and that awards are made and transfer requests granted while taking into account the best interests of the CHX. In this context, the CHX believes consolidation can have a substantial positive or negative impact on the surviving firm or its ability to perform specialist functions. The CHX believes the proposed rule will assist in achieving what is best for the Exchange, and that the process is not unfairly discriminatory or burdensome on competition.[24]

(ii) *Confidential Information.* The CHX states that it regularly receives confidential information in connection with its SRO responsibilities and it does not believe this proposal is any different in terms of maintaining confidentiality. The CHX asserts that the Committee and the Board will not contain individuals that are affiliated with co-specialists or specialist firms. These restrictions should allay the commenters' concern that competitors acting in an official capacity might gain access to another specialist firm's proprietary information.[25]

(iii) *Appealability.* While the proposed rule language states that the Board's decision is final, the CHX clarifies that the reference to finality in the proposal is to emphasize only that the Board Panel's decision is not subject to full Board review.[26] The CHX notes that appealability of an action to the Commission would be governed by the Act and rules thereunder, not CHX's rules.

(iv) *Miscellaneous Ambiguities.* In response to the commenters' objection to the definition of ''consolidation'' in the proposed rule including arrangements that do not involve a change in ownership interests among the affected specialist firms, the CHX explains that the definition has been expanded to include such arrangements because of the possibility that specialist firms can transfer virtually all or part of their economic interests in assigned stocks to other specialist firms without changing the ownership interest in either specialist. The CHX believes the Committee should be able to reconsider the basis for an assignment if an applicant proposes to transfer some or all of its interest in or responsibility for an assigned stock to another specialist, even if the consolidation does not result in a change in ownership interests among the affected specialist firm.[27]

(v) The CHX agrees that proposed item 6 (''Consolidations creating Concentration'') under ''I. EVENTS LEADING TO ASSIGNMENT PROCEEDINGS'' should be changed to ''Consolidations'' to avoid confusion.[28]

(vi) The CHX agrees to modify ''II. ASSIGNMENT PROCEDURES'' item 4 (''Board Review'') to include affiliates of specialists as well as affiliates of co-specialists.[29]

IV. Discussion and Commission Findings

The Commission has reviewed carefully the CHX's proposed rule change, as amended, the comment letters, and the CHX's response to the comments, and finds, for the reasons set forth below, that the proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange,[30] and, in particular, with the requirements of Section 6(b).[31]

The Commission does not believe that consolidations among specialist units are inherently harmful, and believes that in many situations they can, in fact, be beneficial, particularly for those units with limited capital. Nevertheless, the Commission recognizes that undue concentration can have negative effects on market quality by, among other things, hampering competition among specialists and reducing incentives for specialists to provide better markets.

The Commission believes that the factors identified in the CHX policy for reviewing specialist combinations are reasonably designed to result in approval of proposed combinations that will not have an adverse impact on market quality or result in undue concentration. The Commission notes that the CHX's proposal would not

[19] Vanasco letter at 3; Dempsey letter at 4.

[20] Vanasco letter at 3–4; Dempsey letter at 5.

[21] Vanasco letter at 4.

[22] Dempsey letter at 5.

[23] *See* footnote 6, *supra. See also* Amendment No. 2.

[24] *Id.*

[25] *Id.* Amendment No. 2 amends the rule to make clear that affiliates of co-specialists, as well as specialists, cannot be on the reviewing Board Panel.

[26] *Id.*

[27] *Id.* at 3.

[28] *See* Amendment No. 2.

[29] *Id.*

[30] In approving this rule, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[31] 15 U.S.C. 78f(b).

permit the CHX to weigh against a particular firm its activities in other markets, unless the firm is already acting as a specialist in the same issue for which the combination would result in that firm acting as a specialist on the CHX, or to the extent it is relevant to overall firm risk controls and procedures.[32] The CHX has amended its filing to reflect that the focus of the review is on improving the quality of markets and services at the Exchange. As noted above, the commenters have argued that the review procedures for a combination resulting in concentration are extraordinary, and such procedures impose an inappropriate burden on competition that does not exist on their third market competitors. However, the Commission finds that the CHX proposal does not impose an unnecessary burden on competition under section 6(b)(8) of the Act[33] because it establishes review procedures that are intended to prevent undue concentration that could potentially hinder market quality.

Indeed, the CHX has stated that, while its filing reflects the Board's recognition of the risks from greater concentration, it has not made any prejudgments on whether the Exchange is benefited or harmed by consolidation among specialist units. Although the Commission recognizes that the new rules could result in prohibiting a combination from occurring, the Commission finds the factors for consideration in reviewing concentration effects, such as adequate capital, risk controls, and operational efficiencies, are related to legitimate market quality issues which the CHX should be permitted to weigh. Amendment No. 2 also has made clear that competition from other markets will not be considered a factor in a consolidation review. Accordingly, while the proposed rule language states that the Exchange can consider the effect of the consolidation on the Exchange's ability to enhance its position as a market center by promoting competition among members, this factor could not be used in an anticompetitive manner to deny a consolidation because of a specialist's presence in another market. Thus, a firm's decision to route customer orders to another market for different issues, or to make markets on another exchange in different issues, would be irrelevant to the CHX's review.

In addition, as a result of concerns raised by the commenters, the CHX made several changes to the proposal. For example, the commentors raised concerns regarding the confidentiality of information provided to the Committee or Board Panel in connection with reviews. The CHX amended the proposal to clarify that information provided to CHX staff, the Committee, and the Board Panel will be kept confidential, and that members that are specialists or affiliates may not sit on the Committee. Similarly, Board Panels that review Committee decisions will not include specialists or their affiliates. Additionally, the CHX, in response to concerns raised by the commenters that a specialist's activities in other market centers might be used in an anticompetitive manner to prevent consolidation, clarified that the Committee will not consider a member firm's activities in other market centers when it assigns stocks except to the extent that such activity is relevant to the Committee's overall assessment of the firm's risk controls and procedures. The Commission notes that all Board Panel decisions, and the basis for those decisions, must be in writing, and must be communicated to the specialist. With regard to any remaining issues raised by the commenters, the Commission is satisfied that the CHX has adequately addressed those comments.

In summary, the Commission believes the CHX proposal balances competing concerns of its market and allows it to consider the effect of a consolidation resulting in concentration on market quality. The Commission believes this is an appropriate goal and that the rules should not be used, or applied, in an anti-competitive manner.

The Commission finds good cause for approving proposed Amendment No. 2 before the 30th day after the date of publication of notice of filing thereof in the **Federal Register**. Amendment No. 2 clarifies the CHX's position on a number of issues raised by the commenters. The Commission finds no legitimate reason to delay approval of proposed Amendment No. 2, given that Amendment No. 2 is responsive to the commenters' concerns. For these reasons, the Commission finds good cause for accelerating approval of proposed Amendment No. 2.

V. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing Amendment No. 2, including whether Amendment No. 2 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 CHX. All submissions should refer to File No. SR–CHX–2000–08 and should be submitted by May 9, 2002.

VI. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[34] that the proposed rule change (SR–CHX–2000–08), as amended by Amendment Nos. 1 and 2, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[35]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–9480 Filed 4–17–02; 8:45 am]

BILLING CODE 8010–01–P

[32] *See* Amendment No. 2.

[33] 15 U.S.C. 78f(b)(8).

[34] 15 U.S.C. 78s(b)(2).

[35] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45736; File No. SR–NASD–2002–11]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Granting Approval to Proposed Rule Change Relating to Amendments to NASD Rule 2260 To Require Members To Make Reasonable Efforts To Forward Issuer and Trustee Communications to Beneficial Holders of Non-Municipal Debt Securities

April 11, 2002.

On January 17, 2002, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association''), through its wholly-owned subsidiary, NASD Regulation, Inc. (''NASD Regulation'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Rule 2260 of the rules of the NASD to require a member to make reasonable efforts to forward a

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

communication from an issuer or trustee regarding a debt security other than a municipal security to the beneficial owner of such security. The proposed rule change also clarifies IM–2260 (Suggested Rate of Reimbursement) to reflect that, in forwarding proxies and other materials, members may not charge for envelopes that are provided by the issuer or the trustee, as well as by persons soliciting proxies.

The proposed rule change was published for comment in the **Federal Register** on March 6, 2002.[3] The Commission received no comments on the proposal.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association[4] and, in particular, the requirements of Section 15A of the Act[5] and the rules and regulations thereunder. The Commission finds specifically that the proposed rule change is consistent with Section 15A(b)(6) of the Act,[6] which requires, among other things, that the rules of an association be 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.[7] The Commission believes that the proposed rule change is a reasonable customer protection measure for holders of non-municipal debt securities, as it clarifies that members have an affirmative obligation to make reasonable efforts to forward certain information regarding these debt securities to their beneficial owners.

In addition, the Commission notes that this proposed rule change is consistent with a similar proposed rule change relating to municipal securities submitted by the Municipal Securities Rulemaking Board (''MSRB'') and recently approved by the Commission.[8] In that filing, the MSRB amended its Rule G–15 to provide that brokers, dealers and municipal securities dealers that safekeep municipal securities must make reasonable efforts to retransmit official communications to their safekeeping clients.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[9] that the proposed rule change (File No. SR-NASD–2002–11) be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–9458 Filed 4–17–02; 8:45 am]

BILLING CODE 8010–01–P

[3] *See* Securities Exchange Act Release No. 45483 (February 27, 2002), 67 FR 10245.

[4] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[5] 15 U.S.C. 78*o*–3.

[6] 15 U.S.C. 78*o*–3 (b)(6).

[7] *Id.*

[8] *See* Securities Exchange Act Release No. 45562 (March 14, 2002), 67 FR 13030 (March 20, 2002).

[9] 15 U.S.C. 78s(b)(2).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45748; File No. SR–PCX–2002–15]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 by the Pacific Exchange, Inc. To Adopt a Volume Discount Program for Market Makers

April 12, 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 28, 2002, the Pacific Exchange, Inc. (''PCX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. On April 11, 2002, the Exchange amended the proposal.[3] The Exchange has designated this proposal as one establishing or changing a due, fee, or other charge imposed by the CHX under section 19(b)(3)(A)(ii) of the Act,[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, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt a Volume Discount Program for Market Makers (''Program''). The Program is intended to provide PCX members with rebates once the PCX reaches volume levels that are adequate to sustain the operating and capital investment needs of the Exchange. The text of the proposed rule change is below. Additions are in italics.

PCX Options: Trade-Related Charges

* * * * *

Volume Discount Program

PCX quarterly average daily contract volume	*Per contract reduction in market maker transaction charge for following quarter*
449,000 or lower	*No reduction.*
450,000 to 474,999	*$0.01.*
475,000 to 499,999	*$0.02.*
500,000 to 524,999	*$0.03.*
525,000 or higher	*$0.04.*

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the PCX included statements concerning the purpose of and basis for its proposal and discussed any comments it received regarding the proposal. The text of these statements may be examined at the places specified in Item IV below. The PCX has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 768s(b)(1).

[2] 17 CFR 240.196–4.

[3] *See* April 10, 2002 letter from Cindy L. Sink, Senior Attorney, Regulatory Policy, PCX, to Joseph Morra, Special Counsel, Division of Market Regulation, SEC and attachments (''Amendment No. 1''). In Amendment No. 1, the PCX (1) provided a new Exhibit A that replaces and supersedes the Exhibit A that was filed with the original proposed rule change; and (2) clarified that the Volume Discount Program for Market Makers applies to all market makers, including Lead Market Makers, regardless of individual performance, whenever the overall volume on the Exchange reaches the designated amounts. For purposes of calculating the 60-day abrogation period, the Commission considers the period to have commenced on April 11, 2002, the date the PCX filed Amendment No. 1.

[4] 15 U.S.C. 78s(b)(3)(A)(ii).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to adopt the Program, which is intended to provide PCX members with rebates once the PCX reaches volume levels that are adequate to sustain the operating and capital investment needs of the Exchange. The Program provides rate relief to market makers by reducing the market maker transaction charge once the PCX achieves certain volume thresholds. The volume thresholds will be calculated on a quarterly basis, and any rate reduction will be for the following quarter. The quarterly volume thresholds and corresponding quarterly market maker rate reduction for the following quarter are listed in Section I above.

The first rate reduction will be for the second quarter of 2002, dependent on the PCX's quarterly average daily contract volumes for the first quarter of 2002. The volume discount is adjusted quarterly based on the PCX's prior quarter average daily contract volume. For example, if PCX volumes for the first quarter of 2002 average 475,000 contracts and the volumes for the second quarter average 425,000 contracts, the per contract reduction in the market maker transaction charge for the second quarter will be $0.02, even though second quarter volumes are below the level qualifying for a discount, and there will be no volume discount for the third quarter, regardless of PCX's third quarter volumes.

2. Statutory Basis

The Exchange believes the proposal is consistent with the requirements of section 6(b) of the Act, [5] in general, and furthers the objectives of Section 6(b)(4),[6] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective pursuant to section 19(b)(3)(A)(ii) of the Act [7] and subparagraph (f)(2) of Rule 19b–4 thereunder,[8] because it involves a due, fee, or other charge. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to file number SR–PCX–2002–15 and should be submitted by May 9, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–9481 Filed 4–17–02; 8:45 am]

BILLING CODE 8010–01–P

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4).

[7] 15 U.S.C. 78s(b)(3)(A)(ii).

[8] 17 CFR 240.19b–4(f)(2).

[9] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 3918]

Advisory Committee on International Law; Notice of Committee Renewal

The Department of State has renewed the Charter of the Advisory Committee on International Law. This advisory committee will continue to obtain the views and advice of a cross-section of the country's outstanding members of the legal profession on significant issues of international law. The committee's consideration of legal issues in the conduct of our foreign affairs provides a unique contribution to the creation and promotion of U.S. foreign policy. The Under Secretary for Management has determined that the committee is necessary and in the public interest.

