4–25–02 Thursday
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Federal Register

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A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

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Presidential Documents

Title 3—

The President

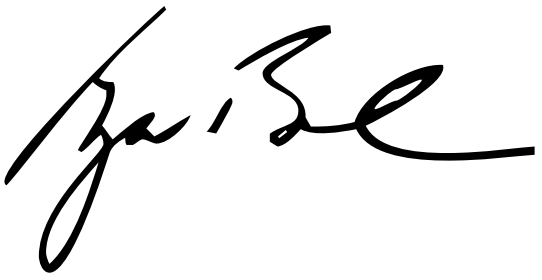
Presidential Determination No. 2002–13 of April 12, 2002

Determination Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as Amended

Memorandum for the Secretary of State

Pursuant to section (2)(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(c)(1), I hereby determine that it is important to the national interest that up to $20 million be made available from the U.S. Emergency Refugee and Migration Assistance Fund for a contribution to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) to meet unexpected urgent refugee needs due to the crisis in the West Bank and Gaza.

You are authorized and directed to inform the appropriate committees of the Congress of this determination and the obligation of funds under this authority, and to arrange for the publication of this memorandum in the **Federal Register**.



THE WHITE HOUSE,
Washington, April 12, 2002.

[FR Doc. 02–10316
Filed 04–24–02; 8:45 am]
Billing code 4710–10–P

Presidential Documents

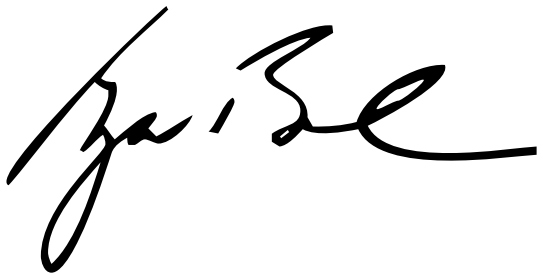
Presidential Determination No. 2002–14 of April 16, 2002

Waiver and Certification of Statutory Provisions Regarding the Palestine Liberation Organization

Memorandum for the Secretary of State

Pursuant to the authority vested in me under section 534(d) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002, Public Law 107–115, I hereby determine and certify that it is important to the national security interests of the United States to waive the provisions of section 1003 of the Anti-Terrorism Act of 1987, Public Law 100–204.

This waiver shall be effective for a period of 6 months from the date hereof. You are hereby authorized and directed to transmit this determination to the Congress and to publish it in the **Federal Register**.



THE WHITE HOUSE,
Washington, April 16, 2002.

[FR Doc. 02–10317
Filed 04–24–02; 8:45 am]
Billing code 4710–10–P

Presidential Documents

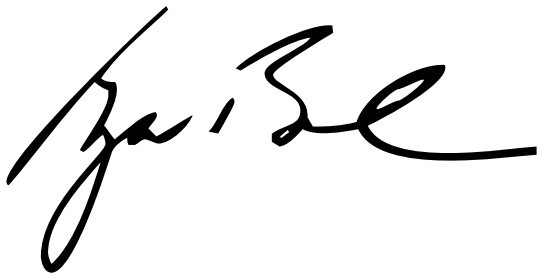
Presidential Determination No. 2002–15 of April 18, 2002

Eligibility of Armenia, Azerbaijan, and Tajikistan to Receive Defense Articles and Services under the Foreign Assistance Act and the Arms Export Control Act

Memorandum for the Secretary of State

Pursuant to the authority vested in me by section 503(a) of the Foreign Assistance Act of 1961, as amended, and section 3(a)(1) of the Arms Export Control Act, I hereby find that the furnishing of defense articles and services to the Governments of Armenia, Azerbaijan, and Tajikistan will strengthen the security of the United States and promote world peace.

You are hereby authorized and directed to report this determination to the Congress and to arrange for its publication in the **Federal Register**.



THE WHITE HOUSE,
Washington, April 18, 2002.

[FR Doc. 02–10318
Filed 04–24–02; 8:45 am]
Billing code 4710–10–P

Presidential Documents

Presidential Determination No. 2002–16 of April 18, 2002

Determination to Authorize the Furnishing of Emergency Military Assistance to the Government of Nigeria

Memorandum for the Secretary of State, the Secretary of Defense

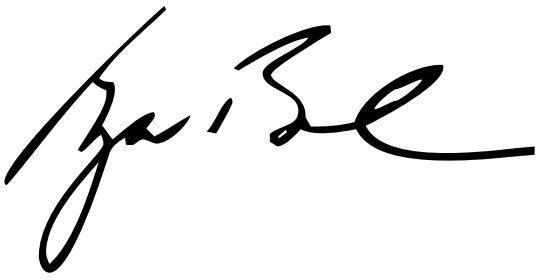
Pursuant to the authority vested in me by section 506(a)(1) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2318(a)(1) (the ''Act''), I hereby determine that:

(1) an unforeseen emergency exists that requires immediate military assistance to the Government of Nigeria; and

(2) the emergency requirement cannot be met under the authority of the Arms Export Control Act or any other law except section 506(a) of the Act.

I therefore direct the drawdown of defense articles and defense services from the Department of Defense, and military education and training, of an aggregate value not to exceed $4 million, to provide assistance to the Government of Nigeria.

The Secretary of State is authorized and directed to report this determination to the Congress and to arrange for its publication in the **Federal Register**.



THE WHITE HOUSE,
Washington, April 18, 2002.

[FR Doc. 02–10319
Filed 04–24–02; 8:45 am]
Billing code 4710–10–P

Rules and Regulations

Federal Register
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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8991]

RIN 1545–BA68

Taxation of Tax-Exempt Organizations' Income From Corporate Sponsorship

AGENCY: Internal Revenue Service (IRS), Treasury Department.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the tax treatment of corporate sponsorship payments received by tax-exempt organizations. The final regulations affect exempt organizations that receive sponsorship payments.

DATES: *Effective Date:* These regulations are effective April 25, 2002.

Applicability Date: These regulations are applicable for payments solicited or received after December 31, 1997.

FOR FURTHER INFORMATION CONTACT: Stephanie Lucas Caden or Barbara E. Beckman of Office of Associate Chief Counsel (TE/GE), (202) 622–6080 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

Exempt organizations generally must pay tax on unrelated business taxable income, as defined in section 512. Section 512(a)(1) defines *unrelated business taxable income* (UBTI) as the gross income derived by an organization from any unrelated trade or business (as defined in section 513) regularly carried on by it, less the deductions that are directly connected with the carrying on of the trade or business, both computed with the modifications provided in section 512(b).

Section 513(a) defines *unrelated trade or business* as any trade or business the conduct of which is not substantially related (aside from the need of an organization for income or funds or the use it makes of the profits derived) to the exercise or performance by the organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 501. Section 513(c), captioned ''Advertising, etc., activities,'' provides that the term *trade or business* includes any activity carried on for the production of income from the sale of goods or the performance of services, and that an activity does not lose identity as a trade or business merely because it is carried on within a larger aggregate of similar activities or within a larger complex of other endeavors which may, or may not, be related to the exempt purposes of the organization. See § 1.513–1(b).

The IRS first published a notice of proposed rulemaking (EE–74–92) (1993 proposed regulations) on January 22, 1993 (58 FR 5687), proposing that the regulations under section 513 be amended to provide guidance on the proper tax treatment of sponsorship payments received by an exempt organization. The 1993 proposed regulations focused on the nature of the services provided by the exempt organization rather than the benefit received by the sponsor, and distinguished advertising, which is an unrelated trade or business activity, from acknowledgments, which are the mere recognition of a sponsor's payment and therefore do not result in UBTI. In a so-called ''tainting rule,'' the 1993 proposed regulations provided that if any activities, messages or programming material constituted advertising with respect to a sponsorship payment, then all related activities, messages, or programming material that might otherwise be acknowledgments would be considered advertising. The 1993 proposed regulations also proposed to amend the regulations under section 512(a) by adding examples of the allocation rule governing exploitation of exempt activities in cases involving sponsorship income.

The Taxpayer Relief Act of 1997, Public Law 105–34, section 965 (111 Stat. 788, 893–94), amended the Internal Revenue Code (Code) by adding section 513(i). Section 513(i) governs the treatment of certain sponsorship payments by providing that qualified sponsorship payments are not subject to the unrelated business income tax (UBIT). Section 513(i) defines *qualified sponsorship payments* as payments made by a person engaged in a trade or business with respect to which there is no arrangement or expectation that such person will receive any substantial return benefit other than the use or acknowledgment of the name or logo (or product lines) of the person's trade or business in connection with the exempt organization's activities. Section 513(i) further provides that use or acknowledgment does not include advertising (including messages containing qualitative or comparative language, price information or other indications of savings or value, or an endorsement or other inducement to purchase, sell, or use a sponsor's products or services).

Section 513(i) specifically provides that, to the extent a portion of a payment would (if made as a separate payment) be a qualified sponsorship payment, that portion of such payment and the other portion of such payment are treated as separate payments. Whether a separate transaction that falls outside of the section 513(i) safe harbor is subject to the UBIT depends on the application of existing rules under sections 512, 513, and 514.

Section 513(i) applies to payments solicited or received after December 31, 1997. Section 513(i) does not apply to qualified convention and trade show activities (described in section 513(d)(3)(B)) or to the sale of an acknowledgment or advertising in exempt organization periodicals. For this purpose, the term *periodicals* means regularly scheduled and printed material published by or on behalf of an exempt organization that is not related to and primarily distributed in connection with a specific event conducted by the exempt organization.

To reflect the differences between the 1993 proposed regulations and section 513(i), and in response to comments submitted on the 1993 proposed regulations, new proposed regulations (REG–209601–92) (2000 proposed regulations) were issued on March 1, 2000 (65 FR 11012).

The 2000 proposed regulations amend the regulations under section 513, and provide that qualified sponsorship payments within the meaning of section 513(i) are not UBTI. The 2000 proposed

regulations define the phrase ''substantial return benefit'' to mean any benefit other than (1) a use or acknowledgment of the payor's name or logo in connection with the exempt organization's activities, or (2) certain goods or services that have an insubstantial value under existing IRS guidelines. Generally, according to the 2000 proposed regulations, benefits such as complimentary tickets, pro-am playing spots, and receptions for donors have an insubstantial value only if they have a fair market value of not more than 2% of the payment, or $74 (adjusted for inflation for tax years beginning after calendar year 2000 pursuant to section 1(f)(3)), whichever is less. See § 1.170A–13(f)(8)(i)(A); Rev. Proc. 90–12 (1990–1 C.B. 471), as adjusted for inflation (for calendar year 2002, the amount is $79, see Rev. Proc. 2001–59 (2001–52 I.R.B. 623) (December 26, 2001)).

The 2000 proposed regulations clarify that for an exempt organization to avail itself of the section 513(i) safe harbor, it must establish that some portion of the payment exceeds the fair market value of any substantial return benefit received by a payor in return for making the payment. In a sponsorship arrangement, the fair market value of the substantial return benefit may equal the entire amount of the sponsorship payment. The burden of establishing the fair market value of any substantial return benefit falls on the exempt organization. The 2000 proposed regulations state that the exempt organization's determination of the fair market value of a substantial return benefit provided to the payor will not be set aside for purposes of applying the section 513(i) safe harbor so long as the organization makes a reasonable and good faith valuation of the substantial return benefit received by the payor.

The 2000 proposed regulations provide that the right to be the only sponsor of an activity, or the only sponsor representing a particular trade, business, or industry is generally not a substantial return benefit. Any portion of the payment attributable to the exclusive sponsorship arrangement, therefore, may be a qualified sponsorship payment. However, if in return for a payment, the exempt organization agrees that products or services that compete with the payor's products or services will not be sold or provided in connection with one or more activities of the exempt organization, the payor has received a substantial return benefit and the portion of the payment attributable to the exclusive provider arrangement is not a qualified sponsorship payment. Consistent with the allocation rule described above, when a payor receives both exclusive sponsorship and exclusive provider rights in exchange for making a payment, the fair market value of the exclusive provider arrangement and any other substantial return benefit is determined first (i.e., without regard to the existence of the exclusive sponsorship arrangement).

The 2000 proposed regulations clarify that qualified sponsorship payments in the form of money or property (but not services) are treated as contributions received by the exempt organization for purposes of determining public support to the organization under section 170(b)(1)(A)(vi) or section 509(a)(2). The exclusion of contributed services for purposes of determining public support is consistent with the general rule regarding donated services. See §§ 1.509(a)–3(f), 1.170A–9(e)(7)(i) and 1.170A–1(g).

A public hearing was held on June 21, 2000. After consideration of all the comments, the proposed regulations under section 513(i) are revised as follows. The major areas of the comments and revisions are discussed below.

Explanation of Provisions and Discussion of Comments

Like the 2000 proposed regulations, the final regulations define the phrase *substantial return benefit* to mean any benefit other than (1) a use or acknowledgment of the payor's name or logo in connection with the exempt organization's activities, or (2) certain goods or services that have an insubstantial value. If a payor receives a substantial return benefit in exchange for a payment, the section 513(i) safe harbor does not apply to the payment (or portion thereof) attributable to the substantial return benefit. In that case, whether the payment (or portion thereof) is subject to UBIT must be determined under existing principles and rules. Thus, the payment may not be subject to UBIT because the exempt organization's activity is not an unrelated trade or business within the meaning of section 513(a) (for example, because substantially all of the work in carrying on the trade or business is performed by volunteers) or is not regularly carried on within the meaning of section 512(a)(1), or because one of the section 512(b) modifications applies. See also Rev. Rul. 77–367 (1977–2 C.B. 193) (inurement) and Rev. Rul. 66–358 (1966–2 C.B. 218) (private benefit).

Many comments were received regarding the disregarded benefits standard contained in the 2000 proposed regulations. Commentators generally believe that valuing insubstantial benefits places an undue administrative burden on exempt organizations. Commentators also believe that the disregarded benefits standard in the proposed regulation is too low and significantly diminishes an exempt organization's ability to appropriately thank its sponsors. While the $79 ceiling (as adjusted for 2002) is an appropriate amount for exempt organizations to thank individual donors, the Treasury Department and IRS agree with the commentators that the $79 ceiling is too low with respect to corporations or persons engaged in a trade or business. In response to these concerns, the final regulations eliminate the $79 ceiling placed on the fair market value of benefits that may be disregarded for purposes of section 513(i).

Several commentators suggest that in addition to eliminating the $79 ceiling, the final regulations should increase the level of disregarded benefits to 10% or 15% of the amount of the payment. The Treasury Department and IRS believe 2% is an appropriate level for several reasons. The 2% threshold is used in other areas of the Code and regulations to describe insubstantial amounts. The 2000 proposed regulations allow the full amount of qualified sponsorship payments (except for payments in the form of services) to be treated as contributions for purposes of the public support test under sections 170(b)(1)(A)(vi) and 509(a)(2), without reduction for the amount of disregarded benefits. The 2% ceiling keeps the level of disregarded benefits low enough so that the entire amount of a qualified sponsorship payment may be treated as a contribution for public support purposes. Accordingly, the final regulations disregard benefits having a fair market value of not more than 2% of the payment.

Many commentators to the 2000 proposed regulations object to a requirement that exempt organizations must value benefits provided to payors where the payment does not affect the organization's tax liability, e.g., where the payment attributable to the benefit constitutes income from a trade or business that is substantially related to the organization's exempt purposes. The Treasury Department and IRS note that organizations described in section 170(c) (other than section 170(c)(1)) are required to account for benefits provided to donors under section 6115. See Publication 1771, ''Charitable Contributions—-Substantiation and Disclosure Requirements.'' Pursuant to section 6115, a section 170(c) organization that receives a quid pro

quo contribution in excess of $75 is required to inform the donor that the amount of the contribution that is deductible for federal income tax purposes is limited to the amount by which the payment exceeds the value of goods or services (except as provided in § 1.170A–13(f)(8)(i)) furnished by the charity, and is required to provide a good faith estimate of the value of those goods or services. Therefore, for exempt organizations eligible to receive tax deductible contributions, there is no additional tax administrative burden imposed by the disregarded benefits provision of either the 2000 proposed regulations or the final regulations.

The final regulations provide that in determining whether the 2% threshold has been exceeded in any year, all return benefits (other than use or acknowledgment) must be considered. For example, if in exchange for a payment the exempt organization provides both a license and advertising the combined fair market value of which does not exceed 2% of the total payment, the entire payment (even the portion attributable to the advertising) may be treated as a qualified sponsorship payment, and the entire amount (except any payment in the form of services) constitutes public support under section 509. Alternatively, if the combined fair market value exceeds 2% of the total payment, the value of both the license and advertising is not disregarded and constitutes a substantial return benefit. In that case, the portions of the payment attributable to the license and advertising each must be analyzed separately under sections 512, 513, and 514. Only the portion of the payment, if any, that exceeds the fair market value of the substantial return benefit constitutes a qualified sponsorship payment.

Consistent with the 2000 proposed regulations, the final regulations provide that the right to be the only sponsor of an activity, or the only sponsor representing a particular trade, business or industry is generally not a substantial return benefit. The portion of any payment attributable to the exclusive sponsorship arrangement, therefore, may be a qualified sponsorship payment. However, if in return for a payment, the exempt organization agrees that products or services that compete with the payor's products or services will not be sold or provided in connection with one or more activities of the exempt organization, the payor has received a substantial return benefit and the portion of the payment attributable to the exclusive provider arrangement is not a qualified sponsorship payment.

Some commentators express concern that the definition of exclusive provider arrangements contained in the 2000 proposed regulations may include vendor contracts negotiated as part of a competitive bidding process required by state law. Both the 2000 proposed regulations and the final regulations provide that unless the exempt organization agrees to limit distribution of competing products in connection with the payment, the exempt organization has not entered into an exclusive provider arrangement. For example, when the nature of the goods or services to be provided necessitates the use of only one provider because of limited space or because the competitive bidding process requires only the lowest bid be accepted, the exempt organization has not entered into an exclusive provider arrangement unless it agrees to limit distribution of competing products.

In particular, these commentators express concern about the tax-treatment of discounts and rebates negotiated with vendors as part of the competitive bidding process. Generally, discounts (and rebates) are considered an adjustment to the purchase price and do not constitute gross income to the purchaser. See Rev. Rul. 84–41 (1984–1 C.B. 130); Rev. Rul. 76–96 (1976–1 C.B. 23). For example, when a university negotiates discounted rates for the soft drinks it purchases for its cafeterias, snack bars, and concessions, the amount of the discount is not includible in UBTI.

Many commentators suggest that the exclusive provider provisions in the 2000 proposed regulations create an implication that exclusive provider arrangements are automatically subject to UBIT because they fall outside the scope of section 513(i). This assumption is incorrect; although the income from some exclusive provider arrangements may be includible in UBTI, not all contracts will meet the criteria for inclusion in UBTI pursuant to sections 511, 512, and 513. For example, a university that enters into a multi-year contract with a soft drink company to be the exclusive provider of soft drinks on campus in return for an annual payment is not necessarily subject to UBIT on that payment. If the company agrees to provide, stock and maintain on-campus vending machines as needed, leaving little or no obligation on the university's part to perform any services or conduct activities in connection with the enterprise, then based on this contract alone the university may not have the requisite level of activity to constitute a trade or business under section 513(a). This example assumes no agency relationship exists between the company and the university. In determining the level of activity, however, any promotional or marketing efforts by the university pursuant to the contract should be considered. If the contract grants the company a license to market its products using the university's name and logo, the portion of the total payment attributable to the value of the license may be excludable as a royalty under section 512(b)(2). In some cases, payments in connection with the grant of an exclusive concession, such as for the operation of a campus bookstore or cafeteria, may be treated as rental income under section 512(b)(3).

When an exempt organization agrees to perform substantial services in connection with the exclusive provider arrangement, income received by the organization may be includible in UBTI. For example, assume that a university enters into a multi-year contract with a sports drink company under which the company will be the exclusive provider of sports drinks for the university's athletic department and concessions. As part of the contract, if the university agrees to perform various services for the company, such as guaranteeing that coaches make promotional appearances on behalf of the company (e.g., attending photo shoots, filmed commercials, and retail store appearances), assisting the company in developing marketing plans, and participating in joint promotional opportunities, then the university's activities are likely to constitute a regularly carried on trade or business. These activities are unlikely to be substantially related to the university's exempt purposes. Furthermore, the income received by the university for those services is not excludable as a royalty under section 512(b)(2). See Rev. Rul. 81–178 (1981–2 C.B. 135), situation 2.

The 2000 proposed regulations solicited comments on the application of the rules governing periodicals and trade shows to an exempt organization's Internet sites, and whether providing a link to a sponsor's Internet site is advertising within the meaning of section 513(i). The comments received generally suggest that a link to a corporate sponsor's Internet site as part of a sponsorship arrangement is not a message, but a convenient feature of the Internet that can only be activated by the viewer, and thus constitutes a permissible form of acknowledgment. With regard to periodicals, most commentators expressed the view that

the term ''periodical'', for purposes of the section 513(i) exclusion, includes material published electronically. Some commentators suggest that an exempt organization's Internet site should not be treated as a periodical simply because it has text that changes from time to time. Other commentators suggest criteria for analyzing whether an Internet site is a periodical.

Only a few comments were received on the application of the trade show exclusion in section 513(i) to an exempt organization's Internet site. These comments generally suggest that trade shows conducted over the Internet be treated the same as trade shows conducted in person. That is, payments made in connection with Internet-based trade shows would not be exempt from UBIT as qualified sponsorship payments, but would be exempt from UBIT as income generated by qualified convention and trade show activity.

Many options for addressing the Internet in the final regulations were considered. The final regulations take the approach that, where possible, answers are provided. However, the Treasury Department and IRS note that the analysis of particular Internet issues, such as the use of hyperlinks, may be different for purposes of section 513(i) than other sections of the Code. The Treasury Department and IRS also conclude that some Internet issues addressed in comments are beyond the scope of section 513(i).

For purposes of section 513(i), the issue of whether a hyperlink constitutes an acknowledgment or advertising is addressed in the final regulations with two new examples. In the first new example, the exempt organization posts a list of its sponsors on its Web site, including the sponsor's Internet address, which appears as a hyperlink from the exempt organization's Web site to the sponsor's Web site. The example concludes that posting the sponsor's Web site address constitutes an acknowledgment, even though it appears as a hyperlink. In the second new example, a charity maintains a Web site that contains a hyperlink to a sponsor's Web site where an endorsement by the charity for the sponsor's product appears. The charity approved the endorsement before it was posted on the sponsor's Web site. The example concludes that the endorsement is advertising. These two examples address hyperlinks for purposes of section 513(i) only, and do not suggest how hyperlinks are treated under other sections of the Code.

With respect to periodicals, section 513(i) mentions periodicals only in the sense that the safe harbor does not apply to any payment which entitles the payor to the use or acknowledgment of the name or logo (or product lines) of the payor's trade or business in exempt organization periodicals. Such payments are analyzed instead under the existing UBIT rules. Section § 1.512(a)–1(f) provides special rules for determining the amount of UBTI attributable to the sale of advertising in exempt organization periodicals. After considering the comments, the Treasury Department and IRS conclude that the regulations under section 512 are the more appropriate place for an analysis of issues relating to electronic periodicals. Nevertheless, the Treasury Department and IRS clarify that periodicals may include some forms of electronic publication. The final regulations state that the term *periodical* means regularly scheduled and printed material published by or on behalf of the exempt organization that is not related to and primarily distributed in connection with a specific event conducted by the exempt organization, and for this purpose, printed material includes material that is published electronically.

As noted above, relatively few comments were received on the trade show exclusion. Because of the small sampling of comments received, and because trade show rules impact many different industries and typically involve large sums of money, the final regulations do not change the rules on what constitutes a qualified convention and trade show activity. Existing guidance on trade shows is found in section 513(d) and § 1.513–3, and any reference to trade shows in the final regulations under section 513(i) is intended to be consistent with these rules.

Many commentators wrote regarding the valuation of substantial return benefits, and suggest that the 2000 proposed regulations do not offer enough guidance on how to make a reasonable and good faith valuation of a substantial return benefit. Commentators also assert that the valuation provisions do not further administrative convenience and simplicity. The fair market value of any substantial return benefit provided as part of a sponsorship arrangement is the price at which the benefit would be provided between a willing recipient and a willing provider of the benefit, neither being under any compulsion to enter into the arrangement and both having reasonable knowledge of relevant facts, and without regard to any other aspect of the sponsorship arrangement. While the Treasury Department and IRS appreciate the difficulty an exempt organization has in valuing substantial return benefits, the final regulations retain the valuation standard contained in the 2000 proposed regulations. Several commentators suggest incorporating safe harbors into the final regulations to determine the value of a substantial return benefit. For example, one commentator suggests that a safe harbor be added to provide that an exempt organization's valuation would not be challenged if it were determined based on the face amount of the tickets, cost of the dinner, or any reasonably comparable measure. Another commentator suggests that the fair market value be based on data provided by the payor, or as agreed by the parties. Another commentator favors predicting values of yearly benefits based on actual benefits provided over a three-year period. After considering these comments, the Treasury Department and IRS conclude that the safe harbors suggested by the commentators either are inconsistent with the general rule, do not provide any additional guidance, or are prone to abuse. For this reason, no safe harbors were added to the final regulations with respect to valuation.

Clarification is provided, however, with respect to the valuation date. The 2000 proposed regulations provide that in allocating a sponsorship payment, the fair market value of the substantial return benefit is to be determined on the date the parties enter into the sponsorship arrangement. The final regulations take the same approach for binding, written sponsorship contracts. This rule, which is illustrated by two new examples, provides exempt organizations the advantage of only having to value substantial return benefits once, even if the value of the substantial return benefit increases over the term of the contract. If the parties make a material change to a sponsorship contract, it is treated as a new contract as of the date the material change is effective. A material change is defined as an extension or renewal of the contract, or a more than incidental change to any amount payable (or other consideration) under the contract. If there is no binding, written contract, the fair market value of the substantial return benefit is determined when the benefit is provided. The reason for distinguishing between written and oral agreements in the final regulations is to allow smaller exempt organizations to arrange sponsorship informally on a year-to-year basis and value those benefits each year as they occur.

Few comments were received on the § 1.512(a)–1(e) example relating to expense allocation. Of the comments

received, most state that the 1993 proposed regulations did not interpret the exploitation exception too broadly, and request that the prior examples be reinstated. The commentators also suggest that the new example is factually unrealistic. Despite these comments, the final regulations do not change the § 1.512(a)–1(e) example. The comments received generally do not contain substantive suggestions for change, and the Treasury Department and IRS believe that the current example in the final regulations correctly amplifies the technical provisions of the regulation, which is very limited in scope.

Special Analyses

It has been determined that this decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because the final rule does not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Code, these regulations were previously submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

Drafting Information

The principal author of these regulations is Stephanie Lucas Caden, Office of Division Counsel/Associate Chief Counsel (Tax Exempt/Government Entities), Internal Revenue Service. However, personnel from other offices of the Service and the Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

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

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

Par. 2. In § 1.170A–9, a sentence is added to the end of paragraph (e)(6)(i) to read as follows:

§ 1.170A–9 Definition of section 170(b)(1)(A) organization.

* * * * *

(e) * * *

(6) * * * (i) * * * For purposes of this paragraph (e), the term *contributions* includes qualified sponsorship payments (as defined in § 1.513–4) in the form of money or property (but not services).

* * * * *

Par. 3. Section 1.509(a)–3 is amended by:

1. Adding a sentence to the end of paragraph (f)(1).

2. Revising the paragraph heading and introductory text for paragraph (f)(3).

3. Redesignating the current *Example* in paragraph (f)(3) as *Example 1* and revising the heading.

4. Adding *Example 2* and *Example 3* to paragraph (f)(3).

The revisions and additions read as follows:

§ 1.509(a)–3 Broadly, publicly supported organizations.

* * * * *

(f) * * *

(1) * * * For purposes of section 509(a)(2), the term *contributions* includes qualified sponsorship payments (as defined in § 1.513–4) in the form of money or property (but not services).

* * * * *

(3) *Examples.* The provisions of this paragraph (f) may be illustrated by the following examples:

Example 1. * * *

Example 2. Q, a performing arts center, enters into a contract with a large company to be the exclusive sponsor of the center's theatrical events. The company makes a payment of cash and products in the amount of $100,000 to Q, and in return, Q agrees to make a broadcast announcement thanking the company before each show and to provide $2,000 of advertising in the show's program (2% of $100,000 is $2,000). The announcement constitutes use or acknowledgment pursuant to section 513(i)(2). Because the value of the advertising does not exceed 2% of the total payment, the entire $100,000 is a qualified sponsorship payment under section 513(i), and $100,000 is treated as a contribution for purposes of section 509(a)(2)(A)(i).

Example 3. R, a charity, enters into a contract with a law firm to be the exclusive sponsor of the charity's outreach program. Instead of making a cash payment, the law firm agrees to perform $100,000 of legal services for the charity. In return, R agrees to acknowledge the law firm in all its informational materials. The total fair market value of the legal services, or $100,000, is a qualified sponsorship payment under section 513(i), but no amount is treated as a contribution under section 509(a)(2)(A)(i) because the contribution is of services.

* * * * *

Par. 4. Section 1.512(a)–1 is amended by:

1. Revising the paragraph heading and introductory text for paragraph (e).

2. Redesignating the current *Example* in paragraph (e) as *Example 1* and revising the heading.

3. Adding *Example 2* to paragraph (e).

The revisions and additions read as follows:

§ 1.512(a)–1 Definition.

* * * * *

(e) *Examples.* This section is illustrated by the following examples:

Example 1. * * *

Example 2. (i) P, a manufacturer of photographic equipment, underwrites a photography exhibition organized by M, an art museum described in section 501(c)(3). In return for a payment of $100,000, M agrees that the exhibition catalog sold by M in connection with the exhibit will advertise P's product. The exhibition catalog will also include educational material, such as copies of photographs included in the exhibition, interviews with photographers, and an essay by the curator of M's department of photography. For purposes of this example, assume that none of the $100,000 is a qualified sponsorship payment within the meaning of section 513(i) and § 1.513–4, that M's advertising activity is regularly carried on, and that the entire amount of the payment is unrelated business taxable income to M. Expenses directly connected with generating the unrelated business taxable income (i.e., direct advertising costs) total $25,000. Expenses directly connected with the preparation and publication of the exhibition catalog (other than direct advertising costs) total $110,000. M receives $60,000 of gross revenue from sales of the exhibition catalog. Expenses directly connected with the conduct of the exhibition total $500,000.

(ii) The computation of unrelated business taxable income is as follows:

(A) Unrelated trade or business (sale of advertising):		
Income	$100,000	
Directly-connected expenses	(25,000)	
Subtotal	75,000	$75,000
(B) Exempt function (publication of exhibition catalog):		
Income (from catalog sales)	60,000	
Directly-connected expenses	(110,000)	
Net exempt function income (loss)	(50,000)	(50,000)
Unrelated business taxable income		25,000

(iii) Expenses related to publication of the exhibition catalog exceed revenues by $50,000. Because the unrelated business activity (the sale of advertising) exploits an exempt activity (the publication of the exhibition catalog), and because the

publication of editorial material is an activity normally conducted by taxable entities that sell advertising, the net loss from the exempt publication activity is allowed as a deduction from unrelated business income under paragraph (d)(2) of this section. In contrast, the presentation of an exhibition is not an activity normally conducted by taxable entities engaged in advertising and publication activity for purposes of paragraph (d)(2) of this section. Consequently, the $500,000 cost of presenting the exhibition is not directly connected with the conduct of the unrelated advertising activity and does not have a proximate and primary relationship to that activity. Accordingly, M has unrelated business taxable income of $25,000.

* * * * *

Par. 5. Section 1.513–4 is added to read as follows:

§ 1.513–4 Certain sponsorship not unrelated trade or business.

(a) *In general.* Under section 513(i), the receipt of qualified sponsorship payments by an exempt organization which is subject to the tax imposed by section 511 does not constitute receipt of income from an unrelated trade or business.

(b) *Exception.* The provisions of this section do not apply with respect to payments made in connection with qualified convention and trade show activities. For rules governing qualified convention and trade show activity, see § 1.513–3. The provisions of this section also do not apply to income derived from the sale of advertising or acknowledgments in exempt organization periodicals. For this purpose, the term *periodical* means regularly scheduled and printed material published by or on behalf of the exempt organization that is not related to and primarily distributed in connection with a specific event conducted by the exempt organization. For this purpose, printed material includes material that is published electronically. For rules governing the sale of advertising in exempt organization periodicals, see § 1.512(a)–1(f).

(c) *Qualified sponsorship payment*—(1) *Definition.* The term *qualified sponsorship payment* means any payment by any person engaged in a trade or business with respect to which there is no arrangement or expectation that the person will receive any substantial return benefit. In determining whether a payment is a qualified sponsorship payment, it is irrelevant whether the sponsored activity is related or unrelated to the recipient organization's exempt purpose. It is also irrelevant whether the sponsored activity is temporary or permanent. For purposes of this section, payment means the payment of money, transfer of property, or performance of services.

(2) *Substantial return benefit*—(i) *In general.* For purposes of this section, a *substantial return benefit* means any benefit other than a use or acknowledgment described in paragraph (c)(2)(iv) of this section, or disregarded benefits described in paragraph (c)(2)(ii) of this section.

(ii) *Certain benefits disregarded.* For purposes of paragraph (c)(2)(i) of this section, benefits are disregarded if the aggregate fair market value of all the benefits provided to the payor or persons designated by the payor in connection with the payment during the organization's taxable year is not more than 2% of the amount of the payment. If the aggregate fair market value of the benefits exceeds 2% of the amount of the payment, then (except as provided in paragraph (c)(2)(iv) of this section) the entire fair market value of such benefits, not merely the excess amount, is a substantial return benefit. Fair market value is determined as provided in paragraph (d)(1) of this section.

(iii) *Benefits defined.* For purposes of this section, benefits provided to the payor or persons designated by the payor may include:

(A) Advertising as defined in paragraph (c)(2)(v) of this section.

(B) Exclusive provider arrangements as defined in paragraph (c)(2)(vi)(B) of this section.

(C) Goods, facilities, services or other privileges.

(D) Exclusive or nonexclusive rights to use an intangible asset (e.g., trademark, patent, logo, or designation) of the exempt organization.

(iv) *Use or acknowledgment.* For purposes of this section, a substantial return benefit does not include the use or acknowledgment of the name or logo (or product lines) of the payor's trade or business in connection with the activities of the exempt organization. Use or acknowledgment does not include advertising as described in paragraph (c)(2)(v) of this section, but may include the following: exclusive sponsorship arrangements; logos and slogans that do not contain qualitative or comparative descriptions of the payor's products, services, facilities or company; a list of the payor's locations, telephone numbers, or Internet address; value-neutral descriptions, including displays or visual depictions, of the payor's product-line or services; and the payor's brand or trade names and product or service listings. Logos or slogans that are an established part of a payor's identity are not considered to contain qualitative or comparative descriptions. Mere display or distribution, whether for free or remuneration, of a payor's product by the payor or the exempt organization to the general public at the sponsored activity is not considered an inducement to purchase, sell or use the payor's product for purposes of this section and, thus, will not affect the determination of whether a payment is a qualified sponsorship payment.

(v) *Advertising.* For purposes of this section, the term *advertising* means any message or other programming material which is broadcast or otherwise transmitted, published, displayed or distributed, and which promotes or markets any trade or business, or any service, facility or product. Advertising includes messages containing qualitative or comparative language, price information or other indications of savings or value, an endorsement, or an inducement to purchase, sell, or use any company, service, facility or product. A single message that contains both advertising and an acknowledgment is advertising. This section does not apply to activities conducted by a payor on its own. For example, if a payor purchases broadcast time from a television station to advertise its product during commercial breaks in a sponsored program, the exempt organization's activities are not thereby converted to advertising.

(vi) *Exclusivity arrangements*—(A) *Exclusive sponsor.* An arrangement that acknowledges the payor as the exclusive sponsor of an exempt organization's activity, or the exclusive sponsor representing a particular trade, business or industry, generally does not, by itself, result in a substantial return benefit. For example, if in exchange for a payment, an organization announces that its event is sponsored exclusively by the payor (and does not provide any advertising or other substantial return benefit to the payor), the payor has not received a substantial return benefit.

(B) *Exclusive provider.* An arrangement that limits the sale, distribution, availability, or use of competing products, services, or facilities in connection with an exempt organization's activity generally results in a substantial return benefit. For example, if in exchange for a payment, the exempt organization agrees to allow only the payor's products to be sold in connection with an activity, the payor has received a substantial return benefit.

(d) *Allocation of payment*—(1) *In general.* If there is an arrangement or expectation that the payor will receive a substantial return benefit with respect to any payment, then only the portion,

if any, of the payment that exceeds the fair market value of the substantial return benefit is a qualified sponsorship payment. However, if the exempt organization does not establish that the payment exceeds the fair market value of any substantial return benefit, then no portion of the payment constitutes a qualified sponsorship payment.

(i) *Treatment of payments other than qualified sponsorship payments.* The unrelated business income tax (UBIT) treatment of any payment (or portion thereof) that is not a qualified sponsorship payment is determined by application of sections 512, 513 and 514. For example, payments related to an exempt organization's providing facilities, services, or other privileges to the payor or persons designated by the payor, advertising, exclusive provider arrangements described in paragraph (c)(2)(vi)(B) of this section, a license to use intangible assets of the exempt organization, or other substantial return benefits, are evaluated separately in determining whether the exempt organization realizes unrelated business taxable income.

(ii) *Fair market value.* The fair market value of any substantial return benefit provided as part of a sponsorship arrangement is the price at which the benefit would be provided between a willing recipient and a willing provider of the benefit, neither being under any compulsion to enter into the arrangement and both having reasonable knowledge of relevant facts, and without regard to any other aspect of the sponsorship arrangement.

(iii) *Valuation date.* In general, the fair market value of the substantial return benefit is determined when the benefit is provided. However, if the parties enter into a binding, written sponsorship contract, the fair market value of any substantial return benefit provided pursuant to that contract is determined on the date the parties enter into the sponsorship contract. If the parties make a material change to a sponsorship contract, it is treated as a new sponsorship contract as of the date the material change is effective. A material change includes an extension or renewal of the contract, or a more than incidental change to any amount payable (or other consideration) pursuant to the contract.

(iv) Examples. The following examples illustrate the provisions of this section:

Example 1. On June 30, 2001, a national corporation and Z, a charitable organization, enter into a five-year binding, written contract effective for years 2002 through 2007. The contract provides that the corporation will make an annual payment of $5,000 to Z, and in return the corporation will receive no benefit other than advertising. On June 30, 2001, the fair market value of the advertising to be provided to the corporation in each year of the agreement is $75, which is less than the disregarded benefit amount provided for in paragraph (c)(2)(ii) of this section (2% of $5,000 is $100). In 2002, pursuant to the sponsorship contract, the corporation makes a payment to Z of $5,000, and receives the specified benefit (advertising). As of January 1, 2002, the fair market value of the advertising to be provided by Z each year has increased to $110. However, for purposes of this section, the fair market value of the advertising benefit is determined on June 30, 2001, the date the parties entered into the sponsorship contract. Therefore, the entire $5,000 payment received in 2002 is a qualified sponsorship payment.