The committee consists of former Legal Advisers of the Department of State and not more than twenty individuals appointed by the Legal Adviser of the Department of State. The committee will follow the procedures prescribed by the Federal Advisory Committee Act (FACA). Meetings will be open to the public unless a determination is made in accordance with section 10(d) of the FACA, 5 U.S.C. §§ 552b(c)(1) and (4), that a meeting or a portion of the meeting should be closed to the public. Notice of each meeting will be provided for publication in the **Federal Register** as far in advance as possible prior to the meeting.

For further information, please call: Mary Catherine Malin, Attorney-Adviser, Office of the Assistant Legal Adviser for United Nations Affairs, (202 647–2767).

Dated: March 29, 2002.

D. Stephen Mathias,

Assistant Legal Adviser for United Nations Affairs, Department of State.

[FR Doc. 02–9502 Filed 4–17–02; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3990]

Bureau of Educational and Cultural Affairs Request for Grant Proposals: African Workforce Development

SUMMARY: The Near East/South Asia/Africa Division of the Office of Citizen Exchanges, Bureau of Educational and Cultural Affairs (ECA), announces an open competition to spur development of the African workforce for effective and satisfying participation in 21st century businesses, government, NGOs, and other venues. U.S.-based public and private non-profit organizations meeting

the provisions described in Internal Revenue Code section 26 USC 501(c)(3) may submit proposals to conduct international exchange programs.

Programs and projects must comply with Bureau requirements and guidelines outlined in this Request for Grant Proposals (RFGP) and the Bureau's Proposal Submission Instructions (PSI).

Overview

The Bureau seeks proposals for an exchange program on African Workforce Development linking U.S. vocational trainers with African organizations seeking to strengthen their ability to upgrade the African workforce. U.S.-African partnership is emphasized as a mutually beneficial, direct and efficient method of promoting this goal. Partnerships promote the interests and long-term commitment of African and American participants going beyond U.S. government financing. Partnerships also help to establish a strong network of counterpart institutions in the U.S. and Africa, which invigorate and inform each other, enable collaborations and joint projects, and promote the exchange of information and resources.

Guidelines

The Office of Citizen Exchanges encourages applicants to be creative in planning project activities. Proposals should include practical, hands-on, community-based initiatives, designed to achieve concrete objectives in the field. The proposal should not focus on theoretical/academic workshops, seminars, studies or research.

In an effort to increase mutual understanding and build long-lasting linkages between the U.S. and African countries, proposals should include, to the fullest extent possible, an exchange involving equal numbers of American and African participants. In addition, applicants are encouraged to include participants who are new to international exchanges and/or to the target countries.

The Bureau encourages applicants to consider carefully the choice of target countries. In order to prevent duplication of effort, applicants should research the work of development agencies (such as USAID, UN agencies) on the target themes, and select countries for which there has been limited investment on the issue. Applicants are welcome to contact the Public Affairs Sections (PAS) in U.S. Embassies in Africa, and the Office of Citizen Exchanges, to discuss proposed activities and their relevance to mission priorities.

Applicants may design single-country or multiple-country projects. The Bureau offers the following programming ideas and suggestions.

Africa Workforce Development. The purpose of this program is to enhance Workforce Development efforts in Sub-Saharan Africa through Citizen Exchanges. In developing and carrying out such a program, we have a keen interest in utilizing electronic information technologies both as a vehicle for correspondence and training and as a workforce skill to be taught.

The Office realizes that there are many different conceptions of and approaches to workforce development, and is open to considering a wide variety of program plans while recommending that they do the following:

- Assist citizens in making the transition from academic studies to participation in the workforce;
- Assist citizens in learning skills and attitudes which make them more employable;
- Guide citizens in seeking jobs and in carrying them out satisfactorily;
- Provide training in information technology;
- Develop programs which can be delivered online as well as in person;
- Develop programs which are adaptable to local and individual needs;
- Develop programs which are easily portable and can be replicated in different venues; and
- Develop programs which will attract and maintain the attention of citizens, encouraging their initiative and commitment.

We anticipate awarding two $150,000 grants. While all of Sub-Saharan Africa is eligible in this solicitation, proposals should focus on one or two countries rather than a large group so as to maximize impact.

This program is intended to be a catalyst to stimulate thinking about the possibilities for wide range implementation of Workforce Development programs afforded though the use of new technologies.

It is expected that the selected grantees will install or enhance working Internet systems at the facilities of the African partners that will be linked to U.S. counterparts. Note that the Bureau would provide only modest support for this work out of the grant funds, but would expect that additional funds would be raised privately or otherwise cost-shared.

It is further expected that there will be a commitment on the part of the African partners to pay for future maintenance and on-line fees for the installations so that the systems will be fully operable far beyond the completion of the grant. The commitment of African partners will be important to long-term program success, and applicants should consider the possibility of selecting African partners through a competitive process to assess their commitment and capability.

The grantee is also expected to provide in its proposal an explanation of the need for workforce development in the targeted African country(ies) and to propose a detailed plan for working together with African partners to develop a basic curriculum to address this need. The final product of this grant activity must include the following:

- A basic interactive curriculum that works over the Internet and serves to advance Workforce Development in Sub-Saharan Africa;
- A plan to train presenters of the basic curriculum;
- A set of lead trainers who have gone through the prototype training program and who have performed a trial implementation of the basic course; and
- Establishment of an Internet network between U.S. organizations and the African partners to sustain productive interaction on this activity far beyond the term of the grant itself.

In order to achieve the most widespread understanding, appreciation and impact of this grant, this Office will expect the Grantee at the end of the program to come to Washington DC to make a presentation of the accomplishments and lessons learned through the grant to an audience selected by the Office of Citizen Exchanges.

Program activities for the above-listed theme might include:

1. A U.S.-based program that includes orientation to program purposes and to U.S. society; study tour/site visits; professional internships/placements; interaction and dialogue for learning; hands-on training; and action plan development.
2. Capacity-building/training-of-trainer (TOT) workshops in Africa to help participants to identify priorities, create work plans, strengthen professional and volunteer skills, share their experiences with committed people within each country, train leading trainers, and become active in other practical and valuable ways.
3. Site visits by U.S. facilitators/experts to monitor projects in the region and to provide additional training and consultations as needed.
4. Content-based Internet training/cyber-training to encourage citizen participation in workshops, fora, chats, and/or discussions via the Internet that will stimulate communication and

information sharing among key opinion leaders on priority topics. In addition to using the Internet and Cyber Training to develop those very skills, on-line programs should be developed to teach other workforce skills such as literacy, numeracy, problem-solving, decision-making, leadership, personnel management, and personal qualities such as initiative, integrity, responsibility, flexibility, sociability, and respect for diversity.

Additional Guidance

Content-Based Internet Training: As noted above, the Bureau encourages applicants to use the Internet to assist African counterparts in networking, communicating and organizing on the above-listed priority issues. Proposals that include content-based Internet training must reflect knowledge of the opportunities and obstacles that exist for use of information technologies in the target country or countries, and, if needed, provide hardware, software and servers, preferably as a form of cost sharing. Internet and Cyber Training should be only one component of an overall program.

In-Country Partners: Applicants should identify the U.S. and African partner organizations and individuals with whom they are proposing to collaborate. Specific information about the African partners' activities and accomplishments is required and should be included in the section on ''Institutional Capacity.'' Resumes (not exceeding two pages) for individuals mentioned in the proposal should be provided, including proposed U.S. and African staff, trainers, consultants, etc. Letters of support from proposed in-country partners that are tailored to this project are strongly encouraged.

Evaluation: Short- and long-term evaluation is critical to the success of any professional development program. In accordance with the Government Performance and Results Act (GPRA) of 1993, Federal Agencies must create strategic plans, set performance goals, and develop methods for measuring how well the goals of this program are realized.

The grantee would be required to work closely with the Bureau to fulfill this responsibility. Applicants are asked to submit an evaluation plan that would address the GPRA requirements and assess the long-term impact and effectiveness of this program. The evaluation plan should include a listing of goals and results desired, and an indication of what types of information would be used to determine if these goals were met or results achieved, as well as a description of how the applicant would gather and evaluate this information. Please include with the proposal, at least in draft form, any evaluation tools (survey/focus group questions) that would be used as part of the overall plan.

Budget Guidelines

A total of $300,000 will be available, and we expect to award two grants of $150,000 each. Bureau policy states that organizations with less than four years of experience in managing international exchange programs are limited to $60,000; therefore they are not eligible to apply under this competition.

Applicants are strongly encouraged to consult with African partners in the design of the proposal budget and to obtain statements of commitment from those partners. Competitive proposals will demonstrate a thorough and realistic understanding of the costs for in-country administration, communication, transportation, and per diem. Proposals should include letters of support tailored to this project from proposed African partner organizations.

Format: Applicants must submit a comprehensive line item budget based on the model in the Proposal Submission Instructions, but are encouraged to provide the optional separate sub-budgets for each program component, location or activity in order to facilitate decisions on funding. Applicants should include a budget narrative or budget notes for clarification of each line item. Review Criteria for additional information.

Cost sharing: The Bureau's grant assistance will constitute only a portion of total project funding, and proposals should list and provide evidence of other sources of cost sharing, including financial and in-kind support. Proposals with substantial private sector support from foundations, corporations, and other institutions will be considered more competitive. Although no minimum amount of cost sharing is stipulated in this competition, preference will be given to proposals that provide cost sharing of at least 20 percent of total program costs (federal component plus cost sharing component). Thus if a grant of $150,000 in federal funds is awarded, the grantee should contribute at least $37,500 in cost sharing to achieve the 20% figure (20% of $187,500 = $37,500). Cost sharing may be offered in kind or in cash as long as its value can be confirmed through documentation. Please refer to the statement on cost sharing in the Proposal Submission cost sharing in the Proposal Submission Instructions.

1. *Transportation.* International and domestic airfares (per the Fly America Act), transit costs, ground transportation costs, and visas for U.S. participants to travel to African countries (J–1 visas for African participants to travel to the U.S. funded by the Bureau's grant assistance are issued at no charge).

2. *Per Diem.* For U.S.-based activities, organizations should use the published Federal per diem rates for individual U.S. cities. For activities in Africa, the Bureau strongly encourages applicants to budget realistic costs that reflect the local economy. Domestic and foreign per diem rates may be accessed at: *http://www.policyworks.gov/.* Applicants may opt to provide ''home-stay'' accommodations as a way to reduce per diems costs and as a way to enhance cross-cultural understanding. In no case may per diem rates exceed the U.S. Federal published rates.

3. *Interpreters.* If needed, interpreters for the U.S.-based program are available through the U.S. Department of State Language Services Office. Local interpreters with adequate skills and experience may be used for program activities.

Typically, one interpreter is provided for every four visitors who require interpreting, with a minimum of two interpreters. Bureau grants do not pay for foreign interpreters to accompany delegations from their home country. Salary costs for local interpreters must be included in the budget. Costs associated with using their services may not exceed rates for U.S. Department of State interpreters. The Bureau encourages applicants to use local interpreters. U.S. Department of State Interpreters may be used for highly technical programs with the approval of the Office of Citizen Exchanges. Proposal budgets should contain a flat $170/day per diem for each U.S. Department of State interpreter, as well as home-program-home air transportation of $400 per interpreter, reimbursements for taxi fares, plus any other transportation expenses during the program. Salary expenses are covered centrally and should not be part of an applicant's proposed budget.

4. *Book and cultural allowance.* Foreign participants are entitled to a one-time cultural allowance of $150 per person, plus a book allowance of $50. Interpreters should be reimbursed up to $150 for expenses when they escort participants to cultural events. U.S. program staff, trainers or participants are not eligible to receive these benefits.

5. *Consultants.* Consultants may be used to provide specialized expertise or to make presentations. Honoraria should not exceed $250 per day. Subcontracting

organizations may also be used, in which case the written agreement between the prospective grantee and subcontractor should be included in the proposal. Subcontracts should be itemized in the budget.

6. *Room rental.* Room rental may not exceed $250 per day.

7. *Materials development.* Proposals may contain costs to purchase, develop and translate materials for participants.

The Bureau strongly discourages the use of automatic translation software for the preparation of training materials or any information distributed to the group of participants or network of organizations. Costs for good-quality translation of materials should be anticipated and included in the budget. Grantee organizations should expect to submit a copy of all program materials to the Bureau.

8. *Equipment.* Proposals may contain limited costs to purchase equipment for Africa-based programming such as computers, printers, and fax machines. Please note, however, that the Bureau encourages cost sharing for these expenses, and equipment costs must be kept to a minimum. Equipment purchased with ECA grant funds must be approved by ECA, and its final disposition after completion of the grant program will be determined by ECA. Costs for furniture are not allowed.

9. *Working meal.* Only one working meal may be provided during the program. Per capita costs may not exceed $8 for a lunch and $20 for a dinner, excluding room rental. The number of invited guests may not exceed participants by more than a factor of two-to-one. Interpreters must be included as participants.

10. *Return travel allowance.* A return travel allowance of $70 for each foreign participant should be included in the budget. The allowance may be used for incidental expenses incurred during international travel.

11. *Health Insurance.* The ECA Bureau insures international and U.S. participants in a variety of exchange-of-persons programs at no cost to the participants. This insurance is not all-purpose health insurance; it is subject to specific limitations. This insurance is not intended to replace any insurance a participant may already have. Instead, the intent is to supplement existing coverage and to ensure that a participant's basic health is protected in a foreign country. Please see the fuller statement on insurance in the Proposal Submission Instructions.

12. *Administrative Costs.* Costs necessary for the effective administration of the program may include salaries for grantee organization employees, benefits, and other direct and indirect costs per detailed instructions in the PSI. (Indirect costs are allowable only when the applicant has an indirect cost rate agreement with a qualified U.S. Government office.) Applicants are encouraged to budget administrative costs for African partner organizations to cover their in-country costs. While there is no rigid ratio of administrative to program costs, preference will be given to proposals whose administrative costs are less than twenty-five (25) per cent of the total requested from the Bureau. Proposals should show strong administrative cost-sharing contributions from the applicant, the African partner and other sources.

Please refer to the Proposal Submission Instructions (PSI) for complete budget guidelines.