Example 2. The facts are the same as *Example 1,* except that the contract provides for an initial payment by the corporation to Z of $5,000 in 2002, followed by annual payments of $1,000 during each of years 2003–2007. In 2003, pursuant to the sponsorship contract, the corporation makes a payment to Z of $1,000, and receives the specified advertising benefit. In 2003, the fair market value of the benefit provided ($75, as determined on June 30, 2001) exceeds 2% of the total payment received (2% of $1,000 is $20). Therefore, only $925 of the $1,000 payment received in 2003 is a qualified sponsorship payment.

(2) *Anti-abuse provision.* To the extent necessary to prevent avoidance of the rule stated in paragraphs (d)(1) and (c)(2) of this section, where the exempt organization fails to make a reasonable and good faith valuation of any substantial return benefit, the Commissioner (or the Commissioner's delegate) may determine the portion of a payment allocable to such substantial return benefit and may treat two or more related payments as a single payment.

(e) *Special rules*—(1) *Written agreements.* The existence of a written sponsorship agreement does not, in itself, cause a payment to fail to be a qualified sponsorship payment. The terms of the agreement, not its existence or degree of detail, are relevant to the determination of whether a payment is a qualified sponsorship payment. Similarly, the terms of the agreement and not the title or responsibilities of the individuals negotiating the agreement determine whether a payment (or any portion thereof) made pursuant to the agreement is a qualified sponsorship payment.

(2) *Contingent payments.* The term *qualified sponsorship payment* does not include any payment the amount of which is contingent, by contract or otherwise, upon the level of attendance at one or more events, broadcast ratings, or other factors indicating the degree of public exposure to the sponsored activity. The fact that a payment is contingent upon sponsored events or activities actually being conducted does not, by itself, cause the payment to fail to be a qualified sponsorship payment.

(3) *Determining public support.* Qualified sponsorship payments in the form of money or property (but not services) are treated as contributions received by the exempt organization for purposes of determining public support to the organization under section 170(b)(1)(A)(vi) or 509(a)(2). See §§ 1.509(a)–3(f)(1) and 1.170A–9(e)(6)(i). The fact that a payment is a qualified sponsorship payment that is treated as a contribution to the payee organization does not determine whether the payment is deductible by the payor under section 162 or 170.

(f) *Examples.* The provisions of this section are illustrated by the following examples. The tax treatment of any payment (or portion of a payment) that does not constitute a qualified sponsorship payment is governed by general UBIT principles. In these examples, the recipients of the payments at issue are section 501(c) organizations. The expectations or arrangements of the parties are those specifically indicated in the example. The examples are as follows:

Example 1. M, a local charity, organizes a marathon and walkathon at which it serves to participants drinks and other refreshments provided free of charge by a national corporation. The corporation also gives M prizes to be awarded to winners of the event. M recognizes the assistance of the corporation by listing the corporation's name in promotional fliers, in newspaper advertisements of the event and on T-shirts worn by participants. M changes the name of its event to include the name of the corporation. M's activities constitute acknowledgment of the sponsorship. The drinks, refreshments and prizes provided by the corporation are a qualified sponsorship payment, which is not income from an unrelated trade or business.

Example 2. N, an art museum, organizes an exhibition and receives a large payment from a corporation to help fund the exhibition. N recognizes the corporation's support by using the corporate name and established logo in materials publicizing the exhibition, which include banners, posters, brochures and public service announcements. N also hosts a dinner for the corporation's executives. The fair market value of the dinner exceeds 2% of the total payment. N's use of the corporate name and logo in connection with the exhibition constitutes acknowledgment of the sponsorship. However, because the fair market value of the dinner exceeds 2% of the total payment, the dinner is a substantial return benefit. Only that portion of the payment, if any, that N can demonstrate exceeds the fair market value of the dinner is a qualified sponsorship payment.

Example 3. O coordinates sports tournaments for local charities. An auto

manufacturer agrees to underwrite the expenses of the tournaments. O recognizes the auto manufacturer by including the manufacturer's name and established logo in the title of each tournament as well as on signs, scoreboards and other printed material. The auto manufacturer receives complimentary admission passes and pro-am playing spots for each tournament that have a combined fair market value in excess of 2% of the total payment. Additionally, O displays the latest models of the manufacturer's premier luxury cars at each tournament. O's use of the manufacturer's name and logo and display of cars in the tournament area constitute acknowledgment of the sponsorship. However, the admission passes and pro-am playing spots are a substantial return benefit. Only that portion of the payment, if any, that O can demonstrate exceeds the fair market value of the admission passes and pro-am playing spots is a qualified sponsorship payment.

Example 4. P conducts an annual college football bowl game. P sells to commercial broadcasters the right to broadcast the bowl game on television and radio. A major corporation agrees to be the exclusive sponsor of the bowl game. The detailed contract between P and the corporation provides that in exchange for a $1,000,000 payment, the name of the bowl game will include the name of the corporation. In addition, the contract provides that the corporation's name and established logo will appear on player's helmets and uniforms, on the scoreboard and stadium signs, on the playing field, on cups used to serve drinks at the game, and on all related printed material distributed in connection with the game. P also agrees to give the corporation a block of game passes for its employees and to provide advertising in the bowl game program book. The fair market value of the passes is $6,000, and the fair market value of the program advertising is $10,000. The agreement is contingent upon the game being broadcast on television and radio, but the amount of the payment is not contingent upon the number of people attending the game or the television ratings. The contract provides that television cameras will focus on the corporation's name and logo on the field at certain intervals during the game. P's use of the corporation's name and logo in connection with the bowl game constitutes acknowledgment of the sponsorship. The exclusive sponsorship arrangement is not a substantial return benefit. Because the fair market value of the game passes and program advertising ($16,000) does not exceed 2% of the total payment (2% of $1,000,000 is $20,000), these benefits are disregarded and the entire payment is a qualified sponsorship payment, which is not income from an unrelated trade or business.

Example 5. Q organizes an amateur sports team. A major pizza chain gives uniforms to players on Q's team, and also pays some of the team's operational expenses. The uniforms bear the name and established logo of the pizza chain. During the final tournament series, Q distributes free of charge souvenir flags bearing Q's name to employees of the pizza chain who come out to support the team. The flags are valued at less than 2% of the combined fair market value of the uniforms and operational expenses paid. Q's use of the name and logo of the pizza chain in connection with the tournament constitutes acknowledgment of the sponsorship. Because the fair market value of the flags does not exceed 2% of the total payment, the entire amount of the funding and supplied uniforms are a qualified sponsorship payment, which is not income from an unrelated trade or business.

Example 6. R is a liberal arts college. A soft drink manufacturer enters into a binding, written contract with R that provides for a large payment to be made to the college's English department in exchange for R agreeing to name a writing competition after the soft drink manufacturer. The contract also provides that R will allow the soft drink manufacturer to be the exclusive provider of all soft drink sales on campus. The fair market value of the exclusive provider component of the contract exceeds 2% of the total payment. R's use of the manufacturer's name in the writing competition constitutes acknowledgment of the sponsorship. However, the exclusive provider arrangement is a substantial return benefit. Only that portion of the payment, if any, that R can demonstrate exceeds the fair market value of the exclusive provider arrangement is a qualified sponsorship payment.

Example 7. S is a noncommercial broadcast station that airs a program funded by a local music store. In exchange for the funding, S broadcasts the following message: ''This program has been brought to you by the Music Shop, located at 123 Main Street. For your music needs, give them a call today at 555–1234. This station is proud to have the Music Shop as a sponsor.'' Because this single broadcast message contains both advertising and an acknowledgment, the entire message is advertising. The fair market value of the advertising exceeds 2% of the total payment. Thus, the advertising is a substantial return benefit. Unless S establishes that the amount of the payment exceeds the fair market value of the advertising, none of the payment is a qualified sponsorship payment.

Example 8. T, a symphony orchestra, performs a series of concerts. A program guide that contains notes on guest conductors and other information concerning the evening's program is distributed by T at each concert. The Music Shop makes a $1,000 payment to T in support of the concert series. As a supporter of the event, the Music Shop receives complimentary concert tickets with a fair market value of $85, and is recognized in the program guide and on a poster in the lobby of the concert hall. The lobby poster states that, ''The T concert is sponsored by the Music Shop, located at 123 Main Street, telephone number 555–1234.'' The program guide contains the same information and also states, ''Visit the Music Shop today for the finest selection of music CDs and cassette tapes.'' The fair market value of the advertisement in the program guide is $15. T's use of the Music Shop's name, address and telephone number in the lobby poster constitutes acknowledgment of the sponsorship. However, the combined fair market value of the advertisement in the program guide and complimentary tickets is $100 ($15 + $85), which exceeds 2% of the total payment (2% of $1,000 is $20). The fair market value of the advertising and complimentary tickets, therefore, constitutes a substantial return benefit and only that portion of the payment, or $900, that exceeds the fair market value of the substantial return benefit is a qualified sponsorship payment.

Example 9. U, a national charity dedicated to promoting health, organizes a campaign to inform the public about potential cures to fight a serious disease. As part of the campaign, U sends representatives to community health fairs around the country to answer questions about the disease and inform the public about recent developments in the search for a cure. A pharmaceutical company makes a payment to U to fund U's booth at a health fair. U places a sign in the booth displaying the pharmaceutical company's name and slogan, ''Better Research, Better Health,'' which is an established part of the company's identity. In addition, U grants the pharmaceutical company a license to use U's logo in marketing its products to health care providers around the country. The fair market value of the license exceeds 2% of the total payment received from the company. U's display of the pharmaceutical company's name and slogan constitutes acknowledgment of the sponsorship. However, the license granted to the pharmaceutical company to use U's logo is a substantial return benefit. Only that portion of the payment, if any, that U can demonstrate exceeds the fair market value of the license granted to the pharmaceutical company is a qualified sponsorship payment.

Example 10. V, a trade association, publishes a monthly scientific magazine for its members containing information about current issues and developments in the field. A textbook publisher makes a large payment to V to have its name displayed on the inside cover of the magazine each month. Because the monthly magazine is a periodical within the meaning of paragraph (b) of this section, the section 513(i) safe harbor does not apply. See § 1.512(a)–1(f).

Example 11. W, a symphony orchestra, maintains a Web site containing pertinent information and its performance schedule. The Music Shop makes a payment to W to fund a concert series, and W posts a list of its sponsors on its Web site, including the Music Shop's name and Internet address. W's Web site does not promote the Music Shop or advertise its merchandise. The Music Shop's Internet address appears as a hyperlink from W's Web site to the Music Shop's Web site. W's posting of the Music Shop's name and Internet address on its Web site constitutes acknowledgment of the sponsorship. The entire payment is a qualified sponsorship payment, which is not income from an unrelated trade or business.

Example 12. X, a health-based charity, sponsors a year-long initiative to educate the public about a particular medical condition. A large pharmaceutical company manufactures a drug that is used in treating the medical condition, and provides funding for the initiative that helps X produce educational materials for distribution and

post information on X's Web site. X's Web site contains a hyperlink to the pharmaceutical company's Web site. On the pharmaceutical company's Web site, the statement appears, ''X endorses the use of our drug, and suggests that you ask your doctor for a prescription if you have this medical condition.'' X reviewed the endorsement before it was posted on the pharmaceutical company's Web site and gave permission for the endorsement to appear. The endorsement is advertising. The fair market value of the advertising exceeds 2% of the total payment received from the pharmaceutical company. Therefore, only the portion of the payment, if any, that X can demonstrate exceeds the fair market value of the advertising on the pharmaceutical company's Web site is a qualified sponsorship payment.

Approved: April 12, 2002.

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

Mark Weinberger,

Assistant Secretary of the Treasury.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD13–02–003]

RIN 2115–AE47

Drawbridge Operations Regulations; Lake Washington Ship Canal, WA

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Thirteenth Coast Guard District has issued a temporary deviation from the regulations governing the operation of the Montlake Drawbridge across the Lake Washington Ship Canal, mile 5.2, at Seattle, Washington. During the deviation period, vessel operators must give five hours notice when requesting that both leaves of the bascule span be opened during the day from March 15 to May 14, 2002. Single leaf openings will be available as provided by the current operating regulations. This deviation is necessary to facilitate painting the bridge.

EFFECTIVE DATE: This deviation is effective from 6 a.m. on March 15 to 6 p.m. on May 14, 2002.

ADDRESSES: Unless otherwise noted, documents referred to in this notice are available for inspection and copying at Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174–1067, room 3510 between 7:45 a.m. and 4:15 p.m., Monday through Friday, except federal holidays. The Bridge Section of the Aids to Navigation and Waterways Management Branch maintain the docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: Austin Pratt, Chief, Bridge Section, Aids to Navigation and Waterways Management Branch, Telephone (206) 220–7282.

SUPPLEMENTARY INFORMATION: The Montlake Bridge across the Lake Washington Ship Canal, mile 5.2, at Seattle, Washington, provides 48 feet of vertical clearance above mean regulated lake level of Lake Washington for the central 100 feet of the bascule span. Navigation on the waterway includes tugs, gravel barges, construction barges, sailboats, motor yachts, and government vessels. The majority of the vessels can safely pass under the drawbridge in its closed position or through a single-leaf opening. Single-leaf openings are not affected by this temporary deviation and will be provided according to the normal operating regulations. A containment system, which encloses a portion of the bridge during sandblasting and painting, impedes prompt double-leaf openings of the draw. The five-hour notice is necessary to enable the contractor to derig and remove equipment and personnel from the draw before opening. This temporary deviation allows the Montlake Bridge to operate only one leaf on signal, per the existing regulations at 33 CFR 117.1051, unless five hours notice is provided for double-leaf openings between the hours of 6 a.m. and 6 p.m. March 15 to May 14, 2002, May 4 excepted. May 4th has been excepted from this temporary deviation to accommodate the Opening Day of Boating Season.

Dated: April 12, 2002.

R. W. Wicklund,

Captain, U.S. Coast Guard Commander, Thirteenth Coast Guard District, Acting.

[FR Doc. 02–10178 Filed 4–24–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD07–02–032]

Drawbridge Operation Regulations; Florida East Coast Railroad Bridge, St. Johns River, Jacksonville, Florida

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Seventh Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the Florida East Coast Railroad Bridge across the St. Johns River, mile 24.9, Jacksonville, Florida. This deviation allows the bridge to remain closed to navigation from 12:01 a.m. on April 22 until 6 p.m. on April 26, 2002, and from 12:01 a.m. on April 29 until 6 p.m. on May 3, 2002, for emergency repairs.

DATES: This deviation is effective from 12:01 a.m. on April 22 until 6 p.m. on May 3, 2002.

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

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

SUPPLEMENTARY INFORMATION: The Florida East Coast Railroad Bridge across the St. Johns River, Jacksonville, Florida, is a single leaf bascule bridge with a vertical clearance of 9 feet above mean high water (MHW) measured at the fenders in the closed position with a horizontal clearance of 195 feet. The current operating regulation in 33 CFR 117.325(c) requires that the bridge be constantly tended and have a mechanical override capability for the automated operation. A radiotelephone must be maintained at the bridge for the safety of navigation. The draw is normally in the fully open position, displaying flashing green lights to indicate that vessels may pass. When a train approaches, large signs on both the upstream and downstream sides of the bridge flash ''Bridge Coming Down,'' the lights go to flashing red, and siren signals sound. After an eight minute delay, the draw lowers and locks if there are no vessels under the draw. The draw remains down for a period of eight minutes or while the approach track circuit is occupied. After the train has cleared, the draw opens and the lights return to flashing green.

On April 3, 2002, the drawbridge owner requested a deviation from the current operating regulations to allow the owner or operator to close this bridge to vessel traffic for emergency repairs. On April 8, 2002, a conference

call was held between FEC officials and interested users of the waterway to determine the best times to conduct these emergency repairs. This deviation is the result of this coordinated effort.

Dated: April 15, 2002.

Greg Shapley,

Chief, Bridge Administration, Seventh Coast Guard District.

[FR Doc. 02–10177 Filed 4–24–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–02–038]

RIN 2115–AE47

Drawbridge Operation Regulations: Long Island, New York Inland Waterway From East Rockaway Inlet to Shinnecock Canal, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary final rule governing the operation of the Atlantic Beach Bridge, at mile 0.4, across Reynolds Channel at New York. This rule allows the bridge owner to open only one moveable span for bridge openings, 7 a.m. to 5 p.m., from April 22, 2002 through October 31, 2002. Two span openings will be granted, provided a two-hour advance notice is given, from one-hour before high tide to one-hour after predicted high tide. This single span operation is necessary to facilitate bridge painting operations at the bridge.

DATES: This temporary final rule is effective from April 22, 2002 through October 31, 2002.

ADDRESSES: Material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket (CGD01–02–038) and are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110, 6:30 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

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

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard has determined that good cause exists under the Administrative Procedure Act (5 U.S.C. 553) for not publishing a NPRM with comment and for making this regulation effective in less than 30 days after publication in the **Federal Register**. The Coast Guard believes notice and comment are unnecessary because the mariners that normally use this waterway attended a coordination meeting and agreed to the single span operation of the bridge. Making this rule effective less than thirty days after publication is necessary, since any delay encountered in this regulation's effective date would be unnecessary and contrary to the public interest because the bridge painting must commence April through October when the air temperature is conducive to bridge painting in order to complete this painting project.

Background

The Atlantic Beach Bridge has a vertical clearance of 25 feet at mean high water, and 30 feet at mean low water in the closed position. The existing drawbridge operating regulations are listed at 33 CFR 117.799.

The bridge owner, Nassau County Bridge Authority, requested a temporary regulation to facilitate painting operations at the bridge.

The Coast Guard and the bridge owner held a meeting with the mariners that normally use this waterway to coordinate this bridge painting project and minimize the impacts on the marine transportation system.

The single span operation was determined to be acceptable to the mariners because double span openings will be available from one-hour before to one-hour after the predicted high tide, provided a two-hour advance notice is given.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). This conclusion is based on the fact that the single span operation was determined to be acceptable by the mariners that normally use this waterway since double span openings will be made available to the mariners between the time period from one-hour before to one-hour after the predicted high tide at the bridge.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This conclusion is based on the fact that the single span operation was determined to be acceptable by the mariners since double span openings will be made available to the mariners that normally use this waterway between the time period from one-hour before to one-hour after the predicted high tide at the bridge.

Assistance for Small Entities

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal

government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those unfunded mandate costs. This rule will not impose an unfunded mandate.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Environment

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

Indian Tribal Governments

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

Energy Effects

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

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

2. From April 22, 2002 through October 31, 2002, § 117.799 is temporarily amended by suspending paragraph (e) and adding a new paragraph (j) to read as follows:

§ 117.799 Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal.

* * * * *

(j) The Atlantic Beach Bridge, mile 0.4, across Reynolds Channel, from April 22, 2002 through October 31, 2002, shall open on signal, except as follows:

(1) Only one moveable bridge span need be opened for the passage of vessel traffic between 7 a.m. to 5 p.m., daily, except as provided in paragraph (j)(3) of this section.

(2) From 4 p.m. to 7 p.m. on weekdays, and from 11 a.m. to 9 p.m. on weekends and holidays, the draw shall open on signal only on the hour and half-hour, except as provided in paragraph (j)(3) of this section.

(3) From one-hour before to one-hour after the predicted high tide, two moveable spans may be opened for the passage of vessel traffic, provided at least a two-hour advance notice is given by calling the number posted at the bridge. For the purposes of this section, predicted high tide occurs 10 minutes earlier than that predicted for Sandy Hook, as given in the tide tables published by the National Oceanic and Atmospheric Administration.

Dated: April 17, 2002.

G.N. Naccara,

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

[FR Doc. 02–10176 Filed 4–24–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Western Alaska–02–007]

RIN 2115–AA97

Security Zone; Liquefied Natural Gas (LNG) Tanker Transits and Operations at Phillips Petroleum LNG Pier, Cook Inlet, AK

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary 1000-yard radius security zones in the navigable waters around liquefied natural gas (LNG) tankers while they are moored and loading at Phillips Petroleum LNG Pier and while they are transiting outbound and inbound through the waters of Cook Inlet, Alaska between Phillips Petroleum LNG Pier and the Homer Pilot Station. These security zones temporarily close all navigable waters within a 1000-yard radius of the tankers. This action is necessary to protect the LNG tankers, Nikiski marine terminals, the community of Nikiski and the maritime community against sabotage or subversive acts.

DATES: This temporary final rule is effective from 12:01 a.m. April 30, 2002, until 12:01 a.m. July 6, 2002.

ADDRESSES: Documents indicated in this preamble as being available in the docket, are part of docket (COTP Western Alaska–02–007) and are available for inspection or copying at Coast Guard Marine Safety Office Anchorage, Alaska between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Mark McManus, USCG Marine Safety Detachment Kenai, at (907) 283–3292 or Lieutenant Commander Chris Woodley, USCG Marine Safety Office Anchorage, at (907) 271–6700.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), we find that good cause exists for not

publishing an NPRM, and that under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Because of the terrorist activities on September 11, 2001 and subsequent heightened security measures, any delay in the effective date of this rule would be contrary to the public interest, as immediate action is needed to protect the LNG tankers, Nikiski marine terminals, the community of Nikiski and the maritime community from potential sabotage or subversive acts and incidents of a similar nature. In addition, the Coast Guard will make public notifications prior to an LNG transit via marine information broadcasts to advise the maritime community when the security zones will be activated.

Background and Purpose

In light of the terrorist attacks in New York City and Washington, D.C. on September 11, 2001, the Coast Guard is establishing security zones on the navigable waters of Cook Inlet, Alaska, to protect the LNG tankers, Nikiski marine terminals, the community of Nikiski and the maritime community from potential sabotage or subversive acts and incidents of a similar nature. These security zones prohibit movement within or entry into the specified areas.

This rule establishes temporary 1000-yard radius security zones in the navigable waters around LNG tankers while moored and loading at Phillips Petroleum LNG Pier, Nikiski, Alaska and during their outbound and inbound transits through Cook Inlet, Alaska between Phillips Petroleum LNG Pier and the Homer Pilot Station. The security zones are designed to permit the safe and timely loading and transit of the tankers. The security zones' 1000-yard standoff distance also aids the safety of these LNG tankers by minimizing potential waterborne threats to the operation. The limited size of the zones are designed to minimize impact on other mariners transiting through the area while ensuring public safety by preventing interference with the safe and secure loading and transit of the tankers.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12886, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This finding is based on the minimal time that vessels will be restricted from the zones and that vessels may still transit through the waters of Cook Inlet. Vessels submitting a 96-hour Advanced Notice of Arrival and receiving prior approval of the Captain of the Port, Western Alaska, can dock at other Nikiski marine terminals while the security zone is in effect.

Small Entities

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

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

This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in the vicinity of the Phillips Petroleum LNG Pier during the time these zones are activated.

These security zones will not have a significant economic impact on a substantial number of small entities for the following reasons. Marine traffic will still be able to transit through Cook Inlet during the zones' activation. Additionally, vessels with prior approval from the Captain of the Port, Western Alaska and those vessels scheduled to dock at one of the Nikiski marine terminals who have submitted a Notice of Arrival will not be precluded from mooring at or getting underway from other Nikiski marine terminals in the vicinity of the zone.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Consultation and Coordination With Indian Tribal Governments

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

Energy Effects

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

under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under figure 2–1, paragraph 34(g), of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation. This rule fits paragraph 34(g) as it establishes a security zone. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

2. Add temporary § 165.T17–010 to read as follows:

§ 165.T17–010 Security Zone: Liquefied Natural Gas (LNG) Tanker Transits and Operations at Phillips Petroleum LNG Pier, Cook Inlet, Alaska.

(a) *Location.* The following areas are security zones: All navigable waters within a 1000-yard radius of liquefied natural gas (LNG) tankers while moored at Phillips Petroleum LNG Pier, 60°40′43″ N and 151°24′10″ W and all navigable waters within a 1000-yard radius of the tankers during their outbound and inbound transits through Cook Inlet, Alaska between Homer Pilot Station at 59°34′86″ N and 15°25′74″ W and Phillips Petroleum LNG Pier.

(b) *Effective period.* This section is effective from 12:01 a.m. April 30, 2002, until 12:01 a.m. July 6, 2002.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.33 apply.

(2) All persons and vessels shall comply with the instructions of the Captain of the Port representative or the designated on-scene patrol personnel. These personnel are comprised of commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: April 16, 2002.

W.J. Hutmacher,

Captain, U.S. Coast Guard, Captain of the Port, Western Alaska.

[FR Doc. 02–10179 Filed 4–24–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 334

United States Navy Restricted Area, Kennebec River, Maine

AGENCY: United States Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The U.S. Army Corps of Engineers is amending its regulations to establish a restricted area in waters adjacent to the Bath Iron Works Shipyard in Bath, Maine. This amendment will close off an open area all along the shipyard's piers down the west bank of the Kennebec River from the railroad bridge to the south end of the shipyard. The regulations are necessary to safeguard Navy vessels and United States Government facilities from sabotage and other subversive acts, accidents, or incidents of similar nature. These regulations are also necessary to protect the public from potentially hazardous conditions which may exist as a result of Navy use of the area.

EFFECTIVE DATE: May 28, 2002.

ADDRESSES: U.S. Army Corps of Engineers, ATTN: CECW–OR, 441 G Street, NW, Washington, DC 20314–1000.

FOR FURTHER INFORMATION CONTACT: Mr. Frank Torbett, Headquarters Regulatory Branch, Washington, DC at (202) 761–4618, or Mr. Richard Roach, Corps of Engineers, New England District, Regulatory Division, at (978) 318–8211 or (800) 343–4789.

SUPPLEMENTARY INFORMATION:

Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX, of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3) the Corps is amending the restricted area regulations in 33 CFR Part 334 by adding Section 334.45 to establish a restricted area in waters adjacent to the Bath Iron Works Shipyard at Bath, Maine.

Procedural Requirements

a. Review Under Executive Order 12866

This rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

b. Review Under the Regulatory Flexibility Act

This rule has been reviewed under the Regulatory Flexibility Act (Pub. L. 96–354) which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small governments). The Corps expects that the economic impact of this restricted area would have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic and accordingly, certifies that this proposal will have no significant economic impact on small entities.

c. Review Under the National Environmental Policy Act

The New England District has prepared an Environmental Assessment (EA) for this action. We have concluded, based on the minor nature of the proposed additional restricted area regulations, that this action will not have a significant impact to the quality of the human environment, and preparation of an Environmental Impact Statement (EIS) is not required. The EA may be reviewed at the New England District office listed at the end of **FOR FURTHER INFORMATION CONTACT,** above.

d. Unfunded Mandates Act

This rule does not impose an enforceable duty among the private sector and, therefore, is not a Federal private sector mandate and is not subject to the requirements of Section 202 or 205 of the Unfunded Mandates Act. We have also found under Section 203 of the Act, that small Governments will not be significantly and uniquely affected by this rulemaking.

e. Submission to Congress and the General Accounting Office

Pursuant to section 801(a)(1)(A) of the Administrative Procedure Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, the Army has submitted a report containing this Rule to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General

Accounting Office. This Rule is not a major Rule within the meaning of Section 804(2) of the Administrative Procedure Act, as amended.

List of Subjects in 33 CFR Part 334

Danger zones, Marine safety, Navigation (water), Restricted Areas, Waterways.

For the reasons set out in the preamble, the Corps proposes to amend 33 CFR Part 334 as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for part 334 continues to read as follows:

Authority: 33 U.S.C. 1 and 33 U.S.C. 3.

2. Section 334.45 is added to read as follows: § 334.45 Kennebec River, Bath Iron Works Shipyard, Naval Restricted Area, Bath, Maine.

(a) *The area.* The waters within a coffin shaped area on the west side of the river south of the Carlton (Route 1) highway bridge beginning on the western shore at latitude 43°54′40.7″ N, longitude 069°48′44.8″ W; thence easterly to latitude 43°54′ 40.7″ N, longitude 069°48′36.8″ W; thence southeasterly to latitude 43°54′10.4″ N, longitude 069°48′34.7″ W; thence southwesterly to latitude 43°53′55.1″ N, longitude 069°48′39.1″ W; thence westerly to latitude 43°53′55.1″ N, longitude 69°48′51.8″ W; thence northerly along the westerly shoreline to the point of origin.

(b) *The regulation.* All persons, swimmers, vessels and other craft, except those vessels under the supervision or contract to local military or Naval authority, vessels of the United States Coast Guard, and local or state law enforcement vessels, are prohibited from entering the restricted areas without permission from the Supervisor of Shipbuilding, USN Bath Maine or his authorized representative

(c) *Enforcement.* The regulation in this section, promulgated by the United States Army Corps of Engineers, shall be enforced by the, Supervisor of Shipbuilding, Conversion and Repair Bath, United States Navy and/or such agencies or persons as he/she may designate.

Dated: April 15, 2002.

Karen Durham-Aguilera,

Acting Chief, Operations Division, Directorate of Civil Works.

[FR Doc. 02–10123 Filed 4–24–02; 8:45 am]

BILLING CODE 3710–92–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–7201–1]

Delaware: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of Immediate Final Rule.

SUMMARY: EPA is withdrawing the immediate final rule for Delaware: Final Authorization of State Hazardous Waste Management Program Revision published on February 27, 2002, which authorized changes to Delaware's hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA stated in the immediate final rule that if EPA received written comments that oppose this authorization during the comment period, EPA would publish a timely notice of withdrawal in the **Federal Register**. Since EPA did receive comments that oppose this authorization, EPA is withdrawing the immediate final rule. EPA will address these comments in a subsequent final action based on the proposed rule also published on February 27, 2002, at 67 FR 8925.

DATES: As of April 25, 2002, EPA withdraws the immediate final rule published on February 27, 2002, at 67 FR 8900.

FOR FURTHER INFORMATION CONTACT: Lillie Ellerbe, Mailcode 3WC21, RCRA State Programs Branch, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103–2029, Phone number: (215) 814–5454.

SUPPLEMENTARY INFORMATION: Because EPA received written comments that oppose this authorization, EPA is withdrawing the immediate final rule for Delaware: Final Authorization of State Hazardous Waste Management Program Revision published on February 27, 2002, at 67 FR 8900, which authorized changes to Delaware's hazardous waste rules. EPA stated in the immediate final rule that if EPA received written comments that oppose this authorization during the comment period, EPA would publish a timely notice of withdrawal in the **Federal Register**. Since EPA received comments that oppose this action, today EPA is withdrawing the immediate final rule. EPA will address the comments received during the comment period in a subsequent final action based on the proposed rule also published on February 27, 2002. EPA will not provide for additional public comment during the final action.

Dated: April 18, 2002.

James W. Newsom,

Acting Regional Administrator, EPA Region III.

[FR Doc. 02–10169 Filed 4–24–02; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Base (1% annual chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the FIRM is available for inspection as indicated in the table below.

ADDRESSES: The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (e-mail) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: FEMA makes the final determinations listed below of BFEs and modified BFEs for each community listed. The proposed BFEs and proposed modified BFEs were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed BFEs and proposed modified

BFEs were also published in the **Federal Register**.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR Part 67.

FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR Part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community.

The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Acting Administrator, Federal Insurance and Mitigation Administration certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism. This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This proposed rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 67 is amended to read as follows:

PART 67—[AMENDED]

1. The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).
ARIZONA	
La Paz County (Unincorporated Areas), (FEMA Docket No. B–7417)	
Bouse Wash:	
Approximately 5,700 feet downstream of Yellow Bird Drive	*875
Approximately 3,200 feet downstream of Plomosa Road	*925
Approximately 3,500 feet upstream of Joshua Street	*979
Tributary Along East Side Railroad:	
Approximately 3,700 feet downstream of Willamette Drive	*876
Approximately 3,000 feet upstream of Main Street	*963
Tributary B:	
At confluence with Bouse Wash	*889
Approximately 800 feet upstream of the unnamed road stretching between Winema Drive and Cholla Drive	*946
Tributary C:	
At confluence with Bouse Wash	*898
Approximately 800 feet upstream of Cholla Drive	*925
Tributary D:	
At confluence with Bouse Wash	*923
Approximately 2,800 feet upstream of Black Mountain Drive	*985
Tributary D 1:	
At confluence with Tributary D	*932
Approximately 800 feet upstream of Rayder Avenue	*947
Tributary E 1:	
At confluence with Bouse Wash	*948
Approximately 700 feet upstream of Rayder Avenue	*982
Tributary F:	
At confluence of Bouse Wash	*876
Approximately 3,550 feet upstream of La Posa Road	*941
Tributary H:	
At confluence with Bouse Wash	*940
Approximately 1,600 feet upstream of Plomosa Road	*985
Tributary I:	
At confluence with Bouse Wash	*944
Just downstream of Plomosa	*1,005
Maps are available for inspection at the La Paz County Development, 1112 Joshua Avenue, Suite 202, Parker, Arizona.	
Santa Cruz County (Unincorporated Areas), (FEMA Docket No. B–7310)	
Tubac Creek:	
At confluence with Santa Cruz River	*3,192
Approximately 0.35 miles (1,850 feet) upstream of Interstate 19	*3,263
Tubac Creek: North Channel:	
At confluence with Santa Cruz River	*3,189
At divergence from Tubac Creek approximately 680 feet upstream of Calle De Olivas	*3,251
Tributary 1 of Tubac Creek:	
At confluence with Tubac Creek	*3,213
At approximately 0.229 mile (1,210 feet) upstream of Interstate 19	*3,250
Tributary 2 of Tubac Creek:	
At confluence with Tubac Creek	*3,195
Immediately downstream of East Frontage Road	*3,222
Maps are available for inspection at the Floodplain Administrators Office, Room 11, 2150 North Congress Drive, Nogales, Arizona.	
Mohave County (Unincorporated Areas), (FEMA Docket No. B–7266)	
Cerbat Wash Tributary 1:	
Approximately 140 feet downstream of Route 68	*2,797
Cerbat Wash Tributary 2:	
At confluence of Cerbat Wash	*2,848
Approximately 300 feet downstream of Agua Fria Drive	*2,900
Sacramento Wash:	
Approximately 2,600 feet downstream of Shipp Drive	*2,723
Approximately 160 feet downstream of Auga Fira Drive	*2,852
Sacramento Wash Tributary 3:	
At confluence with Sacramento Wash	*2,833
Approximately 2,700 feet downstream of Agua Fria Drive	*2,861
Sacramento Wash Tributary 4:	
At confluence with Sacramento Wash	*2,768
Approximately 2,000 feet above confluence with Sacramento Wash-Tributary 4A	*2,827
Sacramento Wash Tributary 4 A:	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).
At confluence with Sacramento Wash—Tributary 4	*2,804
Approximately 1,940 feet upstream of confluence with Sacramento Wash Tributary 4	*2,827
Sacramento Wash Tributary 5:	
At confluence with Sacramento Wash	*2,748
Approximately 6,250 feet upstream of Chino Drive	*2,868
Sacramento Wash Tributary 5 A:	
At confluence with Sacramento Wash	*2,790
Approximately 2,700 feet upstream of Chino Drive	*2,823
Sacramento Wash Tributary 6:	
Approximately 250 feet upstream of Shipp Drive	*2,760
Approximately 5,350 feet upstream of Chino Drive	*2,886
Sacramento Wash Tributary 6 A:	
At confluence with Sacramento Wash—Tributary 6	*2,788
Approximately 2,900 feet upstream of confluence with Sacramento Wash Tributary 6B	*2,880
Sacramento Wash Tributary 6 B:	
At confluence with Sacramento Wash—Tributary 6 A	*2,860
Approximately 1,760 feet upstream of confluence with Sacramento Wash Tributary 6A	*2,880
Thirteen Mile Wash:	
Approximately 500 feet upstream of Shipp Drive	*2,800
Approximately 3,050 feet upstream of Agua Drive	*3,117
Thirteen Mile Wash Tributary 1:	
At confluence of Thirteen Mile Wash	*3,030
At Agua Fria Drive	*3,062
Thirteen Mile Wash Tributary 2:	
At confluence of Thirteen Mile Wash	*3,013
100 feet upstream of Agua Fria Drive	*3,121
Maps are available for inspection at Mohave County, Flood Control District, P.O. Box 7000, Kingman, Arizona.	
CALIFORNIA	
Placer County (Unincorporated Areas), (FEMA Docket No. B–7413)	
Miners Ravine:	
Just upstream of Sierra College Blvd	*251
Just upstream of Miners Ravine Road	*358
Approximately 650 feet upstream of New Castle Road	*784
Maps are available for inspection at the Placer County Public Works Department, 11444 B Avenue, Auburn, California.	
Plumas County (Unincorporated Areas), (FEMA Docket No. B–7413)	
Middle Fork Feather River:	
Just upstream of Western Pacific Railroad crossing	*4,819
Approximately 4,500 feet upstream of confluence of Portola Tributary	*4,849
Approximately 500 feet upstream of Ellen Avenue	*4,918
Approximately 2,600 feet upstream of confluence of West Branch Portola Tributary	*5,076
At confluence with Portola Tributary	*4,951
Approximately 100 feet upstream of Deerweed Street	*5,036
Maps are available for inspection at the Plummas County Courthouse, 520 Main Street, Room 120, Quincy, California.	
COLORADO	
Florence (City), Freemont County, (FEMA Docket No. B–7416)	
Oak Creek:	
Approximately 1,500 feet downstream of West Third Street	*5,166
Just upstream of Denver and Rio Grande Western Railroad	*5,195
Oak Creek Right Overbank:	
Approximately 170 feet upstream of West Seventh Street	*5,156
Just upstream of Denver and Rio Grande Western Railroad	*5,192
Maps are available for inspection at 300 West Main Street, Florence, Colorado.	
Freemont County (Unincorporated Areas), (FEMA Docket No. B–7417)	
Oak Creek Right Overbank:	
500 feet downstream of West Seventh Street	*5,151
Approximately 150 feet upstream of West Seventh Street	*5,156
Oak Creek:	
Approximately 1,200 feet upstream of confluence with Arkansas River	*5,158
Just downstream at Atchison, Topeka and Santa Fe Railroad	*5,246
Maps are available for inspection at the County Courthouse, 615 Macon Avenue, Room B5, Canon City, Colorado.	
HAWAII	
Honolulu (City and County), (FEMA Docket No. B–7314)	
Moanalua Stream:	
Approximately 250 feet downstream of Moanalua Road	*12
Approximately 180 feet upstream of Jarett White Road	*29
Manaika Stream:	
At confluence with Moanalua Stream	*12
Approximately 260 feet upstream of Mahole Street	*35
Waiawa Stream:	
At Middle Loch	*3
Approximately 4,400 feet upstream of confluence with Panakauahi Gulch	*63
Overflow of Waiawa Stream:	
At Middle Loch	*4
Approximately 2,600 feet upstream from Middle Loch	*16
Panakauahi Gulch:	
At confluence with Waiawa Stream	*44
Approximately 800 feet upstream of Cane Haul Road	*97
Flow along Cane Haul Road:	
At convergence point with Panakauahi Gulch	*52
At divergence point from Panakauahi Gulch	*93
Split flow Waiawa Stream:	
At Middle Loch	*3
Approximately 870 feet upstream of Waipulani Avenue	*11
Maps are available for inspection at the Planning and Zoning Department, 650 S. King Street, Honolulu, Hawaii.	
IDAHO	
Ammon (City), Bonneville County (FEMA Docket No. B–7417)	
Sand Creek Drainage:	
Approximately 850 feet upstream of Sunnyside Road	*4,718
Approximately 85 feet upstream of Wanda Street	*4,724
Maps are available for inspection at the Ammon City Hall, c/o Ms. Aleen Jenson, 2135 South Ammon Road, Ammon, Idaho.	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).
Bonneville County (Unincorporated Areas), (FEMA Docket No. B–7417)	
Black Canyon Drainage:	
At Nielson Road	*4,741
Approximately 4,900 feet upstream of Nielson Road	*4,775
Salt River: 2,500 feet downstream of confluence of Miller Creek	*5,677
Sand Creek Drainage:	
Just downstream of First Street	*4,744
Just upstream of Sunnyside Road	*4,716
Maps are available for inspection at the Bonneville County Courthouse, 605 North Capital Avenue, Idaho Falls, Idaho.	
Bonner County (Unincorporated Areas), (FEMA Docket No. B-7417)	
Pend Oreille River:	
Approximately 4,000 feet downstream of U.S. Route 2	*2,056
Approximately 800 feet downstream of Alderni Falls Dam	*2,057
Maps are available for inspection at the Bonner County Planning Department, 127 South First Avenue, Sandpoint, Idaho.	
IOWA	
Swisher (City), Johnson County (FEMA Docket No. B–7302)	
Swisher Creek:	
Approximately 16,000 feet above mouth	*747
Approximately 19,600 feet above mouth	*757
Maps are available for inspection at City Hall, 66 Second Street, Swisher, Iowa.	
MISSOURI	
Pulaski County (Unincorporated Areas) (FEMA Docket No. B–7417)	
Roubidoux Creek:	
Approximately 4,800 feet upstream from confluence with Gasconade River	*765
Approximately 2,700 feet downstream of Historic Route 66	*777
Approximately 2,600 feet upstream of Historic Route 66	*784
Approximately 11,000 feet upstream of Interstate 44	*796
Mitchell Creek:	
Just upstream of Interstate 44	*856
Approximately 4,700 feet upstream of Highway H	*908
Pearson Hollow:	
Approximately 300 feet upstream of Glenn Road	*892
Approximately 1,100 feet upstream of Glenn Road	*901
Maps are available for inspection at the Pulaski County Courthouse, 301 Historic Route 66 East, Waynesville, Missouri	
MONTANA	
Cascade County (Unincorporated Areas), (FEMA Docket No. B–7413)	
Gibson Flats:	
At confluence with Sand Coulee Creek (North side of Railroad)	*3,352
At divergence from Sand Coulee Creek	*3,361
Sand Coulee Creek:	
Approximately 4,000 feet downstream of Goon Hill Road	*3,345
Just upstream of Gibson Flats Road	*3,357
Approximately 1,600 feet downstream of Blaine Street	*3,422
Approximately 2,000 feet upstream of Brown Road	*3,448
Sand Coulee Creek (Northside of Railroad):	
At confluence with Sand Coulee Creek (downstream)	*3,354
At divergence from Sand Coulee Creek (upstream)	*3,354
Sun River:	
At confluence with Missouri River	*3,319
Approximately 1.5 miles upstream of Central Avenue West	*3,332
Approximately 3,200 feet upstream of Manchester Bridge	*3,339
Maps are available for inspection at the Cascade County Planning Department, 415 Third Street, Northwest, Great Falls, Montana.	
NEVADA	
Washoe County (Unincorporated Areas), (FEMA Docket No. B–7310)	
Golden Valley Wash:	
Approximately 2,180 feet upstream of Tholl Drive	*4,981
Approximately 2,700 feet upstream of Spearhead Way	*5,176
Hidden Valley Wash:	
Approximately 1,800 feet upstream of its confluence with Steamboat Creek	*4,442
Approximately 3,420 feet upstream of Parkway Drive	*4,647
Sun Valley Wash:	
At the Sun Valley Flood Control Detention Dam	*4,548
At East 7th Avenue	*4,725
Sun Valley Wash Split Flow:	
At convergence with Sun Valley Wash	*4,647
Maps are available for inspection at Washoe County Engineering Department, 1001 E. 9th Street, Reno, Nevada.	
NEW MEXICO	
Lovington (City), Lea County (FEMA Docket No. B–7401)	
Main Street Ditch:	
Just upstream of County Road	*3,890
Just downstream of Jefferson Avenue	*3,917
Railroad Ditch:	
Approximately 5,450 feet downstream of confluence with Railroad Ditch Tributary	*3,800
Just downstream of Ninth Street	*3,911
Railroad Ditch Tributary:	
Approximately 360 feet downstream of State Route 18	*3,894
Just downstream of Avenue R	*3,899
Maps are available for inspection at City Hall, 214 South Love, Lovington, New Mexico.	
NORTH DAKOTA	
West Fargo (City) Cass County, (FEMA Docket No. B–7310)	
Sheyenne River:	
Approximately 8,700 feet downstream from 19th Avenue	*898
At confluence with County Drain 2	*899
County Drain 21:	
Approximately 1,400 feet downstream from Township Road	*898
At divergence of County Drain 21 outlet structure	*899
Maps are available for inspection at the City Hall, 800 4th Avenue East, West Fargo, North Dakota.	
Reiles Acres (City) Cass County, (FEMA Docket No. B–7310)	
County Drain 45:	
Approximately 5,400 feet downstream from 32nd Avenue	*893
Approximately 3,000 feet upstream from 32nd Avenue	*893

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).
Maps are available for inspection at 3348 45th Street, NW, Reiles Acres, North Dakota.	
Township of Reed Cass County, (FEMA Docket No. B–7310)	
Sheyenne River:	
Approximately 7,400 feet downstream of County Road 17	*894
At 52nd Avenue	*896
Approximately 1,600 feet upstream of its confluence with County Drain 21	*898
County Drain 21:	
At confluence with the Sheyenne River	*898
Approximately 900 feet upstream of its confluence with The Sheyenne River	*898
County Drain 45:	
Approximately 5,800 feet downstream	*893
At County Road 20	*893
Maple River:	
At its confluence with the Sheyenne River	*897
Approximately 480 feet upstream of its confluence with the Sheyenne River	*897
Maps are available for inspection at City Hall, 7420 40th Avenue North, Fargo, North Dakota.	
Harwood (City) Cass County, (FEMA Docket No. B–7310)	
Sheyenne River:	
At U.S. Highway 81	*891
Approximately 7,600 feet upstream from County Highway 22	*894
County Drain 40/45:	
Approximately 3,600 feet downstream from County Highway 22	*890
Approximately 1,200 feet upstream from County Drain 40/45 split	*897
Maps are available for inspection at City Hall, 202 Dakota Avenue, Harwood, North Dakota.	
Fargo (City) Cass County, (FEMA Docket No. B–7310)	
County Drain 45:	
At County Road 14 (52nd Avenue)	*893
Approximately 2,800 feet upstream of 19th Avenue	*894
Maps are available for inspection at City Hall, 200 North 3rd Street, Fargo, North Dakota.	
Mapleton (City) Cass County, (FEMA Docket No. B–7416)	
Maple River:	
Northeast corner of City of Mapleton Corporate Limits	*903
Along Interstate 94 within City of Mapleton Corporate Limits	*907
Maps are available for inspection at 1042 14th Avenue, Suite 101, West Fargo, North Dakota.	
Durbin (Township) Cass County, (FEMA Docket No. B–7416)	
Maple River:	
Approximately 3,000 feet downstream of west bound Interstate 94	*907
Approximately 2,400 feet upstream of east Interstate 94	*908
Maps are available for inspection at the Office of the Township Chairman, 3768–157 R Avenue, Southeast, Casselton, North Dakota.	
Raymond (Township) Cass County, (FEMA Docket No. B–7416)	
Maple River:	
At middle of eastern edge of section 30 in Township 140 North Range 50 West	*903
At southwestern corner of Section 30 in Township 140 North Range 50 West	*904
Maps are available for inspection at the Zoning Administration, 16365 33rd Street, Southeast, Mapleton, North Dakota.	
OKLAHOMA	
Logan County (Unincorporated Areas), (FEMA Docket No. B–7407)	
Chisholm Creek:	
Approximately 2,200 feet downstream of Waterloo Road	*1,014
Just downstream of Waterloo Road	*1,016
Coon Creek:	
Just upstream of Waterloo Road	*969
Approximately 100 feet upstream of Waterloo Road	*970
Maps are available for inspection at the Logan County Courthouse, 301 East Harrison, Guthrie, Oklahoma.	
OREGON	
Warm Springs Indian Reservation (FEMA Docket No. B–7417)	
Warm Springs River:	
Approximately 500 feet downstream of Bia Route 13	*1,408
Approximately 650 feet upstream of Bia Route 13	*1,471
Shitike Creek:	
Approximately 100 feet upstream of the confluence with Deschutes River	*1,372
Approximately 5,850 feet upstream of the confluence with Tenino Creek	*1,534
Tenino Creek:	
At confluence with Shitike Creek	*1,471
Approximately 3,700 feet upstream of Bia Route 4	*1,540
Maps are available for inspection at the Confederated Tribes of Warm Springs, 1233 Veterans Street, Warm Springs, Oregon.	
SOUTH DAKOTA	
Hot Springs, (City) Fall River County (FEMA Docket No. B–7417)	
Cold Brook Creek:	
At confluence with Hot Brook Creek and Fall River	*3,475
Approximately 300 feet upstream of Tillotson Street	*3,502
Fall River:	
Approximately 1,250 feet downstream of Joplin Avenue	*3,375
At confluence with Hot Brook Creek and Cold Brook Creek	*3,475
Unnamed Tributary to Fall River:	
At confluence with Fall River	*3,390
Approximately 700 feet upstream of River Street	*3,408
Maps are available for inspection at the City Hall, 303 North River Street, Hot Springs, South Dakota.	
WYOMING	
New Castle (City), Weston County (FEMA Docket No. B–7417)	
Cambria Creek:	
Approximately 1,930 feet downstream of Carter Avenue	+4,248
Approximately 2,100 feet upstream of North Summit Avenue	+4,350
Cambria Overflow:	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).
At convergence with Little Oil Creek	+4,188
At divergence from Cambria Creek	+4,268
Cave Spring Canyon:	
At confluence with Cambria Creek	+4,335
Approximately 1,950 feet upstream of confluence with Cambria Creek	+4,373
Little Oil Creek:	
Approximately 1,900 feet downstream of Morrisey County Road	+4,134
At U.S. Highway 16 Bypass	+4,227
At Stampede Street	+4,270

Maps are available for inspection at the City Hall, 10 W. Warwick, Newcastle, Wyoming.

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).	Communities affected
CALIFORNIA		
San Joaquin County and Incorporated Areas FEMA Docket No. (B–7157)		
Bear Creek (Overflow north of Bear Creek:		
West of Union Pacific Railroad and south of Pixley Slough	*19	San Joaquin County (Uninc. Areas).
Just east of Southern Pacific Railroad	*36	
Just east of State Highway 99	*42	
Just east of Alpine Road	*55	
4,000 feet downstream from Jack Tone Road	*83	
Bear Creek (Channel):		
At Kettleman Lane	*77	San Joaquin County (Uninc. Areas)
At Jack Tone Road	*88	
Just downstream of Tully Road	*96	
Bear Creek (Overflow south of Bear Creek):		
Just east of Thornton Road	*12	San Joaquin County (Uninc. Areas).
Just east of Union Pacific Railroad	*22	
Just east of State Highway 99 and north of Eightmile Road	*39	
Above confluence of Mosher Creek	*60	
At Sargent Road Tributary	*85	
Paddy Creek (Overflow from West Bank):		
At confluence with Bear Creek	*73	San Joaquin County (Uninc. Areas).
At confluence of Middle Paddy Creek	*76	
Just downstream of Sargent Road	*89	
Paddy Creek (Overflow from East Bank):		
At confluence with Bear Creek	*67	San Joaquin County (Uninc. Areas).
Above confluence of South Paddy Creek	*73	
Above confluence of Middle Paddy Creek	*78	
Just south of Sargent Road	*90	
Middle Paddy Creek (Overflow from South Bank):		
At confluence with Paddy Creek	#1	San Joaquin County (Uninc. Areas).
South Paddy Creek (Overflow from South Bank):		
At confluence with Paddy Creek	*69	San Joaquin County (Uninc. Areas).
Stockton Diversion Canal (Overflow from North Bank):		
At confluence with Calaveras River	*28	San Joaquin County (Uninc. Areas).
Just east of State Highway 99	*32	
Just east of State Highway 88	*33	
At Copperopolis Road	*41	
Mormon Slough (Overflow from North Bank):		
At divergence of Stockton Diverting Canal	*41	San Joaquin County (Uninc. Areas).
Approximately 6,000 feet upstream of Copperopolis Road Crossing of Diverting Canal.	*45	
1,000 feet south of Flood Road	*95	
Mormon Slough (Overflow from South Bank):		
At Southern Pacific Railroad	*83	San Joaquin County (Uninc. Areas).
At Milton Road	*85	
1,500 feet downstream of Flood Road	*97	
Potter Creek A (Overflow from South Bank):		
Upstream of Southern Pacific Railroad	*89	San Joaquin County (Uninc. Areas).
Just downstream of Milton Road	*90	
Potter Creek A (Channel and South Bank overflow):		
Just north of Milton Road	*92	San Joaquin County (Uninc. Areas).
Just upstream of Fine Avenue	*104	
Potter Creek B (Overflow from North Bank):		
Just north of Milton Road	*85	San Joaquin County (Uninc. Areas).
Approximately 3,000 feet west of Fine Avenue	*99	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).	Communities affected
Just west of Fine Avenue	*102	
Potter Creek B (Overflow from South Bank):		
At Milton Road	87	San Joaquin County (Uninc. Areas).
Just west of Fine Avenue	*102	
Potter Creek B (Main Channel and both overbanks):		
Approximately 1,500 feet east of Fine Avenue	*105	San Joaquin County (Uninc. Areas).
Bear Creek (overflow between Bear Creek and Mosher Creek)		
Just east of Interstate Highway 5	*12	City of Stockton.
Just east of Western Pacific Railroad	*22	
Just east of West Lane	*23	
East of Southern Pacific Railroad and north of Morada Lane	*30	
Potter Creek B (Overflow from South Bank):		
At Milton Road	*87	San Joaquin County (Uninc. Areas).
Just west of Fine Avenue	*102	
Potter Creek B (Main Channel and both overbanks):		
Approximately 1,500 feet east of Fine Avenue	*105	San Joaquin County (Uninc. Areas).
Bear Creek (Overflow between Bear Creek and Mosher Creek)		
Just east of Interstate Highway 5	*12	City of Stockton.
Just east of Western Pacific Railroad	*22	
Just east of West Lane.		
East of Southern Pacific Railroad and north of Morada Lane	*30	
Just west of State Highway 99	*35	
Mosher Creek (Overflow from south bank):		
East of Western Pacific Railroad and west of West Lane	*22	City of Stockton.

ADDRESSES

San Joaquin County (Unincorporated Areas):

Maps are available for inspection at San Joaquin County Flood Control and Water Conservation District, 1810 East Hazelton Avenue, Stockton, California.

City of Stockton:

Maps are available for inspection at the Community Development Department/Building Department, City of Stockton, 345 North El Dorado Street, Stockton, California.

Yolo County and Incorporated Areas FEMA Docket No. (B–7274)		
Cache Creek:		
Just upstream of Stilling Basin, A approximately 4,900 feet North of River Road	*36	Yolo County (Uninc. Areas).
Just downstream of County Road 94B	*95	
Cache Creek Right Overbank Flow:		
Near County Road 25 and Willow Slough	*33	Yolo County (Uninc. Areas)
Near the intersection of County Road 19B and 96A	*89	
Cache Creek Right Overbank Flow:		
Approximately 1 mile east of the intersection of County Road 102 and Interstate 5.	*35	City of Woodland.
At the intersection of State Route 16 and County Road 98	*74	

ADDRESSES

Yolo County (Unincorporated Areas):

Maps are available for inspection at the Department of Planning and Public Works, 292 West Beamer Street, Woodland, California.

City of Woodland:

Maps are available for inspection at the Community Development Department, City Hall, 300 First Street, Woodland, California.

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).	Communities affected
NEW MEXICO		
Bernalillo County and Incorporated Areas FEMA Docket No. (B–7418)		
Arroyo Del Pino:		
Near Marigold Drive	#3	Bernalillo County (Uninc. Areas), City of Albuquerque.
North Arroyo De Domingo Baca:		
At intersection of Interstate 25 and Corona Avenue	#2	City of Albuquerque.
At intersection of Anaheim Avenue and Louisiana Boulevard	None	
Approximately 200 feet north of intersection of Lowell Street and Corona Avenue	None	
South Arroyo De Domingo Baca:		

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).	Communities affected
At intersection of Pino Avenue and Holbrook Street	#3	Bernalillo County (Uninc. Areas), City of Albuquerque.
Southwest of intersection of Palomas Avenue and Lowell Street	*5,913	
Just downstream of Bobcat Boulevard	#2	
South Arroyo De Domingo Baca Tributary:		
Approximately 800 feet downstream of Paseo Del Norte	#2	Bernalillo County (Uninc. Areas).
Approximately 200 feet upstream of Ridge Road	#2	
Middle Branch South Arroyo De Domingo Baca:		
Approximately 500 feet downstream of Ridge Road	#1	Bernalillo County (Uninc. Areas).
Approximately 200 feet upstream of Ridge Road	#1	
South Branch South Arroyo De Domingo Baca:		
Approximately 600 feet downstream of Ridge Road	#1	Bernalillo County (Uninc. Areas).
Approximately 200 feet upstream of Ridge Road	#1	
Tiferas Arroyo:		
Just upstream of Sandia Military Reservation	*5,386	Bernalillo County (Uninc. Areas), City of Albuquerque.
Approximately 500 feet west of Intersection of I–40 and Old Route 66	*5,988	
Tiferas Arroyo Tributary A:		
Approximately 1,200 feet west of and parallel to Caballo De Fuenza Road	#1	Bernalillo County (Uninc. Areas).
Tiferas Arroyo Tributary B:		
Approximately 1,200 feet east of and parallel to Caballo De Fuenza Road	#1	Bernalillo County (Uninc. Areas).
Tiferas Arroyo Tributary C:		
North of Old Route 66 in T10N R5E Sec. 30	#2	Bernalillo County (Uninc. Areas).
Tiferas Arroyo Tributary D:		
North and south of Old Route 66 in T10N R5E Sec. 30	#2	Bernalillo County (Uninc. Areas).
Tiferas Arroyo Tributary E:		
South of Coyote Springs Road in T10N R5E Sec. 30	#2	Bernalillo County (Uninc. Areas).
Tiferas Arroyo Tributary F:		
North of Old Route 66 in T10N R5E Sec. 19	#2	Bernalillo County (Uninc. Areas).

ADDRESSES

City of Albuquerque:

Maps are available for inspection at the Public Works Department, Development and Building Services Division, 600 2nd Street, NW, Albuquerque, New Mexico.

Bernalillo County (Unincorporated Areas):

Maps are available for inspection at 2400 Broadway, SE, Albuquerque, New Mexico.

Source of flooding and location	#Depth in feet above ground. +Elevation in feet (NAVD) *Elevation in feet (NGVD).	Communities affected
OREGON		
Tillamook County and Incorporated Areas FEMA Docket No. (B–7408)		
Dougherty Slough:		
At Main Avenue	*11	City of Tillamook.
Approximately 775 feet upstream of Main Avenue	*12	
Hoquarten Slough:		
Approximately 1,450 feet downstream of U.S. Highway 101–Main Avenue	*11	City of Tillamook.
Approximately 675 feet upstream of U.S. Highway 101–Main Avenue	*13	
Wilson River:		
Approximately 230 feet upstream of U.S. Highway 101	*17	City of Tillamook.
Approximately 975 feet upstream of U.S. Highway 101	*18	
Dougherty Slough (Wilson River):		
At confluence with Hoquarten Sloug	*10	Tillamook County (Uninc. Areas).
Approximately 2,800 feet upstream of Wilson River Loop Road	*27	
Hoquarten Slough (Wilson River):		
Approximately 3,250 feet upstream of confluence with Trask River	*10	Tillamook County (Uninc. Areas).
Approximately 700 feet upstream of Southern Pacific Railroad	*15	
Wilson River:		
Approximately 150 feet upstream of confluence with Tillamook Bay	*10	Tillamook County (Uninc. Areas).
Approximately 4,300 feet upstream of Wilson River Loop Road	*28	

Source of flooding and location	#Depth in feet above ground. +Elevation in feet (NAVD) *Elevation in feet (NGVD).	Communities affected

ADDRESSES

Tillamook County and Unincorporated Areas:

Maps are available for inspection at the County Courthouse, 201 Laurel Avenue, Tillamook, Oregon.

City of Tillamook:

Maps are available for inspection at City Hall, 210 Laurel Avenue, Tillamook, Oregon

Source of flooding and location	#Depth feet above ground. *Elevation in feet (NGVD).	Communities affected
TEXAS		
Bexar County and Incorporated Areas FEMA Docket No. (B–7414)		
Culebra Creek:		
At confluence with Leon Creek	*773	Bexar County (Uninc. Areas), City of San Antonio.
At Culebra Road	*849	
Just downstream of Galm Road	*952	
Culebra Creek Split No. 1:		
At confluence with Culebra Creek	*796	Bexar County (Uninc. Areas), City of San Antonio.
Approximately 830 feet upstream of Tezel Road	*808	
Culebra Creek Split No. 2:		
At confluence with Culebra Creek (Approximately 200 feet upstream Tezel Road)	*810	Bexar County (Uninc. Areas), City of San Antonio.
Approximately 3,620 feet upstream of Timberwilde	*827	
Culebra Creek Split No. 3:		
At confluence with Culebra Creek (Approximately 1,530 feet downstream of Charles W. Anderson Loop).	*853	Bexar County (Uninc. Areas), City of San Antonio.
At Charles W. Anderson Loop	*865	
French Creek:		
Approximately 1,500 feet upstream of Clyde Dent	*806	Bexar County (Uninc. Areas), City of San Antonio.
Approximately 1,040 feet downstream of Mainline Drive	*832	
At Charles W. Anderson Drive	*936	
Approximately 800 feet upstream of Circle North Trail	*980	
Helotes Creek (at San Antonio):		
At confluence with Culebra Creek	*853	Bexar County (Uninc. Areas), City of San Antonio.
At Leslie Road	*915	
Approximately 320 feet upstream of Bandera Road	*997	
Huebner Creek:		
Approximately 220 feet upstream of Ingram Road	*765	Bexar County (Uninc. Areas), City of San Antonio, City of Leon Valley.
At Huebner Road	*841	
Approximately 320 feet upstream of De Zavala Road	*966	
Huesta Creek:		
At confluence with Leon Creek	*915	Bexar County (Uninc. Areas), City of San Antonio.
Approximately 2,050 feet upstream of Charles W. Anderson Drive	*1,006	
Leon Creek:		
At U.S. Highway 90	*693	Bexar County (Uninc. Areas), City of San Antonio.
At U.S. Route 161	*736	
Approximately 2,450 feet downstream of Route 16	*824	
Approximately 1,100 feet upstream of Charles W. Anderson Drive	*993	
Leon Creek Overflow:		
Approximately 1,125 feet downstream of West Prue Road	*888	Bexar County (Uninc. Areas), City of San Antonio.
At Babcock Road	*918	
Approximately 60 feet downstream of West Hausman Road	*953	
Maverick Creek (Babcock Tributary):		
At confluence with Leon Creek	*916	Bexar County (Uninc. Areas), City of San Antonio.
At Seco Creek Street	*1,014	

Source of flooding and location	#Depth feet above ground. *Elevation in feet (NGVD).	Communities affected
Approximately 1,750 feet upstream of Babcock Road	*1,137	
Tributary B to Culebra Creek:		
At confluence with Culebra Creek	*920	Bexar County (Uninc. Areas).
Approximately 50 feet downstream of Galm Road	*950	

ADDRESSES

Bear County (Unincorporated Areas):

Maps are available for inspection at the Bexar County Public Works Department, 233 North Pecos, Suite 420, San Antonio, Texas.

City of Leon Valley:

Maps are available for inspection at the Leon Valley City Hall, 6400 El Verde Road, San Antonio, Texas.

City of San Antonio:

Maps are available for inspection at the Municipal Plaza, 114 W. Commerce, Seventh Floor, San Antonio, Texas.

Source of flooding and location	#Depth in feet above ground. +Elevation in feet (NGVD) *Elevation in feet (NAVD).	Communities affected
TEXAS		
Jefferson County and Incorporated Areas FEMA Docket No. (B–7413)		
Keith Ditch:		
Approximately 450 feet downstream of Dowlen Road	*22	City of Beaumont.
Approximately 1,400 feet upstream of Major Drive	*31	
Walker Branch:		
At dead-end of Debbie Drive	*22	City of Beaumont.
Just downstream of Tram Road	*24	
Walker Branch Tributary:		
Approximately 100 feet upstream of Tram Road	*22	City of Beaumont.
Approximately 1,000 feet upstream of Spurlock Road	*31	
Willow Marsh Bayou:		
Just upstream of Tyrell Park Road	*15	City Of Beaumont.
Approximately 500 feet upstream of Interstate 10	*17	
Bayou Din:		
Approximately 2,750 feet upstream of LaBelle Road	*9	City of Beaumont.
Approximately 6,100 feet upstream of Lawhorn Road	*31	
Bayou Din Tributary:		
Approximately 950 feet upstream of confluence with Bayou Din.	*17	Jefferson County (Uninc. Areas).
Approximately 1,900 feet downstream of Highway 124	*22	
Ditch 505:		
Approximately 3,100 feet downstream of Route 124	*13	Jefferson County (Uninc. Areas).
Approximately 4,700 feet upstream of West Clubb Road	*19	
Mayhaw Bayou:		
Approximately 6,700 feet downstream of Timber Road	*11	Jefferson County (Uninc. Areas).
Approximately 850 feet upstream of Interstate 10	*22	
Mayhaw Bayou Tributary:		
At confluence with Mayhaw Bayou	*16	Jefferson County (Uninc. Areas).
Approximately 2,400 feet upstream of Brush Island road	*19	
Quinn Ditch:		
Approximately 5,500 feet downstream of Tram Road	*22	Jefferson County (Uninc. Areas).
Approximately 100 feet upstream of Tram Road	*23	
Taylor Bayou:		
Approximately 11,000 feet downstream of LaBelle Road	*10	Jefferson County (Uninc. Areas).
Approximately 250 feet upstream of Jap Road	*11	
Tributary of Ditch 505:		
At confluence with Ditch 505	*17	Jefferson County (Uninc. Areas).
Approximately 2,000 feet upstream of West Clubb Road	*19	

ADDRESSES

Jefferson County and Unincorporated Areas:

Maps are available for inspection at Jefferson County Courthouse, 1149 Pearl Street, 5th Floor, Beaumont, Texas.

City of Beaumont:

Maps are available for inspection at 801 Main Street, Beaumont, Texas.

Lubbock County and Incorporated Areas FEMA Docket No. (B–7418)		
Blackwater Draw:		
From just upstream of IH–27	*3,182	City of Lubbock.

Source of flooding and location	#Depth in feet above ground. +Elevation in feet (NGVD) *Elevation in feet (NAVD).	Communities affected
To just downstream of Yucca Lane	*3,183	
Playa System C1:		
At confluence with Yellowhouse Draw	*3,180	City of Lubbock.
Near intersection of Levelland Highway and Milwaukee Avenue (Playa 105)	*3,272	
Playa System C2:		
Near intersection of Erskin Street and Knoxville Avenue (Playa 53)	*3,221	City of Lubbock.
Playa System C3:		
At confluence with North Fork Double Mountain Fork of the Brazos River	*3,146	City of Lubbock.
Near intersection of Clovis Road and Baylor Street (at Playa System C1)	*3,211	
Playa System D1:		
At confluence with North Fork Double Mountain Fork of the Brazos River	*3,128	City of Lubbock.
Near intersection of 25th Street and Geneva Avenue (Tech Terrace Playa)	*3,212	
Near intersection of Kewanee Avenue and 32nd Street (Playa 40)	*3,261	
Playa System D2:		
At Maxey Park (Playa 43)	*3,226	City of Lubbock.
Near intersection of Levelland Highway and Utica Drive (Playa 45)	*3,242	
Playa System D3:		
At confluence with North Fork Double Mountain Fork of the Brazos River	*3,142	City of Lubbock.
Near 26th Street and Globe Avenue (at Playa System D1)	*3,185	
Playa System E1:		
Just upstream of confluence with North Fork Double Mountain Fork of the Brazos River.	*3,094	Lubbock County (Uninc. Areas), City of Lubbock.
Near intersection of Milwaukee Avenue and County Road 6900 (Playa 39)	*3,269	
Playa System E2:		
Near intersection of Elgin Avenue and Loop 289 (at Playa System E1)	*3,223	City of Lubbock.
Northwest of intersection of 66th Street and Elgin Avenue	*3,224	
Playa System E3:		
Near Brownfield Highway and Highway 62/83 split (at Playa System E1 upper)	*3,276	City of Lubbock.
Near intersection of 59th Street and Upland Avenue (Playa 101)	*3,281	
Playa System E4 (A, B, & C):		
Just upstream of Route 327	*3,267	City of Lubbock.
Northwest of the intersection of 82nd Street and Iola Avenue	*3,283	
Playa System E5 & E7:		
Near intersection of Dowden Avenue and Broomfield Highway	*3,289	Lubbock County (Uninc. Areas), Town of Wolfforth.
Near intersection of 82nd Avenue	*3,307	
Playa System E1 Upper & E8:		
Northwest of intersection of Frankford Avenue and Highway 82/62 (Playa 37)	*3,267	Lubbock County (Uninc. Areas), City of Lubbock.
Southeast of intersection of 66th Street and Inler Avenue (Playa 138)	*3,302	
Playa System E9:		
Southwest of intersection of 66th Street and Quincy Avenue (at Playa System E48B).	*3,272	City of Lubbock.
Near intersection of Homestead Avenue and 82nd Avenue (Playa 32)	*3,289	
Playa System E12 &E13 (Western Area):		
Southeast of intersection of 34th Street and Hartland Avenue	*3,317	Lubbock County (Uninc. Areas).
Near intersection of Inler Avenue and 66th Street	*3,294	
Playa System F:		
Near intersection of 50th Street and Avenue A (Playa 16)	*3,182	City of Lubbock.
Near intersection of IH–27 and Highway 289	*3,184	
Approximately 1 mile south of Highway 289 on IH–27	*3,220	
Playa System G1, G2, G3, & G4:		
Near intersection of 98th Street and University Avenue (Playa 85)	*3,204	City of Lubbock.
Near intersection of 73rd Street and Bangor Avenue (Playa 30)	*3,260	
Playa System G5:		
Near intersection of 98th Street and Milwaukee Avenue (Playa 94)	*3,261	Lubbock Couty (Uninc. Areas), City of Lubbock.
Near intersection of 98th Street and Alcove Avenue (Playa 133)	*3,301	
Playa Lake 13 & 15:		
Near intersectionof Slaton Road and Martin L. King Boulevard	*3,166	City of Lubbock.
Near intersection of Slaton Road and Martin L. King Bouelvard	*3,171	
Playa Lake 89:		
Near intersection of 93rd Street and Memphis Avenue	*3,219	City of Lubbock.
Ransom Canyon Lake:		
Near Lake Shore Drive	*2,957	Lubbock County (Uninc. Areas), Village of Lake Ransom Canyon, Village of Buffalo Springs.
Slaton Playa System:		
Near intersection of Division Street and New Mexico Street (Twin Lakes Playa)	*3,072	City of Slaton.
Near intersection of Dawson Street and Fisher Street (Compress Lake Playa)	*3,081	

Source of flooding and location	#Depth in feet above ground. +Elevation in feet (NGVD) *Elevation in feet (NAVD).	Communities affected
Woodrow Playa System:		
Near intersection of University Avenue and Woodrow Road	*3,194	Lubbock County (Uninc. Areas).
Yellowhouse Draw:		
At confluence with North Fork Double Mountain Fork of the Brazos River	*3,157	City of Lubbock.
Just upstream of Atchinson, Topeka, and Santa Fe Railway	*3,173	
Just upstream of University Avenue	*3,192	
Approximately 5,500 feet upstream of Loop 289 North Service Road	*3,200	

ADDRESSES

Lubbock County and Unincorporated Areas:

Maps are available for inspection at the Lubbock County Courthouse, 904 Broadway Street, Lubbock, Texas.

Village of Buffalo Springs:

Maps are available for inspection at City Hall, #2 Marina Point, Pony Express Drive, Buffalo Springs, Texas.

Village of Lake Ransom:

Maps are available for inspection at City Hall, 24 Lee Kitchens Drive, Ranson Canyon, Texas.

City of Lubbock:

Maps are available for inspection at City Hall, 1625 13th Street, Lubbock, Texas.

City of Slaton:

Maps are available for inspection at City Hall, 130 South 9th Street, Slaton, Texas.

Town of Wolfforth:

Maps are available for inspection at City Hall, 328 East Highway 62/82, Wolfforth, Texas.

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)	Communities affected
TEXAS		
Travis County and Incorporated Areas FEMA Docket No. (B–7418)		
Colorado River/Lake Travis:		
Portions of Colorado River/Lake Travis from approximately 4 miles upstream to approximately 21 miles upstream of Mansfield Dam.	*716	Travis County (Uninc. Areas), City of Jonestown, City of Lago Vista, and City of Lakeway Travis County (Uninc. Areas).
Cow Creek:		
From confluence with Colorado River/Lake Travis to approximately 3 miles upstream.	*716	
Flat Creek:		
From confluence with Colorado River/Lake to approximately 2,100 feet upstream	*716	Travis County (Uninc. Areas).

ADDRESSES

Travis County (Unincorporated Areas):

Maps are available for inspection at 411 West 13th Street, 8th Floor, Permit Office, Austin, Texas.

City of Jonestown:

Maps are available for inspection at City Hall, 18649 FM 1431, Suite 4A, Jonestown, Texas.

City of Lago Vista:

Maps are available for inspection at City Hall, 5803 Thunderbird, Lago Vista, Texas.

City of Lakeway:

Maps are available for inspection at City Hall, 104 Cross Creek, Lakeway, Texas.

WASHINGTON		
King County and Incorporated Areas FEMA Docket No. (B–7306)		
Middle Fork Snoqualmie River:		
At confluence with the North Fork Snoqualmie River	*426	King County, City of North Bend, City of Snoqualmie, City of Carnation.
Approximately 47.0 miles from confluence with the North Fork Snoqualmie River	*472	
At Southeast Mount S. Road	*482	
North Fork Snoqualmie River:		
At confluence with the Snoqualmie River	*426	King County, City of North Bend, City of Snoqualmie, City of Carnation.
Approximately .4 miles upstream of 428th Avenue SE	*426	

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)	Communities affected
Approximately 2.5 miles upstream from the confluence with the Snoqualmie River	*482	
Middle Fork Overflow 1:		
At confluence with Middle Fork Snoqualmie River	*430	King County, City of North Bend, City of Snoqualmie, City of Carnation.
At divergence from Middle Fork Snoqualmie River	*449	
Middle Fork Overflow 2:		
At confluence with South Fork Snoqualmie River	*431	King County, City of North Bend, City of Snoqualmie, City of Carnation.
At divergence from Overflow 1	*442	
Middle Fork Overflow 3:		
At confluence with Overflow 4	*440	King County, City of North Bend, City of Snoqualmie, City of Carnation.
At divergence from Middle Fork Snoqualmie River	*456	
Middle Fork Overflow 4:		
At confluence with South Fork Snoqualmie River	*436	King County, City of North Bend, City of Snoqualmie, City of Carnation.
At divergence from Middle Fork Snoqualmie River	*455	
South Fork Snoqualmie River:		
At confluence with South Fork Snoqualmie River	*426	King County, City of North Bend, City of Snoqualmie, City of Carnation.
Approximately 6,500 feet upstream of confluence with the Snoqualmie River	[1]*426/426/426	
Approximately 2,375 feet upstream from the Snoqualmie Valley Trail	[1]*542/543/543	
Approximately 3,875 feet upstream from 468th Avenue SE	*613	
Tolt River:		
At its confluence with the Snoqualmie River	*72	King County, City of North Bend, City of Snoqualmie, City of Carnation.
Approximately 300 feet downstream from the Snoqualmie River Trail	[1]*89/90/90	
Approximately 6,300 feet upstream of the Snoqualmie River Trail	[1]*124/124/124	
Approximately 26,100 feet (5 miles) upstream of the Snoqualmie River Trail	*258	
Approximately 211 feet downstream of Meadowbrook Avenue	*423	
Approximately 1,214 feet upstream of the Burlington Northern Railroad	*425	
At confluence of North Fork Snoqualmie River and South Fork Snoqualmie River	*426	
[1] With Levees/Without Right Levee/Without Left Levee		

ADDRESSES

King County:

Maps are available for inspection at the Building Services Division, Department of Development and Environmental Sciences, 900 Oaksdale Avenue SW, Renton, Washington.

City of Snoqualmie:

Maps are available for inspection at the City Planning Directors Office, 109 Riverton Street, P.O. Box 987, Snoqualmie, Washington.

City of Carnation:

Maps are available for inspection at the Planning Department, 4621 Tolt Avenue, Carnation, Washington.

City of North Bend:

Maps are available for inspection at the Community Development Department, 211 Main Avenue North, North Bend, Washington.

Pend Oreille County and Incorporated Areas FEMA Docket No. (B–7418)		
Pend Oreille River:		
Approximately 19,600 feet downstream of Sullivan Lake Road	*2,041	Pend Oreille County (Uninc. Areas), Towns of Metaline, Metaline Falls, Ione, Newport and Cusick.
Just downstream of Usk Bridge	*2,054	
Approximately 4,000 feet downstream of U.S. Route 2, Near Rat Island	*2,056	

ADDRESSES

Unincorporated Areas of Pend Oreille County:

Maps are available for inspection at the Planning Department, 625 West Fourth Street, Newport, Washington.

Town of Cusick:

Maps are available for inspection at the Town Hall, 105 First Street, Cusick, Washington.

Town of Ione:

Maps are available for inspection at the Town Hall, 207 Houhton Street, Ione, Washington.

Town of Metaline:

Maps are available for inspection at the Town Hall, 101 Housing Drive, Metaline, Washington.

Town of Metaline Falls:

Maps are available for inspection at the Town Hall, East 201 5th Avenue, Metaline Falls, Washington.

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)	Communities affected
City of Newport:		
Maps are available for inspection at the City Hall, South 200 Washington Avenue, Newport, Washington.		

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: April 5, 2002.