Announcement Title and Number

All communications with the Bureau concerning this Request for Grant Proposals (RFGP) should refer to the announcement title ''African Workforce Development'' and reference number ECA/PE/C/NEAAF–02–74.

FOR FURTHER INFORMATION CONTACT: The Office of Citizen Exchanges, ECA/PE/C/NEAAF, Room 216, U.S. Department of State, 301 Fourth Street, SW., Washington, DC 20547, attention: Jim Ogul, telephone: (202) 205–0535 and fax number: (202) 619–4350, Internet address: *jogul@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 June 10, 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 given in the Application Package. The applicant's original proposal and ten (10) copies (unbound) should be sent to: U.S. Department of State, SA–44, Bureau of Educational and Cultural Affairs, Ref.: ECA/PE/C/NEAAF–02–74, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

Applicants must also submit the ''Executive Summary'' and ''Proposal Narrative'' sections of the proposal on a 3.5″ diskette, formatted for DOS. These documents must be provided in ASCII text (DOS) format or Microsoft Word format. The Bureau will transmit these files electronically to the Public Affairs section at the US Embassy for its review, with the goal of reducing the time it takes to get embassy comments for the Bureau's grants review process.

Public Affairs Section (PAS) Involvement

The Public Affairs Sections of the U.S. Embassies (formerly known as USIS posts) play a key role throughout every phase of project development. Posts assist in evaluating project proposals; coordinating planning with the grantee organization and in-country partners; facilitating in-country activities; nominating participants and vetting grantee nominations; observing in-country activities; debriefing participants; and evaluating project impact. Posts are responsible for issuing DSP–2019 forms (formerly known as the IAP–66 form) in order for overseas participants to obtain necessary J–1 visas for entry to the United States. They also serve as a link to in-country partners and participants.

Nonetheless, overall project administration and implementation are the responsibility of the grantee. The grantee must inform the PAS in participating countries of its operations and procedures and coordinate with and involve PAS officers in the development of project activities. The PAS should be consulted regarding country priorities, current security issues, and related logistical and programmatic issues.

VISA Regulations: Foreign participants on programs sponsored by the Bureau are granted J–1 Exchange Visitor visas by the U.S. Embassy in the sending country. All programs must comply with J–1 visa regulations. Please refer to the Proposal Submission Instructions (PSI) for further information.

Selection of Participants: Proposals should include description of an open, merit-based process for selecting international travelers in this project, including methods of advertising, recruitment and selection. A sample application should be submitted with the proposal. Applicants should expect to carry out the entire recruitment

process, but the Bureau and the Public Affairs Sections of the U.S. Embassies abroad should also be consulted. The Bureau and the U.S. Embassies retain the right to nominate participants and to approve or reject participants recommended by the grantee institution. Priority must be given to foreign participants who have not traveled to the United States. ECA encourages applicants to design programs for non-English speakers where appropriate. The Bureau is particularly interested in projects that focus on or include persons with disabilities in any of the above-listed themes.

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 the Public Diplomacy sections of U.S. embassies overseas, where appropriate. 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 Cultural Affairs. Final technical authority for assistance awards (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 are important in the proposal evaluation. Proposals should address each of these criteria:

1. *Program Planning and Ability to Achieve Objectives:* Program objectives should be stated clearly and precisely and should reflect the applicant's expertise in the subject area and the region. Objectives should respond to the priority topics in this announcement, and relate to the current conditions in the target country or countries. Objectives should be reasonable, attainable, and tied to the anticipated outcomes of the project. A detailed work plan should explain step-by-step how objectives would be achieved and should include a timetable for completion of major tasks. The substance of project planning, orientation sessions, workshops, presentations, consultations, site visits and seed/sub-grant projects should be included as attachments (i.e. sample agendas, draft applications, etc.). Responsibilities of U.S. and in-country partners should be clearly described.

2. *Institutional Capacity:* The proposal should include: (a) The U.S. institution's mission and date of establishment; (b) detailed information about the capacity of any partner institutions, and the history of the partnership(s); (c) an outline of prior awards—U.S. government and private support received for the target theme/region; and (d) descriptions of experienced staff members and other resource persons who would implement the program. Proposed personnel and institutional resources should be adequate and appropriate to achieve the program's goals. The narrative should demonstrate proven ability to handle logistics. The proposal should reflect the institution's expertise in the subject area and knowledge of the conditions in the target country/region(s). Specific information about the African partners' activities and accomplishments is required and should be included in the section on ''Institutional Capacity.'' Resumes for individuals mentioned in the proposal should be included, including proposed U.S. and African staff, trainers, consultants, etc.

3. *Cost Effectiveness:* Overhead and administrative costs for the proposal, including salaries, honoraria and subcontracts for services, should be kept to a minimum.

4. *Cost Sharing:* Applicants are encouraged to cost share a portion of overhead and administrative expenses. Cost sharing, including contributions from the applicant, U.S. or African partners, and other sources, should be included in the budget. Although no minimum amount of cost sharing is stipulated in this competition, preference will be given to proposals which provide cost sharing of at least 20 percent of total program costs.

5. *Program Evaluation:* The proposal must include a plan and methodology to evaluate the program's successes, both as activities unfold and at the program's conclusion. ECA recommends that the proposal include a draft survey questionnaire or other technique (such as a series of questions for a focus group) to link outcomes to original program objectives. The evaluation plan should include a summation of goals and results desired, and an indication of what types of information would be used to determine if these goals were met or results achieved, as well as a description of how the applicant would gather and evaluate this information. Please include with the proposal any evaluation tools (survey/focus group questions) that would be used as part of the overall plan.

6. *Follow-On Activities:* The proposal should provide a plan for continued follow-on activity (beyond the ECA grant period), ensuring that ECA-supported programs are not isolated events. Follow-on activities sponsored by the applicant should be clearly outlined.

7. *Support of Diversity:* The proposed project should demonstrate substantive support of the Bureau's policy on diversity. Program content (training sessions, resource materials, follow-on activities) and program administration (participant selection process, orientation, evaluation, resource/staff persons) should address diversity in a comprehensive and innovative manner. Applicants should refer to ECA's Diversity, Freedom and Democracy Guidelines below and on page four of the Proposal Submission Instructions (PSI).

8. *Multiplier Effect/Impact:* Applicants should describe how responsibility and ownership of the program would be transferred to the African participants to ensure continued

activity and impact. Programs should be designed so that the sharing of information and training that occurs during the grant period will continue long after the grant period is over. Proven methods of sustainability include, but are not limited to: A model TOT program that would include initial training, practice presentation sessions for the African participants, followed by training activities coordinated and implemented by the African participants in their home countries; a commitment to create or support in-country training/resource centers; a curriculum program that would include teacher training, lesson plan development, and cooperation with ministries of education and related education administrators on implementation; development of online communities, professional networks or professional associations; regularly published electronic and/or hard-copy newsletters.

Proposals will be more competitive to the extent that they have: an active, existing partnership between a U.S. organization and African institution(s); a proven successful track record for conducting program activity; cost-sharing from U.S. and African sources, including donations of air fares, hotel and/or housing costs, ground transportation, interpreters, room rentals, etc.; experienced staff with relevant language ability; a clear, convincing plan outlining exactly how the program components will be carried out and how permanent results will be accomplished as a result of the grant; and a follow-on plan that extends beyond the Bureau grant period. Please refer to the Review Criteria above.

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.'' Funding authority for the program cited above is provided through the Fulbright-Hays Act.

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 U.S. Department of State procedures.

Dated: April 11, 2002.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 02–9503 Filed 4–17–02; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 3993]

Bureau of Educational and Cultural Affairs Request for Grant Proposals: FREEDOM Support Educational Partnerships Program (Formerly NIS College and University Partnerships Program and NIS Community College Partnerships Program)

SUMMARY: The Office of Global Educational Programs of the Bureau of Educational and Cultural Affairs in the Department of State announces an open competition for the FREEDOM Support Educational Partnerships Program. Accredited, post-secondary educational institutions meeting the provisions described in Internal Revenue Code section 26 USC 501(c)(3) may apply to pursue institutional or departmental objectives in partnership with foreign counterpart institutions with support from the FREEDOM Support Educational Partnerships Program. These objectives should support the overall goals of the Program: to support democratic systems and market economies in Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Ukraine, and Uzbekistan, and to strengthen mutual understanding and cooperation between these countries and United States on subjects of enduring common interest to the participating countries and institutions. The means for achieving these objectives may include teaching, scholarship, and outreach to professionals and other members of the communities served by the participating institutions.

Program Overview

The FREEDOM Support Educational Partnerships Program, formerly known as the NIS College and University Partnerships Program and as the NIS Community College Partnerships Program, supports institutional linkages in higher education with partners in eligible countries with funding available through the FREEDOM Support Act. In each of the three prior years, the Bureau issued a separate solicitation for community colleges. This year, in an effort to streamline the administration of grants, both programs are combined in this RFGP.

The Bureau also supports institutional linkages in higher education with partners worldwide through the Fulbright Educational Partnerships Program. Pending availability of FY 2003 funding, it is anticipated that a separate Request for Grant Proposals for the Fulbright Educational Partnerships Program will appear on the State Department Web site at *http://exchanges.state.gov/education/rfgps.*

Other RFGPs for educational partnerships may also be published this fiscal year.

Project Objectives

This RFGP does not prescribe specific project objectives, but establishes the parameters within which applicants are invited to propose projects. Proposals should explain how project activities will enable participants to achieve specific institutional changes. Institutional objectives should be consistent with the Program's goal of supporting democratic systems based on market economies in the eligible countries. While the benefits of the project to each of the participating institutions may differ significantly in nature and scope based on their respective needs and resource bases, proposals should outline well-reasoned strategies that are designed to meet specific objectives for each participating U.S. and foreign department or institution as a whole. Proposals to pursue a limited number of related thematic objectives at each institution are generally preferred to proposals addressing a large number of unrelated objectives.

For example, proposals may outline the parameters and possible content of new courses; new research or teaching specializations or methodologies; new

or revised curricula; new programs for outreach to educators, professional groups, or the general public. Proposals should explain clearly their strategies to promote curriculum, faculty, and staff development, as well as administrative reform, at the foreign partner institution(s). Projects may result in the development of a new academic program or the restructuring of an existing program, and should equip institutions of higher education to contribute to democracy and open markets in the foreign partner country. Plans to enable participants to extend the benefits of the project to larger audiences through outreach to foreign government, NGO, and business representatives are especially encouraged. Proposals should also outline benefits that would accrue to the U.S. institutional partner(s).

In addition to demonstrating how each participating institution can assist its partner(s) to meet institutional goals, proposals should also explain how this cooperation will enable each institution to address its own needs. Accordingly, applicants are encouraged to describe the needs and deficiencies as well as the capabilities and strengths of each participating department and institution, and how each institution will contribute to and benefit from the achievement of project objectives. Proposals that realistically assess institutional capacities will be better able to outline compelling objectives that address institutional needs and justify a request for support. To be competitive, proposals should demonstrate that the participating institutions understand one another and are committed to mutual support and cooperation in project implementation.

If the proposed partnership would occur within the context of a previous or ongoing project, the proposal should explain how the request for Bureau funding would build upon the pre-existing relationship or complement previous and concurrent projects. Previous projects should be described, with details about the amounts and sources of support and the results of previous cooperative efforts.

Institutions receiving partnership grant awards will be expected to submit periodic reports on the results of program activities. Proposals should outline and budget for a methodology for project evaluation. The evaluation plan should include an assessment of the current status of each participating department's and institution's needs at the time of program inception with specific reference to project objectives; formative evaluation to allow for mid-course revisions in the implementation strategy; and, at the conclusion of the project, summative evaluation of the degree to which the project's objectives have been achieved together with observations about the project's continuing potential to influence the participating institutions and their surrounding communities or societies. The final evaluation should also include recommendations about how to build upon project achievements. Evaluative observations by external consultants with appropriate subject and regional expertise are especially encouraged.

Costs

A U.S. college or university must submit the proposal and must be prepared to serve as the grant recipient with responsibility for project coordination. Proposals must include letters of commitment from all institutional partners including the institution submitting the proposal. Each letter must be signed by an official who is authorized to commit institutional resources to the project.

The commitment of all partner institutions to the proposed project should be reflected in the cost-sharing which they offer in the context of their respective institutional capacities. Although the contributions offered by U.S. and foreign institutions with relatively few resources may be less than those offered by applicants with greater resources, all participating institutions should identify appropriate cost-sharing. These costs may include estimated in-kind contributions. Proposed cost-sharing will be considered an important indicator of each participating institution's interest in the project and potential to benefit from it.

The Bureau's support may be used to assist with the costs of the exchange visits as well as the costs of the administration of the project by the U.S. grantee institution. U.S. administrative costs that may be covered by the Bureau include administrative salaries, faculty replacement costs, and direct administrative costs but not indirect costs. In addition to the U.S. administrative costs, the cost of administering the project at the foreign partner organization(s) is eligible for the Bureau's support and may be listed within the program budget. Although each grant will be awarded to a single U.S. institutional partner, adequate provision in the proposal for the administrative costs of the project at all partner institutions, including the foreign partner(s), is strongly encouraged especially if a foreign partner has relatively few resources. More information on partner institution eligibility in this competition is found in this RFGP under the headings ''U.S. Institution and Participant Eligibility'' and ''Foreign Institution and Participant Eligibility.''

The proposal may include a request for funding to reinforce the activities of exchange participants through the establishment and maintenance of Internet and/or electronic mail facilities as well as through interactive technology or non-technology-based distance-learning programs. Funding may not be used for the establishment or maintenance of these facilities at governmental organizations in the U.S. or at foreign governmental organizations other than universities. Projects focusing primarily on technology or physical infrastructure development are not eligible for consideration under this competition. The funding requested for educational and technical materials in support of project activities should not exceed 25 percent of the Bureau's funding for the project. Proposals with distance learning components should describe pertinent course delivery methods, audiences, and technical requirements. Proposals that include Internet, electronic mail, and other interactive technologies in countries where these technologies are not easily maintained or financed should discuss how the foreign partner institution will cover their costs after the project ends.