Robert F. Shea,

Acting Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02–10221 Filed 4–24–02; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02–865; MM Docket Nos. 01–340, 01–341, 01–342, 01–343; RM–10345, RM–10346, RM–10347, RM–10348]

Radio Broadcasting Services; Pierce, NE; Coosada, AL; Pineview, GA; Diamond Lake, OR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission allots channels in four separate docketed proceedings which were proposed together in a multiple docket *Notice of Proposed Rule Making. See* 67 FR 851 (January 8, 2002).1) At the request of Pierce Radio, LLC, Channel 248C2 is allotted at Pierce, Nebraska, as the community's first local transmission service. Channel 248C2 is allotted at Pierce with a site restriction of 5 kilometers (3.1 miles) east of the community. Coordinates for Channel 248C2 at Pierce are 42–11–30 NL and 97–28–00 WL. 2) At the request of Media Equities Corp. we allot Channel 226A at Coosada, Alabama. Channel 226A is allotted at Coosada with a site restriction of 14 kilometers (8.7 miles) southeast of the community. Coordinates for Channel 226A at Coosada are 32–26–58 NL and 86–11–38 WL. 3) At the request of Data+Corp. Channel 226A is allotted at Pineview, Georgia, as the community's first local aural transmission service. Channel 226A can be allotted at Pineview with a site restriction of 8.4 kilometers (5.3 miles) southeast of the community. Coordinates for Channel 226A at Pineview are 32–00–44 NL and 83–28–19 WL. 4) At the request of Robert W. Larson, Channel 299A is allotted at Diamond Lake, Oregon as the community's first local aural transmission service. Channel 299A can be allotted at Diamond Lake without a site restriction. Coordinates for Channel 299A at Diamond Lake are 43–10–44NL and 122–8–16 WL.

DATES: Effective May 28, 2002.

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket Nos. 01–345, 01–346, 01–347 and 01–348, adopted April 3, 2002, and released April 12, 2002. The full text of this document is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC, 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail qualexint@aol.com.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Nebraska, is amended by adding Pierce, Channel 248C2.

3. Section 73.202(b), the Table of FM Allotments under Alabama, is amended by adding Coosada, Channel 226A.

4. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by adding Pineview, Channel 226A.

5. Section 73.202(b), the FM Table of Allotments under Oregon, is amended by adding Diamond Lake, Channel 299A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Office of Broadcast License Policy, Media Bureau.

[FR Doc. 02–10164 Filed 4–24–02; 8:45 am]

BILLING CODE 6712–01–U

Proposed Rules

Federal Register
Vol. 67, No. 80
Thursday, April 25, 2002

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 01–095–1]

Brucellosis: Testing of Rodeo Bulls

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the brucellosis regulations by eliminating the annual brucellosis testing requirement for rodeo bulls moving interstate between brucellosis Class Free States. Since other cattle moving between Class Free States are not required to be tested for brucellosis, this requirement for rodeo bulls moving between such States is more restrictive than the requirements for other test-eligible cattle. This action would update our brucellosis regulations by making the requirements for moving rodeo bulls more consistent with those for moving other test-eligible cattle between Class Free States.

DATES: We will consider all comments we receive that are postmarked, delivered, or e-mailed by June 24, 2002.

ADDRESSES: You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 01–095–1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 01–095–1. If you use e-mail, address your comment to *regulations@aphis.usda.gov.* Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and ''Docket No. 01–095–1'' on the subject line.

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

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

FOR FURTHER INFORMATION CONTACT: Dr. Valerie Ragan, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231; (301) 734–6954.

SUPPLEMENTARY INFORMATION:

Background

Brucellosis is a contagious disease affecting animals and humans, caused by bacteria of the genus *Brucella.*

The brucellosis regulations contained in 9 CFR part 78, subpart B (referred to below as the regulations) restrict the interstate movement of cattle in order to prevent the spread of brucellosis.

The regulations provide a system for classifying States or portions of States according to the rate of *Brucella* infection present and the general effectiveness of a State's brucellosis eradication program. The classifications are Class Free, Class A, Class B, and Class C. States or areas that do not meet the minimum standards for Class C are placed under Federal quarantine.

The brucellosis Class Free classification is based on a finding of no known brucellosis in cattle for the 12 months preceding classification or reclassification as Class Free. The Class C classification is for States or areas with the highest rate of brucellosis. Class A and Class B fall between these two extremes. Restrictions on moving cattle interstate become less stringent as a State approaches or achieves Class Free status.

Currently, the regulations at § 78.14 require rodeo bulls moving interstate to be tested for brucellosis once every 365 days. However, the regulations in § 78.14 do not take into account the classification of the States from which or into which the rodeo bulls are being moved.

Since cattle being moved from a Class Free State are not required to be tested for brucellosis, this requirement for rodeo bulls moving between such States is more restrictive than the requirements for other test-eligible cattle. The annual testing requirement for all rodeo bulls was considered necessary at the time the current regulations were established because brucellosis was more prevalent in the United States at that time than it is now. Rodeo bulls, owing to the peripatetic nature of the rodeo industry, move between States more frequently than do other cattle and thus were more likely to be shipped to or from Class A, B, or C States at a time when more States held those classifications. In recent years, however, the number of Class Free States has increased to the point where 48 of the 50 States now qualify as brucellosis Class Free, greatly reducing the risk of brucellosis transmission via interstate movement of rodeo bulls. Therefore, we propose to update our brucellosis regulations by eliminating the annual testing requirement for rodeo bulls moving between Class Free States, while retaining the testing requirement for rodeo bulls that are moved interstate into or from States that are not Class Free. This proposed change would make the requirements for moving rodeo bulls more consistent with the requirements for moving other test-eligible cattle between Class Free States.

Executive Order 12866 and Regulatory Flexibility Act

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

This proposed rule would amend the brucellosis regulations in § 78.14 by eliminating the annual brucellosis testing requirement for rodeo bulls moving interstate in cases where the bulls are being moved only between brucellosis Class Free States.

This proposed rule would primarily affect stock contractors who raise and supply bulls for rodeo events. More specifically, this rule would affect stock contractors who are located in States other than Texas and Missouri—the only two States not currently classified

as Class Free States—and who do not move their bulls interstate to Texas and Missouri. The number of stock contractors who fall into this category, as well as the total number stock contractors nationally, is unknown.

Those stock contractors who move their bulls interstate only between Class Free States would realize a cost savings of about $25 to $30 per animal per year (*i.e.,* the cost of a brucellosis test and associated veterinary fees). Thus, a stock contractor with 20 bulls would see a savings of about $500 to $600 per year in testing expenses.

While stock contractors are not specifically categorized in the Small Business Administration's (SBA) table of small business size standards, they could be considered under either Subsector 112 of that table (Animal Production), which has a small entity threshold of $750,000, or Subsector 711 (Performing Arts, Spectator Sports and Related Industries), which has a small entity threshold of $6 million in annual sales. According to the National Agricultural Statistics Service, over 99 percent of all operations raising cattle and calves ($750,000 threshold) are small entities, while large operations account for less than 1 percent. Therefore, it is likely that most, if not all, stock contractors would be considered small entities under SBA size standards.

Given that the potential savings per animal in foregone testing costs ($25 to $30) can be expected to make up only a small percentage of the total expenses associated with maintaining a rodeo bull (*e.g.,* feed and routine veterinary care), the potential economic impact of this proposed rule is expected to be small.

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

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (*See* 7 CFR part 3015, subpart V.)

Executive Order 12988

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

Paperwork Reduction Act

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

List of Subjects in 9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we propose to amend 9 CFR part 78 as follows:

PART 78—BRUCELLOSIS

1. The authority citation for part 78 continue to read as follows:

Authority: 21 U.S.C. 111–114a–1, 114g, 115, 117, 120, 121, 123–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.4.

2. Section 78.14 would be amended by revising paragraph (a)(1) to read as follows:

§ 78.14 Rodeo bulls.

(a) * * *

(1) The bull is classified as brucellosis negative based upon an official test conducted less than 365 days before the date of interstate movement: *Provided, however,* That the official test is not required for a bull that is moved only between Class Free States;

* * * * *

Done in Washington, DC, this 17th day of April, 2002.

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–10110 Filed 4–24–02; 8:45 am]

BILLING CODE 3410–34–P

FEDERAL ELECTION COMMISSION

11 CFR Part 111

[Notice 2002–5]

Administrative Fines

AGENCY: Federal Election Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is proposing amendments to its administrative fines regulations to reduce the civil money penalties for those who file reports late or who do not file them at all. The amendments also create additional levels-of-activity brackets and broaden others within the current schedules of penalties, clarify the Commission's rules on notifying respondents of reason to believe findings and final determinations, and make certain technical amendments to its rules. The Commission is also seeking public comments on: whether it should revise its current method of calculating civil money penalties to exclude some or all non-federal receipts and disbursements from the level of activity that forms the basis for the civil money penalties; and whether it should revise the rules to clarify what will be considered unacceptable defenses to reason to believe determinations. Further information is provided in the supplementary information that follows.

DATES: Comments must be received on or before May 28, 2002.

ADDRESSES: All comments should be addressed to Ms. Rosemary C. Smith, Assistant General Counsel, and must be submitted in either written or electronic form. Written comments should be sent to the Federal Election Commission, 999 E Street, N.W., Washington, DC 20463. Faxed comments should be sent to (202) 219–3923, with printed copy follow-up to insure legibility. Electronic mail comments should be sent to adminfines2002@fec.gov. Persons sending comments by electronic mail must include their full name, electronic mail address and postal service address within the text of their comments. Comments that do not contain the full name, electronic mail address and postal service address of the commenter will not be considered.

FOR FURTHER INFORMATION CONTACT: Ms. Rosemary C. Smith, Assistant General Counsel, or Ms. Dawn M. Odrowski, Staff Attorney, 999 E Street, N.W., Washington, D.C. 20463, (202) 694–1650 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: The Commission is seeking public comments on proposed revisions to 11 CFR part 111, subpart B, which would: (1) Reduce the levels of civil money penalties in the fine schedules set forth in 11 CFR 111.43(a) and (b); (2) create additional levels-of-activity brackets and broaden some existing brackets within those schedules; (3) clarify that all notifications and other communications to respondents in the administrative fines program will be made by mailing them to a political committee's address as listed in the committee's most recently filed Statement of Organization or amendment thereto; and (4) change the citations to the U.S. Department of Treasury and Department of Justice regulations governing debt collection procedures to conform with amendments made to those regulations

after the final administrative fines rules were promulgated. The Commission also seeks public comments on (1) whether it should revise its current method of calculating civil money penalties so some types of receipts and disbursements are not included in the level of activity to which the penalty schedules apply, and (2) whether it should revise 11 CFR 111.35 to clarify what will be considered unacceptable defenses to reason to believe determinations.

I. Background

The Commission issued final rules on May 19, 2000 (which included a new subpart B of 11 CFR Part 111, and technical amendments to 11 CFR 104.5, 111.8, 111.20, and 111.24) to establish the administrative fines program that Congress authorized in amendments to section 437g(a)(4) of the Federal Election Campaign Act of 1971, as amended. *See* 65 **Federal Register** 31787 (May 19, 2000). These amendments were enacted as part of the Treasury and General Government Appropriations Act, 2000, Pub. L. No. 106–58, 106th Cong., § 640, 113 Stat. 430, 476–77 (1999). Subsequently, section 642 of the Treasury and General Government Appropriations Act, 2002, extended the sunset date of the administrative fines program to include all reports that cover activity between January 1, 2000 and December 31, 2003. Consequently, the Commission revised its regulations to extend the administrative fines sunset date in accordance with that statutory amendment. *See* 66 FR 59680 (Nov. 30, 2001) and 11 CFR 111.30.

Under 2 U.S.C. 434, treasurers of political committees are required to file reports with the Commission by specified deadlines. The purpose of the administrative fines program is to enable the Commission to adjudicate reporting violations of 2 U.S.C. 434(a) without using the traditional enforcement and conciliation procedures set out at 2 U.S.C. 437g that are used for more serious violations.

II. Proposed Changes to Civil Money Penalty Schedules in 11 CFR 111.43

The Commission proposes to lower the civil money penalties in the schedules set forth in 11 CFR 111.43(a), applicable to non-election sensitive reports and 11 CFR 111.43(b), applicable to election-sensitive reports.

The current civil money penalty schedules for late filers have two components: a base amount that increases with the level of activity reflected in a report, and an additional per day charge. Similarly, the current schedules for nonfilers consist of a base amount that increases with the level of activity. Both late filers and nonfilers are subject to a recidivist escalator that increases the penalty by 25% for each previous violation. Election sensitive reports are considered not filed if they are not filed prior to four days before an election. Non-election sensitive reports are deemed not filed if they are filed more than 30 days late or not filed at all.

Based on its experience with the administrative fine program to date, the Commission is concerned that fines for committees with lower levels of activity, generally below $50,000 in a reporting period, may be too high. Committees with activity below $50,000 are often those of candidates who have lost an election and fail to continue filing the required disclosure reports after the loss but before they are eligible to terminate. Fines for these committees can be relatively high due to their failure to file because the civil money penalties are calculated using the estimated level of activity from previously filed reports. Therefore, the fines may create a hardship for some committees and their treasurers, since many losing candidates lack fundraising ability and their treasurers, who are sometimes volunteers, are legally liable for the fines. Given the current level of civil money penalties, it may be possible to lower the fines at the lower levels of activity without significantly reducing the incentive to file reports. More generally, the Commission is concerned that the overall civil money penalty schedules may result in fines that are substantial compared with civil penalties for other types of FECA violations approved in enforcement conciliation agreements. This concern is exacerbated given that the 25% recidivist factor is beginning to take effect for repeat violations now that the administrative fine program has been operating since July 2000.

The proposed revisions to 11 CFR 111.43(a) and (b) would change the civil money penalty schedules in the following ways: (1) By reducing either the base amount or the per day charge in each activity bracket for late filers and nonfilers on both the non-election and election sensitive schedules; (2) by splitting the existing brackets covering levels of activity between $1 to $24,999.99 into three brackets, so that civil money penalties at the lowest levels of activity would be further reduced; and (3) by creating broader brackets for levels of activity of $200,000 and above and reducing the number of brackets for levels of activity over $600,000 from five to three. The Commission does not propose to alter the 25% recidivist factor for each prior violation under the penalty schedules in 11 CFR 111.43(a) and (b).

On the proposed fine schedule for non-election sensitive reports that are filed late, the per day charge would be reduced for all report activity up to $600,000. For report activity from $600,000 through $749,999, the per day charge would remain at the current $200. For activity between $750,000 through $999,999, the per day charge would increase from $200 to $225, and for activity of $1,000,000 or greater the per day charge would increase from $200 to $250. The base penalties for all levels of activity on non-election sensitive reports that are filed late would be reduced except for levels of activity between $10,000 through $49,999 which would remain the same. The base penalties for levels of activity below $10,000 would be reduced between $50 and $75. The base penalties for levels of activity between $50,000 and $499,999 would be reduced between $50 and $1,250. The base penalties for levels of activity of $500,000 and above would be reduced between $1,000 and $3,000. The proposed revisions would reduce the civil money penalties for non-election sensitive reports between 11.4% and 79.4%.

Similarly, on the proposed fine schedule for election-sensitive reports that are filed late, the per day late charge would be reduced for all activity brackets up to $400,000. For financial activity from $400,000 through $499,999, the per day charge would remain at the current $200. From $500,000 through $599,999, the per day charge would increase from $200 to $225; from $600,000 through $749,999, it would increase from $200 to $250; from $750,000 through $999,999 it would increase from $200 to $275; and for activity of $1,000,000 or greater the per day charge would increase from $200 to $300. The base penalties for all levels of activity on election-sensitive reports that are filed late would be reduced except for levels of activity between $10,000 through $99,999 which would remain the same. The base penalties for levels of activity below $10,000 would be reduced between $50 and $100. The base penalties for levels of activity between $100,000–$499,999 would be reduced between $100 and $2,000. The base penalties for levels of activity of $500,000 and above would be reduced between $1,750 and $5,000. These proposed revisions would reduce the civil money penalties for election-sensitive reports between 4.3% and 65.7%.

In the case of nonfilers, the base penalties would be reduced for all non-election sensitive and election-sensitive reports. The reductions in base penalties for non-election sensitive reports would range from $400 for reports with activity of $10,000 through $24,999 to $4,000 for reports with activity of $250,000 through $299,999 and $350,000 through $399,999. These proposed revisions would reduce the civil money penalties for non-filed non-election sensitive reports between 16.7% and 72.2%. The reduction in base penalties for non-filed election-sensitive reports would range from $100 for reports with activity between $10,000 through $24,999 to $4,000 for reports with activity between $950,000 through $999,999. These proposed revisions would reduce the civil money penalties for non-filed election-sensitive reports between 8.3% and 50%.

The proposed schedules also include adjustments to some of the levels of activity. The fines for committees with under $25,000 in activity in a reporting period would be reduced by the introduction of additional brackets at the lowest levels of activity. The existing $1 to $24,999.99 bracket would be split into three brackets: $1 to $4,999.99, $5,000 to $9,999.99, and $10,000 to $24,999.99. As a result of creating these additional brackets, penalties for late-filed non-election sensitive reports would be reduced between 12% and 79.4% and penalties for late-filed election sensitive reports would be reduced between 8.6% and 65.7%. Similarly, creating these additional brackets would reduce penalties for non-filed, non-election sensitive reports between 66.7% and 72.2%, and between 10% and 50% for non-filed, election sensitive reports.

Finally, the proposed schedules would also alter some of the current level-of-activity brackets, although the total number of brackets would remain at fifteen. The schedules would create three broader brackets for levels of activity above $200,000, and the number of brackets for levels of activity of $600,000 and above would be reduced from five brackets to three. The bracketing for levels of activity between $25,000 and $199,999.99 would not change. The consolidation of brackets for reports with activity of $600,000 and above would reduce penalties for all non-election sensitive reports between 11.4% and 57.2%. For all election-sensitive reports, the consolidation of brackets for reports with activity above $600,000 would reduce penalties between 7.1% and 64%.

The Commission requests comments as to whether these substantial reductions in penalties for political committees with levels of activity below $50,000 would still provide sufficient incentive for committees to file their reports in a timely manner. Given that the proposed schedules would also reduce the level of civil money penalties for levels of activity above $50,000 as well, the Commission seeks comments as to whether these reduced penalties would substantially diminish or eliminate political committees' incentives to file in a timely manner, and thus become merely the cost of doing business. The Commission also seeks comments as to whether these reductions would affect committees' decisions to challenge reason to believe findings and proposed civil money penalties.

As an alternative to reducing the civil money penalty schedules at all levels of activity, the Commission seeks comment as to whether it should reduce the fines only for levels of activity below $50,000. Another alternative may be to reduce the civil money penalty schedule for only non-election sensitive reports and to retain the current civil money penalty schedule for election-sensitive reports. Please note that these alternatives are not reflected in the draft rules that follow.

III. Possible Revisions to Civil Money Penalty Calculations

The Commission is considering revising the administrative fines regulations to change the way it defines the level of activity used to calculate civil money penalties. Please note that no draft language on this issue has been included in the proposed rules that follow.

Currently, the Commission calculates civil money penalties by applying the fine schedules at 11 CFR 111.43 to a political committee's ''level of activity'' defined at 11 CFR 111.43(d) as the total receipts and disbursements for the reporting period covered by a late or non-filed disclosure report. The ''level of activity'' is the Commission's interpretation of the statutory requirement in 2 U.S.C. 437g(a)(4)(C) that civil money penalties take into account ''the amount of the violation involved'' since under 2 U.S.C. 434 political committees are required to disclose in their reports all receipts and disbursements. *See* Explanation and Justification for Final Rules on Administrative Fines, 65 FR 31792 (May 19, 2000). In some cases, using total receipts and disbursements as the basis for the penalty calculation results in higher fines for political committees who finance non-federal activity through their federal accounts. For example, unauthorized committees that finance activities in connection with both federal and non-federal elections must allocate disbursements for those activities between their federal and non-federal accounts and must pay for those expenses through their federal accounts or separate federal allocation accounts. Non-federal funds must be transferred into the federal accounts to pay for the non-federal activity, thereby resulting in higher total receipts and disbursements for those committees than for political committees that do not have allocable activity.

The Commission requests comments as to whether the level of activity on which civil money penalties are based should exclude all receipts or disbursements of a political committee to the extent they finance activity or programs that are not for the purpose of influencing a Federal election. For example: Should the civil money penalty calculation exclude the disbursements of a principal campaign committee (or other authorized committee) that are made to influence the election of a candidate for State or local office? Should the civil money penalty calculation exclude the disbursements of a principal campaign committee (or other authorized committee) that are made to the non-federal account of another political committee? Should the civil money penalty calculation exclude the disbursements of a principal campaign committee (or other authorized committee) that are made to defray the expenses of supporting the Federal candidate's duties as a holder of Federal office; that is, as a Member of Congress?

Similarly, should the civil money penalty calculation exclude the disbursements of a party committee, separate segregated fund or non-connected committee that are made to pay the non-federal share of the committee's allocable administrative expenses, generic voter drive costs, fundraising expenses and, in the case of party committees, exempt activities expenditures under 11 CFR 106.5 and 106.6? Should the calculation similarly exclude the receipts of an unauthorized committee that are set aside for payment of its allocable non-federal expenditures? Should the calculation exclude the committee's reported disbursements to candidates for non-federal offices if made to influence the payee's election to a non-federal office?

IV. Notification to Respondents of Commission Reason To Believe Findings and Final Determinations and Communications From the Reviewing Officer—11 CFR 111.32, 111.34, 111.36 and 111.37

The Commission proposes to amend 11 CFR 111.32, 111.34, 111.36 and 111.37 to make clear in the administrative fines regulations its current practice with respect to notifying political committees and their treasurers of its actions under Subpart B of Part 111. Notification of Commission reason to believe findings and proposed civil penalties under 11 CFR 111.32 and Commission final determinations under 11 CFR 111.34 would continue to be mailed to political committees and their treasurers at the political committee's address listed in its most recent Statement of Organization, or amendment thereto, on file with the Commission at the time of the notification. Notification of Commission final determinations and other actions under 11 CFR 111.37 and any communication under 11 CFR 111.36 between the administrative fines reviewing officer and respondent political committees and their treasurers will be sent to the political committee's address listed in its most recent Statement of Organization, or amendment thereto, on file with the Commission at the time of the notification, unless a statement designating counsel has been filed in accordance with 11 CFR 111.23. Section 102.2 of the regulations requires that treasurers of political committees file a Statement of Organization with the Commission disclosing, among other things, the address of the committee. Any changes or corrections to the information appearing in the Statement of Organization are required to be reported no later than ten days following the change or correction. If a treasurer does not promptly notify the Commission of a committee address change, the treasurer and the committee may not receive timely notice of Commission actions. Clarifying the Commission's notification policy in the regulations is intended to ensure that all political committees have notice of how the Commission intends to fulfill its obligation to provide political committees and their treasurers with notice of actions taken under Subpart B of Part 111. These proposed amendments are also intended to encourage treasurers to file any address changes for their committees with the Commission in a timely manner.

The Commission notes that similar notification issues can arise under Subpart A of Part 111. This rulemaking is not intended to address those issues.

V. Technical Changes to 11 CFR 111.45

The Commission is proposing a technical amendment to 11 CFR 111.45 to correct citations to regulations establishing the Federal Claims Collection Standards. After the Commission's administrative fines rules were promulgated, the Department of Justice and the Department of Treasury, in place of the General Accounting Office, revised and recodified the Federal Claims Collection Standards at 31 CFR parts 900 through 904. The proposed amendment to 11 CFR 111.45 would replace the former regulatory citations with the new citations.

VI. Possible Revisions To Clarify the Extraordinary Circumstances Defense to Reason To Believe Findings

Currently, 11 CFR 111.35 sets out the requirements for written responses challenging Commission reason to believe findings in the administrative fines program. Written responses must include the reasons why respondents are challenging the Commission's finding and/or the proposed civil money penalty, which may consist of factual errors, improper calculation of the penalty, and the existence of extraordinary circumstances beyond the respondents' control that were for a duration of at least 48 hours and prevented them from timely filing the report. Section 111.35(b)(4) currently provides four broad examples of circumstances that will not be considered extraordinary circumstances. During the operation of the administrative fines program, however, respondents have sought to raise a number of defenses that the Commission has determined do not constitute extraordinary circumstances. Two of the most common defenses raised in challenges are: (1) The unavailability of the treasurer and committee staff, sometimes due to the illness or death of the treasurer, committee staff or their relatives; and (2) the inexperience of the treasurer or committee staff resulting from vacancies or turnover in these positions.

The Commission seeks comments on whether Section 111.35 should be revised to more specifically state the kinds of circumstances that will not be considered acceptable defenses. Please note that draft language on this issue has not been included in the proposed rules that follow.

Certification of No Effect Pursuant to 5 U.S.C. 605(b) (Regulatory Flexibility Act)

The attached proposed rules would not, if promulgated, have a significant economic impact on a substantial number of small entities. The basis for this certification is that the attached proposed rules, if promulgated, would impose civil money penalties that are lower than those currently imposed and would be scaled to better take into account the amount of financial activity on reports filed by political committees. Thus, committees with lower levels of financial activity would be subject to lower fines than political committees with higher amounts. Therefore, the attached proposed rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 11 CFR Part 111

Administrative practice and procedures, Elections, Law enforcement.

For the reasons set forth in the preamble, the Federal Election Commission proposes to amend subchapter A of chapter I of title 11 of the *Code of Federal Regulations* as follows:

PART 111—COMPLIANCE PROCEDURES (2 U.S.C. 437g, 437d(a))

1. The authority citation for part 111 would continue to read as follows:

Authority: 2 U.S.C. 437g, 437d(a), 438(a)(8).

2. Section 111.32 would be amended by revising the introductory text to read as follows:

§ 111.32 How will the Commission notify respondents of a reason to believe finding and a proposed civil penalty?

If the Commission determines, by an affirmative vote of at least four (4) of its members, that it has reason to believe that a respondent has violated 2 U.S.C. 434(a), the Chairman or Vice-Chairman shall notify such respondent of the Commission's finding. The Commission will notify the respondent political committee and its treasurer of the reason to believe finding by mailing the notification to the political committee and its treasurer at the political committee's address as listed in its most recent Statement of Organization, or amendment thereto, filed with the Commission in accordance with 11 CFR 102.2. The written notification shall set forth the following:

* * * * *

3. Section 111.34 would be amended by revising paragraph (b) to read as follows:

§ 111.34 If the respondent decides to pay the civil money penalty and not to challenge the reason to believe finding, what should the respondent do?

* * * * *

(b) Upon receipt of the respondent's payment, the Commission shall send the respondent a final determination that the respondent has violated the statute or regulations and the amount of the civil money penalty and an acknowledgment of the respondent's payment. The Commission will notify the respondent political committee and its treasurer of the final determination by mailing the notification to the political committee and its treasurer at the political committee's address as listed in the most recent Statement of Organization, or amendment thereto, filed with the Commission in accordance with 11 CFR 102.2.

4. Section 111.36 would be amended by adding a new paragraph (g) to read as follows:

§ 111.36 Who will review the respondent's written response?

* * * * *

(g) Unless a statement designating counsel has been filed in accordance with 11 CFR 111.23, the reviewing officer will send all communications to the respondent political committee and its treasurer to the political committee's address as listed in the most recent Statement of Organization, or amendment thereto, filed with the Commission in accordance with 11 CFR 102.2.

5. Section 111.37 would be amended by adding a new paragraph (e) to read as follows:

§ 111.37 What will the Commission do once it receives the respondent's written response and the reviewing officer's recommendation?

* * * * *

(e) Unless a statement designating counsel has been filed in accordance with 11 CFR 111.23, the Commission will notify the respondent political committee and its treasurer of the final determination or other action by mailing the notification to the political committee and its treasurer at the political committee's address as listed in the most recent Statement of Organization, or amendment thereto, filed with the Commission in accordance with 11 CFR 102.2.

6. Section 111.43 would be amended by revising paragraphs (a) and (b) to read as follows:

§ 111.43. What are the schedules of penalties?

(a) The civil money penalty for all reports that are filed late or not filed, except election sensitive reports and pre-election reports under 11 CFR 104.5, shall be calculated in accordance with the following schedule of penalties:

If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
$1–4,999.99 [a]	[$25 + ($5 × Number of days late)] × [1 + (.25 × Number of previous violations)]..	$250 × [1 + (.25 × Number of previous violations)]
$5,000–9,999.99	[$50 + ($5 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$300 × [1 + (.25 × Number of previous violations)]
$10,000—24,999.99	[$100 + ($5 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$500 × [1 + (.25 × Number of previous violations)]
$25,000—49,999.99	[$200 + ($20 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$900 × [1 + (.25 × Number of previous violations)]
$50,000—74,999.99	[$250 + ($35 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$1,400 × [1 + (.25 × Number of previous violations)]
$75,000—99,999.99	[$350 + ($50 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$2,000 × [1 + (.25 × Number of previous violations)]
$100,000—149,999.99	[$400 + ($65 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$2,500 × [1 + (.25 × Number of previous violations)]
$150,000—199,999.99	[$600 + ($75 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$3,000 × [1 + (.25 × Number of previous violations)]
$200,000—299,999.99	[$800 + ($100 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$4,000 × [1 + (.25 × Number of previous violations)]
$300,000—399,999.99	[$1,000 + ($125 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$5,000 × [1 + (.25 × Number of previous violations)]
$400,000—499,999.99	[$1,250 + ($150 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$6,000 × [1 + (.25 × Number of previous violations)]
$500,000—599,999.99	[$1,500 + ($175 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$7,000 × [1 + (.25 × Number of previous violations)]
$600,000—749,999.99	[$1,750 + ($200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$8,000 × [1 + (.25 × Number of previous violations)]
$750,000—999,999.99	[$2,000 + ($225 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$9,000 × [1 + (.25 × Number of previous violations)]
$1,000,000 or over	[$2,250 + ($250 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$10,000 × [1 + (.25 × Number of previous violations)]

[a] The civil money penalty for a respondent who does not have any previous violations will not exceed the level of activity in the report.

(b) The civil money penalty for election sensitive reports that are filed late or not filed shall be calculated in accordance with the following schedule of penalties:

If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
$1–$4,999.99 [a]	[$50 + ($10 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$500 × [1 + (.25 × Number of previous violations)]

If the level of activity in the report was:	And the report was filed late, the civil money penalty is:	Or the report was not filed, the civil money penalty is:
$5,000–$9,999.99	[$100 + ($10 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$600 × [1 + (.25 × Number of previous violations)]
$10,000–24,999.99	[$150 + ($10 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$900 × [1 + (.25 × Number of previous violations)]
$25,000–49,999.99	[$300 + ($25 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$1,400 × [1 + (.25 × Number of previous violations)]
$50,000–74,999.99	[$450 + ($50 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$2,400 × [1 + (.25 × Number of previous violations)]
$75,000–99,999.99	[$600 + ($70 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$3,100 × [1 + (.25 × Number of previous violations)]
$100,000–149,999.99	[$800 + ($100 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$4,200 × [1 + (.25 × Number of previous violations)]
$150,000–199,999.99	[$1,000 + ($125 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$5,500 × [1 + (.25 × Number of previous violations)]
$200,000–299,999.99	[$1,250 + ($150 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$6,500 × [1 + (.25 × Number of previous violations)]
$300,000–399,999.99	[$1,500 + ($175 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$7,500 × [1 + (.25 × Number of previous violations)]
$400,000–499,999.99	[$1,750 + ($200 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$8,500 × [1 + (.25 × Number of previous violations)]
$500,000–599,999.99	[$2,000 + ($225 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$9,500 × [1 + (.25 × Number of previous violations)]
$600,000–749,999.99	[$2,250 + ($250 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$10,500 × [1 + (.25 × Number of previous violations)]
$750,000–999,999.99	[$2,500 + ($275 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$12,000 × [1 + (.25 × Number of previous violations)]
$1,000,000 or over	[$3,000 + ($300 × Number of days late)] × [1 + (.25 × Number of previous violations)].	$14,000 × [1 + (.25 × Number of previous violations)]

[a] The civil money penalty for a respondent who does not have any previous violations will not exceed the level of activity in the report.

* * * * *

§ 111.45 [Amended]

7. Section 111.45 would be amended by removing in the second sentence ''4 CFR parts 101 through 105'' and by adding in its place ''31 CFR parts 900 through 904,'' and by removing ''Government Accounting Office'' and adding in its place ''the U.S. Department of the Treasury.''

Dated: April 19, 2002.

David M. Mason,

Chairman, Federal Election Commission.

[FR Doc. 02–10106 Filed 4–24–02; 8:45 am]

BILLING CODE 6715–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 8

[Docket No. 02–05]

RIN 1557–AC07

Assessment of Fees

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is proposing to amend its regulation which addresses assessments for independent trust banks. The proposal would update the regulation to reference the appropriate portion of new forms issued by the Federal Financial Institutions Examination Council (FFIEC) which replace the FFIEC form currently referenced in the regulation.

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

ADDRESSES: Please direct your comments to: Office of the Comptroller of the Currency, 250 E Street, S.W., Public Information Room, Mailstop 1–5, Washington, DC 20219, Attention: Docket No. 02–05; fax number (202) 874–4448; or Internet address: *regs.comments@occ.treas.gov*. Due to recent temporary disruptions in the OCC's mail service, we encourage the submission of comments by fax or e-mail whenever possible. Comments may be inspected and photocopied at the OCC's Public Reference Room, 250 E Street, SW., Washington, DC. You can make an appointment to inspect comments by calling (202) 874–5043.

FOR FURTHER INFORMATION CONTACT: Andra Shuster, Counsel, Legislative and Regulatory Activities Division, (202) 874–5090.

SUPPLEMENTARY INFORMATION:

Description of the Proposal

Section 8.6(c) of the OCC's regulations provides that assessments for independent trust banks will include a ''managed asset component'' in addition to the assessments calculated under § 8.2. Under § 8.6(c)(1)(i), all independent trust banks must pay a minimum fee. In addition, under § 8.6(c)(1)(ii), independent trust banks with ''managed assets'' in excess of $1 billion must pay an additional amount. Currently, 12 CFR 8.6(c)(1)(ii) defines the asset base upon which the additional assessment is applied by reference to Schedule A, Line 18 of the Annual Report of Trust Assets (FFIEC Form 001). FFIEC Form 001 was replaced effective December 31, 2001 by FFIEC forms 031 and 041, Schedule RC–T—Fiduciary and Related Assets.

The proposal amends the definition of ''Trust assets'' in § 8.6(c)(3)(iv). The defined term is changed to ''Fiduciary and related assets'' to reflect the terminology used in Schedule RC–T of FFIEC forms 031 and 041. The proposal replaces the reference to FFIEC Form 001 that now appears with a reference to assets reported on Schedule RC–T of FFIEC forms 031 and 041, any successor form issued by the FFIEC, and any other fiduciary and related assets defined in the Notice of Comptroller of the Currency Fees. ''Fiduciary and related assets'' reported on Schedule RC–T reflect the types of assets, managed in a trust or fiduciary related-capacity, covered by the now-outdated cross-reference in the current rule, plus

certain other similarly managed assets (corporate trust and agency accounts), not reported on the previous FFIEC form due to imprecisions in the instructions to the form.

The proposal also removes references in §§ 8.6(c)(1) and (c)(1)(ii) to ''managed assets'' and ''trust assets under management,'' and replaces them with the new term ''fiduciary and related assets,'' which is used in Schedule RC–T of FFIEC forms 031 and 041.

The proposal would also make a technical correction to § 8.1, correcting the reference to ''12 U.S.C. 93A'' to ''12 U.S.C. 93a.''

Finally, we note that the changes made in this proposal affect a small number of banks that are already aware of the change in FFIEC forms. In addition, this amendment is intended to eliminate any confusion caused by the outdated cross-reference in the current rule for trust banks calculating their assessments for the upcoming period due on July 31, 2002. For these reasons, we have concluded that an abbreviated comment period is adequate under the circumstances.

Request for Comments

The OCC invites comment on all aspects of the proposed regulation.

Solicitation of Comments on Use of Plain Language

Section 722 of the Gramm-Leach-Bliley Act, Pub. L. 106–102, sec. 722, 113 Stat. 1338, 1471 (Nov. 12. 1999), requires the Federal banking agencies to use plain language in all proposed and final rules published after January 1, 2000. We invite your comments on how to make this proposal easier to understand. For example:

- Have we organized the material to suit your needs? If not, how could this material be better organized?
- Are the requirements in the proposed regulation clearly stated? If not, how could the regulation be more clearly stated?
- Does the proposed regulation contain language or jargon that is not clear? If so, which language requires clarification?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the regulation easier to understand? If so, what changes to the format would make the regulation easier to understand?
- What else could we do to make the regulation easier to understand?

Regulatory Flexibility Act

An agency must prepare a Regulatory Flexibility Analysis if a rule it proposes will have a ''significant economic impact'' on a ''substantial number of small entities.'' 5 U.S.C. 603, 605. If, after an analysis of a rule, an agency determines that the rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) provides that the head of the agency may so certify.

The OCC has reviewed the impact this proposed rule will have on small national banks. For purposes of this Regulatory Flexibility Analysis and proposed regulation, the OCC defines ''small national banks'' to be those banks with less than $100 million in total assets. Based on that review, the OCC certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities. The basis for this conclusion is that only 9 trust banks will be affected. The OCC believes, as a result, that the rulemaking will not have an impact on a substantial number of small institutions.

Executive Order 12866

The OCC has determined that this proposal is not a significant regulatory action under Executive Order 12866.

Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995, Public Law 104–4 (2 U.S.C. 1532) (Unfunded Mandates Act), requires that an agency prepare a budgetary impact statement before promulgating any rule likely to result in a federal mandate that may result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule. The OCC has determined that the proposed rule will not result in expenditures by state, local, and tribal governments, or by the private sector, of $100 million or more in any one year. Accordingly, this rulemaking requires no further analysis under the Unfunded Mandates Act.

List of Subjects in 12 CFR Part 8

National banks, Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons set forth in the preamble, part 8 of chapter I of title 12 of the Code of Federal Regulations is proposed to be amended as follows:

PART 8—ASSESSMENT OF FEES

1. The authority citation for part 8 continues to read as follows:

Authority: 12 U.S.C. 93a, 481, 482, 1867, 3102, and 3108; 15 U.S.C. 78c and 78l; and 26 D.C. Code 102.

2. Section 8.1 is revised to read as follows:

§ 8.1 Scope and application.

The assessments contained in this part are made pursuant to the authority contained in 12 U.S.C. 93a, 481, 482, and 3102; 15 U.S.C. 78c and 78l; and 26 D.C. Code 102.

3. In § 8.6:

A. Paragraph (c)(1) is amended by removing the term ''managed'' and adding in its place ''fiduciary and related''; and

B. Paragraphs (c)(1)(ii) and (c)(3)(iv) are revised to read as follows:

§ 8.6 Fees for special examinations and investigations.

* * * * *

(c) * * *

(1) * * *

(ii) *Additional amount for independent trust banks with fiduciary and related assets in excess of $1 billion.* Independent trust banks with fiduciary and related assets in excess of $1 billion will pay an amount that exceeds the minimum fee. The amount to be paid will be calculated by multiplying the amount of fiduciary and related assets by a rate or rates provided by the OCC in the Notice of Comptroller of the Currency Fees.

* * * * *

(c) * * *

(3) * * *

(iv) *Fiduciary and related assets* are those assets reported on Schedule RC–T of FFIEC forms 031 and 041, Line 9 (columns A and B) and Line 10 (column B), any successor form issued by the FFIEC, and any other fiduciary and related assets defined in the Notice of the Comptroller of the Currency Fees.

Dated: April 22, 2002.

John D. Hawke, Jr.,

Comptroller of the Currency.

[FR Doc. 02–10277 Filed 4–24–02; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Parts 560, 590 and 591

[No. 2002–17]

RIN 1550–AB51

Alternative Mortgage Transaction Parity Act; Preemption

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Alternative Mortgage Transaction Parity Act (Parity Act) authorizes state-chartered housing creditors to make, purchase, and enforce alternative mortgage transactions without regard to any state constitution, law, or regulation. To rely on the Parity Act, certain state-chartered housing creditors must comply with regulations on alternative mortgage transactions issued by the Office of Thrift Supervision (OTS). In today's rulemaking, OTS proposes to revise its rule identifying the OTS regulations that apply to creditors under the Parity Act. OTS would no longer identify its regulations on prepayment and late charges for state housing creditors.

OTS is also proposing to revise existing limitations on the amount of late charge that may be assessed on loans secured by first liens on residential manufactured homes under part 590. Part 590 addresses the preemption of certain state usury laws for federally-related residential mortgage loans. In addition, OTS is proposing a minor technical change to the definition of reverse mortgage in part 591, which addresses the preemption of state due-on-sale laws.

DATES: Comments must be received on or before June 24, 2002.

ADDRESSES:

Mail: Send comments to Regulation Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention: Docket No. 2002–17. Commenters should be aware that there have been some unpredictable and lengthy delays in postal deliveries to the Washington, DC area in recent weeks and may prefer to make their comments via facsimile, e-mail, or hand delivery.

Delivery: Hand deliver comments to the Guard's Desk, East Lobby Entrance, 1700 G Street, NW., from 9:00 a.m. to 4:00 p.m. on business days, Attention: Regulation Comments, Chief Counsel's Office, Docket No. 2002–17.

Facsimiles: Send facsimile transmissions to FAX Number (202) 906–6518, Attention: Docket No. 2002–17.

E-Mail: Send e-mails to *regs.comments@ots.treas.gov,* Attention: Docket No. 2002–17, and include your name and telephone number.

Availability of comments: OTS will post comments and the related index on the OTS Internet Site at www.ots.treas.gov. In addition, you may inspect comments at the Public Reading Room, 1700 G St. NW., by appointment. To make an appointment for access, call (202) 906–5922, send an e-mail to *public.info@ots.treas.gov,* or send a facsimile transmission to (202) 906–7755. (Please identify the materials you would like to inspect to assist us in serving you.) We schedule appointments on business days between 10:00 a.m. and 4:00 p.m. In most cases, appointments will be available the business day after the date we receive a request.

FOR FURTHER INFORMATION CONTACT: Theresa Stark, Senior Project Manager, Compliance Policy, (202) 906–7054; Karen Osterloh, Assistant Chief Counsel, (202) 906–6639, Regulations and Legislation Division, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:

I. The Alternative Mortgage Transaction Parity Act Regulations (§ 560.220)

A. Background

Congress enacted the Parity Act [1] in 1982 to stimulate credit in an unusually high interest rate environment by encouraging variable rate mortgages and other creative financing. In hearings before the Senate in 1981, mortgage bankers testified that statutes in 26 states barred state-chartered mortgage bankers and lending institutions from originating alternative mortgage loans, or imposed significantly higher restrictions on such loans than applied to federally chartered lenders operating under federal regulations. Congress wanted to make more housing credit available by giving those state-chartered housing creditors [2] parity with federally chartered institutions and eliminate the discriminatory impact of the state laws by authorizing those creditors to make, purchase, and enforce alternative mortgage loans.[3]

The Parity Act applies to loans with any ''alternative'' payment features that vary from conventional fixed-rate, fixed term mortgage loans, such as variable rates, balloon payments, or call features. It allows state licensed and regulated housing creditors to engage in ''alternative mortgage transactions'' notwithstanding ''any State constitution, law, or regulation,'' provided the transactions are in conformity with regulations that would apply to a comparable federally chartered housing creditor.[4]

To qualify as a state housing creditor and take advantage of preemption, the Parity Act specifically provides that the creditor must be ''licensed under applicable State law and [remain or become] subject to the applicable regulatory requirements and enforcement mechanisms provided by State law.'' [5] Housing creditors, other than state-chartered banks and state-chartered credit unions,[6] that wish to make an alternative mortgage transaction under the authority of the Parity Act, must abide by designated OTS regulations. Those regulations are enforced by each state housing creditor's applicable state regulator.

The Parity Act directed the Federal Home Loan Bank Board (Bank Board), OTS's predecessor agency, to identify, describe, and publish those portions of its regulations that were inappropriate for, and thus inapplicable to, non-federally chartered, non-bank, non-credit union housing creditors.[7] In 1982, the Bank Board published a ''Notice to Housing Creditors'' (1982 Notice).[8] The 1982 Notice provided that state housing creditors, other than commercial banks, credit unions or federal associations, may make alternative mortgage loans subject to the Bank Board's requirements on adjustments to rate, payment, balance or term of maturity and disclosure.

In 1983, the Bank Board published a final rule codifying a revised Notice to Housing Creditors. The 1983 final rule identified three provisions that were an integral part of, and particular to,

[1] 12 U.S.C. 3801 *et seq.*

[2] A ''housing creditor'' is a depository institution, a lender approved by the Secretary of Housing and Urban Development for participation in certain mortgage insurance programs, ''any person who regularly makes loans, credit sales or advances secured by interests in properties referred to in [the Parity Act]; or . . . any transferee of any of them.'' 12 U.S.C. 3802(2).

[3] 12 U.S.C. 3801(b). *See also National Home Equity Mortgage Association* v. *Face,* 64 F. Supp. 2d 584, 587 (E.D. Va. 1999), aff'd, 239 F.3d 633 (4th Cir. 2001), and *cert denied* 70 U.S.L.W. 3234 (U.S. Oct. 1, 2001) (No. 00–1851).

[4] *Id.;* 12 U.S.C. 3803.

[5] 12 U.S.C. 3802(2).

[6] State-chartered commercial banks and state-chartered credit unions must comply respectively with regulations of the Office of the Comptroller of the Currency (OCC) and the National Credit Union Administration (NCUA).

[7] Section 807 of Pub. L. 97–320 (1982).

[8] 47 Fed. Reg. 51733 (November 17, 1982).

alternative mortgage transactions. These included provisions governing the authority to make partially amortized or non-amortized loans and to adjust the interest rate payment, balance or term of maturity; limitations on adjustments on loans secured by borrower-occupied property; and requirements for disclosures on loans secured by borrower-occupied property that are not fixed-rated and fully amortized.[9]

When the 1982 Notice was issued, federal savings associations had a limited ability to impose prepayment penalties on alternative mortgage transactions.[10] While the ability of federal thrifts to impose prepayment penalties was expanded in 1984,[11] restrictions were not removed completely until 1993. At that time OTS allowed prepayment penalties at any time and in any amount authorized by the loan contract for both adjustable rate and fixed-rate mortgages.[12]

In January 1996, OTS proposed to designate additional rules as applicable under the Parity Act. Specifically, OTS proposed to designate all of proposed part 560 (rules on the lending powers of federal savings associations and safety and soundness-based lending provisions applicable to all savings associations) and proposed § 563.99 (fixed and adjustable-rate mortgage loan disclosures, adjustment notices, and interest rate caps).[13] In the final rule, OTS deleted the general reference to part 560, and specifically identified applicable regulations, including new references to late charges and prepayment provisions.[14] The list of OTS regulations currently applicable to state housing creditors now includes the following sections:

- § 560.33. This reference permits state housing creditors to impose late charges for any delinquent periodic payment and sets out certain limitations on the assessment of such late charges.
- § 560.34. This reference permits state housing creditors to impose a prepayment penalty and indicates how prepayments must be applied.
- § 560.35. This section addresses adjustments to interest rate, adjustments to the payment and loan balance, and the use of indices.
- § 560.210. This reference requires state housing creditors to provide initial disclosures and adjustment notices for variable rate transactions.

Housing creditors must comply with these requirements to obtain the benefit of the Parity Act's preemption of state laws.

On April 5, 2000, OTS published an advance notice of proposed rulemaking (ANPR) entitled ''Responsible Alternative Mortgage Lending. 65 FR 17811. The ANPR sought public comment on various questions in connection with its review of mortgage lending regulations. OTS specifically sought comment about possible amendments to § 560.220. To the extent that commenters addressed these issues, they are discussed below.

B. Proposed § 560.220

1. Comments on the ANPR

Consumer groups and states generally urged OTS to limit the applicability of the Parity Act regulations to enable the states to better regulate non-depository state housing creditors. These commenters contended that state housing creditors are taking advantage of OTS regulations on prepayment penalties and late fees by structuring otherwise fixed-rate, fixed term loans with features to make them alternative mortgages and thus avoid state restrictions on these charges. These commenters specifically suggested removing prepayment penalties and late fees provisions from the list of regulations applicable to state housing creditors because those provisions apply to all mortgage loans (not just alternative transactions), arguing that they allow non-depository institutions to piggy back on federal preemption and facilitate predatory practices. [15]

Financial institutions and their trade organizations generally supported the existing Parity Act rules as enhancing credit availability and enabling lenders to develop new mortgage options. They argued that if the scope of the Parity Act regulations were significantly narrowed, state financial institutions potentially could be required to comply with 51 sets of state requirements, and that this would increase lending costs to consumers. Some commenters argued the Parity Act does not limit the scope of regulations applicable to housing creditors to those provisions concerning only alternative mortgage transactions.

2. Proposed Revisions to § 560.220

OTS has reviewed the designation of the regulations on prepayments and late charges in light of the comments on the ANPR and the purposes of the Parity Act, and is proposing to delete these rules from the list of provisions that apply to state housing creditors under the Parity Act.

The Parity Act directs the Bank Board (now OTS), OCC and NCUA to identify, describe, and publish those regulations that are ''inappropriate for and inapplicable'' to state housing creditors. The Parity Act, however, provides little guidance to the agencies in determining which regulations are appropriate. As a result, NCUA, OCC, OTS, and the Bank Board have taken substantially different approaches to the designation of rules.

NCUA, for example, has identified *all* of its lending regulations as applicable to alternative mortgage transactions by state-chartered credit unions.[16] These mortgage regulations address such matters as the term of the loan, requirements governing security instruments, notes, and liens, due-on-sale provisions, and assumptions and, as required under the Federal Credit Union Act, specifically prohibit prepayment penalties.

In contrast, OCC has designated as applicable to state-chartered commercial banks its rules that directly relate to adjustable rate mortgages.[17] OCC's designated regulations define ARM loans, authorize certain indexes and allow prepayment fees.

The Bank Board initially identified as appropriate and applicable those regulations that ''describe and define'' alternative mortgage transactions and not those regulations intended for the general supervision of federal associations. Because agency rules on prepayment penalties and late charges applied to loans generally (as distinguished from rules that bear directly on the unique features of alternative mortgage loans), the Bank Board's Parity Act regulation did not identify these provisions.

In 1996, OTS took a different tack and added provisions on prepayment and late charges to the list of designated

[9] 48 Fed. Reg. 23,032, 23053 (May 23, 1983). The notice was codified as an appendix to part 545. In 1989, it was moved 12 CFR 545.33. *See* 54 FR 49492 (November 30, 1989).

[10] See 12 CFR 545.8–5(b)(1983).

[11] See 12 CFR 545.34(c)(1984).

[12] 58 FR 4308 (Jan. 14, 1993). Of course, federal thrifts must disclose prepayment penalties and late charges under the Federal Reserve Board's Regulation Z, which implements the Truth in Lending Act (15 U.S.C. 1601 *et seq.*). See 12 CFR 226.18(k) and (l).

[13] 61 FR 1162, at 1166, 1174, and 1181 (January 17, 1996).

[14] 61 FR 50951, at 50955, and 50969 (September 30, 1996).

[15] OTS does not collect information on housing creditors that take advantage of the Parity Act. Accordingly, OTS sought data on the extent to which housing creditors taking advantage of the Parity Act are engaged in predatory practices and the effect that the Parity Act has the availability of credit. While commenters offered anecdotal information, OTS received no comprehensive data in response to the ANPR.

[16] 12 CFR 701.21(a) states ''[W]hile § 701.21 generally applies to Federal credit unions only, its provisions may be used by state-chartered credit unions with respect to alternative mortgage transactions in accordance with 12 U.S.C. 3801 *et seq.*''

[17] 12 CFR 34.24, which applies 12 CFR part 34, subpart B.

regulations. The designation occurred as part of a larger regulatory project to update and reorganize all of its lending and investment regulations. The proposed and final rules did not explain the reason for OTS departure from its predecessor agency's standard.

The proposed rule merely stated in one sentence that OTS would identify as appropriate and applicable to alternative mortgage transactions all of part 560 and § 563.99. The preamble to the final rule, again in one sentence, merely stated that the rule was being ''revised to identify the appropriate sections with greater specificity,'' and the rule itself then designated four particular provisions.

Between publication of the proposed and final rules, OTS issued a legal opinion to address a particular state law on prepayment penalties.[18] The opinion concluded that the application of the Parity Act to a state prepayment provision fell into a gray area between laws clearly preempted by the Act (those barring variable rate loans) and those clearly not (those governing liens and foreclosures.) The opinion recognized that the OTS prepayment provisions applied to all real estate loans for federal thrifts not just alternative mortgage transactions, but then simply stated that state housing creditors would be ''disadvantaged vis-à-vis federal thrifts'' if they had to comply with the state law restricting prepayment penalties and so concluded that it was preempted.

The purpose of the Parity Act was to enable all housing creditors to provide credit with alternative mortgage vehicles and to preempt state laws that would prevent that type of credit.[19] The designation of § 560.35 and § 560.210 is essential to enable state housing creditors to continue to provide alternative mortgages. Accordingly, to provide parity with federal thrifts, OTS's proposed rule continues to designate these two provisions.

On the other hand, the OTS prepayment and late fee provisions are not intrinsic to the ability to offer alternative mortgages. We note that credit unions are barred by statute from imposing prepayment penalties on any loan, while OCC has specifically designated a prepayment penalty provision as applying to alternative mortgages. As for late fees, NCUA has designated its late fee provision as applying, while OCC has not. As these various approaches illustrate, the agencies have exercised broad discretion in their designations of appropriate regulations under the Parity Act and have struck different balances depending upon their statutory and regulatory scheme.

Certainly there are advantages and disadvantages to each charter and licensing scheme for the various types of housing creditors. Federal thrifts operate under a uniform system of safety and soundness and compliance rules nationwide, with regular examinations and close supervision. State thrifts have a somewhat similar system governing operations within their own jurisdictions. Other types of housing creditors are not bound by these restrictions and have more latitude in their operations.

OTS is proposing to delete § 560.34 and § 560.33 from the list of regulations designated for alternative mortgages. These two regulations apply to real estate loans in general and are part of a broader regulatory scheme governing the lending operations for federal thrifts.

OTS recognizes that state housing creditors may view this proposal as having a discriminatory impact on their ability to offer alternative mortgages. States that restrict prepayment penalties and late fees generally apply those restrictions to all real estate loans, not just to alternative mortgage transactions. The states' laws in these areas are not directed at restricting alternative mortgage transactions but in regulating mortgage transactions in general.

One of the congressional findings underlying the Parity Act was that OTS and the other federal regulators had adopted regulations authorizing their federally chartered institutions to offer alternative mortgages, and that the purpose of the Act was to eliminate the discriminatory impact of *those* regulations.[20] OTS regulations on prepayment penalties and late fees, however, were not adopted to enable federal thrifts to engage in alternative mortgage financing, but rather to permit federal thrifts the flexibility to exercise their lending powers under a uniform federal scheme. *See* 12 CFR 560.2(a). Therefore, OTS does not believe that Congress intended that regulations such as these would offer a basis for claiming discriminatory treatment or were needed to provide parity with federally chartered institutions. Indeed, OTS broadly allows federal thrifts to impose loan-related fees (e.g., initial charges and servicing fees) on any loan including alternative mortgages, notwithstanding any state law to the contrary. OTS also allows federal thrifts to process and originate any loan including alternative mortgages, without regard to state law. There is no basis for distinguishing prepayment penalties and late fees from these other OTS rules that apply generally to loans.

Accordingly, OTS proposes to delete the prepayment and late charge regulations from the list of regulations that apply to state housing creditors under the Parity Act. Under the proposed rule, OTS would identify only § 560.35 (adjustments to home loans) and § 560.210 (disclosures for variable rate transactions) as appropriate and applicable for state housing creditors.

OTS solicits comments on all aspects of this proposal and specifically requests comments on the following questions:

1. Has OTS correctly identified the factors it must weigh in determining whether a specific rule should be designated as applicable for state housing creditors? If not, which factors should OTS consider?

2. Has OTS appropriately and fairly applied these factors? Should OTS add any other regulations to the proposed list of designated regulations? Should OTS delete any regulation from the proposed list?

3. The Parity Act requires OTS to designate regulations for state housing creditors that include both depository institutions (state-chartered savings associations) and non-depository institutions. By contrast, OCC and NCUA designations, like the underlying regulations themselves, apply only to depository institutions (*i.e.*, state chartered commercial banks and credit unions). Because state-chartered savings associations are subject to a safety and soundness regulatory scheme that is similar to that of federal thrifts and substantially different from other types of state-housing creditors, should OTS treat state-chartered savings associations differently under the Parity Act? Should OTS, for example, designate §§ 563.33 and 563.34 for state housing creditors that are depository institutions, but not for other types of state housing creditors? Does the Parity Act authorize OTS to differentiate between state housing creditors on this basis?

4. Sections 560.33 and 560.34 can be viewed as helping to promote safe and sound operations. For example, § 560.34 permits federal thrifts to moderate prepayment risk through the assessment of prepayment penalties; § 560.33 allows federal thrifts to encourage the timely payment of loans and to recover costs associated with late payments. In light of this, is it appropriate to apply these rules to state-chartered housing

[18] OTS Op. Chief Counsel (April 30, 1996).

[19] It is of note that the Parity Act makes no reference to fees or penalties nor does it direct the federal regulators to consider their impact on alternative mortgages.

[20] 12 U.S.C. 3801(a)(3) and (b).

lenders that are depository institutions? Similarly, based on these safety and soundness considerations, should OTS apply these rules to all real estate loans made by state savings associations? What studies or empirical data exist to support the need to apply these rules to state savings associations?

C. Recommendations for Statutory Changes

The majority of consumer groups and some states commenting on the ANPR advocated that OTS recommend that Congress repeal the Parity Act. These commenters asserted that the Parity Act is no longer needed to circumvent state restrictions on adjustable rate mortgages since nearly all states now allow such transactions. These commenters contended that state housing creditors are now using the Parity Act to defeat states' attempts to impose reasonable consumer protection laws. Financial institutions addressing this issue generally opposed repeal of the Parity Act, because the Act enables financial institutions to offer uniform loan products across state lines, thereby lowering credit costs and increasing credit availability. These commenters contended that other federal laws exist to address predatory lending and consumer issues.

Legislative actions affecting the Parity Act are, of course, beyond the scope of this rulemaking. OTS believes, however, that Congress should revisit the Parity Act, possibly in the context of broader mortgage reform legislation involving the Real Estate Settlement Procedures Act (RESPA),[21] the Home Ownership and Equity Protection Act (HOEPA),[22] or predatory lending. In contrast to the situation in the late 1970s and early 1980s, state regulators tell us that all states but one currently allow alternative mortgage transactions. If Congress believes that alternative mortgage transactions merit special treatment, it may want to consider whether it should enact a statute that applies equally to all entities providing alternative mortgage transactions, along the model of Regulation Z.

OTS has two additional recommendations in the event of Congressional review of the Parity Act. First, if the Act remains in place, states should be permitted another opportunity to opt out of the preemption provided by the Parity Act.[23] Congress originally gave the states a choice to opt out of the preemption provision so that housing creditors in that state would be bound by the state's regulations with respect to alternative mortgage transactions. Initially, the states had three years from the effective date of the Parity Act, from 1982 to 1985, to opt out of the preemption provisions. At the time, only a handful of states decided to reject preemption. However, today, with credit more readily available, the acceptance of alternative mortgage transactions by the states, and the rising incidence of potentially predatory lending practices, additional states might possibly elect to opt out of the Parity Act if given the opportunity.

Second, OTS recommends that state housing creditors lending under the authority of the Parity Act be required to identify themselves to the states. Currently, although the Parity Act provides the states with a mechanism to remove its preemption benefits from certain housing creditors, it is difficult for the states to do so without a reliable means of knowing who is a Parity Act creditor. Housing creditors may enjoy preemption benefits on alternative mortgage transactions only if those transactions are in substantial compliance with applicable federal regulations and the creditor timely cures any error. Loans made under the aegis of the Parity Act lose the benefit of preemption and therefore must comply with state law if the housing creditor fails to cure any error within sixty days of discovery. The recommended notification provision would permit the states to better monitor the housing creditors taking advantage of the Parity Act preemption benefits and those in particular that fail to timely cure any errors.

II. Preemption of State Usury Law (12 CFR Part 590)—Late Fees on Federally-Related Residential Manufactured Housing Loans

Part 590 implements section 501 of the Depository Institutions Deregulation and Monetary Control Act of 1980 (DIDMCA) (12 U.S.C. 1735f–7a),[24] which provides for the permanent preemption of state laws expressly limiting the rate or amount of interest, discount points, finance charges, or other charges assessed in connection with certain ''federally-related'' residential loans.[25]

This preemption does not apply to loans secured by a first lien on a residential manufactured home unless the terms and conditions of the loan comply with consumer protections provisions specified in OTS regulations at 12 CFR 590.4. These regulations address such matters as balloon payments, prepayment penalties, late charges, deferral fees, notice before repossession or foreclosure, and the refund of prepaid interest. Section 590.4(f) specifically addresses late charges. Among other requirements, this paragraph states: ''To the extent that applicable state law does not provide for a lower charge * * * a late charge on any installment * * * may not exceed the lesser of $5.00 or five percent of the unpaid amount of the installment.''

Thus, unless the installment on a manufactured housing loan is less than $100, OTS's rule permits a maximum $5.00 fee for late payments on such loans. Over the years, OTS has received requests from representatives of manufactured housing lenders seeking the revision of this provision. These lenders argue that the $5 amount is too small to deter late payments. They assert that the absence of a tangible penalty has contributed to a run-up of delinquencies and repossessions, and to increases to their costs of funds. Accordingly, these lenders have sought the deletion of the $5.00 limit.

In today's rule, OTS is proposing to eliminate the $5.00 limit. Under the proposed rule, the late fee would be limited to five percent of the unpaid amount of the installment, unless applicable state law imposes a lesser charge. OTS specifically requests comment whether this five percent limitation should also be deleted from the final rule.

III. Preemption of State Due-on-Sale Laws (12 CFR Part 591)—Definition of Reverse Mortgage

OTS regulations at 12 CFR 591 implement section 341 of the Garn St Germain Depository Institutions Act of 1982 (12 U.S.C.A. 1701j–3). [26] This part governs the permissibility of due-on-sale clauses in real estate loans and the preemption of state prohibitions on such clauses.

OTS is proposing a minor technical change to the definition of reverse mortgage at 12 CFR 591.2(n). The rule would clarify that a reverse mortgage is not limited to a loan that provides for periodic payments, but also includes a loan that provides for a lump sum

[21] Pub. L. No. 93–533, § 2, (1974), 88 Stat. 1724, 12 U.S.C. 2601 *et seq.*

[22] Pub. L. No. 103–325 (1994), 108 Stat. 2160, amending the Truth in Lending Act, 15 U.S.C. 1601 *et seq.*

[23] 12 U.S.C. 3804(a).

[24] Pub. L. 96–221, 94 Stat. 161 (1980).

[25] Loans are ''federally-related'' if the originator meets certain lender criteria, or the loan is classified as a federal agency loan, a federal housing program loan, or a loan eligible for purchase by government sponsored enterprises. *See* 12 CFR 590.2(b).

[26] Pub. L. 97–320, 96 Stat. 1469 (1982).

payment. This change is consistent with OTS legal opinions.[27]

IV. Solicitation of Comments Regarding the Use of Plain Language

Section 722 of the Gramm-Leach Bliley Act [28] requires federal banking agencies to use ''plain language'' in all proposed and final rules published after January 1, 2000. OTS invites comments on how to make this proposed rule easier to understand. For example:

(1) Have we organized the material to suit your needs? If not, how could the material be better organized?

(2) Do we clearly state the requirements in the rule? If not, how could the rule be more clearly stated?

(3) Does the rule contain technical language or jargon that is not clear? If so, what language requires clarification?

(4) Would a different format (grouping and order of sections, use of headings, paragraphing) make the rule easier to understand? If so, what changes to the format would make the rule easier to understand?

V. Executive Order 12866

The Director of OTS has determined that this proposed rule does not constitute a ''significant regulatory action'' for purposes of Executive Order 12866.

VI. Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995, Pub. L. 104–4 (Unfunded Mandates Act), requires that an agency prepare a budgetary impact statement before promulgating a rule that includes a federal mandate that may result in expenditure by state, local, and tribal governments, or by the private sector, of $100 million or more in any one year. If a budgetary impact statement is required, Section 205 of the Unfunded Mandates Act also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule. OTS has determined that the proposed rule will not result in expenditures by state, local, or tribal governments or by the private sector of $100 million or more. Accordingly, a budgetary impact statement is not required under section 202 of the Unfunded Mandates Act of 1995.

VII. Regulatory Flexibility Act

When an agency issues a rulemaking proposal, the Regulatory Flexibility Act (RFA) requires the agency to ''prepare and make available for public comment an initial regulatory flexibility analysis'' which will ''describe the impact of the proposed rule on small entities.'' 5 U.S.C. § 603(a). Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the proposed rulemaking is not expected to have a significant economic impact on a substantial number of small entities.

Parts 590 and 591. OTS has not prepared an initial regulatory flexibility analysis (IRFA) for the proposed revisions to part 590 and part 591. The proposed change to part 590 affects creditors making federally-related loans secured by first liens on residential manufactured housing. The proposed change would provide these creditors with greater flexibility in charging late fees, while retaining the benefits of preemption of state usury laws under section 501 of DIDMCA. The current rule permits a limited late fee of $5, which has proven to be too small to deter late payments. The proposed change permitting the imposition of a more tangible penalty will benefit all creditors making such loans, including small businesses. Part 591 permits all lenders, whether federally- or state-chartered, to exercise due-on-sale clauses in real property loans without regard to state law. OTS proposes a clarifying change broadening the definition of reverse mortgage. Since this change codifies an existing OTS interpretation of the term which broadens the availability of preemption under part 591, any impact on lenders should be beneficial. Accordingly, OTS certifies to the Chief Counsel of Advocacy of the Small Business Administration that the proposed changes to parts 590 and 591 will not have a significant economic impact on a substantial number of small entities.

Section 560.210. OTS has performed an IRFA for the proposed changes to § 560.210.[29] A description of the reasons why OTS is considering the proposed change and a statement of the objectives of, and legal basis for, this aspect of the proposed rule are included in the supplementary material above. In addition, OTS has addressed the following topics.

A. Small entities to which the proposed rule would apply

The proposed change to § 560.220 would apply to state housing creditors other than credit unions or commercial banks. OTS does not compile data on the total number of state housing creditors that may utilize § 560.220. Moreover, except for state-chartered savings associations, OTS does not have any authority to require state housing creditors to identify themselves or submit other data to OTS. Similarly, the Parity Act does not require state housing creditors to notify the states that they are taking advantage of the Act. As a result, OTS has little information regarding how many state housing creditors may use § 560.220 or how many of these creditors are small businesses.

Nonetheless, OTS estimates that 6,386 small state housing creditors may be affected by this regulation. United States Census data indicates that 7,257 firms (excluding depository institutions) engage in real estate credit. OTS estimates approximately 6,300 of these firms are small businesses.[30] Based on the most recent TFR data for thrifts, OTS estimates that an additional 86 state-chartered savings associations are small businesses.[31] For the purposes of this analysis, we have assumed that all 6,386 of these small businesses engage in alternative mortgage transactions.

OTS believes that this number may overstate the number of small businesses that may be affected by the changes to the proposed rule for several reasons. First, the use of the Parity Act is solely at the election of the state housing creditors. State housing creditors may, for whatever reason,

[27] OTS Op. Chief Counsel (June 2, 2000) (reverse mortgage loans include those providing for a lump sum payment).

[28] 12 U.S.C. 4809.

[29] OTS questions whether an IRFA is required. The RFA does not require an agency to analyze the effects of a rule on entities that it does not regulate. *See American Trucking Association, Inc.* v. *EPA,* 175 F.3d 1027 (D.C. Cir. 1999) (The D.C. circuit held that EPA was not required to perform a RFA for its national ambient air quality standards (NAAQS). The NAAQS themselves imposed no regulations on small entities. Instead, the several states regulated small entities through the state implementation plans that they were required to develop under the Clean Air Act. Because the NAASQ regulated small entities only indirectly—that is, insofar as they affected the planning decisions of the states—the EPA concluded, and the D.C. circuit agreed, that small entities were not subject to the rule.)

As revised, § 560.210 imposes no restrictions or limitations on any small entity's ability to impose prepayment penalties or late charges. Rather, the proposed OTS rule would leave the regulation of these matters entirely to the discretion of the individual states. As a result, OTS believes that it may certify that the rule will not have a significant impact on a substantial number of small entities.

[30] OTS based this figure on firms engaged in real estate credit and reported under NAICS 522292. A firm engaged in real estate credit is considered to be small if it has total receipts of $5 million or less per year. 13 CFR 121.201. OTS has used the special tabulation of the 1997 economic census from the United States Bureau of the Census to determine the number of these firms and their annual receipts.

[31] Based on December 2001 TFR data, OTS regulates 138 state savings associations. Of these savings associations, 86 have assets of $100 million or less. Small depository institutions are generally defined, for RFA purposes, as those with assets under $100 million. *See* 13 CFR 121.201.

decline to use the Parity Act for their alternative mortgage transactions. Moreover, many small state housing creditors will conduct alternative mortgage transactions that are governed by laws in states that either:

- Opted out of the Parity Act. State housing creditors conducting alternative mortgage transactions governed by these laws currently cannot use § 560.220 to preempt state law; or
- Enacted statutes that do not impose any substantive prohibitions and restriction on prepayment penalties or late charges for the loans. State housing creditors may continue to charge penalties and fees on alternative mortgage transactions in these states, notwithstanding the proposed changes to § 560.220.

OTS's estimate of 6,386 small businesses is based on the best information available to it. However, OTS encourages any commenter with access to more complete and more accurate data to submit information regarding the number of state housing creditors (other than credit unions or commercial banks) that may be affected by this rule. OTS also requests information regarding how many of these creditors that may be small businesses.

B. Requirements of the Proposed Rule

The Parity Act permits certain state housing creditors to make, purchase, and enforce alternative mortgage transactions without regard to any state constitution, law or regulation, provided that they comply with regulations designated by OTS. As described more fully in the supplementary information section, the proposed rule would revise OTS's designation of applicable regulations so that it would no longer designate rules on prepayment and late charges. As a result, these state housing creditors would be subject to state laws limiting prepayment penalties and restricting late charges.

OTS is unable to quantify the impact of the proposed revision on small state housing creditors for several reasons. Based on available data, it is difficult to determine how many alternative mortgage transactions were made under the OTS Parity Act regulations. Industry-wide data is available only for one type of alternative mortgage transaction—adjustable rate mortgages (ARMs). Other types of mortgages with alternative features are generally reported as fixed rate mortgages. The available data, however, indicates that all housing lenders originated $243.6 billion and $256 billion in ARMs in 2001 and 2000 respectively.[32] The most recent data available indicated that state housing creditors (excluding commercial banks and thrifts) account for approximately 56.3 percent of all lending or $137.1 billion and $144.1 billion of ARMs in 2001 and 2000.[33] OTS estimates that $14.7 billion and $15.4 billion of these ARM loans were originated by small state housing creditors in 2001 and 2000.[34] This available data, however, does not distinguish between transactions that are made under the Parity Act, and those that are not. As noted above, OTS has no authority to require state housing creditors that use § 560.220 to provide this information.[35]

In the ANPR, OTS attempted to obtain additional information on the extent to which state housing creditors engage in alternative mortgage transactions under the Parity Act. Commenters, however, provided no reliable information on this subject.[36] Nonetheless, OTS encourages any commenter with access to more complete and more accurate data to submit information regarding the extent to which small state housing creditors engage in alternative mortgage lending under § 560.220.

OTS further requests information concerning the amount of late fees and prepayment penalties generated by these alternative mortgage transactions. OTS notes, however, that reliable estimates of the amount of late fees and prepayment penalties would not accurately reflect the impact of the deletion of the preemption of prepayment charge provisions and late charge provisions. The 6,386 small state creditors that may be affected by the proposed rule would become subject to a broad range of state laws. For example, some of these laws would continue to permit the imposition of prepayment penalties. Others may prohibit or restrict prepayment charges. Still other laws would subject prepayment penalties to a range of restrictions, such as prohibiting penalties for a set period after execution of the note or mortgage or limiting the amount of the prepayment penalty. Based on this wide variety of restrictions and the fact that current state laws will change over time, it is difficult to estimate how much of the income would be lost by small state housing creditors under the proposed rule.[37]

Moreover, the impact of the loss of prepayment penalties may be ameliorated somewhat through other techniques. For example, lenders often impose a higher overall interest rate where prepayment penalties are excluded from the loan agreement.[38] In addition, some commentators assert that the payment of points upon origination and the imposition of a prepayment penalty are economically equivalent transactions. Since a mortgage with points includes an implicit and easily calculable prepayment penalty, state housing creditors may substitute points where prepayment penalties are prohibited.[39]

OTS requests information quantifying the impact that the proposed revision will have on small state housing creditors.

C. Significant Alternatives

Section 603(c) of the RFA requires OTS to describe any significant alternatives to the proposed rule that accomplish the stated objectives of the rule while minimizing any significant economic impact of the rule on small entities. Section 603(c) lists several examples of significant alternatives,

[32] Mortgage Bankers Association website at *www.mbaa.org* indicates that the industry originated $2,030 billion in 1-to 4-family mortgages in 2001, and $1,024 billion of these loans in 2000, and that 12% and 25% of these loans were ARMs in 2001 and 2000.

[33] This information was also obtained on the Mortgage Bankers' Association's website, which indicates that its source was a HUD Survey of Mortgage Lending Activity discontinued in 1998. This data applies to all lending and is based on 1997.

[34] OTS computed this figure using receipts by real estate creditors as proxy for originations. Based on these figures, OTS estimates that small creditors accounted for 10.7% of all ARM originations by real estate creditors.

[35] OTS does not currently collect data on the ARM originations by the 86 small state savings associations. However, 2000 CMR data indicates that these 86 thrifts hold approximately $815 million of ARMs in their portfolios. Again, this data does not distinguish transactions subject to the Parity Act regulations.

[36] Specifically, OTS asked for information regarding predatory or abusive lending practices that would be contrary to State law but for the Parity Act. One of the commenters, a trade association representing a substantial segment of the real estate financing community, including national and regional lenders, mortgage brokers, mortgage conduits, and service providers stated that it ''does not have specific numbers regarding the extent to which lenders are using the Parity Act to craft alternative mortgage products that would otherwise be affected by state law. Furthermore [it] knows of no reliable and comprehensive industry data from any source.''

[37] *See* ''The Handbook of Mortgage-Backed Securities,'' 88–101 (Frank J. Fabozzi, ed. (5th ed. 2001)), which contains a compilation of current state laws on prepayment penalties.

[38] In April 2000, one large subprime lender indicated that it lowered the interest rate on a loan by 75 basis points for those borrowers who accepted a prepayment penalty. See Joint HUD/Treasury Report on Recommendations to Curb Predatory Home Mortgage Lending (April 20, 2000), citing information from the New Century Mortgage Corporation website, *www.newcentury.com.*

[39] Alan L. Feld & Stephan G. Marks, Legal Differences Without Economic Distinctions: Points, Penalties, and the Market for Mortgages, 77 B.U.L. Rev 405 (1977).

including: (1) Establishing different compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) clarifying, consolidating, or simplifying compliance and reporting requirements for small entities; (3) using performance standards rather than design standards; and (4) excepting small entities from coverage of the rule or a part of the rule.

OTS considered retaining its current designation of regulations for all state housing creditors. For the reasons noted in the preamble above, OTS believes that this course is inappropriate. OTS also considered whether it should continue to designate the existing regulations for small state housing creditors, but not for other state housing creditors. However, given its analysis of the purposes and goals of the Parity Act, OTS has concluded that it is inappropriate to distinguish between small and large state housing creditors. OTS solicits comment from any other alternatives that would minimize the burdens on small state housing creditors.

D. Other Matters

Various federal rules or statutes duplicate or overlap with the proposed rule. NCUA has identified all of its lending regulations as applicable to alternative mortgage transactions by state-chartered credit unions. 12 CFR 701.21(a). These regulations address such matters as the term of the loan, requirements governing security instruments, notes, liens, due-on-sale provisions, and assumptions and, as required under the Federal Credit Union Act, specifically prohibit prepayment penalties. OCC, on the other hand, had designated as applicable to state-chartered commercial banks, its rules that directly relate to adjustable rate mortgages. OCC's designated regulations define ARM loans, authorize certain indexes, and allow prepayment fees. 12 CFR 34.24. In addition, other federal statutes and rules may preempt the application of state laws on prepayment penalties and late fees for alternative mortgage transactions by state housing creditors. *See e.g.*, 12 CFR part 590 (preemption of state usury laws under section 501 of DIDMCA) and 12 CFR part 591 (preemption of state due on sale clauses under section 341 of Garn St Germain Depository Institutions Act of 1982).

OTS is aware of no federal rules or statutes that conflict with the proposed rule.

VIII. Federalism

Executive Order 13132 imposes certain requirements on an agency when formulating and implementing policies that have federalism implications or taking actions that preempt state law. In accordance with those requirements, OTS has consulted with the Conference of State Bank Supervisors and the National Association of Attorneys General concerning this proposed change.

List of Subjects

12 CFR Part 560

Consumer protection, Investments, Manufactured homes, Mortgages, Reporting and recordkeeping requirements, Savings associations, Securities.

12 CFR Part 590

Banks, Banking, Loan programs—housing and community development, Manufactured homes, Mortgages, Savings associations.

12 CFR Part 591

Banks, Banking, Loan programs—housing and community development, Mortgages, Savings associations.

Accordingly, the Office of Thrift Supervision proposes to amend 12 CFR parts 560, 590, and 591 as set forth below:

PART 560—LENDING AND INVESTMENTS

1. The authority citation for part 560 continues to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 1701j–3, 1828, 3801, 3802, 3803, 3806; 42 U.S.C. 4106.

2. Revise § 560.220 to read as follows:

§ 560.220 Alternative Mortgage Transactions Parity Act.

(a) *Applicable housing creditors.* A housing creditor that is not a commercial bank, a credit union, or a Federal savings association may make alternative mortgage transactions by following the regulations identified in paragraph (b) of this section, notwithstanding any state constitution, law, or regulation. *See* 12 U.S.C. 3803.

(b) *Applicable regulations.* OTS designates §§ 560.35 and 560.210 as appropriate and applicable for state housing creditors. All other OTS regulations are not identified, and are inappropriate and inapplicable to state housing creditors. State housing creditors engaged in credit sales should read the term ''loan'' as ''credit sale'' wherever applicable in applying these regulations.