See the associated document entitled ''Project Objectives, Goals, and Implementation'' (POGI) for additional information on the funding the Bureau may provide and on restrictions and maximum amounts that apply to certain budget categories.

Applicants may propose other project activities not specifically mentioned in this solicitation if the activities reinforce the impact of the project.

Pending the availability of FY 2003 funds, the maximum award in the FY 2003 competition will be $300,000. The program awards grants for approximately three years.

Awards may be extended on a no-cost basis beyond the initial grant period by mutual agreement if progress toward project goals is satisfactory. Requests for amounts smaller than the maximum are eligible. Budgets and budget notes should carefully justify the amounts requested. Grants awarded to organizations with less than four years of experience in conducting international exchange programs will be limited to $60,000.

Foreign Country and Location Eligibility

Foreign partners from the following countries are eligible:

—Armenia;
—Azerbaijan;
—Georgia;
—Kazakhstan;
—Kyrgyzstan;
—Moldova;
—Russia: Proposals for partnerships with institutions located in Moscow or St. Petersburg should clearly indicate how those partnerships would have an impact on other regions. Proposals which designate a partner institution in the Russian Far East and in Tomsk are especially encouraged.
—Tajikistan: In consideration of the current State Department warning advising U.S. citizens to defer travel to Tajikistan, proposals should not include travel to Tajikistan by U.S. participants for at least the first year of the project. In the event a grant is awarded, the grantee should consult with the program office regarding possible travel by U.S. participants.
—Ukraine: Proposals which designate partner institutions outside Kiev are encouraged;
—Uzbekistan.

Partnerships including a secondary foreign partner in a country not included in the above list are eligible; however, with the exception noted below under the heading ''Central European Partners,'' the Bureau will not cover overseas partner costs of partners that are not from the eligible countries listed in this section.

Central European Partners: The Bureau encourages proposals that build upon established collaboration between U.S. institutions and their partners in Central and Eastern Europe in order to support faculty and curriculum development in eligible countries and to promote regional cooperation. Funds may be budgeted for the exchange of faculty between foreign partner institutions and institutions of higher learning in Central and Eastern Europe (applicants planning to submit proposals for trilateral partnerships with a partner from Central and Eastern Europe are encouraged to contact the program office).

Eligible Fields

The following fields are eligible:
—The social, political, and economic sciences;
—Business, accounting and trade;
—Journalism and media studies;
—Law;
—Public administration and public policy analysis;
—Library science;
—Education, continuing education, and educational administration. Projects in educational administration may address institutional administrative reform within one of the eligible fields above, may attempt to modernize university governance, or may support the creation of a degree or certificate program in educational administration.

U.S. Institution and Participant Eligibility

The lead institution and grant recipient in the project must be an accredited U.S. college or university. Applications from community colleges, institutions serving significant minority populations, undergraduate liberal arts colleges, comprehensive universities, research universities, and combinations of these types of institutions are eligible. The lead U.S. organization in a consortium or other combination of cooperating institutions is responsible for submitting the application. Each application must document the lead organization's authority to represent all U.S. cooperating partners. Secondary U.S. partners may include governmental or non-governmental organizations at the federal, state, or local levels as well as non-profit service, community and professional organizations.

With the exception of translators and outside evaluators, participation is limited to teachers, advanced graduate students, and administrators from the participating U.S. institution(s). All participants who are funded by the Bureau under the program budget and who represent the U.S. institution must be U.S. citizens. Advanced graduate students at the U.S. institution(s) are eligible for support from the project as visiting instructors at a reign partner institution.

Foreign Institution and Participant Eligibility

In eligible countries, participation as a primary partner is open to recognized degree granting institutions of post-secondary education. Secondary partners may include independent research institutes, relevant governmental organizations, and private non-profit organizations with project-related educational objectives. Except for translators and outside consultants reporting on the status of project objectives, participation is limited to teachers, administrators, researchers, or advanced students from the participating foreign institution(s). Any advanced student participant must have teaching responsibilities or be preparing for such responsibilities. 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. Foreign participants may not be U.S. citizens.

Ineligibility

A proposal will be deemed technically ineligible for consideration if:

(1) It does not fully adhere to the guidelines established in this document and in the Solicitation Package;

(2) It is not received by the deadline;

(3) It is not submitted by the U.S. partner;

(4) One of the partner institutions is ineligible;

(5) The foreign country or geographic location is ineligible.

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 cited above is provided through the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (FREEDOM Support Act).

Projects must conform with the Bureau's requirements and guidelines outlined in the solicitation package for this RFGP. Proposals that do not follow RFGP requirements and the guidelines appearing in the POGI and PSI will be excluded from consideration due to technical ineligibility.

Announcement Title and Number

All communications with the Bureau concerning this announcement should refer to the FREEDOM Support Educational Partnerships Program and reference number ECA/A/S/U–03–04.

Deadline for Proposals

All copies must be received at the Bureau of Educational and Cultural Affairs by 5 p.m. Washington, DC time on Friday, December 6, 2002. Faxed documents will not be accepted (although faxed letters of commitment from non-U.S. institutional partners

may be submitted as part of the original proposal), nor will documents postmarked on Friday, December 6, 2002 but received on a later date.

Approximate Grant Duration

Pending the availability of funds, grant activities should begin on or about September 1, 2003 and should be planned to extend for approximately three years.

To Download a Solicitation Package Via Internet

Projects must conform with the Bureau's requirements and guidelines outlined in the Solicitation Package for this RFGP. 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. The Solicitation Package includes the Project Objectives, Goals, and Implementation (hereafter, POGI) and the Proposal Submission Instructions (hereafter, PSI). 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.

FOR FURTHER INFORMATION CONTACT: For further information, contact the Humphrey Fellowships and Institutional Linkages Branch (FREEDOM Support Educational Partnerships Program); 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. Prospective applicants are strongly encouraged to communicate about their proposals with one of the following regional program officers: Alanna Bailey (telephone: (202) 205–8266, e-mail: *abailey@pd.state.gov*) on all inquiries and correspondence regarding partnerships in the Central Asia or Caucasus regions; Jonathan Cebra (telephone: (202) 205–8379, e-mail: *jcebra@pd.state.gov*) on all inquiries and correspondence regarding partnerships with institutions in Ukraine; Marie Grant (telephone: (202) 619–5313, e-mail: *mwestbro@pd.state.gov*) on inquiries and correspondence regarding partnerships in Moldova; Michelle Johnson (telephone: (202) 205–8434, e-mail: *johnsonmi@pd.state.gov*) on all inquiries and correspondence regarding partnerships with institutions in Russia.

Once the RFGP deadline has passed, Department staff may not discuss this competition in any way with applicants until the Bureau proposal review process has been completed.

Submissions

Applicants must follow all instructions given in the Solicitation Package. The original and 10 hard copies of the complete application package should be sent by the project's lead U.S. college or university to: U.S. Department of State, SA–44, Bureau of Educational and Cultural Affairs, Ref: ECA/A/S/U–03–04, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

No later than one week after the deadline for receipt of the grant proposal, applicants must also submit the ''Proposal Title Page,'' ''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–03–04 and the country or countries of the foreign partner(s) together with the names of the U.S. and foreign partner institutions. 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. All eligible proposals will be evaluated by independent external reviewers. These reviewers, who will be professional, scholarly, or educational experts with appropriate regional and thematic knowledge, will provide recommendations and assessments for consideration by the Bureau. The Bureau will consider for funding only those proposals which are recommended for funding by the independent external reviewers.

Proposals may be reviewed by the Office of the Legal Advisor or by other offices of the U.S. Department of State. In addition, U.S. Embassy officers may provide advisory comment. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) will reside with the Bureau's grants officer.

Review Criteria

All reviewers will use the criteria below to reach funding recommendations and decisions. Technically eligible applications will be reviewed competitively according to these criteria, which are not rank-ordered or weighted.

(1) *Broad and Enduring Significance of Institutional Objectives:* Project 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. Project objectives should relate clearly to institutional and societal needs.

(2) *Creativity and Feasibility of Strategy to Achieve Project Objectives:* Strategies to achieve project objectives should be feasible and realistic within the projected budget and timeframe. These strategies should utilize and reinforce exchange activities creatively to ensure an efficient use of program resources.

(3) *Institutional Commitment to Cooperation:* Proposals should demonstrate significant understanding by each institution of its own needs and capacities and of the needs and

capacities of its proposed partner(s), together with a strong commitment by the partner institutions, during and after the period of grant activity, to cooperate with one another in the mutual pursuit of institutional objectives.

(4) *Project Evaluation:* Proposals should outline a methodology for determining the degree to which a project meets its objectives, both while the project is underway and at its conclusion. The final project evaluation should include an external component and should provide observations about the project's influence within the participating institutions as well as their surrounding communities or societies.

(5) *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. We view cost sharing as a reflection of institutional commitment to the project. Although indirect costs are eligible for inclusion as cost sharing by the applicant, contributions should not be limited to indirect costs.

(6) *Support of Diversity:* Proposals should demonstrate substantive support of the Bureau's policy on diversity by explaining how issues of diversity are included in project 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 project implementation. In addition, project 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.

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any State Department representative. Explanatory information provided by the Department of State 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: April 11, 2002.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

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DEPARTMENT OF STATE

Bureau of Educational and Cultural Affairs

[Public Notice 3992]

Request for Grant Proposals: Fulbright Educational Partnerships Program

SUMMARY: The Office of Global Educational Programs of the Bureau of Educational and Cultural Affairs in the Department of State announces an open competition for the Fulbright Educational Partnerships Program. Accredited, post-secondary educational institutions meeting the provisions described in Internal Revenue Code section 26 USC 501(c)(3) may apply to pursue institutional or departmental objectives in partnership with foreign counterpart institutions with support from the Fulbright Educational Partnerships Program. These objectives should support the overall goals of the Program: to strengthen the understanding of the United States in foreign cultures and societies, and to strengthen the understanding of foreign cultures and societies in the United States, by encouraging cooperation between U.S. and foreign educational institutions on subjects of enduring common interest to the United States, to the other countries, and to the institutions participating in the Program. Proposals to increase the understanding of the United States in countries and societies with significantly Islamic populations are especially encouraged this fiscal year, as are proposals to increase the understanding of these countries and societies in the United States.

Program Overview

The Bureau's primary support for institutional academic linkages at the tertiary level was provided previously under programs known as the College and University Affiliations Program and the Educational Partnerships Program. The Fulbright Educational Partnerships Program is a new program carrying forward the traditions of its predecessors. As in any Fulbright exchange activity, the successful pursuit of project objectives will depend on the commitment of participants and their institutions to understand one another and their respective approaches to critical issues requiring international cooperation. Partners under this Program will be considered ''Fulbright institutional partners'' by the J. William Fulbright Foreign Scholarship Board.

The U.S. and foreign institutions of current and former Fulbright grantees are encouraged to submit proposals that build on the achievements of the individual Fulbrighters and extend their impact through broadened cooperation between the Fulbright host institution and the one to which the individual participant returns at the conclusion of the grant period. Other college and university teachers, researchers, and administrators are also encouraged to build on their knowledge of educational needs in the U.S. and foreign countries through institutional cooperation with support from the Fulbright Educational Partnerships Program. The review criteria outlined in this document emphasize the importance of mutual commitment and shared benefits. Proposals that do not benefit all institutional partners are not appropriate to this Program. Potential applicants are discouraged from proposing projects that have been developed previously for other programs unless the projects are reconceived with the overall goals and review criteria for the Fulbright Educational Partnerships Program clearly in mind.

Other RFGPs for educational partnerships may also be published this fiscal year.

Project Objectives

This RFGP for the Fulbright Educational Partnerships Program does not prescribe specific project objectives, but establishes the parameters within which applicants are invited to propose projects. Proposals should explain how project activities will enable participants to achieve specific institutional changes. While the benefits of the project to each of the participating institutions may differ significantly in nature and scope based on their respective needs and resource bases, proposals should outline well-reasoned strategies that are designed to meet specific objectives for each participating U.S. and foreign department or institution as a whole. For example, proposals may outline the parameters and possible content of new courses; new research or teaching specializations or methodologies; new or revised curricula; new programs for outreach to educators, professional groups, or the general public; or other changes

specifically anticipated as a result of the project. Proposals to pursue a limited number of related thematic objectives at each institution are preferred to proposals addressing a large number of unrelated objectives.

In addition to demonstrating how each participating institution can assist its partner(s) to meet institutional goals, proposals should also explain how this cooperation will enable each institution to address its own needs. Accordingly, applicants are encouraged to describe the needs and deficiencies as well as the capabilities and strengths of each participating department and institution, and to explain how each institution will contribute to and benefit from the achievement of project objectives. Proposals that realistically assess institutional capacities will be better able to outline compelling objectives that address institutional needs and justify a request for support. To be competitive, proposals should demonstrate that the participating institutions understand one another and are committed to mutual support and cooperation in project implementation.

If the proposed partnership would occur within the context of a previous or ongoing project, the proposal should explain how the request for Bureau funding would build upon the pre-existing relationship or complement previous and concurrent projects. Previous projects should be described, with details about the amounts and sources of support and the results of previous cooperative efforts.

Institutions receiving partnership grant awards will be expected to submit periodic reports on the results of program activities. Proposals should outline and budget for a methodology for project evaluation. The evaluation plan should include an assessment of the current status of each participating department's and institution's needs at the time of program inception with specific reference to project objectives; formative evaluation to allow for mid-course revisions in the implementation strategy; and, at the conclusion of the project, summative evaluation of the degree to which the project's objectives have been achieved together with observations about the project's continuing potential to influence the participating institutions and their surrounding communities or societies. The final evaluation should also include recommendations about how to build upon project achievements. Evaluative observations by external consultants with appropriate subject and regional expertise are especially encouraged.

Costs

A U.S. college or university must submit the proposal and must be prepared to serve as the grant recipient with responsibility for project coordination. Proposals must include letters of commitment from all institutional partners. Each letter must be signed by an official who is authorized to commit institutional resources to the project.