PART 590—PREEMPTION OF STATE USURY LAWS

3. The authority citation for part 590 continues to read as follows:

Authority: 12 U.S.C. 1735f–7a.

4. Revise the section heading and paragraph (f)(4) in § 590.4 to read as follows:

§ 590.4 Federally-related residential manufactured housing loans—consumer protection provisions.

* * * * *

(f) * * *

(4) To the extent that applicable state law does not provide for a lower charge or a longer grace period, a late charge on any installment not paid in full on or before the 15th day after its scheduled or deferred due date may not exceed five percent of the unpaid amount of the installment.

* * * * *

PART 591—PREEMPTION OF STATE DUE-ON-SALE LAWS

5. The authority citation for part 591 continues to read as follows:

Authority: 12 U.S.C. 1464 and 1701j–3.

6. Revise § 591.2(n) to read as follows

§ 591.2 Definitions.

* * * * *

(n) *Reverse mortgage* means an instrument that provides for one or more payments to a homeowner based on accumulated equity. The lender may make payment directly, through the purchase of annuity through an insurance company, or in any other manner. The loan may be due either on a specific date or when a specified event occurs, such as the sale of the property or the death of the borrower.

* * * * *

By the Office of Thrift Supervision.

James E. Gilleran,

Director.

[FR Doc. 02–10126 Filed 4–24–02; 8:45 am]

BILLING CODE 6720–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Western Alaska–02–001]

RIN 2115–AA97

Security Zone; Liquefied Natural Gas Tankers, Cook Inlet, AK

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish permanent security zones for Liquefied Natural Gas (LNG) tankers within the Western Alaska Marine Inspection Zone and Captain of the Port Zone. These security zones would establish a 1000-yard radius around the LNG tankers while they are loading at Phillips Petroleum LNG Pier and also while they are transiting inbound and outbound in the waters of Cook Inlet, Alaska between Phillips Petroleum LNG Pier and the Homer Pilot Station. These security zones temporarily close all navigable waters within a 1000-yard radius of the tankers. This action is necessary to protect the LNG tankers, Nikiski marine terminals, the community of Nikiski and the maritime community against terrorism, sabotage or other subversive acts and incidents of a similar nature during loading operations and LNG transits in Cook Inlet.

DATES: Comments must be received on or before May 28, 2002.

ADDRESSES: You may mail comments and related material to Coast Guard Marine Safety Office, 510 L Street, Suite 100, Anchorage, AK 99501. Coast Guard Marine Safety Office Anchorage 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 Coast Guard Marine Safety Office Anchorage between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Mark McManus, USCG Marine Safety Detachment Kenai, at (907) 283–3292 or Lieutenant Commander Chris Woodley, USCG Marine Safety Office Anchorage, at (907) 271–6700.

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 (COTP Western Alaska 02–001), 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 Coast Guard Marine Safety Office Anchorage 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

In light of the terrorist attacks in New York City and Washington, DC on September 11, 2001, the Coast Guard is proposing to establish permanent security zones on the navigable waters of Cook Inlet, Alaska to protect the LNG tankers that frequently traverse these waters, the Nikiski marine terminals, the community of Nikiski and the maritime community from potential sabotage or subversive acts and incidents of a similar nature.

This rulemaking proposes to make permanent the temporary security zones published on February 13, 2002 in the **Federal Register** (67 FR 6650) under temporary section 165.T17–006 of Title 33 of the Code of Federal Regulations (CFR). That rulemaking established temporary security zones with identical boundaries in the rulemaking proposed herein. This rulemaking is necessary to provide permanent protection of the LNG tankers when moored at the Phillips Petroleum LNG Pier and when transiting Cook Inlet.

Discussion of Proposed Rule

We propose to establish a 1000-yard radius security zone around LNG tankers while the vessels are moored at the Phillips Petroleum LNG Pier, Nikiski, Alaska. Our proposed rule would also create a 1000-yard radius moving security zone around the LNG tankers during their inbound and outbound transits in Cook Inlet, Alaska; specifically, starting and ending at the Homer Pilot Station in Cook Inlet, AK. These security zones prohibit entry into or movement within the specified areas. The security zones are designed to permit the safe and timely mooring, loading and departure of the vessels and the safe transit through Cook Inlet by minimizing potential waterborne threats to this operation. The limited size of the zone is designed to minimize impact on other mariners transiting through the area while ensuring public safety by preventing interference with the safe and secure loading and transit of the tankers.

This rule also adds a collection of information requirement in paragarph 165.1709(b)(1)(ii)(B) for vessels fishing in the vicinity of the Phillips Petroleum LNG Pier that would penetrate the 1000-yard security zone when the LNG tankers are moored at the pier. This collection of information was not required in the temporary final rule published in the **Federal Register** (67 FR 6650; February 13, 2002) because the fishing season does not occur in this area until the summer months. We require this information from fishing vessels to ensure the security of the LNG tankers and LNG facility against terrorism, sabotage or other subversive acts and incidents of a similar nature.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12886, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). We expect the economic impact of this rule to be minimal and that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This finding is based on the minimal time that vessels will be restricted from the zone, that vessels may still transit through the waters of Cook Inlet and dock at other Nikiski marine terminals.

Small Entities

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

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

This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit or anchor in the vicinity of the Phillips Petroleum LNG Pier during the time this zone is activated; and the owners or operators

of fishing vessels fishing in the vicinity of the Phillips Petroleum LNG Pier during the months of June through August.

These security zones will not have a significant economic impact on a substantial number of small entities for the following reasons. Marine traffic will still be able to transit through Cook Inlet during the zones' activation. Additionally, vessels with cargo to load or offload from other Nikiski marine terminals in the vicinity of the zone will not be precluded from mooring at or getting underway from the terminals. The owners of fishing vessels that typically fish in the vicinity of the LNG pier during the summer months will be required to notify and provide information to the local Coast Guard Marine Safety Detachment in Kenai before being allowed to fish at the LNG pier. The Coast Guard will collect current information from them that is essential to keeping the pier secure from sabotage or subversive activities.

Collection of Information

This rule modifies an existing collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). As defined in 5 CFR 1320.3(c), ''collection of information'' comprises reporting, recordkeeping, monitoring, posting, labeling, and other, similar actions. The title and description of the information collection, a description of those who must collect the information, and an estimate of the total annual burden follow. The estimate covers the time for reviewing instructions, searching existing sources of data, gathering and maintaining the data needed, and completing and reviewing the collection.

Title: Ports and Waterways Safety.

OMB Control Number: 2115–0540.

Summary of the Collection of Information: The Captain of the Port, Western Alaska requires information on fishing vessel owners and operators, and their vessels, desiring to fish in the security zone around the Phillips Petroleum LNG Pier.

Need for Information: To ensure port and vessel safety and security and to ensure the fishing industry openings are uninterrupted.

Proposed use of Information: This information is required to control vessel traffic, develop contingency plans, and enforce regulations.

Description of the Respondents: The respondents are owners, operators, or persons in charge of fishing vessels operating in the vicinity of the Phillips Petroleum LNG Pier.

Number of Respondents: The existing OMB-approved collection number of respondents is 1,329. This proposed rule would increase the number of respondents by 10 to a total of 1,339.

Frequency of Response: The existing OMB-approved collection annual number of responses is 1,329. This temporary rule will increase the number of responses by 10 to a total of 1,339.

Burden of Response: The existing OMB-approved collection burden of response is 2 and 1/4 hours. This proposed rule would not change the burden of response because it will take less time for the responders to complete this response. Their vessels and crew are smaller.

Estimate of Total Annual Burden: The existing OMB-approved collection total annual burden is 2,924 hours. This proposed rule would increase the total annual burden by 5 hours to a total of 2,929 hours.

We ask for public comment on the collection of information to help us determine how useful the information is; whether it can help us perform our functions better; whether it is readily available elsewhere; how accurate our estimate of the burden of collection is; how valid our methods for determining burden are; how we can improve the quality, usefulness, and clarity of the information; and how we can minimize the burden of collection.

If you submit comments on the collection of information, submit them both to OMB and to the Docket Management Facility where indicated under **ADDRESSES**, by the date under **DATES**.

You need not respond to a collection of information unless it displays a currently valid control number from OMB. The OMB approval is valid until November 30, 2003.

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

This 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 proposed rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Consultation and Coordination With Indian Tribal Governments

This proposed 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.

To help the Coast Guard establish regular and meaningful consultation and collaboration with Indian and Alaskan Native tribes, we published a notice in the **Federal Register** (66 FR 36361, July 11, 2001) requesting comments on how to best carry out the Order. We invite your comments on how this proposed rule might impact tribal governments, even if that impact may not constitute a ''tribal implication'' under the Order.

Energy Effects

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

under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

2. Add § 165.1709 to read as follows:

§ 165.1709 Security Zones: Liquefied Natural Gas Tanker Transits and Operations at Phillips Petroleum LNG Pier, Cook Inlet, AK.

(a) *Location.* The following areas are established as security zones during the specified conditions:

(1) All navigable waters within a 1000-yard radius of the Liquefied Natural Gas (LNG) tankers during their inbound and outbound transits through Cook Inlet, Alaska between the Phillips Petroleum LNG Pier, 60°40′43″ N and 151°24′10″ W, and the Homer Pilot Station at 59°34′86″ N and 151°25′74″ W. On the inbound transit, this security zone remains in effect until the tanker is alongside the Phillips Petroleum LNG Pier, 60°40′43″ N and 151°24′10″ W.

(2) All navigable waters within a 1000-yard radius of the Liquefied Natural Gas tankers while they are moored at Phillips Petroleum LNG Pier, 60°40′43″ N and 151°24′10″ W.

(b) *Special Regulations.* (1) For the purpose of this section, the general regulations contained in 33 CFR 165.33 apply to all but the following vessels in the area described in paragraph (a):

(i) Vessels scheduled to moor and offload or load cargo at other Nikiski marine terminals that have provided the Coast Guard with an Advance Notice of Arrival.

(ii) Commercial fishing vessels, including drift net and set net vessels, fishing from the waters within the zone, if

(A) The owner of the vessel has previously requested approval from the Captain of the Port representative Marine Safety Detachment Kenai, Alaska, to fish in the security zone and

(B) Has provided the Captain of the Port representative, Marine Safety Detachment Kenai, Alaska current information about the vessel, including:

(1) The name and/or the official number, if documented, or state number, if numbered by a state issuing authority;

(2) A brief description of the vessel, including length, color, and type of vessel;

(3) The name, Social Security number, current address, and telephone number of the vessel's master, operator or person in charge; and

(4) Upon request, information on the vessel's crew.

(C) The Captain of the Port must approve a vessel's request prior to being allowed into the security zone.

(D) The vessel is operated in compliance with any specific orders issued to the vessel by the Captain of the Port or other regulations controlling the operation of vessels within the security zone that may be in effect.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port representative or the designated on-scene patrol personnel. These personnel are comprised of commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U. S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(3) The Marine Safety Detachment Kenai will notify the maritime community of periods during which these security zones will be in effect by providing advance notice of scheduled arrivals and departures of the LNG tankers via a marine Broadcast Notice to Mariners.

Dated: February 27, 2002.

W.J. Hutmacher,

Captain, U.S. Coast Guard, Captain of the Port, Western Alaska.

[FR Doc. 02–10175 Filed 4–24–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 203

Natural Disaster Procedures: Preparedness, Response, and Recovery Activities of the Corps of Engineers

AGENCY: U.S. Army Corps of Engineers, Department of the Army, DOD.

ACTION: Proposed revision to the regulations; extension of comment period.

SUMMARY: On February 26, 2002, the U.S. Army Corps of Engineers proposed to revise its regulations to reflect current policy, add features required by the Water Resources Development Act of 1996 (WRDA 96)(Pub.L. 104–303), and streamline certain procedures concerning Corps authority addressing disaster preparedness, response, and recovery activities. WRDA 96 additions include the option to provide nonstructural alternatives in lieu of structural repairs to levees damaged by flood events, and the provision of a levee owner's manual. Other significant changes include a change in the cost share provision for rehabilitation of both Federal and non-Federal flood control works, expansion of investigation ability for potential Advance Measures work, and a streamlined approach for requests for assistance from Native American tribes and Alaska Native Corporations.

The Corps sought comment on the proposed revision to the regulations on or before April 29, 2002. In response to comments from the public requesting additional time to fully analyze the issues and prepare comments, we are extending the comment period on the proposed revision to the regulations to June 28, 2002.

DATES: Comments on the proposed revision to the regulations must be submitted on or before June 28, 2002.

ADDRESSES: Send written comments on the proposed revision to the regulations to HQUSACE, ATTN: CECW–OE, 441 G Street, NW., Washington, DC 20314–1000.

FOR FURTHER INFORMATION CONTACT: For information on the proposed revision to the regulations, contact Mr. Robert K. Grubbs, P.E., Headquarters, U.S. Army Corps of Engineers, Civil Emergency Management Branch, CECW–OE, at (202) 761–4561. Corps of Engineers, ATTN CECW–OR, 20 Massachusetts Avenue, Washington, DC 20314–1000, phone: (202) 761–0199.

Dated: April 19, 2002.

Karen Durham-Aguilera,

Acting Chief, Operations Division, Directorate of Civil Works.

[FR Doc. 02–10124 Filed 4–24–02; 8:45 am]

BILLING CODE 3710–92–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 242–0327; FRL–7201–5]

Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District, Ventura County Air Pollution Control District, and Santa Barbara County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a limited approval and limited disapproval to revisions to the Imperial County Air Pollution Control District (ICAPCD) and Ventura County Air Pollution Control District (VCAPCD) portions of the California State Implementation Plan (SIP) concerning VOC emissions from the storage and transfer of gasoline. We are also proposing full approval of a revision to the Santa Barbara County Air Pollution Control District (SBCAPCD) portion of the California State SIP concerning VOC emissions from loading organic liquid cargo vessels. We are proposing to approve local rules to regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by May 28, 2002.

ADDRESSES: Mail comments to Andy Steckel, Rulemaking Office Chief (AIR–4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

You can inspect copies of the submitted rule revisions and EPA's technical support documents (TSDs) at our Region IX office during normal business hours. You may also see copies of the submitted rule revisions and TSDs at the following locations:

Environmental Protection Agency, Air Docket (6102), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington DC 20460.

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

Imperial County Air Pollution Control District, 150 South 9th Street, El Centro, CA 92243.

Ventura County Air Pollution Control District, 669 County Square Drive, Ventura, CA 93003.

Santa Barbara County Air Pollution Control District, 26 Castilian Drive, Suite B–23, Goleta, CA 93117.

FOR FURTHER INFORMATION CONTACT: Al Petersen, Rulemaking Office (AIR–4), U.S. Environmental Protection Agency, Region IX; (415) 947–4118.

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

Table of Contents

I. The State's Submittal

A. What Rules Did the State Submit?

Table 1 lists the rules addressed by this proposal with the dates that they were adopted by local air agencies and submitted by the California Air Resources Board (CARB).

TABLE 1.—SUBMITTED RULES

Local agency	Rule #	Rule title	Adopted	Submitted
ICAPCD	415	Transfer and Storage of Gasoline	09/14/99	05/26/00
VCAPCD	70	Storage and Transfer of Gasoline	11/14/00	05/08/01
SBCAPCD	346	Loading of Organic Liquid Cargo Vessels	01/18/01	05/08/01

On October 6, 2000, July 20, 2001, and July 20, 2001, respectively, these submittals were found to meet the completeness criteria in 40 CFR part 51 appendix V, which must be met before formal EPA review.

B. Are There Other Versions of These Rules?

We approved into the SIP ICAPCD Rule 415 on August 11, 1978 (43 FR 35694) and ICAPCD Rule 415.1 on November 10, 1980 (45 FR 74480). These rules were combined into submitted ICAPCD Rule 415.

We approved into the SIP a version of VCAPCD Rule 70 on May 13, 1997 (64 FR 66393).

We approved into the SIP a version of SBCAPCD Rule 346 on January 24, 1995 (60 FR 4562).

C. What Is the Purpose of the Submitted Rule Revisions?

A purpose of revisions to ICAPCD Rule 415 is to combine Rule 415 and 415.1 into a single rule to which the gasoline storage provisions from Rule 414 were also added. Another purpose is to add or make more stringent gasoline vapor emission requirements and to add test methods and recordkeeping requirements. ICAPCD Rule 415 regulates gasoline storage and transfer at bulk terminals, bulk plants, and gasoline dispensing stations.

One purpose of revisions to VCAPCD Rule 70 is to exempt gasoline dispensing facilities on Anacapa Island and San Nicolas Island from testing requirements. A second purpose is to delete the preemption of test methods and test frequencies by those specified by the California Air Resources Board (CARB) Executive Order for vapor recovery equipment, unless the CARB requirement is more frequent. A third purpose is to increase the frequency of reverification testing for the air-to-liquid volume ratio to once per year.

The purposes of revisions to SBCAPCD Rule 346 are to add a limit of 20,000 gallons per day of organic liquid transfer into cargo vessels from a loading facility, to add a compliance schedule, and to revise which test methods are specified.

II. EPA's Evaluation and Action

A. How Is EPA Evaluating the Rules?

Generally, SIP rules must be enforceable (see section 110(a) of the CAA), must require Reasonably Available Control Technology (RACT)

for major sources in nonattainment areas (see section 182(a)(2)(A)), and must not relax existing requirements (see sections 110(l) and 193).

The VCAPCD and SBCAPCD regulate severe ozone nonattainment areas (see 40 CFR 81), therefore Rules 70 and 346 must fulfill RACT requirements for VOCs.

However, the ICAPCD regulates a section 185A transitional area for ozone. 40 CFR 81. We originally designated Imperial County as nonattainment for oxidant (now ozone) under the provisions of the CAA Amendments of 1977 (1977 Act). 43 FR 8962 (March 3, 1978). On April 1, 1980, we published a notice of proposed rulemaking (NPRM) on revisions to the Imperial County portion of the California SIP that were submitted to us to address planning requirements for nonattainment areas under Part D of the 1977 Act. 45 FR 21297 (April 1, 1980). Our 1980 NPRM indicated that Imperial County sought to comply with the Part D requirement for application of RACT through two local regulations: ICAPCD rule 415.1, Gasoline Loading into Tank Trucks and Trailers, and ICAPCD rule 413, Storage of Petroleum Products, but we concluded that an additional RACT rule, one controlling emissions from cutback asphalt, would also be required. On November 10, 1980, we published our final rule conditionally approving the *Imperial County Plan to Attain National Ambient Air Quality Standards for Oxidants* (October 31, 1978) (Plan). 45 FR 74480 (November 10, 1980).

ICAPCD Rule 415 contains enforcement-related deficiencies that preclude full approval. According to the *General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,* 57 FR 13525 (April 16, 1992) and our conditional approval of the Plan, we may impose CAA section 179 sanctions for enforcement-related deficiencies only on three pre-1990 VOC RACT rules: Rule 415.1, Gasoline Loading into Tank Trucks and Trailers (Phase I), Rule 413, Storage of Petroleum Products, and Rule 418.1, Cutback Asphalt. The enforcement related deficiencies cited above for Rule 415 do not originate from the Rule 415.1 (Phase I) portion of Rule 415. Therefore, we can not impose sanctions if the deficiencies are not corrected.

Guidance and policy documents that we used to define specific enforceability and RACT requirements include the following:

- *Requirements for Preparation, Adoption, and Submittal of Implementation Plans,* U.S. EPA, 40 CFR Part 51
- Portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987).
- *Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations; Clarification to Appendix D of November 24, 1987* **Federal Register** *Notice,* (Blue Book), notice of availability published in the May 25, 1988 **Federal Register**.
- Draft *Model Rule, Gasoline Dispensing Facility-Stage II Vapor Recovery,* EPA (August 17, 1992).
- *Gasoline Vapor Recovery Guidelines,* EPA Region IX (April 24, 2000).
- *Model Volatile Organic Compound Rule for Reasonably Available Control Technology (RACT),*'' Office of Air Quality Planning and Standards (June 1992).
- *Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals,* EPA–450/2–77–026.
- *Control of Volatile Organic Emissions from Bulk Gasoline Plants,* EPA–450/2–77–035.

B. Do the Rules Meet the Evaluation Criteria?

ICAPCD Rule 415 improves the SIP by establishing new or more stringent emission limits and by adding monitoring and recordkeeping provisions. VCAPCD Rule 70 improves the SIP by increasing the frequency of some testing. These rules are largely consistent with the relevant policy and guidance regarding enforceability, RACT, and SIP relaxations. Rule provisions which do not meet the evaluation criteria are summarized below and discussed further in the TSD.

SBCAPCD Rule 346 improves the SIP by limiting the quantity of daily gasoline transfer into cargo vessels and by adding a compliance schedule.

C. What Are the Rule Deficiencies?

This deficiency in VCAPCD Rule 70 conflicts with section 110 and part D of the CAA and prevents full approval:

- Sections H.1.c, H.2.b, H.3, and H.7.a: Reverification of the performance tests of the vapor recovery system originally required by the CARB Executive Order should be performed more frequently. EPA recommends reverification of performance tests once every 6–12 months in order to fulfill RACT.

These deficiencies in ICAPCD Rule 415 conflict with section 110 and part D of the CAA and prevent full approval:

- Section B.5: Performance tests on Phase II vapor recovery systems should be performed within 30 days of modification or installation.
- Section B.5: Reverification of performance tests on Phase II vapor recovery systems should be performed periodically to verify continued proper operation.
- Section C: Specific test methods on Phase II vapor recovery systems should be provided, at a minimum, for the following initial performance tests typically used at various types of gasoline dispensing stations: Static Pressure Test, Dynamic Back Pressure Test, Air-to-Liquid Volume Ratio Test, and Liquid Removal Rate Test.

D. EPA Recommendations To Further Improve the Rules

The TSDs describe additional rule revisions that do not affect EPA's current action but are recommended for the next time the local agency modifies the rules.

E. Public Comment and Final Action

As authorized in sections 110(k)(3) and 301(a) of the CAA, EPA is proposing a limited approval of ICAPCD Rule 415 and VCAPCD Rule 70 to improve the SIP. If finalized, this action would incorporate the submitted rules into the SIP, including those provisions identified as deficient. This approval is limited because EPA is simultaneously proposing a limited disapproval of the rules under section 110(k)(3). If the disapproval of ICAPCD Rule 415 is finalized, sanctions will not be imposed. If the disapproval of VCAPCD Rule 70 is finalized, sanctions will be imposed under section 179 of the CAA unless EPA approves subsequent SIP revisions that correct the rule deficiency within 18 months. These sanctions would be imposed as described in 59 FR 39832 (August 4, 1994). A final disapproval would also trigger the federal implementation plan (FIP) requirement under section 110(c). Note that the submitted rules have been adopted by the ICAPCD and VCAPCD, and EPA's final limited disapproval would not prevent the local agencies from enforcing them.

EPA is also proposing a full approval of SBCAPCD Rule 346 to improve the SIP.

We will accept comments from the public on the proposed limited approvals and limited disapprovals for the next 30 days.

III. Background Information

A. Why Were These Rules Submitted?

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section

110(a) of the CAA requires states to submit regulations that control VOC emissions. Table 2 lists some of the national milestones leading to the submittal of these local agency VOC rules.

TABLE 2.—OZONE NONATTAINMENT MILESTONES

Date	Event
March 3, 1978	EPA promulgated a list of ozone nonattainment areas under the Clean Air Act as amended in 1977. 43 FR 8964; 40 CFR 81.305.
May 26, 1988	EPA notified Governors that parts of their SIPs were inadequate to attain and maintain the ozone standard and requested that they correct the deficiencies (EPA's SIP-Call). See section 110(a)(2)(H) of the pre-amended Act.
November 15, 1990	Clean Air Act Amendments of 1990 were enacted. Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–76761q.
May 15, 1991	Section 182(a)(2)(A) requires that ozone nonattainment areas correct deficient RACT rules by this date.

IV. Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 13211

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.

C. Executive Order 13045

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

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

D. Executive Order 13132

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

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

E. Executive Order 13175

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

This proposed rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule. In the spirit of Executive Order 13175, and consistent with EPA policy to promote communications between EPA and tribal governments, EPA specifically solicits additional comment on this proposed rule from tribal officials.

F. Regulatory Flexibility Act

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

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

any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

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

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

G. Unfunded Mandates

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

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

H. National Technology Transfer and Advancement Act

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: April 11, 2002.

Nora L. McGee,

Acting Regional Administrator, Region IX.

[FR Doc. 02–10171 Filed 4–24–02; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–B–7427]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (e-mail) *matt.miller@fema.gov.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Acting Administrator, Federal Insurance and Mitigation Administration certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification. This proposed rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This proposed rule meets the

applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376, § *67.4*

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
California	Yolo, Uninc, Areas Overflow.	North Davis Overflow	At Union Pacific Railroad Bridge (confluence with Union Pacific Railroad Drain).	None	*42
			At Highway 101 A and Union Pacific Railroad Bridge Over North Davis Drain.	None	*46
		Union Pacific Railroad Drain.	At Union Pacific Railroad Bridge (confluence with North Davis Overflow).	None	*42
Maps are available for inspection at City Hall, 292 West Beamer Street, Woodland, California.					
Send comments to The Honorable Dave Rosenberg, Chairman, Yolo County Board of Supervisors, 625 Court Street, Room 204, Woodland, California 95695.					
California	Davis, (City) Yolo County.	North Davis Overflow	At Union Pacific Railroad Bridge (confluence with Union Pacific Railroad Drain).	None	*42
			Approximately 950 feet upstream of confluence with Union Pacific Railroad Drain.	None	*43
		Union Pacific Railroad Drain.	At Union Pacific Railroad Bridge (confluence with North Davis Overflow).	None	*42
			Approximately 340 feet downstream of Covell Boulevard.	None	*43
Maps are available for inspection at City Hall, 23 Russell Boulevard, Davis, California.					
Send comments to The Honorable Ken Wagstaff, Mayor, City of Davis, 23 Russell Boulevard, Davis, California 95616.					
California	Lafayette, (City), Contra Costa County.	Reliez Creek	Approximately 60 feet upstream of Old Tunnel Road.	250	*252
			Approximately 110 feet downstream of Quandt Road.	354	*352
			Approximately 160 feet upstream of Pleasant Hill Road.	362	*368
		Reliez Creek Overflow	Along Circle Road from its confluence with Reliez Creek to approximately 300 feet southeast of Ortega Avenue.	None	*279
Maps are available for inspection at Lafayette Planning Office, 3675 Mt. Diablo Street, Lafayette, California.					
Send comments to The Honorable Don Tatzin, Mayor, City of Lafayette, P.O. Box 1968, Lafayette, California 94549.					

Flooding source(s)	Location of referenced elevation	Elevation in feet *(NGVD)		Communities affected
		Effective	Modified	
Jefferson County, Colorado and Incorporated Areas				
.				
North Branch Airport Creek ..	Approximately 1,800 feet downstream of Wadsworth Avenue.	None	*5,440	Jefferson County (Uninc. Areas)
	Approximately 700 feet upstream of Wadsworth Avenue.	None	*5,534	
Bear Creek	Approximately 4,000 feet downstream of South Wadsworth Boulevard.	None	*5,357	City of Lakewood
	Approximately 1,200 feet downstream of South Wadsworth Boulevard.	None	*5,373	
Bear Creek Tributary No. 3 ..	Approximately 400 feet downstream of Dedisse Park Road.	*7,174	*7,174	Jefferson County (Uninc. Areas)
	Approximately 1,300 feet upstream of Dedisse Park Road.	*7,260	*7,260	
Lena Gulch	Approximately 600 feet upstream of Orion Street	None	*5,828	City of Golden
	Approximately 1,500 feet downstream of U.S. Highway 6.	None	*5,885	
	Approximately 300 feet downstream of U.S. Highway 6.	None	*5,913	

Flooding source(s)	Location of referenced elevation	Elevation in feet *(NGVD)		Communities affected
		Effective	Modified	
Little Dry Creek	Just downstream of Lowell Boulevard	None	*5,267	City of Westminister
Sanderson Gulch	Approximately 50 feet upstream of Sheridan Boulevard.	*5,416	*5,415	City of Lakewood
Ralston Creek	Approximately 1,050 feet upstream of Ward Street	None	*5,458	Jefferson County (Uninc. Areas)
	Approximately 700 feet downstream of Beech Street	None	*5,472	
	Approximately 3,050 feet downstream of Indian Street	None	*5,514	
	Approximately 100 feet downstream of Indian Street	None	*5,534	
Van Bibber Creek	Just downstream of the Miller Street	*5,365	*5,374	Jefferson County (Uninc. Areas)
	Just upstream of Ward Road Bridge	*5,437	*5,438	
Walnut Creek	Approximately 1,800 feet upstream of the confluence with Countryside Creek.	None	*5,360	Jefferson County (Uninc. Areas)
Weir Gluch	Apprximately 1,700 feet downstream of Ohio Avenue	None	*5,374	City of Lakewood
	Just upstream of Sheridan Boulevard	*5,364	*5,365	

ADDRESSES

Jefferson County (Unincorporated Areas):

Maps are available for inspection at City Hall, 100 Jefferson County Parkway, Suite 3, Golden, Colorado.

Send comments to The Honorable Michelle Lawrence, Chairperson, Jefferson County, Board of Commissioners, 100 Jefferson County Parkway, Suite 5550, Golden, Colorado 80419.

City of Golden:

Maps are available for inspection at the Planning Department, 1445 10th Street, Golden, Colorado.

Send comments to The Honorable Jan C. Scheneck, Mayor, City of Golden, 911 10th Street, Golden, Colorado 80401.

City of Lakewood:

Maps are available for inspection at the Engineering Division, 445 South Allison Parkway, Lakewood, Colorado.

Send comments to The Honorable Steve Burkholder, Mayor, City of Lakewood, 4800 South Allison Parkway, Lakewood, Colorado 80226.

City of Westminster:

Maps are available for inspection at City Hall, 4800 West 92nd Avenue, Westminster, Colorado.

Send comments to The Honorable Nancy M. Heil, Mayor, City of Westminster, 4800 West 92nd Avenue, Westminster, Colorado 80031.

Hamilton County, Kansas and Incorporated Areas

Arkansas River	Approximately 11,000 feet downstream of State Highway 27.	None	*3,211	Hamilton County (Uninc. Areas)
	Approximately 2.6 miles upstream of State Highway 27.	None	*3,240	
Syracuse Creek	Just upstream of the Atchinson, Topeka, Santa Fe Railroad and U.S. Highway 50.	None	*3,243	Hamilton County (Uninc. Areas)
	Approximately 2,100 feet upstream of State Highway 27 (US Highway 207).	None	*3,262	
Syracuse Creek Overflow	Approximately 500 feet southeast of the Interstate of State Highway 27 and G Avenue.	*3,249	*3,244	City of Syracuse

ADDRESSES

Hamilton County (Unincorporated Areas):

Maps are available for inspection at Hamilton County Superintendents Office, 219 North Main Street, Syracuse, Kansas.

Send comments to The Honorable Dave Schwieterman, Chairperson, Hamilton County Board of Commissioners, P.O. Box 1167, Syracuse, Kansas 67878.

City of Syracuse:

Maps are available for inspection at City Hall, 109 North Main Street, Syracuse, Kansas.

Send comments to The Honorable Garett Shamburg, Mayor, City of Syracuse, P.O. Box 148, Syracuse, Kansas 67878.

Clay County, Missouri and Incorporated Areas

Fishing River	Approximately 5,000 feet downstream of Highway 3	None	*780	City of Kearney
	Just downstream of Burlington North Railroad bridge	None	*786	
	Approximately 1,600 feet downstream of Mosby Road	*762	*763	City of Mosby
	Approximately 400 feet upstream of U.S. Highway 69	*772	*777	
	Approximately 6,600 feet downstream of Highway H	*752	*752	Village of Prathers
	Just downstream of Highway H	*755	*757	
	Approximately 1,600 feet downstream of Mosby Road	*762	*760	
	Just upstream of Clay/Ray County Border	*732	*730	Clay County
	Just upstream of Jesse James Farm Road	*776	*778	(Uninc. Areas)
	Just downstream of Interstate 35 bridge	*792	*788	
	Approximately 4,800 feet upstream of Highway A	None	*859	
East Fork Fishing River	Confluence with Fishing River	*744	*745	Clay County
	Just upstream of 112th Street	*747	*749	(Uninc. Areas)
	Approximately 3,800 feet downstream of Seabold Road.	*752	*756	
	Approximately 3,800 feet downstream of Seabold Road.	*752	*756	City of Excelsior Springs
	Just upstream of Sebold Road	*758	*759	

Flooding source(s)	Location of referenced elevation	Elevation in feet *(NGVD)		Communities affected
		Effective	Modified	
Crockett Creek	Approximately 250 feet upstream of confluence with Holmes Creek.	*767	*772	Clay County (Uninc. Areas)
	Just downstream of 12th Street	*782	*783	
	Just upstream of Stockdale Road	*810	*790	
	At the Confluence with Holmes Creek	*767	*772	City of Mosby
	Approximately 350 feet upstream of the confluence with Holmes Creek.	*767	*772	
Holmes Creek	Approximately 250 feet upstream confluence of Crockett Creek.	*767	*772	Clay County (Uninc. Areas)
	Just upstream of Summersette Road	*770	*777	
	Just upstream of Highway 33	None	*813	
	At the confluence with Fishing River	*764	*772	City of Mosby
	Approximately 350 feet upstream of West Mosby Road.	*767	*772	
Clear Creek	Confluence with Fishing River	*772	*777	Clay County
	Just upstream of 140th Street bridge	*775	*778	(Uninc. Areas)
	Just downstream of Interstate 35	*797	*794	
	Approximately 6,300 feet upstream of Nation Road	None	*824	
	Approximately 1,150 feet downstream of Summit Street.	None	*783	City of Kearney
	Just downstream of Interstate 35	*797	*794	
	Approximately 1,000 feet upstream of Highway 33	*804	*801	
First Creek	Confluence with Second Creek (Approximately 1,000 feet downstream of Highway 92 bridge).	*836	*818	Clay County (Uninc. Areas)
	Just upstream of 144th Street bridge	*849	*851	
	Approximately 2,600 feet upstream of 144th Street bridge.	None	*860	
	Appoximately 2,900 feet upstream of 144th Street	None	*861	City of Smithville
Second Creek	Approximately 1,550 feet upstream of Main Street	*817	*814	Clay County (Uninc. Areas)
	Confluence of First Creek (Approximately 1,000 feet downstream of Highway 92 bridge).	*836	*818	
	Confluence with Little Platte River	*814	*814	City of Smithville
	Approximately 1,550 feet upstream of Main Street	*814	*814	
Rocky Branch	Approximately 1,150 feet upstream from Confluence with Wilkerson Creek.	*849	*846	Clay County (Uninc. Areas)
	Confluence with Wilkerson Creek	*848	*846	City of Smithville
	Just upstream of 140th Street	*865	*865	
Polecat Creek	Confluence with Wilkerson Creek	None	*881	Clay County (Uninc. Areas)
	Approximately 2,500 feet upstream of Mt. Olive Road	None	*932	
Wilkerson Creek	Approximately 1,500 feet upstream of Confluence with Little Platte River.	*818	*816	Clay County (Uninc. Areas)
	Just downstream of Highway 92	*840	*840	
	Approximately 5,000 feet upstream of 132th Street bridge.	None	*906	
	Confluence with Little Platte River	*814	*814	City of Smithville
	Appoximately 1,500 feet downstream of 144th Street bridge.	*857	*851	
Williams Creek	At the confluence with Fishing River	*756	*760	Village of Prathersville
	Approximately 550 feet upstream of the Chicago Rock Island and Pacific Railroad.	*761	*764	

ADDRESSES

Clay County (Unincorporated Areas):

Maps are available for inspection at City Hall, 234 W. Shrader Street, Suite C, Liberty, Missouri.

Send comments to The Honorable Thomas Brandon, Presiding Commissioner, Clay County, Board of Commissioners, County Administration Building, Courthouse Square, Liberty, Missouri 64068.

City of Kearney:

Maps are available for inspection at City Hall, 100 East Washington Street, Kearney, Missouri.

Send comments to The Honorable Bill Dane, Mayor, City of Kearney, P.O. Box 797, 100 East Washington Street, Kearney, Missouri 64060.

City of Smithville:

Maps are available for inspection at City Hall, 107 West Main Street, Smithville, Missouri.

Send comments to The Honorable Ron Van Winkle, Mayor, City of Smithville, 107 West Main Street, Smithville, Missouri 64089.

City of Excelsior Springs:

Maps are available for inspection at City Hall, 201 East Broadway, Excelsior Springs, Missouri.

Send comments to The Honorable Benny Ward, Mayor, City of Excelsior Springs, 201 East Broadway, Excelsior Springs, Missouri 64024.

City of Mosby:

Maps are available for inspection at City Hall, 12312 4th Street, Mosby, Missouri.

Send comments to The Honorable Donald Carmichael, Mayor, City of Mosby, 12404 Pony Express Road, Mosby, Missouri 64073.

Flooding source(s)	Location of referenced elevation	Elevation in feet *(NGVD)		Communities affected
		Effective	Modified	
Village of Prathersville:				
Maps are available for inspection at City Hall, 12212 County Road, Excelsior Springs, Missouri.				
Send comments to The Honorable Paul Owen, Chairman, Village of Prathers, Board of Trustees, 12212 County Road, Excelsior Springs, Missouri 64024				
Okanogan County, Washington and Incorporated Areas				
Conconully Reservior	At Conconully Reservoir	None	*2,286	Town of Conconully, Okanogan County (Uninc. Areas)
ADDRESSES				
Okanogan County (Unincorporated Areas):				
Maps are available for inspection at City Hall, 123 North Fifth Street, Okanogan, Washington.				
Send comments to The Honorable Bob Hirst, Chairperson, Okanogan County Board of Commissioners, 123 North Fifth Street, Room 150, Okanogan, Washington 98840.				
Town of Conconully:				
Maps are available for inspection at the Town Office, 21 North Main Street, Conconully, Washington.				
Send comments to The Honorable Charles Alexander, Mayor, Town of Conconully, Town Office, P.O. Box 127, Conconully, Washington 98819.				

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: April 3, 2002.

Robert F. Shea,

Acting Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02–10219 Filed 4–24–02; 8:45 am]

BILLING CODE 6718–04–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

45 CFR Part 2551

RIN 3045–AA29

Senior Companion Program; Amendments; Correction

AGENCY: Corporation for National and Community Service.

ACTION: Proposed rule; correction.

SUMMARY: The Corporation for National and Community Service published a document in the **Federal Register** on April 17, 2002 (67 FR 18846), in which it requested public comment on its proposed amendment to the Senior Companion Program (SCP). The document contained incorrect information which this action corrects.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Boynton, (202) 606–5000, Ext. 499.

Correction

1. In the **Federal Register** of April 17, 2002, in FR Doc. 02–9199, on page 18846, in the first column, the entire **SUMMARY** is corrected to read as follows:

SUMMARY: These amendments to the Final Regulation governing the Senior Companion Program include: improving access of persons with limited English speaking proficiency; clarifying what income should be counted for purposes of determining income eligibility of an applicant to become a stipended Senior Companion; providing increased flexibility to sponsors to determine the hours of service of Senior Companions; reducing restrictions on sponsors serving as volunteer stations; and providing for Senior Companions to serve as volunteer leaders.

2. In the **Federal Register** of April 17, 2002, in FR Doc. 02–9199, on page 18846, in the second column, under **SUPPLEMENTARY INFORMATION,** Background, paragraph (1), lines 6 and 7, correct the words ''Foster Grandparents'' to read ''Senior Companions''.

Dated: April 19, 2002.

Tess Scannell,

Director, Senior Corps.

[FR Doc. 02–10138 Filed 4–24–02; 8:45 am]

BILLING CODE 6050–$$–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02–864; MB Docket No. 02–76; RM–10405]

Radio Broadcasting Services; Crisfield, MD

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on the proposed substitution of Channel 250A for Channel 245A at station WBEY(FM), Crisfield, Maryland. This channel change will allow Station WBEY to avoid ducting interference and to operate with maximum Class A FM facilities. Coordinates used for this proposal are 37–55–13 NL and 75–41–59 WL.

DATES: Comments must be filed on or before June 3, 2002, and reply comments on or before June 18, 2002.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Law Office of Lauren A. Colby; 10 E. Fourth Street; P.O. Box 113; Frederick, Maryland 21705–0113.

FOR FURTHER INFORMATION CONTACT: R. Barthen Gorman, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 02–76, adopted April 3, 2002, and released April 12, 2002. The full text of this Commission decision is available for inspection and copying during regular business hours in the FCC's Reference Information Center at Portals II, 445 12th Street, SW, CY–A257, Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractors, Qualex International, Portals II, 445 12th Street, SW, Room CY–B402, Washington DC, 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

The provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this

one, which involve channel allotments. See 47 CFR § 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR §§ 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. §§ 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Maryland, is amended by adding Channel 250A, Crisfield, and removing Channel 245A at Crisfield.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Office of Broadcast License Policy, Media Bureau.

[FR Doc. 02–10163 Filed 4–24–02; 8:45 am]

BILLING CODE 6712–01–U

Notices

Federal Register
Vol. 67, No. 80
Thursday, April 25, 2002

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Sierra County, CA, Resource Advisory Committee

AGENCY: Forest Service, USDA

ACTION: Notice of meeting.

SUMMARY: The Sierra County Resource Advisory Committee (RAC) will meet on May 6, 2002, in Sierraville, California. The purpose of the meeting is to discuss issues relating to implementing the *Secure Rural Schools and Community Self-Determination Act of 2000* (Payments to States) and the expenditure of Title II funds benefiting National Forest System lands on the Humboldt-Toiyabe, Plumas and Tahoe National Forests in Sierra County.

DATES: The meeting will be held May 6, 2002 from 1:30 p.m. to 4:30 p.m. If a storm or other difficulty presents itself, a backup meeting date is scheduled for May 13, 2002, at the same time and location.

ADDRESSES: The meeting will be held at the Forest Service Ranger District Office, Hwy 89 North, Sierraville, CA.

FOR FURTHER INFORMATION CONTACT: Ann Westling, Committee Coordinator, USDA, Tahoe National Forest, 631 Coyote St, Nevada City, CA, 95959, (530) 478–6205, E-Mail: *awestling@fs.fed.us.*

SUPPLEMENTARY INFORMATION: Agenda items to be covered include: (1) Welcome and introductions; (2) review of previous meeting; and (3) discussion and ranking of project ideas. The meeting is open to the public and the public will have an opportunity to comment at the meeting.

Dated: April 18, 2002.

Steven T. Eubanks,

Forest Supervisor.

[FR Doc. 02–10091 Filed 4–24–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–809]

Cut-to-length Carbon Steel Plate from Mexico; Notice of Extension of Time Limit for Preliminary Results in Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: April 25, 2002.

SUMMARY: The Department of Commerce is extending the time limit for completion of the preliminary results of the administrative review of the antidumping duty order on cut-to-length carbon steel plate from Mexico. The period of review is August 1, 2000, through July 31, 2001.

FOR FURTHER INFORMATION CONTACT: Thomas Killiam or Michael Heaney at (202) 482–5222 or (202) 482–4475, respectively, AD/CVD Enforcement Group III, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Tariff Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (2001).

Background:

On October 26, 2001, the Department published a notice of initiation of administrative review of the antidumping duty order on cut-to-length carbon steel plate from Mexico (66 FR 54195). The period of review is August 1, 2000, through July 31, 2001. The review covers one producer/exporter of the subject merchandise to the United States, Altos Hornos de Mexico, S.A. de C.V.

Pursuant to section 751(a)(3)(A) of the Tariff Act, the Department shall make a preliminary determination in an administrative review of an antidumping order within 245 days after the last day of the anniversary month of the date of publication of the order. The Tariff Act further provides, however, that the Department may extend the 245–day period to 365 days if it determines it is not practicable to complete the review within the foregoing time period. This review involves a number of complicated sales and cost issues. As a result, we need additional time for our analysis. Because it is not practicable to complete this administrative review within the time limit mandated by section 751(a)(3)(A) of the Tariff Act, the Department is extending the time limit for completion of the preliminary results. Consequently, we have extended the deadline until August 31, 2002.

This extension is in accordance with section 751(a)(3)(A) of the Tariff Act (19 USC 1675(a)(3)(A)(2000)) and 19 CFR 351.213(h)(2).

DATED: April 12, 2002

Joseph A. Spetrini,

Deputy Assistant Secretary For Import Administration Group III.

[FR Doc. 02–10206 Filed 4–24–02; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration (NOAA).

[Docket No. 980723189–2026–02; I.D. 041902B]

Financial Assistance for a National Ocean Service Intern Program

AGENCY: National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The National Ocean Service announces the availability of Federal Assistance to operate an intern program. The need for wise stewardship of the coastal environment is increasing and with it a need to enlarge the pool of skilled environmental scientists and managers and at the same time increase the diversity of this pool. The National Ocean Service (NOS) recognizes that there is a shortage of skilled environmental scientists and managers who are aware of and utilize the techniques and technologies required by

NOAA's stewardship programs and is trying to remedy the situation through an Intern program. The programmatic objective of this intern program is to provide unique opportunities for cooperative study, research, and development that would be of major benefit in advancing the number and diversity of skilled engineers, scientists, and managers in the environmental arena who are familiar with the techniques and technologies used by NOS. This solicitation is to find a partner to assist NOAA in cooperatively managing this intern program. This partner would be responsible for locating candidate Interns, assisting in their selection, and administering of the awards to the Interns. NOAA would identify the intern opportunities, assist in the final selection of the candidate interns, and provide space, technical guidance and training to the Interns during their period of internship at government facilities. This program will start in FY02 using initial funding from FY02. It is anticipated that additional funds will be used to expand the program to increase the number of interns for the initial award. Periodically, additional funds will be added to fund additional groups of interns.

DATES: Applications must be received no later than 5 p.m., Eastern Standard Time, May 28, 2002.

ADDRESSES: Applications must be mailed to: NOS Special Projects, Attn: NOS Intern Program, 1305 East-West Highway Room 09–449, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Dr. Peter L. Grose, NOAA—N/SP, 1305 East West Highway Room 09–449, Silver Spring, MD 20910 (301) 713–3000 x132

SUPPLEMENTARY INFORMATION:

Background

The National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS) is expanding its institutional commitment to Coastal Stewardship. NOS also desires to continue its science and technology leadership with respect to addressing coastal environments and issues. NOS has identified several areas of interest that will be pursued in environmental management, research and development in the coastal zone, and mensuration of the environment which are necessary to support active stewardship. These areas include, but are not limited, to:

integrated coastal zone management, resource protection and restoration, remote sensing of coastal and benthic habitats, shallow water and coastal mapping, geodesy, marine navigation, delineation of essential habitats, determination of environmental degradation and damage, habitat remediation, and applied research and development on environmental, economic, and demographic issues.

A primary objective of NOS is to plan and support active Stewardship of coastal and marine resources at a time of increased pressures on these resources and decreasing funds for programs. NOS does not have the staff nor resources to accomplish this objective in a closed bureaucracy. Thus, part of the strategy is to transfer NOS's technologies, techniques, and methods to the community-at-large, especially the next generation of resource scientists and managers both to increase their capability and to increase their diversity. Many of NOS's programs and activities are unique and need to be transferred to the non-Federal community. An effective mechanism to affect this transfer is through the establishment of an Internship Program. This cooperative agreement between NOAA and the recipient will promote these objectives and establish the means to accomplish them in a manner beneficial to both NOAA and the recipient.

Authority: Statutory authority for these awards is provided under 15 U.S.C. 1540.

(Catalog of Federal Domestic Assistance (CFDA): This NOS Intern Program is listed in the Catalog of Federal Domestic Assistance under Number 11.480.)

Program Description

The proposed cooperative program will be administered by the Recipient in response to intern opportunities offered by NOAA.

The recipient shall provide environmental Interns (Associates) to work on individual projects in response to internship opportunities established by the program offices within NOS. The Associates provided must be college students or recent graduates (Bachelors, Masters, Ph.D., JD), with a college degree in areas such as environmental science, earth science, environmental engineering, geodesy, chemistry, physics, oceanography, biology, fishery science, geography, resource economics, risk assessment, policy analysis, computer science, and law. Candidate associates must be U.S. citizens. There is not a fixed number of Internships per year under this program. The actual number will depend on opportunities and funding identified by offices within NOS. The minimum number will be one, the maximum may exceed 40.

Internships shall be located at Silver Spring, MD, Seattle, WA, and other NOS facilities as designated and Associates shall be required to relocate (if necessary) to such locations for the duration of the internship. Some funds for relocation expenses may be available for selected internships. Associates will be provided individual assignments for each period of internship and on an as needed basis (per project). These projects shall be designed to provide learning experiences for the Associates that will make them competitive for employment opportunities in both the public and private sector and to transfer unique and specialized technologies or procedures from NOAA to the Public and Private sectors.

Under this Cooperative Agreement, the Recipient shall make an effort in advertising and promoting these internships to Native Americans, Hispanic, African, Asian and other minorities at many educational levels.

Associates will work full time for a period of approximately three to twelve months. The actual duration will vary based on the specific objectives of each internship opportunity as determined by the Project Officer and Technical Advisor. Internships can be renewed, but shall not exceed 24 months for any individual Associate as either a single or multiple internships.

Final details for individual assignments shall be developed in consultation with the Project Officer or the individual Technical Advisor in accordance with the ''Statement of Substantial Involvement between NOAA and the Recipient''. In accordance with the substantial involvement clause, the Project Officer and the Technical Advisor shall be responsible for providing guidance on the specific tasks required for the satisfactory completion of the internship by the Associate. As part of the Internship, each Associate shall develop and carry out an individual research project that furthers the objectives of the program to which he or she is assigned. These projects shall be developed under the direction of the Project Officer or Technical Advisor.

Description of the Intended Operation of the Intern Program for Each Internship

1. The technical advisor shall document the intern opportunity and include the following information:

(a) Name of the office offering the opportunity/Project.

(b) Name of the contact person in this office—(technical advisor), address, telephone & email address.

(c) Background of the Project—description of the project/program within which the internship is offered.

(d) Objectives of the Project relative to the Intern.

(e) Description of what the intern will do (duties).

(f) Description of the benefits to the intern from the internship (what training will occur, be offered, etc.).

(g) Minimum qualifications for the internship (major, courses, degree).

(h) Desired background of the Intern and special skills (e.g. diving certification) required, if any.

(i) Special conditions/requirements (overtime, sea duty, travel, etc.). [Funds to cover any additional costs incurred by these conditions must be included in the obligation.]

(j) Desired starting date and duration of the opportunity.

(k) Stipend level (and relocation expense if available).

2. This description, along with an obligation of required funds (Stipend + benefits + travel + overhead + fees) in the form of a completed CD–435, will be transmitted to the Project Officer.

3. The Project Officer shall review the documentation of the intern opportunity, and, if acceptable, shall implement an increment to the master grant and transmit the description of the Intern opportunity to the Recipient.

4. Recipient shall advertise the available Intern position, and from those expressing an interest, pre-select a pool of 5–10 candidates based on the requirements of the internship, and submit this candidate list along with resumes of the candidates to the Project Officer and Technical Advisor. This submittal shall occur within 30 calendar days of receipt of the request and documentation from the Grantor.

5. Within 14 days of receipt of the pool of candidates, the Technical Advisor shall notify the Project Officer of his/her ranking of the acceptable candidates. The Project Officer shall review the ranking, approve, and forward it to the Recipient. If no candidates are acceptable, the Recipient shall be requested to re-advertise the opportunity.

6. Upon selection of a candidate, the Recipient shall make arrangements with the selected candidate for employment and, in consultation with the Grantor, set a reporting date for the associate.

7. The Associate shall carry out the Internship.

Definitions

Associate—Individual who will be provided with and perform internships under this cooperative agreement.

Intern Opportunity/Project—An opportunity for an internship which is documented and has funds obligated for its costs. In general, these opportunities will be assignments within existing NOS programs and ongoing projects and not something created uniquely for this Agreement.

Project Officer—The NOAA Project Officer is that individual specifically named by NOAA to manage this program.

Technical Advisor/Monitor—The NOAA employee responsible for providing day-to-day guidance on the specific project(s) assigned to the associate and for the associate's individual development and progress.

Anticipated Stipend Levels (per annum) and General Background Requirements of Internships:

1. $25,000 ($12.02/hr) 2 full years of academic study.

2. $28,000 ($3.46/hr) 4 full years of academic study (BA, BS degree).

3. $32,000 ($15.38/hr) 4 years and superior academic standard (top 1/3, 2.9/4 GPA overall, & 3.5/4 GPA in Major.

4. $37,000 ($17.79/hr) 60 hrs Graduate level or Masters degree.

5. $42,000 ($20.19/hr) All requirements for PhD met.

Unless included in the Intern opportunity description, overtime is not anticipated. In the event that overtime is required, the duration of the internship shall be reduced or additional funds shall be obligated or Compensatory time shall be given in lieu of overtime to pay for it.

In the event that an Associate terminates or is terminated (for cause), the Recipient shall make every opportunity to refill the internship and, if not practicable, credit the Grantor with the unspent balance of the funds. These funds shall be used to supplement internships under the direction of the Project Officer. Note: If the Associate is to be an ''independent contractor'' rather than an employee of the Recipient under the Cooperative Agreement, the stipend levels paid to the intern shall be increased by 8% to cover the additional required Self Employment fees.

Funding Availability

NOS funding for this Program will be a minimum of $40,000 from FY02 funds to a maximum of $1,800,000 during the first year. Additional follow-on years (starting from the anniversary of the first awarded cooperative agreement), up to a maximum of 4 without re-competition, may be funded to a maximum of $1,800,000 per year. Each internship or group of internships, beyond the first, shall be funded as an amendment to the master agreement. There is no set timetable for announcement of internships and they may occur throughout the year.

Matching Requirements

Cost sharing is not required for the internship program.

Type of Funding Instrument

The NOS Intern Program shall be awarded as a Cooperative Agreement since NOAA anticipates that there will be substantial involvement between NOS, the Recipient, and the Interns (after their selection).

Statement of Substantial Involvement Between NOAA and the Recipient

In carrying out the work program set forth in the project description, NOS and the Recipient agree to meet the programmatic objective of this agreement as stated.* NOS involvement will consist of the following activities.

1. NOS will provide descriptions of available intern opportunities with required academic backgrounds and job skills.

2. NOS will participate in review and rating panels and will interview and make final selections from lists of eligible candidates that are provided by the Recipient.

3. NOS will provide a technical monitor to interact with each Associate who will be chosen to work on a given project. The technical monitor shall provide technical guidance and support to the Associate in developing the skills necessary to perform the work in the chosen environmental arena.

Eligibility Criteria

This solicitation is open to any Non-Profit organization.

Award Period

The initial competitive award shall be valid for a period of one (1) year. Additional awards can be made without re-competition for up to 4 continuation years (starting from the anniversary of the first awarded cooperative agreement) with the mutual consent of both parties. NOAA shall consider continued funding for the project upon: (a) satisfactory progress toward the stated agreement goals, and the determination by NOAA that the continuation of the program would be in the best interest of the Government; and (b) availability of funds. This submission in no way obligates NOAA to extend this agreement, nor is this paragraph to be interpreted as a promise that future funds will be available.

* Summary Section: ''The programmatic objective of this intern program is to provide unique opportunities for cooperative study, research, and development that would be of major benefit in advancing the number and diversity of skilled engineers, scientists, and managers in the environmental arena who are familiar with the techniques and technologies used by NOS.''

Indirect Costs

Funds to support the NOS Intern program shall be given directly to the Recipient. Administrative or indirect costs shall be negotiated as part of the Master Agreement award and shall be based on and paid on a per internship basis. These costs may be fixed time dependent, Intern Stipend dependent, or a combination as proposed by the Recipient.

Stipend levels, and benefits may be adjusted for COLA for each continuation year.

Application Requirements

Applicants must submit one signed original plus two (2) copies of the application including all information required by the application kit. Each application package shall contain:

1. SF–424 (including SF–424A & SF–424B).

2. A budget with necessary supporting details. This budget should be based on a hypothetical intern opportunity at a stipend level of $28,000 per year if the intern is to be an employee of the Recipient or $32,240 if the Intern is to an Independent Contractor, an allowance for required field trip travel of $2,000, and a relocation allowance of $500. Because it is anticipated that this agreement will be extended to include additional internships beyond the first, supporting information should be included to determine the full cost to the government of additional internships which may have any of the suggested stipend levels, have durations ranging 3 to 12 months, and be with or without relocation or travel allowances. This information should also contain details on what services and benefits are included (i.e. sick leave, tax withholding, insurance, etc.) and their estimated cost to interns; as well as, what, if any, allowances are made for vacation leave and/or sick leave. Holidays observed by the office hosting the intern will be considered paid holidays.

3. Curriculum Vitae for each Principle Investigator and critical senior staff assigned to the program.

4. Copy of a current approved Negotiated Indirect Cost Rate Agreement.

5. CD–511 ''Certifications Regarding * * *''.

6. SF–LLL ''Disclosure of Lobbying'' (blocks 1–10 & 16).

7. Statement of Work (narrative description of the proposed activity, objectives and milestones). This Settlement of Work shall include:

(a) A description of the Intern Program, how they would implement it and conduct its operation. Alternatives and variations with regard to the timing of items 4 and 5 within the ''Description of the Intended Operation of the Intern Program for each Internship'' detailed above may be proposed.

(b) Proposed method of advertising for and pre-screening candidate Interns.

(c) Proposed relationship between the prospective Recipient and Selected Interns, with descriptions of services offered (e.g. tax withholding) and benefits available (e.g. health insurance, workman's compensation, etc.) to the Interns.

(d) Past history of the prospective Recipient in operating similar programs.

8. Proof of Status For First Time Eligible Non-Profit Applicants.

Application Forms and Kit

An application kit containing all required application forms and certifications is available from the NOAA Grants Management Division (301) 713–0946.

Project Funding Priorities

Responsiveness of the application to the programmatic objectives of the Intern program as noted in the Background section and restated in the Type of Funding Instrument section above.

Evaluation Criteria

The proposals from prospective Recipients will be evaluated on the submitted application to conduct the proposed Intern Program.

The evaluation shall be weighted as indicated:

1. Costs for operating the proposed Intern Program. (15%)

2. Description of the program, how they would implement it, conduct its operation and proposed time lines for filling internships. (25%)

3. Proposed relationship between the prospective Recipient and Selected Interns, with descriptions of services offered and benefits available to the Interns relative to their cost to the Grantor, Recipient, and Intern. (15%)

4. Proposed method for advertising for and pre-screening candidate Interns. (20%)

5. Past history of the prospective Recipient in operating similar programs and qualifications of proposed senior staff. (25%)

Selection Procedure

Each application will receive an independent, objective review by a panel qualified to evaluate the applications submitted. The Independent Review Panel, consisting of at least three individuals, will review, evaluate, and rank all applications based on the criteria stated above. The final decision on award will be based upon the numerical ranking and a determination by the Selecting Official that the Recipient's application meets the Project Funding Priorities.

Unsuccessful applications will be destroyed when they are no longer required for the selection process.

Other Requirements

Restrictions

Interns will not be used to replace NOAA employees formerly employed under the Office of Personnel Management students appointing authorities, to replace temporary or term appointments, or to replace or fill-in for full or part-time NOAA positions vacated by the Voluntary Separation Program or Reduction in Force. Participants will not be selected or used to perform personal services. Nothing shall create the appearance that the participant is being used in a personal services manner. The relationship between the Recipient and Interns is up to the Recipient. The Recipient may be the Intern's employer or it may choose to award the Interns stipends or grants. In any case, the Recipient is responsible for payment, discipline, leave approval, termination, etc. for each Intern. Nothing in this agreement or its supplements shall be deemed to create an employer-employee relationship between the NOAA and an Intern. Former NOAA employees (including students) are not eligible for this program within two years of employment at NOAA.

Pre-Award Notification Requirements

The Department of Commerce Pre-Award Requirements for Grants and Cooperative Agreements contained in the Federal Register notice of October 1, 2001 (66 FR 49917), are applicable to this solicitation.

Classification

It has been determined that this notice is not significant for purposes of E.O. 12866.

Applications under this program are not subject to executive Order 12372, ''Intergovernmental Review of Federal Programs.''

It has been determined that this notice does not contain policies with Federalism implications as that term is defined in EO 13132.

Because notice and comment are not required under 5 U.S.C. 553, 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 been prepared for this notice.

This document contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The use of Standard Forms 424, 424A, 424B, and SF–LLL have been approved by OMB under the respective control numbers 0348–0043, 0348–0044, 0348–0040, and 0348–0046.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the Paperwork Reduction Act unless that collection displays a currently valid OMB Control Number.

Dated: April 17, 2002.

Jamison S. Hawkins,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 02–10208 Filed 4–24–02; 8:45 am]

BILLING CODE 3510–ST–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 041702A]

Marine Mammals; Permits 781–1666 and 782–1645–01

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Receipt of Application No. 781–1666 and receipt of application to amend Permit No. 782–1645.

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of marine mammal species for the purposes of scientific research: NMFS has received a permit application from NMFS, Northwest Fisheries Science Center, 2725 Montlake Blvd. E, Seattle, WA 98112–2097 (Dr. Cynthia Tynan, Principal Investigator) (Application No. 781–1666), and NMFS has received an application for a permit amendment from NMFS, National Marine Mammal Laboratory, 7600 Sand Point Way, N.E., BIN C15700, Seattle, WA 98115–0070 (Dr. Robert DeLong, Principal Investigator) (Permit No. 782–1645).

DATES: Written or telefaxed comments on the new application or amendment request must be received on or before May 28, 2002.

ADDRESSES: Written comments on the new application or amendment request should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the application or amendment request. Comments will not be accepted if submitted via e-mail or the internet. The application and related documents are available for review upon written request or by appointment in the following office(s):

For permits 781–1666, 782–1645-01: Northwest Region, NMFS, 7600 Sand Point Way NE, BIN C15700, Bldg. 1, Seattle, WA 98115–0700; phone (206)526–6150; fax (206)526–6426;

For permit 781–1666: Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213; phone (562)980–4001; fax (562)980–4018; and

Documents may also be reviewed by appointment in the 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.

Written comments or requests for a public hearing on these applications should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

FOR FURTHER INFORMATION CONTACT: Ruth Johnson or Carrie Hubard, (301) 713–2289.

SUPPLEMENTARY INFORMATION: The subject permit and permit amendment are requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–227), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 et seq.).

For Application No. 781–1666, the applicant requests permission to conduct shipboard line-transect surveys of marine mammals in U.S. waters of the North Pacific. The applicant proposes to take various species of cetaceans and five species of pinnipeds via harassment during photo-identification from small boats or larger research vessels, line-transect surveys from ships, and collection of prey near cetaceans. Cetacean prey will be collected via dip nets and towed zooplankton nets. The goal of this research is to provide temporal (seasonal) and spatial (mesoscale and fine-scale) variability in euphasiid and forage fish occurrence patterns necessary to identify the important bio-physcial linkages between top-predator distributions and the density and availability of their prey. Line-transect data will also provide updated abundance estimates.

For amendment to permit 782–1645–00: The permit authorizes the Holder to take up to 15 harbor porpoise (*Phocoena phocoena*) annually (not to exceed 75 over a 5–year period) in the waters of Oregon and Washington, attach radio-telemetry devices to monitor the movements of tagged animals relative to current stock boundaries, and to collect blubber biopsies to determine organochlorine contaminant burdens.

The Holder now proposes to capture up to 10 Dall's porpoise (*Phocoenoides dalli*) annually in Oregon and Washington, attach radio-telemetry devices and biopsy sample to investigate three hypotheses: (1) duration of tag attachment is associated with tag attachment configuration; (2) differences exist between sex and age classes of Dall's porpoise in the timing or extent of seasonal migrations from inland WA waters; and (3) Dall's porpoise primarily occupy and utilize deeper regions of transboundary waters.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activities proposed are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application and amendment request to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: April 19, 2002.

Ann D. Terbush,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 02–10209 Filed 4–24–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 02–24]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Pub. L. 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 02–24 with attached transmittal, policy justification, and Sensitivity of Technology.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–08–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

12 APR 2002
In reply refer to:
I-02/004702

The Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act (AECA), as amended, we are forwarding herewith Transmittal No. 02-24, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Jordan for defense articles and services estimated to cost $22 million. Soon after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

TOME H. WALTERS, JR.
LIEUTENANT GENERAL, USAF
DIRECTOR

Attachments

Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on Armed Services
Senate Committee on Armed Services
House Committee on Appropriations

Transmittal No. 02-24

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) Prospective Purchaser: Jordan

(ii) Total Estimated Value:

Major Defense Equipment*	$17 million
Other	$ 5 million
TOTAL	$22 million

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: one (1) AN/FPS-117 3-Dimensional long range radar, spares and repair parts, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor technical and logistics personnel services, and other related elements of logistical and program support

(iv) Military Department: Air Force (DAD)

(v) Prior Related Cases, if any: none

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex attached

(viii) Date Report Delivered to Congress: 12 APR 2002

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Jordan – 3-Dimensional Long Range Surveillance Radar

The Government of Jordan has requested a possible sale of one (1) AN/FPS-117 3-Dimensional Long Range Radar, spares and repair parts, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor technical and logistics personnel services, and other related elements of logistical and program support. The estimated cost is $22 million.

This proposed sale will further strengthen the military ties between the U.S. and the Hashemite Kingdom of Jordan. Strategically located in the Middle-Eastern region, Jordan has been a staunch U.S. ally for over thirty years. Jordan is geographically located in a highly volatile area and is providing crucial stability against overwhelming destabilizing forces. Jordan deployed key medical facilities and personnel in an effort to support the Afghanistan population in the aftermath of OPERATION ENDURING FREEDOM.

Jordan shares its easternmost border with Iraq and provides a critical buffer between potential adversaries and U.S. allies. This proposed sale will further strengthen Jordan as a coalition partner by providing greater interoperability and shared information resources with the U.S. and other coalition forces in the region.

Jordan is threatened by a hostile neighbor with credible air and land forces. While the nation depends on external support, the Royal Jordanian Air Force (RJAF) must have adequate and technologically current radar surveillance capabilities to protect its vital resources and centers of gravity (airfields, runways, support facilities, pre-positioned materials, petroleum refineries and storage systems, etc.) during the early part of an invasion until allies can arrive with reinforcements.

Jordan's relatively small population and defense force requires that it depend on a radar capability able to provide advanced early warning of potentially hostile activity. A large portion of Jordan's small defense force must be allocated to defend against an aerial attack; thus, advance warning, coupled with aerial choreography of launching aircraft, makes this sale a priority. To defend against large-scale attacks and attacks by high speed aircraft, the RJAF must be able to detect, identify, and track airborne forces accurately at long range.

Jordan requires a radar capable of detecting an adversary's activities at long ranges in order to protect its sovereign territory, population, and infrastructure. The proposed sale of this system will enhance Jordan's defensive capability against hostile attack and it will not have difficulty absorbing this system into its armed forces.

While Jordan does not have the resources to protect itself against a prolonged invasion, they are attempting to modernize their defense force with sufficient resources and capabilities to identify an adversary's intent and provide a tactical portrait of the field. Protection of critical assets such as air and land facilities is essential to secure the future of Jordan.

The prime contractor will be Lockheed Martin, Naval Electronics and Surveillance Systems of Syracuse, New York. There are no offset agreements proposed in connection with this potential sale.

There is no impact to U.S. readiness from this sale. This article will come from new procurement. Implementation of this sale will not require the assignment of U.S. Government (USG) representatives to Jordan. There will be a small team of U.S. contractor representatives to provide initial installation and radar operations testing, in addition to follow-on operations and maintenance instruction, and on-site technical support. The contractors will initially provide 24-hour support, followed by only one of the contractors remaining in Jordan to provide additional on-site technical support and training. The specific requirements for this support will be established during program definition between representatives of the USG and the purchaser.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 02-24

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

Annex
Item No. vii

(vii) Sensitivity of Technology:

1. The AN/FPS-117 3-Dimensional Long Range Surveillance Radar System is a long range solid state radar capable of detecting and tracking targets up to 300KM distance. The radar operates on twenty frequencies up to 1400MHZ, in both peacetime and crisis situations offering both air surveillance and en route air traffic control. Its capabilities allow for adaptability to changing environmental conditions. Information on the AN/FPS-117 radar ranges from unclassified to secret.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware in this proposed sale, the information could be used to develop countermeasures which might reduce radar detection effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that Jordan can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

[FR Doc. 02–10103 Filed 4–24–02; 8:45 am]
BILLING CODE 5001–8–C

DEPARTMENT OF DEFENSE

Office of the Secretary

U.S. Court of Appeals for the Armed Forces Code Committee Meeting

ACTION: Notice of public meeting.

SUMMARY: This notice announces the forthcoming public meeting of the Code Committee established by Article 146(a), Uniform Code of Military Justice, 10 U.S.C. § 946(a), to be held at the Courthouse of the United States Court of Appeals for the Armed Forces, 450 E Street, NW., Washington, DC 20442–0001, at 10:00 a.m. on Thursday, May 16, 2002. The agenda for this meeting will include consideration of proposed changes to the Uniform Code of Military Justice and the Manual for Courts-Martial, United States, and other matters relating to the operation of the Uniform Code of Military Justice throughout the Armed Forces.

FOR FURTHER INFORMATION CONTACT: William A. DeCicco, Clerk of Court, United States Court of Appeals for the Armed Forces, 450 E Street, Northwest, Washington, DC 20042–0001, telephone (202) 761–1448.

Dated: April 19, 2002.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 02–10101 Filed 4–24–02; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

AGENCY: Department of Defense.

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on Training for Future Conflicts will meet in closed session on May 30–31, 2002, at SAIC, Inc., 4001 N. Fairfax Drive, Arlington, VA. This Task Force will focus on identifying and characterizing what education and training are demanded by Joint Vision 2010/2020, and will address the development and demonstration time phasing over the next two decades for the combined triad of technology modernization, operational concepts, and training.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting, the Defense Science Board Task Force will also identify those approaches and techniques that potential enemies might take that could prepare them to revolutionize their warfare capabilities, thereby achieving a training surprise against the U.S. or its allies. This review will include, but not be limited to, unique training/education developments which might be spawned by allies or an adversary, training techniques and methodologies which might be transferred from the U.S. or through third parties, and finally, the possibilities emerging as a result of the globalization of military and information technologies, related commercial services and their application by other nations.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. II), it has been determined that this Defense Science Board meeting concerns matters listed in 5 U.S.C. 552b(c)(1) and that, accordingly, the meeting will be closed to the public.

Dated: April 19, 2002.

Patricia L. Toppings,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 02–10102 Filed 4–24–02; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability of Non-Exclusive, Exclusive License or Partially Exclusive Licensing of U.S. Patents

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR part 404.6, announcement is made of the availability for licensing of U.S. Patent No. US 6,362,315 B2 entitled ''Process of Control the Molecular Weight and Polydispersity of Substituted Polyphenols and Polyaromatic Amines by Enzymatic Synthesis in Organic Solvents, Microemulsions, and Biphasic Systems'' issued March 26, 2002 and U.S. Patent No. US 6,362,314 B2 entitled ''Process to Control the Molecular Weight and Polydispersity of Substituted Polyphenols and Polyaromtic Amines by Enzymatic Synthesis in Organic Solvents, Microemulsions, and Biphasic Systems'' issued March 26, 2002. These patents are assigned to the United States Government as requested by the Secretary of the Army.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Rosenkrans at U.S. Army Soldier and Biological Chemical Command, Kansas Street, Natick, MA 01760, Phone; (508) 233–4928 or E-mail: *Robert.Rosenkrans@natick.army.mil.*

SUPPLEMENTARY INFORMATION: Any licenses granted shall comply with 35 U.S.C. 209 and 37 CFR part 404. The following Patent Numbers, Titles and Issue dates are provided:

Patent Number: US 6,362,315 B2.

Title: Process to Control the Molecular Weight and Polydispersity of Substituted Polyphenols and Polyaromtic Amines by Enzymatic Synthesis in Organic Solvents, Microemulsions, and Biphasic Systems.

Issue Date: March 26, 2002.

Patent Number: US 6,362,314 B2.

Title: Process to Control the Molecular Weight and Polydispersity of Substituted Polyphenols and Polyaromtic Amines by Enzymatic Syntheses in Organic Solvents, Microemulsions, and Biphasic Systems.

Issue Date: March 26, 2002.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–10159 Filed 4–24–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement for Potential Multipurpose Projects for Ecosystem Restoration, Flood Damage Reduction, and Recreation Alternatives Within and Along the Portion of the San Antonio River Located in San Antonio, Bexar County, TX

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: Section 335 of the Water Resources Development Act (WRDA) of 2000, passed by Congress, amended the San Antonio Channel Improvement Project (SACIP) by authorizing ecosystem restoration and recreation as project purposes in addition to the previously authorized flood damage reduction project purpose. An initial assessment based on implementation guidance for Section 335 indicates a Federal interest in continuing with more detailed studies for these purposes. In accordance with the National

Environmental Policy Act, a Draft Environmental Impact Statement (DEIS) will be prepared to evaluate and compare ecosystem restoration, flood damage reduction, and recreation alternatives within and along two reaches of the San Antonio River. The DEIS will also assess the impacts to the quality of the human environment associated with each alternative. The northern reach study area will be bound by Hildebrand Avenue and Josephine Street, and the southern reach study area will be bound by South Alamo Street and a point approximately 0.7 miles south of Interstate 410 near Mission Espada. Past channelization and clearing of floodways associated with the SACIP, along with urbanization, has significantly degraded the terrestrial and aquatic habitat along and within the San Antonio River. Consequently, ecosystem restoration measures will be developed and evaluated to address the degraded habitats. In addition, recreation measures will be developed and evaluated as complements to proposed ecosystem restoration measures. Opportunities for ecosystem restoration and recreation opportunities will be evaluated primarily in the southern reach. Although preliminary findings indicate that flood damage reduction opportunities would exist to a greater extent in the northern reach compared to the southern reach, both reaches will be evaluated for flood damage reduction opportunities and consistency with past improvements. Flood damage reduction measures will address flooding problems in and around the river, specifically the River Road Community, Brackenridge Park and Golf Course, and businesses along Avenue B and Broadway Avenue.

DATES: Public meeting May 15, 2002 (6 p.m. to 8 p.m.)

ADDRESSES: Meeting location is Blessed Sacrament Academy Gymnasium, 1135 Mission Road, San Antonio, TX 78210.

FOR FURTHER INFORMATION CONTACT: Questions pertaining to the proposed action and DEIS can be answered by: Mr. Thomas R. Vogt, CESWF–PM–C, U.S. Army Corps of Engineers, Fort Worth District, P.O. Box 17300, Fort Worth, TX 76102–0300, telephone (817) 886–1378.

SUPPLEMENTARY INFORMATION: This action is being pursued as part of the SACIP authorized under Section 203 of the Flood Control Act (FCA) of 1954, as amended. The SACIP was originally authorized under the authority of Section 203 of the FCA of 1954 as part of a comprehensive plan for flood protection on the Guadalupe and San Antonio Rivers. All components of the authorized project, with the exception of the reach from Hildebrand Avenue to Josephine Street, have been constructed. Project authorization was further modified by Section 335 of WRDA 2000, which authorized ecosystem restoration and recreation as project purposes in addition to the previously authorized flood damage reduction project purpose.

Alternatives for ecosystem restoration, flood damage reduction, and recreation will be developed and evaluated based on ongoing fieldwork and data collection and past studies conducted by the Corps of Engineers, the San Antonio River Authority, the City of San Antonio. Ecosystem restoration alternatives that will be evaluated include restoring meanders within the San Antonio River, restoring, protecting and expanding the riparian corridor, creating riffle-pool complexes, and constructing wetlands. It is anticipated that ecosystem restoration measures would aid in improving water quality, optimizing aquatic and terrestrial habitat, and minimizing erosion and scouring along and within the river. Alternatives for flood damage reduction measures will be evaluated from both a non-structural and structural aspect. Non-structural measures that will be evaluated include acquisition and removal of structures or flood proofing of structures for protection from potential future flood damage. Structural measures that will be evaluated in the northern reach include diversion channels and/or channel modifications of various widths and depths and/or a combination of these measures. Recreation measures that will be evaluated for the enjoyment of residents and visitors alike include multipurpose trails and passive recreation features, such as interpretive guidance and media and picnic areas. Recreation measures will be developed to a scope and scale compatible with proposed ecosystem restoration measures without significantly diminishing ecosystem benefits.

The public will be invited to participate in the scoping process, invited to attend public meetings, and given the opportunity to review the DEIS. The location and time of the first public meeting will be on Wednesday, May 15, 2002 at the address above, from 6 p.m. to 8 p.m. Subsequent public meetings, if deemed necessary, will be announced in the local news media. Release of the DEIS for public comment is scheduled for Fall 2003. The exact release date, once established, will be announced in the local news media.

Future coordination with other agencies and public scoping will be conducted to ensure full and open participation and aid in the development of the DEIS. All affected Federal, state, and local agencies, affected Indian tribes, and other interested private organizations and parties are hereby invited to participate. Future coordination will also be conducted with the United States Fish and Wildlife Service (USFWS) and the Advisory Council on Historic Preservation (ACHP). The USFWS will furnish information on threatened and endangered species in accordance with the Endangered Species Act. In addition, the USFWS will also be requested to provide support with planning aid and to provide a Fish and Wildlife Coordination Act Report. The State Historic Preservation Office, designated as the State level administer of the national historic preservation program, will be consulted with as required by Section 106 of the National Historic Preservation Act. The ACHP will oversee the Section 106 review process and serve as a mediator should any conflicts or controversies arise.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–10160 Filed 4–24–02; 8:45 am]

BILLING CODE 3410–20–M

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before May 28, 2002.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Karen Lee, 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 *Karen_F._Lee@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information

collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: April 19, 2002.

John D. Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Vocational and Adult Education

Type of Review: Revision.

Title: Community Technology Centers Program Grant Notice Inviting Project Applications for One-Year Awards for Fiscal Year (FY) 2002.

Frequency: Semi-Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs; Not-for-profit institutions; Businesses or other for-profit.

Reporting and Recordkeeping Hour Burden: Responses: 1,000;

Burden Hours: 40.