The commitment of all partner institutions to the proposed project should be reflected in the cost-sharing which they offer in the context of their respective institutional capacities. Although the contributions offered by U.S. and foreign institutions with relatively few resources may be less than those offered by applicants with greater resources, all participating institutions should identify appropriate cost-sharing. These costs may include estimated in-kind contributions. Proposed cost-sharing will be considered an important indicator of each participating institution's interest in the project and potential to benefit from it.

The Bureau's support may be used to assist with the costs of the exchange visits as well as the costs of the administration of the project. U.S. administrative costs that may be covered by the Bureau include administrative salaries, participant replacement costs, and other direct administrative costs but not indirect costs. In addition to the U.S. administrative costs, the cost of administering the project at the foreign partner organization(s) is eligible for support by the Bureau and may be listed within the program budget. Adequate provision in the proposal for the administrative costs of the project at all non-governmental partner institutions, including the foreign partner(s), is strongly encouraged especially if the foreign partner has relatively few resources. More information on partner institution eligibility in this competition is found in this RFGP under the headings ''U.S. Institution and Participant Eligibility'' and ''Foreign Country and Participant Eligibility.''

The proposal may include a request for funding to reinforce the activities of exchange participants through the establishment and maintenance of Internet and/or electronic mail facilities as well as through interactive technology or non-technology-based distance-learning programs. Funding may not be used for the establishment or maintenance of these facilities at governmental organizations in the U.S. or at foreign governmental organizations other than universities. Projects focusing primarily on technology or physical infrastructure development are not eligible for consideration under this competition. The funding requested for educational and technical materials in support of project activities should not exceed approximately 20 percent of the Bureau's funding for the project. Proposals with distance learning components should describe pertinent course delivery methods, audiences, and technical requirements. Proposals that include Internet, electronic mail, and other interactive technologies in countries where these technologies are not easily maintained or financed should discuss how the foreign partner institution will cover their costs after the project ends.

See the associated document entitled ''Project Objectives, Goals, and Implementation'' for additional information on the funding the Bureau may provide and on restrictions and maximum amounts that apply to certain budget categories.

Applicants may propose other project activities not specifically mentioned in this solicitation if the activities reinforce the impact of the project.

Pending the availability of FY 2003 funds, the maximum award in the FY 2003 competition will be $120,000. The minimum period of award is two years, and the maximum period of award is three years. Requests for amounts smaller than the maximum are eligible. Budgets and budget notes should carefully justify the amounts requested. Grants awarded to organizations with less than four years of experience in conducting international exchange programs will be limited to $60,000.

The response to Requests for Grant Proposals for the support of partnerships in higher education has been unusually strong in recent years. In FY 2001, the last year for which complete data are available, 99 eligible proposals were submitted to the College and University Affiliations Program, and 17 awards were made.

Foreign Country and Location Eligibility

The eligibility of foreign countries and locations varies from year to year. Proposals may not include more than one listed country or location except as noted below under the headings ''Western Hemisphere'' and ''South Asia.'' Although these sections indicate priority concerns and emphases within the world regions listed, applicants are reminded that their proposals should outline anticipated benefits to the U.S. partner(s) as well. Proposals to increase the understanding of the United States

in countries and societies with significantly Islamic populations are especially encouraged, as are proposals to increase the understanding of these countries and societies in the United States.

(1) *Europe/Eurasia:* We encourage proposals that will promote deeper understanding in the United States of social, cultural, and economic conditions in eligible European countries, and a deeper understanding in these countries of social, cultural, and economic conditions in the United States. We also encourage proposals that will equip universities in eligible European countries to support more market-oriented economies, democratic political life, civil society, or responsible administrative practices in the public sector.

Eligible for FY 2003: Former Yugoslav Republic of Macedonia, Poland, Romania, and Turkey.

In addition, pending availability of FY2003 funding, it is anticipated that a separate Request for Grant Proposals under the FREEDOM Support Educational Partnerships Program (which combines two programs formerly known as the NIS College and University Partnerships Program and the NIS Community College Partnerships Program) will appear for this fiscal year on the State Department website at *http://exchanges.state.gov/education/rfgps.* For information about the FREEDOM Support Educational Partnerships Program, which supports partnerships with countries previously recognized as belonging to the Soviet Union, contact the Humphrey Fellowships and Institutional Linkages Branch, Office of Global Educational Programs (ECA/A/S/U), Room 349, U.S. Department of State, State Annex 44, 301 4th Street, SW., Washington, DC 20547, phone: (202) 619–5289, fax: (202) 401–1433.

(2) *Sub-Saharan Africa:* We encourage projects that will strengthen the role of African institutions of higher education in an eligible country's development and that will encourage increased involvement of African universities with other local and international institutions that contribute to African social, political or economic development.

Eligible for FY2003: Nigeria, Eritrea, Ethiopia, Senegal, and Zambia.

(3) *Western Hemisphere:* We encourage projects that will strengthen civic or administrative reform, with special interest in economic reform, educational development, journalism, and media studies.

Eligible for FY 2003: Bolivia, Colombia, Dominican Republic, Ecuador, Haiti, Peru, and Venezuela. Up to two of these listed countries may be included with the U.S. in a project.

(4) *East Asia and the Pacific:* We encourage projects that will promote democratic values and practices, that will encourage good governance and responsible administrative practices in either the public sector or the private sector, that will strengthen civil society or the freedom and independence of the media, or that will help to create more transparent, market-oriented economies.

Eligible for FY 2003: Cambodia, People's Republic of China, Indonesia, Laos, Malaysia, the Philippines (with special interest in projects involving Mindanao), and Taiwan.

(5) *North Africa and the Middle East:* We encourage projects that will increase the understanding of Islamic cultures and societies in the United States, and the understanding of U.S. culture and society in the Islamic world. We also encourage projects that will strengthen civil society in eligible foreign countries, that will support economic development, or that will encourage responsible, transparent administration in the public sector.

Eligible for FY 2003: Algeria, Bahrain, Gaza, Egypt, Jordan, Lebanon, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, and West Bank.

(6) *South Asia:* We encourage projects that will increase the understanding of South Asian cultures and societies in the United States, and the understanding of the U.S. culture and society in South Asia. We also encourage projects that will promote the development of good governance and responsible administrative practices in either the public sector or the private sector in an eligible country; that will provide wider access to education; or that will address issues of social or religious diversity.

Eligible for FY 2003: Afghanistan, Bangladesh, India, and Pakistan. Up to two of these countries may be included with the U.S. in a project.

Eligible Fields

The following fields are eligible:

—The social, political, and economic sciences;
—Area and language studies, including American Studies;
—Business;
—Educational development or administration;
—Environmental studies;
—The fine arts;
—The humanities;
—Journalism and media studies;
—Law;
—Library science;
—Public administration;
—Public health policy and administration.

Projects in the physical, technical, and medical sciences are not eligible except when pertaining directly to health policy and administration. Additional information on themes of interest in specific world regions may be found under the heading ''Foreign Country and Location Eligibility.''

U.S. Institution and Participant Eligibility

The lead institution and grant recipient in the project must be an accredited U.S. college or university. Applications from community colleges, institutions serving significant minority populations, undergraduate liberal arts colleges, comprehensive universities, research universities, and combinations of these types of institutions are eligible. The lead U.S. organization in a consortium or other combination of cooperating institutions is responsible for submitting the application. Each application must document the lead organization's authority to represent all U.S. cooperating partners. Secondary U.S. partners may include governmental or non-governmental organizations at the federal, state, or local levels as well as non-profit service, community and professional organizations.

New applicants are especially encouraged to apply. Pending the availability of FY 2003 funds, the Bureau intends to provide at least 20 percent of the awards under the FY 2003 Fulbright Educational Partnerships Program to U.S. colleges and universities that have not received funding from the Bureau under an educational partnership or affiliations program during the previous seven fiscal years (since FY 1996). A list of previously issued educational partnership and affiliations grants can be found on the following website: *http://exchanges.state.gov/education/cuap/history.pdf*

With the exception of translators and outside evaluators, participation is limited to teachers, advanced graduate students, and administrators from the participating U.S. institution(s). All participants who are funded by the Bureau under the program budget and who represent the U.S. institution must be U.S. citizens. Advanced graduate students at the U.S. institution(s) are eligible for support from the project as visiting instructors or researchers at a foreign partner institution.

Foreign Institution and Participant Eligibility

In other countries, participation is open to recognized institutions of post-

secondary education, including state-supported and independent universities, research institutes, relevant governmental organizations, and private non-profit organizations with project-related educational objectives. Except for translators and evaluators, participation is limited to teachers, administrators, researchers, or advanced students from the participating foreign institution(s). Any advanced student participant must either have teaching or research responsibilities or be preparing for such responsibilities. 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. Foreign participants may not be U.S. citizens.

Ineligibility

A proposal will be deemed technically ineligible for consideration if:

(1) It does not fully adhere to the guidelines established in this document and in the Solicitation Package;

(2) It is not received by the deadline;

(3) It is not submitted by the U.S. partner;

(4) One of the partner institutions is ineligible;

(5) The foreign country or geographic location is ineligible.

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 cited above is provided through the Fulbright-Hays Act. Additional funding may be provided through separate appropriations that may be made available to the Bureau to support international educational partnerships.

Projects must conform with the Bureau's requirements and guidelines outlined in the solicitation package for this RFGP. Proposals that do not follow RFGP requirements and the guidelines appearing in the POGI and PSI will be excluded from consideration due to technical ineligibility.

Announcement Title and Number

All communications with the Bureau concerning this announcement should refer to the Fulbright Educational Partnerships Program and reference number ECA/A/S/U–03–01.

Deadline for Proposals

All copies must be received at the Bureau of Educational and Cultural Affairs by 5 p.m. Washington, DC time on Friday, November 22, 2002. Faxed documents will not be accepted (although faxed letters of commitment from non-U.S. institutional partners may be submitted as part of the original proposal), nor will documents postmarked on Friday, November 22, 2002 but received on a later date.

Approximate Grant Duration

Pending the availability of funds, grant activities should begin on or about September 1, 2003 and should be planned to extend over a period of two to three years.

To Download a Solicitation Package via Internet

Projects must conform with the Bureau's requirements and guidelines outlined in the Solicitation Package for this RFGP. 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. The Solicitation Package includes the Project Objectives, Goals, and Implementation (hereafter, POGI) and the Proposal Submission Instructions (hereafter, PSI). The entire Solicitation Package may be downloaded from the Bureau's website at: *http://exchanges.state.gov/education/rfgps.* Please read all information before downloading.

FOR FURTHER INFORMATION: For further information, contact the Humphrey Fellowships and Institutional Linkages Branch (Fulbright Educational Partnerships Program); 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. Prospective applicants are strongly encouraged to communicate about their proposals with one of the following Fulbright Educational Partnerships regional program officers: for sub-Saharan Africa, the Western Hemisphere and Europe: Maria Urbina, e-mail: *murbina@pd.state.gov;* and for East Asia, North Africa, the Middle East, and South Asia: Joan Zaffarano, e-mail: *jzaffara@pd.state.gov.*

Once the RFGP deadline has passed, Department staff may not discuss this competition in any way with applicants until the Bureau proposal review process has been completed.

Submissions

Applicants must follow all instructions given in the Solicitation Package. The original and 10 hard copies of the complete application package should be sent by the project's lead U.S. college or university to: U.S. Department of State, SA–44, Bureau of Educational and Cultural Affairs, Ref: ECA/A/S/U–03–01, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

No later than one week after the deadline for receipt of the grant proposal, applicants must also submit the ''Proposal Title Page,'' ''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–03–01 and the country or countries of the foreign partner(s) together with the names of the U.S. and foreign partner institutions. To reduce the time needed to obtain advisory comments from the Public Affairs Sections of U.S. Embassies overseas and from binational Fulbright Commissions, 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. All eligible proposals will be evaluated by independent external reviewers. These reviewers, who will be professional, scholarly, or educational experts with appropriate regional and thematic knowledge, will provide recommendations and assessments for consideration by the Bureau. The Bureau will consider for funding only those proposals which are recommended for funding by the independent external reviewers.

Proposals may be reviewed by the Office of the Legal Advisor or by other offices of the U.S. Department of State. In addition, U.S. Embassy or binational Fulbright Commission officers may provide advisory comment. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Proposals must also be approved by the J. William Fulbright Foreign Scholarship Board. Final technical authority for assistance awards (grants or cooperative agreements) will reside with the Bureau's grants officer.

Review Criteria

All reviewers will use the criteria below to reach funding recommendations and decisions. Technically eligible applications will be reviewed competitively according to these criteria, which are not rank-ordered or weighted.

(1) *Broad and Enduring Significance of Institutional Objectives:* Project 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. Project objectives should relate clearly to institutional and societal needs.

(2) *Creativity and Feasibility of Strategy to Achieve Project Objectives:* Strategies to achieve project objectives should be feasible and realistic within the projected budget and timeframe. These strategies should utilize and reinforce exchange activities creatively to ensure an efficient use of program resources.

(3) *Institutional Commitment to Cooperation:* Proposals should demonstrate significant understanding by each institution of its own needs and capacities and of the needs and capacities of its proposed partner(s), together with a strong commitment by the partner institutions, during and after the period of grant activity, to cooperate with one another in the mutual pursuit of institutional objectives.

(4) *Project Evaluation:* Proposals should outline a methodology for determining the degree to which a project meets its objectives, both while the project is underway and at its conclusion. The final project evaluation should include an external component and should provide observations about the project's influence within the participating institutions as well as their surrounding communities or societies.

(5) *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. We view cost sharing as a reflection of institutional commitment to the project. Although indirect costs are eligible for inclusion as cost sharing by the applicant, contributions should not be limited to indirect costs.

(6) *Support of Diversity:* Proposals should demonstrate substantive support of the Bureau's policy on diversity by explaining how issues of diversity are included in project 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 project implementation. In addition, project 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.

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any State Department representative. Explanatory information provided by the Department of State 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: April 11, 2002.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 02–9505 Filed 4–17–02; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

Bureau of Nonproliferation

[Public Notice 3994]

Correction to Public Notice 3838: Waiver of Certain Missile Proliferation Sanctions Imposed on the Pakistani Ministry of Defense (MOD)

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: This is a correction to Public Notice 3838, ''Waiver of Certain Missile Proliferation Sanctions Imposed on the Pakistani Ministry of Defense (MOD),'' issued November 13, 2001. P.N. 3838 contains a typographical error under ''Supplementary Information,'' line 15. The incorrect text reads, ''* * * (1) To support Operation Enduring Freedom and (2) to permit sale * * *.'' The correct text (below) should read, ''* * * (1) To support Operation Enduring Freedom or (2) to permit sale * * *.'' The corrected public notice is reproduced below in order to clarify the scope of the November 2, 2001 determination.

EFFECTIVE DATE: November 2, 2001.

FOR FURTHER INFORMATION CONTACT: On missile sanctions issues: Pamela Roe, Office of Chemical, Biological and Missile Nonproliferation, Bureau of Nonproliferation, Department of State, (202) 647–4931. On U.S. Government contracts: Gladys Gines, Office of the Procurement Executive, Department of State, (703–516–1691).

SUPPLEMENTARY INFORMATION: Pursuant to section 73(e) of the Arms Export Control Act (22 U.S.C. 2797b(e)), section 11B(b)(5) of the Export Administration

Act of 1979 (50 U.S.C. app. 2410b(b)(5))(as carried out under Executive Order 13222 of August 17, 2001 (66 FR 44025)), and section 2 of Public Law 107–57, a determination was made on November 2, 2001, that it is essential to the national security of the United States to waive missile proliferation sanctions imposed on November 21, 2000, on the Pakistani Ministry of Defense (''MOD''), its sub-units and successors, as follows:

The prohibition on exports of items and technology and U.S. Government contracts as described in section 73(a)(2)(B) of the Arms Export Control Act (22 U.S.C. 2797b(a)(2)(B)) and the prohibition on new individual export licenses as described in section 11B(b)(1)(B)(ii) of the Export Administration Act of 1979 (50 U.S.C. app. 2410b(b)(1)(B)(ii)) were waived for transactions determined to be needed (1) to support Operation Enduring Freedom or (2) to permit sale or export to Pakistan of defense articles or defense services comparable to those delivery of which was blocked by the imposition of sanctions on May 30, 1998.

The following missile proliferation sanctions will remain in place:

(1) Sanctions against the Pakistani entities Space and Upper Atmosphere Research Commission (SUPARCO) and National Development Complex (NDC);

(2) Import sanctions against the Pakistani MOD pursuant to section 73(a)(2)(C) of the Arms Export Control Act and section 11B(b)(1)(B)(iii) of the Export Administration Act;

(3) Prohibition on new State or Commerce export licenses to and new USG contracts with the Pakistani MOD in the absence of a determination that the transaction is within the scope of the waiver described above.

Implementing Procedures: This correction notice also serves as instruction to all U.S. Government agencies as to the procedures for implementing this waiver. Initiating authorities will seek concurrence from the Under Secretary of State for Arms Control and International Security that proposed new individual export licenses or U.S. Government contracts with the Pakistani MOD are within the scope of the waiver. Initiating authorities are instructed to obtain the views of the Departments of State, Defense, Commerce and Treasury as to whether proposed individual export licenses or U.S. Government contracts with the Pakistani MOD are within the scope of the waiver and include those interagency views in their submission to the Under Secretary of State for Arms Control and International Security, who will make the final determination as to whether the proposed licenses or contracts are within the scope of the waiver.

These procedures will remain in effect until November 21, 2002 or until otherwise notified prior to this date.

Dated: April 12, 2002.

John S. Wolf,

Assistant Secretary of State for Nonproliferation, Department of State.

[FR Doc. 02–9507 Filed 4–17–02; 8:45 am]

BILLING CODE 4710–25–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Procedures for Further Consideration of Requests for Exclusion of Particular Products From Actions With Regard to Certain Steel Products Under Section 203 of the Trade Act of 1974, as Established in Presidential Proclamation 7529 of March 5, 2002

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: In a notice published on October 26, 2001 (66 F.R. 54321) (Notice), the Trade Policy Staff Committee (TPSC) established procedures for interested persons to request the exclusion of particular products from any action the President might take under section 203 of the Trade Act of 1974, as amended, (19 U.S.C. 2253) (Trade Act) with regard to certain steel products. Presidential Proclamation 7529 of March 5, 2002 established such actions (safeguard measures) with regard to certain steel products, but excluded some of the particular products identified in requests for exclusion made in response to the Notice. *See* 67 F.R. 10553 (March 7, 2002). Proclamation 7529 authorized the United States Trade Representative (USTR) to further consider requests for exclusion of particular products (exclusion requests) submitted in accordance with the procedures set out in the Notice. The USTR is establishing procedures for further consideration of such requests and, to the extent possible, for consideration of exclusion requests submitted after the time period specified in the Notice.

EFFECTIVE DATE: April 18, 2002.

FOR FURTHER INFORMATION CONTACT: Office of Industry, Office of the United States Trade Representative, 600 17th Street, NW, Room 501, Washington DC, 20508. Telephone (202) 395–5656.

SUPPLEMENTARY INFORMATION: On October 22, 2001, the ITC issued affirmative determinations under section 202(b) of the Trade Act (22 U.S.C. 2252(b)) that (1) carbon and alloy steel slabs, plate (including cut-to-length plate and clad plate), hot-rolled sheet and strip (including plate in coils), cold-rolled sheet and strip (other than grain-oriented electrical steel), and corrosion-resistant and other coated sheet and strip; (2) carbon and alloy hot-rolled bar and light shapes; (3) carbon and alloy cold-finished bar; (4) rebar; (5) carbon and alloy welded tubular products (other than oil country tubular goods); (6) carbon and alloy flanges, fittings, and tool joints; (7) stainless steel bar and light shapes; and (8) stainless steel rod are being imported in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industries producing those products. The Commissioners voting were equally divided with respect to the determination under section 202(b) of the Trade Act as to whether increased imports of (9) carbon and alloy tin mill products; (10) tool steel, all forms; (11) stainless steel wire; and (12) stainless steel flanges and fittings are being imported in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industries producing those products.

On October 26, 2001, the TPSC published the Notice, which requested comments on what action the President should take under section 203 of the Trade Act, including any exclusion requests. The TPSC received more than 200 requests, covering approximately 1000 particular products. Each request was assigned a tracking number, beginning with an X (the X number), and posted on the USTR website, *http://www.ustr.gov/sectors/industry/steel201/exclusion_requests.htm*.

On March 5, 2002, the President issued Proclamation 7529, which established safeguard measures in the form of increases in duty and a tariff-rate quota pursuant to section 203 of the Trade Act on imports of ten steel products described in paragraph 7 of that proclamation. Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m., EST, on March 20, 2002, Proclamation 7529 modifies the HTS so as to provide for such increased duties and a tariff-rate quota. Proclamation 7529 also delegated to the USTR the authority to further consider exclusion requests submitted in accordance with the procedures set out in the Notice and, upon publication in the **Federal Register** of a notice of his finding that a particular product should be excluded, to modify the HTS provisions

created by the Annex to that proclamation to exclude such particular product from the pertinent safeguard measure. USTR published a notice in 67 F.R. 16484 (April 5, 2002), excluding certain particular products from the safeguard measure.

To facilitate the further consideration of exclusion requests submitted in accordance with the procedures set forth in the Notice, USTR requests interested persons who remain interested in the exclusion of a particular product identified by an X number to provide additional information, and to organize previously submitted information in a standard format. USTR, in conjunction with the U.S. Department of Commerce, has developed a series of questions designed to elicit information that clearly identifies the product under consideration, and to provide detailed information on the requester's situation. These questions, presented in the form of a requester questionnaire, are available on the USTR and Commerce Department websites at < *http://ia.ita.doc.gov/steel/exclusion/*>. Interested persons who remain interested in the exclusion of a particular product that has received an X number should provide responses to this questionnaire by April 23, 2002.

Short descriptions of the particular products covered by complete questionnaire responses will be posted on the website by April 30, 2002. To facilitate the further consideration of previously submitted objections to exclusion requests, USTR requests interested persons who remain interested in opposing the exclusion of a particular product identified by an X number to provide additional information, and to organize previously submitted information in a standard format.

USTR, in conjunction with the Commerce Department, has developed a series of questions designed to substantiate any objections. These questions, presented in the form of an objector questionnaire, will be available on the USTR and Commerce Department websites at <*http://ia.ita.doc.gov/steel/exclusion/*>. Interested persons must submit a complete objector questionnaire by May 13, 2002.

To the extent possible, USTR will consider requests for exclusion of products that have not received an X number. Interested persons requesting the exclusion of such a product should submit a requester questionnaire before May 20, 2002. The procedures for submitting such additional requests for exclusion will be announced in a **Federal Register** notice that will be issued shortly.

If a complete response to the requester questionnaire with regard to a particular product has not been received by the date indicated above, USTR may disregard the exclusion request for that product. If a complete response to the objector questionnaire with regard to a particular product has not been received by the date indicated above, USTR will assume that the domestic industry does not object to the exclusion of that particular product.

Each request will be evaluated on a case-by-case basis. USTR will grant only those exclusions that do not undermine the objectives of the safeguard measures. In analyzing the requests, USTR will consider whether the product is currently being produced in the United States, whether substitution of the product is possible, whether qualification requirements affect the requestor's ability to use domestic products, inventories, whether the requested product is under development by a U.S. producer who will imminently be able to produce it in marketable quantities and any other relevant factors. Where necessary, USTR and/or the Commerce Department will meet with parties to discuss the information that was submitted and/or to gain additional information.

Every effort will be made to process requests as soon as possible consistent with resources and the quality of information that is received. Requests identified by an X number will receive primary consideration.

Submission of Requests for Exclusion and Opposition to Requests for Exclusion

Interested persons submitting a response to a requester or objector questionnaire should file six paper copies of the questionnaire responses with the Department of Commerce Central Records Unit (B099), along with an electronic version in WordPerfect or Microsoft Word format on a computer diskette. The submitter must provide the following information at the top of the first page of each paper copy, and on a label affixed to any computer diskette: (1) ''Steel 201 Proceedings;'' (2) either, the X number or ''New Request'' applicable to the product in question; and (3) ''Response to Requester's Questionnaire'' or ''Response to Objector's Questionnaire.'' The questionnaire response must include a response to each question, except that a questionnaire response covering a new exclusion request may omit responses to questions related to the X number of the product in question.

Any description of the product subject to an exclusion request must include only publicly available information, in text form (no tables or graphs), with all units of measurement converted to metric equivalents. The description must be sufficient to differentiate the product from other products, and to allow for enforcement of the exclusion, if granted, by the U.S. Customs Service.

We strongly discourage the submission of business confidential information. Any questionnaire response that contains business confidential information must be accompanied by six copies of a public summary that does not contain business confidential information, and a diskette containing an electronic version of the public summary. Any paper submission and diskette containing business confidential information must be clearly marked ''Business Confidential'' at the top and bottom of the cover page (or letter) and each succeeding page of the submission, and on the label of the diskette. The version that does not contain business confidential information should also be clearly marked, at the top and bottom of each page, ''public version'' or ''nonconfidential,'' and on the label of the diskette.

Paperwork Reduction Act

This notice contains a collection of information provision subject to the Paperwork Reduction Act (PRA) that the Office of Management and Budget (OMB) has approved. Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB number. This notice's collection of information burden is only for those persons who wish voluntarily to request the exclusion of a product from the safeguard measures. It is expected that the collection of information burden will be no more than 20 hours. This collection of information contains no annual reporting or record keeping burden. OMB approved this collection of information under OMB Control Number 0350–0011. Please send comments regarding the collection of information burden or any other aspect of the information collection to USTR at the address above.

Robert B. Zoellick,

United States Trade Representative.

[FR Doc. 02–9518 Filed 4–17–02; 8:45 am]

BILLING CODE 3190–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Supplemental Information From U.S. Carriers Required To Monitor Industry Development and Recovery

AGENCY: Office of the Secretary, DOT.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, as amended), this notice announces the Department of Transportation's (DOT) intention to request the extension of a previously approved collection.

DATES: Comments on this notice must be received June 17, 2002.

ADDRESSES: Comments should be directed to the Assistant General Counsel For Regulation and Enforcement, Office of the Secretary, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Deputy Assistant General Counsel For Regulation and Enforcement, Office of the Secretary, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–9306.

SUPPLEMENTARY INFORMATION:

Title: Supplemental Information from U.S. Carriers Required to Monitor Industry Development and Recovery.

OMB Control Number: 2105–0544.

Type of Request: Authority for the currently approved data collection expired on February 28, 2002. By this notice, the Department is requesting an extension until February 28, 2003.

Abstract: As a consequence of the terrorist attacks on the United States on September 11, 2001, the U.S. commercial aviation industry suffered severe financial losses. These losses placed the financial survival of many air carriers at risk. Acting rapidly to preserve the continued viability of the U.S. air transportation system, President Bush sought and Congress enacted the Air Transportation Safety and System Stabilization Act (''the Act''), Public Law 107–42.

In order to monitor developments in the recovery of the airline industry and to evaluate various options for financial and other assistance, we believe that supplemental ad hoc information submitted on a weekly basis by the airlines is critically necessary. This is because information and data currently routinely submitted by the airlines to the Department has substantial time lags.

The Department specifically requires copies (printed or electronic) of routine reports already being prepared by the airlines which cover the following issues, or any other issue that the airlines believe would provide useful information: Financial Data (including year/year, week/week or similar relevant benchmarks) Operations Data (including year/year, week/week or similar relevant benchmarks) Traffic and Fare Data (including year/year, week/week or similar relevant benchmarks) Bookings & Cancellations Data (including year/year, week/week or similar relevant benchmarks).

Respondents: U. S. air carriers.

Estimated Number of Respondents: 70/185.

Estimated Total Burden on Respondents: 1050/1110.

Comments are invited on: Whether the proposed collection of Information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected, and (d) ways to minimize the burden of the collection of information of respondents, including the use of automated collection techniques or other forms of information technology.

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.

Issued in Washington DC, on April 9, 2002.

Neil R. Eisner,

Assistant General Counsel for Regulation and Enforcement.

[FR Doc. 02–9416 Filed 4–17–02; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular 23–XX–8B, Flight Test Guide for Certification of Part 23 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of proposed advisory circular (AC) and request for comments.

SUMMARY: This notice announces the availability of and requests comments on a proposed AC. Proposed AC 23–XX–8B provides information and guidance concerning an acceptable means, but not the only means, of compliance with Title 14 of the Code of Federal Regulations (14 CFR) part 23, subpart B and various sections under Subparts A, D, E, F and G from § 23.1 through 23.1589. The guidance applies to the flight tests and pilot judgements in normal, utility, acrobatic, and commuter category airplanes. The AC consolidates existing policy documents, and certain AC's that cover specific paragraphs of the regulations, into a single document. Material in the AC is neither mandatory nor regulatory in nature and does not constitute a regulation.

DATES: Comments must be received on or before June 17, 2002.

ADDRESSES: Send all comments on the proposed AC to: Federal Aviation Administration, Small Airplane Directorate, Aircraft Certification Service, Regulations and Policy (ACE–111), 901 Locust Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Ms. Pat Nininger, Standards Office, Small Airplane Directorate, Aircraft Certification Service, Kansas City, Missouri 64106, telephone (816) 329–4129, fax (816) 329–4090.

SUPPLEMENTARY INFORMATION: Any person may obtain a copy of this proposed AC by contacting the person named above under **FOR FURTHER INFORMATION CONTACT.** A copy of the AC will also be available on the Internet at *http://www.faa.gov/certification/aircraft/air_index.htm* within a few days.

Comments Invited

We invite interested parties to submit comments on the proposed AC. Commenters must identify AC 23–XX–8B and submit comments to the address specified above. The FAA will consider all communications received on or before the closing date for comments before issuing the final AC. The proposed AC and comments received may be inspected at the Standards Office (ACE–110), 901 Locust, Room 301, Kansas City, Missouri, between the hours of 8:30 and 4:00 p.m. weekdays, except Federal holidays by making an appointment in advance with the person listed under **FOR FURTHER INFORMATION CONTACT.**

Background

AC 23–8, Flight Test Guide for Certification of Normal, Utility, and Acrobatic Category Airplanes replaced FAA Order 8110.7, Engineering Flight Test Guide for Small Airplanes, dated June 20, 1972, and consolidated existing flight test policy. AC 23–8 did not cover commuter category airplanes. AC 23–8A updated the original 23–8 by adding information and guidance for commuter airplanes. AC 23–XX–8B again updates

the Flight Test Guide to incorporate information and guidance through 14 CFR part 23, Amendment 23–51. The AC also incorporates material harmonized with the European Joint Aviation Authorities (JAA). AC 23–XX–8B and the JAA Advisory Circular Joint for Flight Test are essentially identical for all sections with the exception of known disharmonies.

In 1968, the Federal Aviation Administration (FAA) instituted an extensive review of the airworthiness standards of part 23. Since then, the regulations have been amended through Amendment 23–53. These amendments have changed most of the sections of part 23. The revised advisory circular provides guidance for the original issue of part 23 and the various amendments through Amendment 23–51. The advisory circular covers policy available through June 30, 1994. Policy that became available after June 30, 1994, will be covered in future amendments to the advisory circular. Accordingly, the FAA is proposing and requesting comments on AC 23–XX–8B.

Issued in Kansas City, Missouri on March 6, 2002.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–9403 Filed 4–17–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Government/Industry Free Flight Steering Committee Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Government/Industry Free Flight Steering Committee meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the RTCA Government/Industry Free Flight Steering Committee.

DATES: The meeting will be held April 24, 2002, from 1 p.m.–3:30 pm.

ADDRESSES: The meeting will be held at FAA Headquarters, 800 Independence Avenue, SW., Bessie Coleman Conference Center (Room 2AB), Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036; telephone (202) 833–9339; fax (202) 833–9434; web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Free Flight Steering Committee meeting. The agenda will include:

- *April 24:*
- Opening Session (Welcome and Introductory Remarks, Review/Approve Summary of Previous Meeting)
- Status of Select Committee Tasking/Activities:
- Update NAS Concept of Operations
- Status of Concept of Equipage
- Status of Mandate vs. Voluntary Equipage
- Perspectives of Free Flight Phases 1 and 2
- Status of Airspace Restructuring Activity
- Safe Flight 21 Overview
- Status of Automatic Dependent Surveillance-Broadcast (ADS–B) Link Decision
- Discussion/Guidance to Select Committee
- Closing Session (Other Business, Date and Place of Next Meeting)

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on April 9, 2002.

Janice L. Peters,

FAA Special Assistance, RTCA Advisory Committee.

[FR Doc. 02–9407 Filed 4–17–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 199: Airport Security Access Control Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA special committee 199 meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 199: Airport Security Access Control Systems.

DATES: The meeting will be held on April 30, 2002 starting at 9 am.

ADDRESSES: The meeting will be held at RTCA, Inc., 1828 L Street, NW., Suite 805, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036; telephone (202) 833–9339; fax (202) 833–9434; Web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 199 meeting. The agenda will include:

- *April 30:*
- Opening Session (Welcome, Introductory and Administrative Remarks, Agenda Overview, Review Minutes of Previous Meeting, Action Items from Last Meeting)
- Workgroup Reports and Discussions on Developments, New Standard Text and Comments from members (Document Sections 1–4, Biometrics workgroup, Smart card workgroup, Database workgroup)
- Closing Session (Any Other Business, Establish Agenda for Next Meeting, Data and Place of Next Meeting)

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on April 3, 2002.

Janice L. Peters,

FAA Special Assistant, RTCA Advisory Committee.

[FR Doc. 02–9408 Filed 4–17–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 172: Future Air-Ground Communications in the Very High Frequency (VHF) Aeronautical Data Band (118–137 MHz)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA special committee 172 meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 172: Future Air-Ground Communications in the VHF Aeronautical Data Band (118–137 MHz).

DATES: The meeting will be held April 30–May 3, 2002 from 9 a.m. to 5 p.m. each day.

ADDRESSES: The meeting will be held at RTCA, Inc., 1828 L Street, NW., Suite 805, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, SW., Washington, DC 20036; telephone (202) 833–9339; fax (202) 833–9434; Web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 172 meeting. The agenda will include:

- *April 30:*
- Opening Plenary Session (Welcome and Introductory Remarks, Review of Agenda, Review Summary of Previous Meeting)
- Review and Final Resolution of VHF Data Link (VDL) Mode 2 Minimum Operational Performance Standard (MOPS) Final Review and Comment (FRAC) comments
- *Convene Working Group 3:* Review VDL Mode 3 MOPS
- *May 1:*
- *Working Group 3:* VDL Mode 3 MOPS work continues
- *Working Group 2:* Review changes to DO–224A and Change 1
- *May 2:*
- Plenary Reconvenes (Report and Review Status of Working Groups 2 and 3)
- Review Relevant International Activities (EUROCAE WG 47 status and issues, Others as appropriate)
- Closing Plenary Session (Other Business, Date and Place of Next Meeting)
- *Working Groups 2 and 3:* Continue as required
- *May 3:*
- *Working Groups 2 and 3:* Continue as required

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on April 9, 2002.

Janice L. Peters,

FAA Special Assistant, RTCA Advisory Committee.

[FR Doc. 02–9409 Filed 4–17–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on an Application 01–07–C–00–STL to Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Lambert-St. Louis International Airport, St. Louis, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments, notice of intent to rule on a PFC application.

SUMMARY: This document requests public comment on the supplementary material provided by the applicant, the City of St. Louis Airport Authority, in support of its application to the FAA for authority to impose and use the revenue from a PFC at Lambert-St. Louis International Airport under the provisions of the 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before May 20, 2002.

ADDRESSES: Comments on this supplemental information may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Central Region Airports Division, 901 Locust, Kansas City, MO 64106.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Col. Leonard L. Griggs, Jr., Director of Airports, Lambert-St. Louis International Airport, at the following address: City of St. Louis Airport Authority, PO Box 10212, St. Louis, MO 63145.

FOR FURTHER INFORMATION CONTACT: Lorna Sandridge, PFC Program Manager, FAA, Central Region, 901 Locust, Kansas City, MO 64106, (816) 329–2641. The supplemental information may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA originally requested public comment on this application in a notice published in the **Federal Register** at 66 FR 52474 dated October 15, 2001. The FAA now invites public comment on supplemental material provided by the applicant, the City, to the FAA after the original **Federal Register** comment period had closed and before the FAA issued its finding on the application, to the FAA in support of the City's application to impose and use the revenue from a PFC at STL for the northeast quadrant road. The supplemental material includes information that may have a bearing on the FAA's finding of the northeast quadrant road. The FAA will issue a decision on the City's application under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158) after this supplementary comment period has closed.

Background

As a part of the FAA's responsibilities with regard to rendering decisions on PFC applications, the FAA must determine that each approved project is adequately justified. After reviewing the application submitted by the City, the FAA found that further documentation was required to support a finding of adequate justification for the northeast quadrant road project. Accordingly, the FAA asked the City for information which the agency deemed to be a material supplement to the City's application provided after the close of the **Federal Register** comment period.

Any person may inspect the application and supplementary information described above in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT,** and at the FAA's Passenger Facility Charge Branch office located at FAA Headquarters, 800 Independence Avenue, SW., Washington, DC, in room 619 (call (202) 267–3845 to arrange for access).

In addition, any person may, upon request, inspect the application, notice and supplemental information germane to the application in person at the offices of the City of St. Louis Airport Authority.

Issued in Kansas City, Missouri, on March 25, 2002.

George A. Hendon,

Manager, Airports Division, Central Region.

[FR Doc. 02–9410 Filed 4–17–02; 8:45 am]

BILLING CODE 4910–13–M

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 favour of relief.

Metro-North Commuter Railroad & Connecticut Department of Transportation

[Docket Number FRA–2000–6778]

Metro-North Commuter Railroad (MNCW) and the Connecticut Department of Transportation (CDOT) seek an extension of time for a previously approved temporary waiver of compliance with the *Passenger Equipment Safety Standards*, 49 CFR part 238.235, which requires that by December 31, 1999, each power operated door that is partitioned from the passenger compartment shall be equipped with a manual override adjacent to that door. They request that the waiver be granted for 159 passenger coaches equipped with power operated side doors outside the passenger compartment. This request is for 59 cars not yet completed and, if granted, would allow an extension of time until December 31, 2002, for the installation of the manual overrides.

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–2000–6778) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room Pl–401, Washington, DC 20590. Communications received within 30 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 (9:00 a.m.—5:00 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 April 11, 2002.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 02–9420 Filed 4–17–02; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2002–11533]

Petition for Waiver of Compliance

In 1996, the Federal Railroad Administration (FRA) received from the National Railroad Passenger Corporation (Amtrak) a request for a waiver of compliance from certain requirements of FRA rail safety regulations in order to allow them to develop, implement, and test technology designed to prevent train collisions and overspeed violations. The pilot program was for the development, testing, installation, and demonstration of Incremental Train Control System (ITCS), a communications-based train control system, along Amtrak's Detroit to Chicago corridor. *See* 61 FR 41199 (August 7, 1996). That petition was docketed as Waiver Petition Docket No. H–96–1. Amtrak requested permission to operate under specified conditions, non-revenue test trains at speeds in excess of 79 mph, not to exceed 110 mph.

On September 24, 1999, the Federal Railroad Administration (FRA) modified certain conditions imposed in approval of Docket No. H–96–1. *See* 64 FR 25114 (May 19, 1999). FRA approved a phased test program. Phase One included operation of non-revenue test trains at speeds in excess of 79 mph, not to exceed 110 mph. In Phase Two ITCS would be implemented in revenue service with enforcement at speeds not to exceed 79 mph for a period not less than 90 days. Phase Three included implementation of ITCS in revenue service with enforcement at 2 speeds not to exceed 90 mph for a period of not more than 300 days. At the conclusion of the 300 day period, the waiver terminates.

Amtrak is now conducting tests as part of Phase three and as such, is operating non-revenue test trains at speeds up to 110 mph. Permission to operate this test train at that speed was granted in FRA's original approval of H–96–1.

The purpose of this notice is to provide an update of the status of this test program and to clarify the extent of the 1999 waiver modifications. Additionally, this waiver is being re-docketed in the Department of Transportation's Docket Management System to provide the public with electronic access to docketed materials. This public docket, Docket No. FRA–2002–11533 is available for inspection and downloading on the Internet at the docket facility's web site at *http://dms.dot.gov*. The docket is also available for inspection at DOT Central Docket Management Facility, Room PL–401 (Plaza Level) 400 Seventh Street, SW., Washington. DC.

Issued in Washington, DC on April 11, 2002.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 02–9421 Filed 4–17–02; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket Number: RSPA–4957 Notice]

Pipeline Safety: Renewal of Information Collection: Comment Request

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice and request for public comments.

SUMMARY: This notice requests public participation in the Office of Management and Budget (OMB) approval process regarding the renewal of an existing RSPA collection of information for Operator Qualification of Pipeline Personnel. RSPA intends to request OMB approval for renewal of this information collection under the Paperwork Reduction Act of 1995. The public is invited to submit comments on ways to minimize the burden associated with collection of information related to the operator qualification requirements in the pipeline safety regulations, as well as other factors listed in the body of this notice.

DATES: Comments on this notice must be received on or before June 17, 2002 to be assured of consideration.

ADDRESSES: Interested persons are invited to send comments in duplicate to the U.S. Department of Transportation, Dockets Facility, Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001 or e-mail to *dms.dot.gov*. Comments can be reviewed at the dockets facility which is open from 10 a.m. to 5 p.m., Monday through Friday, except on Federal

holidays, when the facility is closed. Comments must identify the docket number of this notice. Persons should submit the original documents and one (1) copy. Persons wishing to receive confirmation of receipt of their comments must include a stamped, self-addressed postcard. Please identify the docket and notice numbers shown in the heading of this notice. Documents pertaining to this notice can be viewed in this docket. The docket can also be viewed electronically at *dms.dot.gov*.

FOR FURTHER INFORMATION CONTACT: Marvin Fell, (202) 366–6205, to ask questions about this notice; or write by e-mail to *marvin.fell@rspa.dot.gov*.

SUPPLEMENTARY INFORMATION:

Title: National Operator Qualification of Pipeline Personnel.

Type of Request: Renewal of existing information collection.

Abstract: Congressional concern with the lack of skills of some pipeline personnel was expressed in the Pipeline Safety and Reauthorization Act of 1988 (Pub. L. 100–561). It authorized the Secretary of Transportation to require all individuals responsible for the operation and maintenance of pipeline facilities to be properly qualified to safely perform tasks on pipeline facilities. The operator qualification requirements are described in the pipeline safety regulations at 49 CFR part 192, subpart N and 49 CFR part 195, subpart G.

Respondents: Gas and hazardous liquid pipeline operators.

Estimated Number of Respondents: 50,000.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 466,667 hours.

Comments are invited on: (a) The need for the proposed collection of information for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

All timely written comments to this notice will be summarized and included in the request for OMB approval. All comments will also be available to the public in the docket.

Issued in Washington, DC, on April 10, 2002.

Stacey L. Gerard,

Associate Administrator for Pipeline Safety.

[FR Doc. 02–9415 Filed 4–17–02; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of applications for exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before May 20, 2002.

ADDRESS COMMENTS TO: Records Center, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption application number.

FOR FURTHER INFORMATION CONTACT: Copies of the application (see Docket Number) are available for inspection at the New Docket Management Facility, PL–401, at the U.S. Department of Transportation, Nassif Building, 400 7th Street, SW., Washington, DC 20590 or at *http://dms.dot.gov.*

This notice of receipt of applications for new exemptions is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on April 11, 2002.

R. Ryan Posten,

Exemptions Program Officer, Office of Hazardous Materials Exemptions and Approvals.

NEW EXEMPTIONS

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
12966–N	.....	Scientific Cylinder Corporation, Englewood, CO.	49 CFR (e)(8), (e)(15)(vi) and (e)(19), 173.34(e)(1), (e)(3), (e)(5), (e)(6), (e)(7).	To authorize the transportation in commerce of DOT–3AL cyclinders manufactured from 6351 alloy which have been examined by ultrasonic inspection in lieu of the internal visual test. (modes 1, 2, 3, 4)
22967–N	.....	Reilly Industries, Inc., Indianapolis, IN.	49 CFR 172.446, 172.560, 173.213.	To authorize the transportation in commerce of fused solid coal tar enamel in non-DOT specification open-top or closed-top sift proof metal packagings when the amounts meet or exceed the reportable quantity. (modes 1, 2, 3)
12969–N	.....	Arrowhead Industrial Services Inc., Graham, NC.	49 CFR 173.301(h), 173.302, 173.306(d)(3).	To authorize the transportation in commerce of non-DOT specification cyclinders containing Division 2.2 material overpacked in strong outside packaging for transporting to remote test sites. (mode 1)

NEW EXEMPTIONS—Continued

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
12970–N		IMR Corporation Tulsa, OK.	49 CFR 172.202(a)(1)	To authorize the transportation in commerce of limited quantities of hazardous material with alternative shipping name on shipping papers. (mode 1)
2972–N		Voltaix, Inc., North Branch, NJ.	49 CFR 173.301(j)	To authorize the transportation in commerce of non-DOT specification cylinders for export containing various compressed gases without pressure relief devices. (modes 1, 3)
2978–N		Genesis Environmental, Ltd., McKeesport, PA.	49 CFR 172.101 Col. 8(b) & 8(c), 173.197.	To authorize the transportation in commerce of solid regulated medical waste in non-DOT specification packaging consisting of a bulk outer packaging and a non-bulk inner packaging. (mode 1)
2979–N		Medical Microwave, Inc., Livington, NJ.	49 CFR 172.101 Col. 8(b) & 8(c), 173.197.	To authorize the transportation in commerce of solid regulated medical waste in non-DOT specification packaging consisting of a bulk outer packaging and a non-bulk inner packaging. (mode 1)
29782–N		Arthur L. Fleener, Ames, IA.	49 CFR 175.320	To authorize the transportation in commerce of Division 1.1 explosives, which are forbidden for shipment by passenger-carrying aircraft to remote areas when no other means of transportation is available. (mode 5)

[FR Doc. 02–9413 Filed 4–17–02; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Modification of Exemption

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applications for modification of exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Requests for modifications of exemptions (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix ''M'' denote a modification request. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comments must be received on or before May 3, 2002.

ADDRESS COMMENTS TO: Records Center, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Records Center, Nassif Building, 400 7th Street SW, Washington, DC or at http://dms.dot.gov.

This notice of receipt of applications for modification of exemptions is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Dated: Issued in Washington, DC, on April 11, 2002.

R. Ryan Posten,

Exemptions Program Officer, Office of Hazardous Materials Exemptions and Approvals.

Application No.	Docket No.	Applicant	Modification of exemption
4453–M		Dyno Nobel, Inc., Salt Lake City, UT (See Footnote 1)	4453
10751–M		Dyno Nobel, Inc., Salt Lake City, UT (See Footnote 2)	10751
10869–M		Norris Cylinder Company Longview, TX (See Footnote 3)	10869
11194–M		Carleton Technologies Inc., Pressure Technology Div. Glen Burnie, MD (See Footnote 4)	11194
11344–M		E.I. DuPont de Nemours & Company, Inc. Wilmington, DE (See Footnote 5)	11344
11380–M		Baker Atlas (Houston Technology Center) Houston, TX (See Footnote 6)	11380
11579–M		Dyno Nobel, Inc. Salt Lake City, UT (See Footnote 7)	11579
11759–M		E.I. DuPont de Nemours & Company, Inc., Wilmington, DE (See Footnote 8)	11759
12442–M	RSPA–00–7208	Cryogenic Vessel Alternatives, La Porte, TX (See Footnote 9)	12442
12443–M	RSPA–00–7209	Buckbee-Mears Cortland (BMC) Cortland, NY (See Footnote 10)	12443

[1] To modify the exemption to authorize the transportation of a Division 5.1 material in non-DOT specification cargo tanks, trailers and motor vehicles.

[2] To modify the exemption to authorize the transportation of additional Division 5.1 materials in non-DOT specification cargo tanks, trailers and motor vehicles.

[3] To modify the exemption to authorize an increase in service pressure from 500-psi to a maximum of 6000-psi for the non-DOT specification steel cylinders transporting certain Division 2.1, 2.2, 2.3 materials.

[4] To modify the exemption to authorize the transportation of additional Division 2.2 materials in non-DOT specification fully wrapped carbon-fiber reinforced aluminum lined cylinders.

[5] To modify the exemption to authorize the transportation of an additional Division 6.1 material in DOT specification tank cars.

[6] To modify the exemption to authorize a new tank assembly design for the non-DOT specification seamless cylinders transporting Division 2.1 materials.

[7] To modify the exemption to authorize the transportation of additional Division 5.1 materials in non-DOT specification cargo tanks.

[8] To modify the exemption to authorize the transportation of a Division 6.1 material in DOT specification tank cars.

[9] To modify the exemption to authorize an increased service pressure from 45 psig to 100 psig for the 2200 gallon capacity internal insulated portable tank for the transportation of Division 2.2 materials.

[10] To modify the exemption to authorize positioning the manually operated switch against movement to the track on which the Class 8 material is actively being unloaded.

[FR Doc. 02–9414 Filed 4–17–02; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–55 (Sub–No. 615X)]

CSX Transportation, Inc.—Discontinuance Exemption—(Between East of Memphis and Cordova) in Shelby County, TN

On March 29, 2002, CSX Transportation, Inc. (CSXT), filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from 49 U.S.C. 10903 to discontinue service over 12.24 miles of its Midwest Region, Nashville Division, Memphis Terminal extending between milepost ONI 222.9, east of Memphis, and milepost ONI 210.66, near Cordova, at the end of the line, in Shelby County, TN.[1] The line traverses U.S. Postal Service Zip Codes 38111, 38112, 38117, 38120, 38122, and 38018 and includes the station of Cordova at milepost ONI 210.66.

The line does not contain federally granted rights-of-way. Any documentation in CSXT's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by July 17, 2002.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by the filing fee, which currently is set at $1,100. *See* 49 CFR 1002.2(f)(25).

All filings in response to this notice must refer to STB Docket No. AB–55 (Sub–No. 615X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001; and (2) Louis E. Gitomer, 1455 F Street, NW., Suite 225, Washington, DC 20005. Replies to the CSXT petition are due on or before May 8, 2002.

Persons seeking further information concerning abandonment and discontinuance procedures may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565–1552. [TDD for the hearing impaired is available at 1–800–877–8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment or discontinuance proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our Web site at *''WWW.STB.DOT.GOV.''*

Decided: April 11, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–9354 Filed 4–17–02; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–55 (Sub–No. 609X)]

CSX Transportation, Inc.—Abandonment Exemption—in Montgomery County, OH

On March 29, 2002, CSX Transportation, Inc. (CSXT), filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a line of railroad in its Midwest Region, Louisville Division, Toledo Subdivision, extending between the junction of the Vandalia Line and the Toledo Main Line at or about milepost BE 69.5 to the end of the Vandalia Line track, a distance of approximately 2.59 miles, in Vandalia, Montgomery County, OH. The line traverses U.S. Postal Service Zip Code 45377 and includes no stations.

The line does not contain federally granted rights-of-way. Any documentation in CSXT's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision is anticipated to be issued by July 17, 2002.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each offer must be accompanied by a $1,000 filing fee. *See* 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of

[1] CSXT previously filed a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon 13.34 miles of rail line, extending from milepost ONI 224.00 near Memphis, to milepost ONI 210.66 near Cordova. The Board denied the petition in *CSX Transportation, Inc.—Abandonment Exemption—(Between Memphis and Cordova) in Shelby County, TN,* STB Docket No. AB–55 (Sub-No. 590X) (STB served Dec. 12, 2001) because a shipper opposed the abandonment of a segment of the line and CSXT did not provide sufficient economic data for the Board to reach an informed decision on the merits of the abandonment petition. The Board's denial of the petition was without prejudice to CSXT's refiling an appropriate abandonment application or a petition for exemption. The Board stated that CSXT may choose to bifurcate the proposal between the two segments (opposed and unopposed) and file them independently.

rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than May 8, 2002. Each trail use request must be accompanied by a $150 filing fee. *See* 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB–55 (Sub-No. 609X) and must be sent to: (1) Surface Transportation Board, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001; and (2) Natalie S. Rosenberg, 500 Water Street, Jacksonville, FL 32202. Replies to the CSXT petition are due on or before May 8, 2002.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565–1552. [TDD for the hearing impaired is available at 1–800–877–8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our website at *WWW.STB.DOT.GOV.*

Decided: April 9, 2002.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–9226 Filed 4–17–02; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0161]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before May 20, 2002.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8030, FAX (202) 273–5981 or e-mail: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0161.''

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0161'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: Medical Expense Report, VA Form 21–8416.

OMB Control Number: 2900–0161.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 21–8416 is used to report medical expenses paid in connection with claims for pension and other income-based benefits. A claimant's countable income for Improved Pension purposes can be reduced if the individual pays unreimbursed medical expenses. These expenses may be deducted from otherwise countable income in determining the rate of VA benefits payable.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on January 28, 2002, at page 3935.

Affected Public: Individuals or households.

Estimated Annual Burden: 48,200 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 96,400.

Dated: April 3, 2002.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 02–9397 Filed 4–17–02; 8:45 am]

BILLING CODE 8320–01–P

Corrections

Federal Register
Vol. 67, No. 75
Thursday, April 18, 2002

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–1218–0226(2002)]

Manlifts Standard; Extension of the Office of Management and Budget's Approval of Information-Collection (Paperwork) Requirements

Correction

In notice document 02–8262 beginning on page 16454 in the issue of Friday, April 5, 2002, make the following correction:

On page 16454, in the first column, under the heading ''**DATES**'', ''May 6, 2002'' should read, ''June 4, 2002''.

[FR Doc. C2–8262 Filed 4–17–02; 8:45 am]

BILLING CODE 1505–01–D

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

RIN 3245–AE78

Small Business Size Standards; Testing Laboratories

Correction

In proposed rule document 02–8359 beginning on page 17020 in the issue of Tuesday, April 9, 2002, make the following correction:

On page 17022, ''TABLE 2.'' is being reprinted in its entirety.

TABLE 2.—INDUSTRY CHARACTERISTICS OF THE TESTING LABORATORIES INDUSTRY, NONMANUFACTURING ANCHOR GROUP, AND NAICS SECTOR 54

Category	Average firm size		Non payroll receipts per establishment (million $)	Four firm concentration ratio (in percent)
	Receipts (millions $)	Employees		
Testing Laboratories	1.56	19.9	0.68	12.1
Nonmanufacturing Anchor Group	0.95	10.6	0.56	14.4
NAICS Sector 54	0.77	7.7	0.45	15.8

[FR Doc. C2–8359 Filed 4–17–02; 8:45 am]

BILLING CODE 1505–01–D

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at *http://www.nara.gov/fedreg/plawcurr.html*.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.access.gpo.gov/nara/nara005.html*. Some laws may not yet be available.

H.R. 1499/P.L. 107–157

District of Columbia College Access Improvement Act of 2002 (Apr. 4, 2002; 116 Stat. 118)

H.R. 2739/P.L. 107–158

To amend Public Law 107-10 to authorize a United States plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2002 in Geneva, Switzerland, and for other purposes. (Apr. 4, 2002; 116 Stat. 121)

H.R. 3985/P.L. 107–159

To amend the Act entitled ''An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases'', approved August 9, 1955, to provide for binding arbitration clauses in leases

and contracts related to reservation lands of the Gila River Indian Community. (Apr. 4, 2002; 116 Stat. 122)

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