Abstract: Community Technology Centers Grant Notice and application materials for competitive grant awards to eligible applicants with an absolute priority on providing adult education and family literacy project activities through technology and the Internet, including general education development, language instruction educational programs, and adult basic education classes or programs.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1890–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

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 Sheila Caery at (202) 708–6287 or via her internet address *Sheila.Carey@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 02–10119 Filed 4–24–02; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA No. 84.184L]

Office of Elementary and Secondary Education; Safe Schools/Healthy Students Initiative; Notice Inviting Applications for New Awards in Fiscal Year (FY) 2002

Purpose: Under this program, the Departments of Education (ED), Health and Human Services (HHS), and Justice (DOJ) will support the implementation and enhancement of comprehensive community-wide strategies for creating safe and drug-free schools and promoting healthy childhood development.

For FY 2002 the competition focuses on projects designed to meet the priority we describe in the PRIORITIES setion of this notice.

Eligible Applicants: Local educational agencies (LEAs) or consortia of LEAs. LEAs that have received a grant under this initiative in FYs 1999, 2000, or 2001, or have received services under this initiative as part of a grant to a consortium of LEAs in those years, may not apply for funding in FY 2002.

Applications Available: April 25, 2002.

Deadline for Transmittal of Applications: June 21, 2002.

Deadline for Intergovernmental Review: August 20, 2002.

Estimated Available Funds: $79,000,000.

Estimated Range of Awards: Up to $1 million per year for LEAs or consortia in rural areas and tribal school districts; up to $2,000,000 per year for LEAs or consortia in suburban areas; up to $3,000,000 per year for LEAs or consortia in urban areas.

Estimated Average Size of Awards: $2,000,000.

Estimated Number of Awards: 40.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Page Limit: The program narrative section of applications submitted under this competition may not exceed 30 pages in length. Each page must:

—Be 8.5″ x 11″.
—Be doubled spaced (no more than three lines per vertical inch).
—Have margins of one inch on the top, bottom and sides.
—Contain type on only one side.
—Use a type font that is either 12-point or larger or not smaller than 10 pitch (characters per inch).

Our reviewers will not read any pages of your application that exceed the page limit if you apply these standards, or that exceed the equivalent of the page limit if you apply other standards. These requirements are designed to prevent an applicant from gaining an unfair competitive advantage by providing a more extensive discussion than the requirements permit and to facilitate evaluation of applications by peer reviewers by ensuring that applications are readable.

Additional information about the structure and organization of the grant proposal is included in the application package for the program.

Applicable Program Regulations: The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 80, 81, 82, 85, 98, and 99.

Priority: This competition focuses on projects designed to meet a program priority established in this notice.

Implementing and Enhancing Comprehensive Community-Wide Strategies for Creating Safe and Drug-Free Schools and Promoting Healthy Childhood Development

Applicants proposing a project under this priority must demonstrate how the funds they are requesting support or enhance a comprehensive, integrated strategy for an entire school district (or entire school districts in the case of a consortium) that is designed to create safe and drug-free schools and promote healthy childhood development. The applicant must propose evidence-based approaches and include, at a minimum, the following six elements: (1) Safe school environment; (2) alcohol and other drugs and violence prevention and early intervention; (3) school and community mental health preventive and treatment intervention programs; (4) early childhood psychosocial and

emotional development services; (5) educational reform; and (6) safe school policies. In circumstances where implementation of the strategy for an entire school district is not possible, applicants must provide a full explanation of how the chosen schools will receive services under all six elements of the plan and why district-wide implementation is not feasible or appropriate.

Under element 1, no more than 10 percent of funds proposed for that element may be used to support costs associated with (1) security equipment and personnel, and (2) minor remodeling of school facilities to improve school safety.

For FY 2002 this priority is an absolute priority. Under 34 CFR 75.105(c)(3); Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7131); Public Health Service Act (42 U.S.C. 290aa); Juvenile Justice and Delinquency Prevention Act (42 U.S.C. 5614(b)(4)(e) and 5781 *et seq.*); the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 2002, January 10, 2002, P.L. 107–116, 115 Stat. 2177; and the Departments of Commerce, Justice, and State Appropriations Act, 2002, November 28, 2001, P.L. 107–77, 115 Stat. 748, we consider only applications that meet the priority.

Other Requirements

We will award approximately 40 grants in FY 2002 to LEAs. To be eligible for funding, applicants must:

(a) Develop and submit a Safe Schools/Healthy Students (SS/HS)application that addresses the following six elements: (1) Safe school environment, (2) alcohol and other drugs and violence prevention and early intervention programs, (3) school and community mental health preventive and treatment intervention services, (4) early childhood psychosocial and emotional development services, (5) educational reform, and (6) safe school policies.

The SS/HS application must show evidence of a partnership comprising the LEA, local public mental health authority, and local law enforcement agency. Applicants are strongly encouraged also to include other entities in the partnership. For example, community- and faith-based organizations, juvenile justice and family court officials, and family members, teachers, and students could all play important roles in developing and implementing the initiative.

(b) Include two formal written agreements. The first must describe the goals and objectives of the partnership and include a delineation of the roles and responsibilities of each partner. This agreement must contain the signatures of the school superintendent, the head of the local public mental health authority, and the chief law enforcement executive. If a consortium of LEAs is applying for funds, the superintendent of each participating LEA must sign this agreement.

The second written agreement must contain the signatures of the school superintendent and the head of the local public mental health authority. This agreement must describe the procedures to be used for referral, treatment, and follow-up for children and adolescents with serious mental health problems. For this purpose, the local public mental health authority is the legally constituted entity closest to the community level that, directly or through contract with the State mental health authority, provides administrative control or oversight of mental health services delivery within the community. If a consortium of LEAs is applying for funds, the superintendent of each participating LEA must sign this agreement.

(c) Include an assurance in their application that they are enforcing the requirements in the Federal Gun-Free Schools Act (regarding possession of firearms at school and reporting of firearms offenses to appropriate law enforcement officials) and the Pro-Children Act (regarding tobacco use in facilities used to provide educational services).

(d) Develop and submit performance indicators for the grant. Performance indicators must link to proposed goals and objectives for the grant, include baseline data (if available), levels of performance for each indicator, timeframes for achieving levels of performance for each indicator, and source of data for measuring progress on each indicator. Applicants must select at least one performance indicator for each of the six required program elements. We intend that grantees use these indicators as a tool to assist in the management of the grant and to focus attention on progress being made by the grantee.

Examples of indicators for the elements include:

Safe School Environment

—rates of school crime.

—student perceptions of the school environment as safe.

Alcohol and Other Drugs, Violence Prevention, and Early Intervention

—prevalence of alcohol and other drug use by students.

—rates of fighting, interpersonal injury, weapon carrying, and gang-related crime in schools.

School and Community Mental Health Preventive and Treatment Intervention Programs

—incidence and prevalence of mental disorders among students (e.g., conduct and related problems, depression, anxiety disorders).

—presence of screening, assessment, and referral mechanisms for mental disorders in the school setting.

Early Childhood Psychosocial and Emotional Development Services

—incidence of adverse mental health outcomes (e.g., conduct problems and other antisocial behaviors, depression, and anxiety disorders) among young children.

—number and types of services for early childhood psychosocial and emotional development.

Educational Reform

—measures of interaction and coordination between academic staff, student support staff, and school security staff.

—use of interventions that teach positive behavior as a supplement or an alternative to other disciplinary approaches.

—measures of academic achievement for students.

Safe Schools Policies

—presence and enforcement of discipline codes and penalties/sanctions for infractions.

—awareness of established policies.

—penalties/sanctions for infractions that emphasize continuing connections to school.

—policies that establish zero-tolerance for drugs and weapons on school premises.

(e) Provide a local plan for evaluating the community-wide strategy and agree to set aside at least 7 percent of the project budget to fund this local evaluation.

(f) Select evidence-based programs and activities for implementation as part of the SS/HS Initiative. The application must include a rationale for the selection of programs and activities that will be implemented by the applicant. This rationale should include information about the research base that supports selected programs and activities, as well as a discussion about

why the selected programs or activities are appropriate for the target population and meet needs identified in the needs assessment process. Information about the research base for programs or activities may reference either specific program evaluations or accepted theory from youth development or human development research.

Determining Urbanicity

The maximum amount of funds that an applicant is eligible to receive is based on the applicant's urbanicity. Urban districts may receive grants of up to $3,000,000 per year. Suburban districts may receive grants of up to $2,000,000 per year. Rural districts (including tribal school districts) may receive grants of up to $1,000,000 per year.

Grants will not be awarded for amounts that exceed these established caps. Applicants should ensure that their budget requests do not exceed the caps.

In order to determine its urbanicity, an LEA must use the National Public School and School District Locator to find the locale code for the district. The Locator is available online at: *http://nces.ed.gov/ccdweb/school/index.asp.*

For the purposes of this competition, the following categories of urbanicity apply:

Rural sites—(1) Large town [an incorporated place or a Census-designated place (CDP) with a population of at least 25,000 and located outside a consolidated metropolitan statistical area (CMSA) or metropolitan statistical area (MSA)]; (2) small town [an incorporated place or CDP with a population between 2,500 and 24,999 and located outside a CMSA or MSA]; or (3) any incorporated place, CDP, or non-place territory designated as rural by the U.S. Bureau of the Census.

Suburban sites—(1) Urban fringe of a large city [any incorporated place, CDP, or non-place territory within a CMSA or MSA of a large city and defined as urban by the U.S. Bureau of Census; or (2) urban fringe of a midsize city [any incorporated place, CDP, or non-place within a CMSA or MSA of a midsize central city and defined as urban by the U.S. Bureau of the Census].

Urban sites—(1) Large city [a central city of a MSA or CMSA with a population of at least 250,000] or (2) midsize city [central city of an MSA or CMSA with a population of less than 250,000].

Participation by Private School Students and Teachers

LEAs that receive a SS/HS grant are required to provide for the equitable participation of eligible private school children and their teachers or other educational personnel. In order to ensure that grant program activities address the needs of private school children, timely and meaningful consultation with appropriate private school officials must occur during the design and development of the program. Administrative direction and control over grant funds must remain with the grantee.

Maintenance of Effort

An LEA may receive a SS/HS grant only if the State educational agency (SEA) finds that the combined fiscal effort per student or the aggregate expenditures of the agency and the State with respect to the provisions of free public education by the agency for the preceding fiscal year was not less than 90 percent of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

Equitable Distribution

In making awards under this grant program, we may (1) take into consideration the geographic distribution and diversity of activities addressed by the projects, in addition to the rank order of applicants, and (2) in accordance with § 75.217(d) of the Education Department General Administrative Regulations, ensure equitable distribution of grants under this program among urban, suburban, and rural LEAs.

Contingent upon the availability of funds, we may make additional awards in FY 2003 from the rank-ordered list of unfunded applicants from this competition.

Definitions

For the purpose of this competition, the definition of the term ''local educational agency'' is the definition at section 9101(26) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended:

(a) *General.* In general, the term ''local educational agency'' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

(b) *Administrative control and direction.* The term includes any other public institution or agency having administrative control or direction of a public elementary or secondary school.

(c) *BIA Schools.* The term includes an elementary school or secondary school funded by the Bureau of Indian Affairs but only to the extent that including the school makes the school eligible for programs for which specific eligiblity is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the LEA receiving assistance under the ESEA with the smallest student population, except that the school shall not be subject to the jurisdiction of any SEA other than the Bureau of Indian Affairs.

(d) *Educational service agencies.* The term includes educational service agencies and consortia of these agencies.

(e) *State educational agency.* The term includes the SEA in a State in which the SEA is the sole educational agency for all public schools.

Selection Criteria

We use the following selection criteria to evaluate applications for new grants under this competition. The maximum total score for all of these criteria is 100 points.

The maximum score for each criterion or factor under that criterion is indicated in parentheses.

(a) *Problems to be addressed* (15 points).

In assessing the extent to which the application is based on a clear and accurate statement of the significant problems faced by the target community, the following factors are considered:

(1) The magnitude or severity of the problem(s) to be addressed by the proposed strategy;

(2) The extent to which existing gaps in services, infrastructure and resources exist, and the magnitude of those gaps and weaknesses;

(3) Evidence of community risk factors that may contribute to youth violence, drug use, and deliquency; and

(4) The extent to which the problem statement includes an assessment of the community resources available for children and adolescents.

(b) *Goals and objectives* (10 points).

In assessing the goals and objectives of the proposed application, the following factors are considered:

(1) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable; and

(2) The extent to which the objectives identified are related to measurable action steps needed to achieve the goal(s).

(c) *Design of proposed strategy* (30 points).

In assessing the design of the proposed strategy, the following factors are considered:

(1) The extent to which the proposed strategy represents a comprehensive, integrated approach that addresses the six elements of the SS/HS Initiative;

(2) The extent to which the intervention is appropriate for the age and developmental levels, gender, and ethnic and cultural diversity of the target population, and demonstrates the ability to engage and respond to the needs of identified ethnic and racial minority populations;

(3) The extent to which the application clearly describes the programs, activities, and services that comprise the proposed strategy, and details how they will be implemented;

(4) The extent to which the proposed programs and activities are evidence based;

(5) The extent to which the proposed strategy will be coordinated with similar or related efforts and will establish linkages with other appropriate agencies and organizations providing services to the target population;

(6) The likelihood that the proposed project will result in system change or improvement; and

(7) The potential for continued support of the strategy after Federal funding ends, including, as appropriate, the demonstrated commitment of appropriate entities to such support.

(d) *Evaluation plan* (15 points).

In determining the quality of the evaluation plan, the following factors will be considered:

(1) The extent to which the methods of evaluation provide for examining the effectiveness of project implementation strategies.

(2) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(3) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project; and

(4) The adequacy of the identified performance measures to demonstrate whether and to what extent the proposed strategy is meeting its short-term, intermediate, and long-term objectives.

(e) *Management and organizational capability* (20 points).

In determining the quality of management and organizational capability, the following factors are considered:

(1) The relevance and demonstrated commitment of each partner in the proposed strategy (as demonstrated in the written agreements) to the implementation and success of the strategy, and how they will participate in the proposed project;

(2) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks;

(3) The adequacy of procedures for communicating and sharing information among all partners to ensure feedback and continuous improvement in the operation of the proposed comprehensive plan;

(4) The skills, experience, time commitments, and educational requirements of key staff and their relevance to the objectives of the proposed comprehensive plan; and

(5) The extent to which staff qualifications and training represent diverse and relevant experience in engaging and providing services to underserved, underrepresented, and diverse racial and ethnic groups.

(f) *Budget* (10 points).

In determining the quality of the budget, the following factors will be considered:

(1) The extent to which the costs are reasonable in relation to the number of students to be served and to the anticipated benefits and results;

(2) The extent to which fiscal control and accounting procedures will ensure prudent use, proper and timely disbursement, and accurate accounting of funds received under the grant.

Waiver of Proposed Rulemaking

It is the Secretary's practice, in accordance with the Administrative Procedure Act (5 U.S.C. 553), to offer interested parties the opportunity to comment on proposed rules. Section 437(d)(1) of the General Education Provisions Act (GEPA), however, exempts from this requirement rules that apply to the first competition under a new or substantially revised program. This is the first competition for the SS/HS Initiative under the reauthorized Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001.

FOR INFORMATION AND APPLICATIONS CONTACT: For information contact Kellie Dressler Tetrick, SS/HS Program Coordinator, Office of Juvenile Justice and Delinquency Prevention, US Department of Justice, 810 7th Street, NW, Washington, DC 20531. Telephone: (202) 514–4817 or via Internet: *dresslek@ojp.usdoj.gov.*

If you use a telecommunication device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–888–877–8339.

Detailed information regarding the SS/HS Initiative is also available at the following sites on the Internet:
http://www.ed.gov/offices/OESE/SDFS
http://www.ojjdp.ncjrs.org
http://www.samhsa.gov

The application package is available on these three Web sites at the addresses indicated above. For printed applications contact: Education Publication Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1–877–576–7734 or via Internet: *edpubs@inet.ed.gov.*

Individuals with disabilities may obtain this document in an alternative format (e.g. Braille, large print, audiotape, or computer diskette) on request to the program contact person listed under **FOR APPLICATIONS AND FURTHER INFORMATION CONTACT.**

Individuals with disabilities also may obtain a copy of the application package in an alternative format by contacting that person. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *www.ed.gov/legislation/FedRegister.*

To use PDF you must have the Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll-free, at (888) 293–6498; or in the Washington, DC area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.access.gpo.gov/nara/index.html.*

Program Authority: 20 U.S.C. 7131; 42 U.S.C. 290aa; 42 U.S.C. 5614(b)(4)(e) and 5781 *et seq.*; the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 2002, January 10, 2002, Pub. L. 107–116, 115 Stat. 2177; the Departments of Commerce, State, and Justice Appropriations Act, 2002, November 28, 2001, Pub. L. 107–77, 115 Stat. 748.

Dated: April 22, 2002.

Susan B. Neuman,

Assistant Secretary, Office of Elementary and Secondary Education.

[FR Doc. 02–10173 Filed 4–24–02; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

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), Northern New Mexico. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday, Friday, May 31—Saturday, June 1, 2002.

ADDRESSES: Kachina Lodge, 413 North Pueblo Road, Taos, New Mexico.

FOR FURTHER INFORMATION CONTACT: Menice Manzanares, Northern New Mexico Citizens' Advisory Board (NNMCAB), 1660 Old Pecos Trail, Suite B, Santa Fe, NM 87505. Phone (505) 995–0393; fax (505) 989–1752 or e-mail: *mmanzanares@doeal.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 Board Meeting and Retreat Agenda

Friday, May 31, 2002.

10 a.m.–Noon
—NNMCAB Board Business Meeting
—Navajo Living Room
—Staff and Committee Reports
—Recommendations
12–1 p.m. Lunch in the Hopi Dining Room
1–4 p.m.
—*What Has Been Accomplished This Year*? Presented by Committee Chairs, Los Alamos National Laboratory (LANL), and New Mexico Environment Department (NMED)
—Prioritizing No Further Action Recommendations
Dinner on Your Own

Saturday, June 1, 2002

7 a.m. Breakfast in the Hopi Dining Room
8 a.m.–Noon
—Strategic Planning for Each Committee (Members Will Break Into Respective Committees)
—Full Board Discussion on NNMCAB Priorities
—Discussion Regarding Internal Management, i.e. Bylaws, Committees, Board Meetings, Budget
12–1 p.m. Lunch in the Hopi Dining Room
1 p.m.–2 p.m. Retreat Wrap-Up

This agenda is subject to change at least one day in advance of the meeting.

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 Menice Manzanares 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 beginning of the meeting.

Minutes: Minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585 between 9 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available at the Public Reading Room located at the Board's office at 1660 Old Pecos Trail, Suite B, Santa Fe, NM. Hours of operation for the Public Reading Room are 9 a.m.–4 p.m. on Monday through Friday. Minutes will also be made available by writing or calling Menice Manzanares at the Board's office address or telephone number listed above. Minutes and other Board documents are on the Internet at: *http:www.nnmcab.org.*

Issued at Washington, DC, on April 22, 2002.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 02–10161 Filed 4–24–02; 8:45 am]

BILLING CODE 6405–01–P

DEPARTMENT OF ENERGY

National Nuclear Security Administration; National Nuclear Security Administration Advisory Committee

AGENCY: National Nuclear Security Administration, Department of Energy.

ACTION: Notice of closed meeting.

SUMMARY: This notice announces a meeting of the National Nuclear Security Administration Advisory Committee (NNSA AC). The Federal Advisory Committee Act, 5 U.S.C. App. 2 10(a)(2) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Tuesday, May 14, 2002—1300–1700; Wednesday, May 15 and Thursday, May 16, 2002—0900–1700.

ADDRESSES: Science Applications International Corporation (SAIC), 1710 SAIC Drive (formerly Goodridge Drive), McLean, VA.

FOR FURTHER INFORMATION CONTACT: Betty (BJ) Morris, (202–586–6312) Executive Officer, NNSA AC.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: To provide the Administrator for Nuclear Security with advice and recommendations on matters of technology, policy, and operations that lie within the mission and responsibilities of the National Nuclear Security Administration. Additional information about the Committee, including its charter, members, and charge, is available at: *www.nnsa.gov.*

Purpose of the Meeting: To discuss national security research, development, and policy programs.

Closed Meeting: In the interest of national security, the meeting will be closed to the public, pursuant to the Federal Advisory Committee Act, 5 U.S.C. App 2 10(d), and the Federal Advisory Committee Management Regulation, 41 CFR 102–3.155, ''How are advisory committee meetings closed to the public?'', which incorporate by reference the Government in the Sunshine Act, 5 U.S.C. 552b, which, at §§ 552b (c)(1) and (c)(3) permits closure of meetings where restricted data or other classified matters are discussed.

Minutes: Minutes of the meeting will be recorded and classified accordingly.

Issued at Washington, DC, April 22, 2002.

Rachel M. Samuel,

Deputy Committee Management Officer.

[FR Doc. 02–10162 Filed 4–24–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–36–004 and CP02–160–000]

Guardian Pipeline, L.L.C., ANR Pipeline Company; Notice of Application

April 19, 2002.

Take notice that on April 16, 2002, Guardian Pipeline, L.L.C. (Guardian), 330 Town Center Drive, Suite 900, Dearborn, Michigan 48126–2712, and ANR Pipeline Company (ANR), 9 E. Greenway Plaza, Suite 740, Houston, Texas, filed in Docket Nos. CP00–36–004 and CP02–160–000, a joint application, pursuant to Section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's Regulations for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and measurement facilities in Illinois and authority for Guardian to lease capacity on ANR's pipeline segment, all as more fully set forth in the application which is on file with the Commission and open for public inspection. This filing may also be viewed on the Commission's web site at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket #'' and follow the instructions (call 202–208–2222 for assistance).

Guardian and ANR propose to construct and operate a 0.8 mile segment of interconnecting pipeline to connect an existing meter station owned and operated by ANR and Alliance Pipeline L.P. (Alliance) with a meter station being constructed by ANR under the automatic provisions of its blanket certificate authority in order to serve as an interconnect with Guardian's facilities. Guardian requests authorization to relocate its pig launcher facility to the proposed Guardian/ANR Meter Station location. Guardian and ANR also request authorization for Guardian to lease capacity from ANR on the proposed interconnecting pipeline. It is stated that Guardian's pipeline will still originate in the Joliet, Illinois, area, but will begin less than a mile north of the current beginning at MP0.0 and run southerly to intersect the already certificated Guardian pipeline at approximate MP.17. It is asserted that granting the requested authorization will lead to further integration of the Chicao Hub by creating access for Guardian shippers to gas supplies delivered both by ANR and Alliance.

Following receipt of the authorizations requested herein, Guardian and ANR request that the Commission vacate Guardian's certificated authority in Docket Nos. CP00–36–000 *et al.* to construct the Alliance Meter Station and the pipeline from the point where the realignment veers north toward the Guardian/ANR Meter Station (approximately MP 0.17) to MP 0.0. Guardian and ANR request that the certificate granting the requested authorizations be issued by May 15, 2002, in order to commence construction of the pipeline in June 2002.

Any questions regarding this application should be directed to George C. Hass, (Guardian) at (313)436–9238 or Tom G. Joyce, Manager, Certificates and Regulatory Compliance (ANR) at (832)676–3081.

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 April 29, 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 385.211 and 385.214) 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. 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.

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 environmental documents, and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, Commenters will not receive copies of all documents filed by other parties or issued by the Commission, and will not have the right to seek rehearing or appeal the Commission's final order to a Federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

The Commission may issue a preliminary determination on non-environmental issues prior to the completion of its review of the environmental aspects of the project. This preliminary determination typically considers such issues as the need for the project and its economic effect on existing customers of the applicant, on other pipelines in the area, and ion landowners and communities. For example, the Commission considers the extent to which the applicant may need to exercise eminent domain to obtain rights-of-way for the proposed project and balances that against the non-environmental benefits to be provided by the project. Therefore, if a person has comments on community and landowner impacts from this proposal, it is important to file comments or to intervene as early in the process as possible.

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. 02–10143 Filed 4–24–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL02–66–000]

Minnesota Municipal Power Agency v. Southern Minnesota Municipal Power Agency; Notice of Convening Conference

April 19, 2002.

Pursuant to Rule 601 of the Commission's rules of practice and procedure, 18 CFR 385.601, the Dispute Resolution Service will convene a Conference on Monday and Tuesday, April 29th and 30th, 2002, to discuss how Alternative Dispute Resolution processes and procedures may assist the participants in resolving disputes arising in the above-docketed proceeding. The conference will be held at the Ramada Inn, 494 & 24th Avenue, Bloomington, Minnesota (952)854–1771,

beginning at 1:00 p.m. on April 29 and ending at approximately noon on April 30.

Steven A. Shapiro and Jerrilynne Purdy, acting for the Dispute Resolution Service, will convene the conference. They will be available to communicate in private with any participant prior to the conference. If a participant has any questions regarding the conference, please call Mr. Shapiro at 202/219–1154 or Ms. Purdy at 202/208–2232 or an e-mail to *Steven.Shapiro@ferc.gov* or *Jerrilynne.Purdy@ferc.gov* Parties may also communicate with Richard Miles, the Director of the Commission's Dispute Resolution Service at 1 877 FERC ADR (337–2237) or 202/208–0702 and his e-mail address is *Richard.Miles@ferc.gov*.

Magalie R. Salas,

Secretary.

[FR Doc. 02–10144 Filed 4–24–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–2186–001, et al.]

PPL Maine, LLC, et al.; Electric Rate and Corporate Regulation Filings

April 18, 2002.

Take notice that the following filings have been made with the Commission:

1. PPL Maine, LLC

[Docket No. ER00–2186–001]

Take notice that on April 15, 2002, PPL Maine, LLC (PPL Maine) filed an updated market power analysis pursuant to the Federal Energy Regulatory Commission's (Commission) Order in Northeast Utilities Service Company, et al., 87 FERC ¶ 61,063.

PPL Maine has served a copy of this filing on the parties on the Commission's official service list for this docket.

Comment Date: May 6, 2002.

2. Entergy Services, Inc.

[Docket No. ER02–405–003]

Take notice that on April 15, 2002, Entergy Services, Inc., on behalf of Entergy Mississippi, Inc., tendered for filing with the Federal Energy Regulatory Commission (Commission), a compliance Interconnection and Operating Agreement with Duke Energy Hinds, LLC, in response to the Commission's March 15, 2002, order in Entergy Services, Inc., 98 FERC ¶ 61,290.

Comment Date: May 6, 2002.

3. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–488–002]

Take notice that on 4/15/2002, Midwest Independent Transmission System Operator, Inc. tendered for filing its Operational Protocols for Existing Generators in rate schedule format.

Comment Date: May 6, 2002.

4. Florida Power & Light Company

[Docket No. ER02–766–002]

Take notice that on April 15, 2002, Florida Power & Light Company (FPL) filed, pursuant to the Federal Energy Regulatory Commission's (Commission) Order issued on March 14, 2002 in the above-captioned proceeding, a compliance filing making the required changes to the Interconnection and Operation Agreement between FPL and DeSoto County Generating Company, LLC.

Comment Date: May 6, 2002.

5. Florida Power & Light Company

[Docket No. ER02–782–002]

Take notice that on April 12, 2002, Florida Power & Light Company (FPL) filed, pursuant to the letter order issued on March 13, 2002 in the above-captioned proceeding, a compliance filing making the required changes to the executed Interconnection and Operation Agreement between FPL and CPV Gulfcoast, Ltd.

Comment Date: May 6, 2002.

6. Dorman Materials, Inc.

[Docket No. ER02–893–001]

Take notice that on April 15, 2002, Dorman Materials, Inc. (DMI) petitioned the Commission for acceptance of an amendment to DMI Rate Schedule FERC No. 1; to include the authority to be a third-party provider of ancillary services at market based rates.

Comment Date: May 6, 2002.

7. Ameren Services Company

[Docket No. ER02–928–001]

Take notice that on April 15, 2002, Ameren Services Company (ASC) tendered for filing a Network Integration Transmission Service Agreement and Network Operating Agreement between ASC and the City of Fredericktown, Missouri. ASC asserts that the purpose of the Agreement is to replace the unexecuted Agreements in Docket No. ER 02–928–000 with the executed Agreements.

Comment Date: May 6, 2002.

8. Ameren Services Company

[Docket No. ER02–931–001]

Take notice that on April 15, 2002, Ameren Services Company (ASC) tendered for filing a Network Integration Transmission Service Agreement and Network Operating Agreement between ASC and the City of Owensville, Missouri. ASC asserts that the purpose of the Agreement is to replace the unexecuted Agreements in Docket No. ER 02–931–000 with the executed Agreements.

Comment Date: May 6, 2002.

9. Access Energy Cooperative

[Docket No. ER02–1511–000]

Take notice that on March 21, 2002, as amended April 11, 2002, Access Energy Cooperative (AEC) submitted for filing and acceptance an agreement for transmission service on behalf of Northeast Missouri Electric Power Cooperative to Alliant Utilities—IES Utilities, Inc. pursuant to 205 of the Federal Power Act (FPA), 16 U.S.C. 824d, and 35.12 of the Regulations of the Federal Energy Regulatory Commission (Commission), 18 CFR 35.12. AEC's filing is available for public inspection at its offices in Mt. Pleasant, Iowa.

AEC requests that the Commission accept the agreement with an effective date of March 25, 2002.

Comment Date: May 6, 2002.

10. Cinergy Services, Inc.

[Docket No. ER02–1522–000]

Take notice that on April 15, 2002, Cinergy Services, Inc. (Cinergy) and Duke Energy Trading, L.L.C are requesting a cancellation of Service Agreement No. 90, under Cinergy Operating Companies, FERC Market-Based Power Sales, FERC Electric Tariff Original Volume No. 7.

Cinergy requests an effective date of April 15, 2002.

Comment Date: May 6, 2002.

11. Carolina Power & Light Company

[Docket No. ER02–1523–000]

Take notice that on April 15, 2002, Carolina Power & Light Company (CP&L) tendered for filing Service Agreements for Non-Firm and Short-Term Firm Point-to-Point Transmission Service with UBS AG, London Branch. Service to this Eligible Customer will be in accordance with the terms and conditions of the Open Access Transmission Tariff filed on behalf of CP&L.

CP&L is requesting an effective date of April 1, 2002 for these Service Agreements. A copy of the filing was served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment Date: May 6, 2002.

12. Southern California Edison Company

[Docket No. ER02–1524–000]

Take notice that on April 15, 2002, Southern California Edison Company (SCE) tendered for filing a Service Agreement For Wholesale Distribution Service under SCE's Wholesale Distribution Access Tariff and an Interconnection Facilities Agreement (Agreements) between SCE and the City of Industry (Industry). SCE respectfully requests the Agreements become effective on April 15, 2002.

The Agreements specify the terms and conditions under which SCE will provide wholesale Distribution Service from the California Independent System Operator Controlled Grid at SCE's Walnut Substation 230 kV bus to a SCE/Industry interconnection in Industry.

Copies of this filing were served upon the Public Utilities Commission of the State of California and Industry.

Comment Date: May 6, 2002.

13. Progress Ventures, Inc.

[Docket No. ER02–1525–000]

Take notice that on April 15, 2002, Progress Ventures, Inc. (Progress Ventures) tendered for filing an executed Service Agreement between Progress Ventures and the following eligible buyer, Entergy-Koch Trading, L.P. Service to this eligible buyer will be in accordance with the terms and conditions of Progress Ventures Market-Based Rates Tariff, FERC Electric Tariff No. 1.

Progress Ventures requests an effective date of March 15, 2002 for this Service Agreement. Copies of the filing were served upon the North Carolina Utilities Commission, the South Carolina Public Service Commission, the Florida Public Service Commission and the Georgia Public Service Commission.

Comment Date: May 6, 2002.

14. Commonwealth Chesapeake Company, L.L.C.

[Docket No. ER02–1537–000]

Take notice that on April 15, 2002, Commonwealth Chesapeake Company, L.L.C. (Commonwealth) tendered for filing six copies of the Amended and Restated Agreement for the marketing of capacity, energy and ancillary services between Mirant Americas Energy Marketing, LP, formerly known as Southern Company Energy Marketing L.P., and Commonwealth (Marketing Services Agreement), as First Revised Service Agreement No. 1 under Commonwealth's market-based rate tariff.

Comment Date: May 18, 2002.

15. California Independent System Operator Corporation

[Docket No. ER02–1538–000]

Take notice that on April 15, 2002, the California Independent System Operator Corporation (ISO) filed Third Revised Service Agreement No. 120 Under FERC Electric Tariff Original Volume No. 1, which is a Participating Generator Agreement (PGA) between the ISO and Duke Energy Moss Landing LLC. The ISO has revised the PGA to update the list of generating units listed in Schedule 1 of the PGA. The ISO requests an effective date for the revision of September 4, 2001.

The ISO states that the present filing has been served on the California Public Utilities Commission and Duke Energy Moss Landing LLC.

Comment Date: May 6, 2002.

16. Florida Power & Light Company

[Docket No. ER02–1542–000]

Take notice that on April 15, 2002 Florida Power & Light Company (FPL) tendered for filing proposed service agreements with RWE Trading Americas Inc., for Non-Firm transmission service and Firm transmission service under FPL's Open Access Transmission Tariff.

FPL requests that the proposed service agreements become effective on April 15, 2002. FPL states that this filing is in accordance with Section 35 of the Commission's regulations.

Comment Date: May 6, 2002.

17. Ameren Energy

[Docket No. ER02–1544–000]

Take notice that on April 15, 2002, Ameren Energy, Inc. (Ameren Energy), on behalf of Union Electric Company d/b/a AmerenUE and Ameren Energy Generating Company (collectively, the Ameren Parties) with the Federal Energy Regulatory Commission (Commission) pursuant to section 205 of the Federal Power Act, 16 U.S.C., and the market rate authority granted to the Ameren Parties's market rate authorizations entered into with American Electric Power Service Corporation. Ameren Energy seeks Commission acceptance of these service agreements effective February 21, 2002.

Comment Date: May 6, 2002.

18. Aquila Merchant Services, Inc.

[Docket No. ER02–1548–000]

Take notice that on April 15, 2002, Aquila Merchant Services, Inc. (Aquila Merchant) filed two Contingent Call Options between Aquila Merchant and Aquila, Inc. dated March 11, 2002. Aquila Merchant requests that the Contingent Call Options be made effective June 15, 2002.

Comment Date: May 6, 2002.

19. Ameren Services Company

[Docket No. ER02–1547–000]

Take notice that on April 15, 2002, Ameren Services Company (Ameren), on behalf of AmerenUE and AmerenCIPS, submitted for filing the following revised tariff sheets to the Open Access Transmission Tariff of the Ameren Operating Companies (Ameren OATT):

First Revised Sheet No. 131
First Revised Sheet No. 132
First Revised Sheet No. 135
First Revised Sheet No. 138
First Revised Sheet No. 149
First Revised Sheet No. 153
First Revised Sheet No. 160
Second Revised Sheet No. 161
Original Sheet No. 161A
First Revised Sheet No. 162
First Revised Sheet No. 163
First Revised Sheet No. 164
Original Sheet No. 164A
Original Sheet No. 164B
First Revised Sheet No. 165
First Revised Sheet No. 166
First Revised Sheet No. 167

Ameren seeks an effective date of March 1, 2002.

Comment Date: May 6, 2002.

20. EnCana Energy Services Inc.

[Docket No. ER02–1549–000]

Take notice that on April 15, 2002, EnCana Energy (formerly PanCanadian Energy Services, Inc.,) tendered for filing a change in name. This change was effective April 8, 2002. Also included is a Notice of Succession in the form specified in section 131.51 of the Federal Energy Regulatory Commission (Commission) regulations.

Comment Date: May 6, 2002.

21. Ameren Energy

[Docket No. ER02–1550–000]

Take notice that on April 15, 2002, Ameren Energy, Inc., (Ameren Energy) on behalf of Union Electric Company d/b/a AmerenUE and Ameren Energy Generating Company (collectively, the Ameren Parties) pursuant to section 20t of the FPA, 16 U.S.C. and the market rate authority granted to the Ameren Parties, submitted for filing umbrella power sales service agreements under the Ameren Parties' market rate authorizations entered into with Consumer Energy Company d/b/a Consumers Energy Traders. Ameren Energy seeks Commission acceptance of these service agreements effective February 18, 2002.

Copies of this filing were served o the public utilities commissions of Illinois and Missouri and the counterparty.

Comment Date: May 6, 2002.

22. Las Vegas Cogen II, Mirant Las Vegas LLC, Duke Energy Moapa LLC, Reliant Energy Bighorn

[Docket No. ER02–1565–000, ER02–1566–000, ER02–1567–000, and ER02–1568–000]

Take notice that on April 15, 2002, Nevada Power Company tendered for filing four Letters of Understanding between Nevada Power Company and the following generators: (1) Las Vegas Cogeneration II; (2) Mirant Las Vegas, LLC; (3) Duke Energy Moapa, LLC; and (4) Reliant Energy Bighorn, LLC. The Letters of Understanding are submitted as Service Agreement Nos. 110, 111, 112, and 113, respectively, to Nevada Power Company's Open Access Transmission Tariff. Nevada Power Company requests that the Letters of Understanding be made effective as of the execution date of each agreement.

Comment Date: May 6, 2002.

Standard Paragraphs

E. Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's web site at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket #'' and follow the instructions (call 202–208–2222 for assistance). Protests and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–10142 Filed 4–24–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Scoping Meetings and Site Visit and Soliciting Scoping Comments

April 19, 2002.

Take notice that the Federal Energy Regulatory Commission (Commission) intends to perform early scoping for the Baker River Hydroelectric Project: a.

a. *Type of Application:* Early Scoping Under the National Environmental Policy Act (NEPA) for New Major License.

b. *Project No.:* 2150.

c. *Date Filed:* License Application Expected by April 30, 2004.

d. *Applicant:* Puget Sound Energy, Inc.

e. *Name of Project:* Baker River Project.

f. *Location:* On the Baker River in Skagit and Whatcom Counties, Washington. The project occupies 5,335 acres of United States lands managed by the U.S. Forest Service.

g. *Filed Pursuant to:* Federal Power Act, 16 USC § 791(a)—825(r).

h. *Applicant Contact:* Connie Freeland, Puget Sound Energy, Inc., P.O. Box 97034, Bellevue, WA 98009–9734; *cfreel@puget.com* (425) 462–3556.

i. *FERC Contact:* Steve Hocking, *steve.hocking@ferc.gov* (202) 219–2656.

j. *Deadline for filing scoping comments:* July 22, 2002.

All documents (an original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington DC 20426.

Scoping 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 *www.ferc.gov* under the ''e-Filing'' link.

k. This application is not ready for environmental analysis at this time.

l. The existing Baker River Project has two developments. The Upper Baker Development is located at river mile 9.35 on the Baker River about 8 miles upstream of the City of Concrete, Washington. This development has the following existing facilities: (1) A 312-foot-high and 1,200-foot-long dam with an ogee-type spillway containing three radial gates that are each 25 feet wide and 30 feet high; (2) a 115-foot-high and 1,200-foot-long West Pass dike; (3) a 9-mile-long reservoir (Baker Lake) with a surface area of 4,797 acres at a normal maximum pool elevation of 724 feet mean sea level (fmsl); (4) a 122-foot-long and 59-foot-wide reinforced concrete powerhouse located in the north half of the existing river bed and housing two turbine-driven generators with an authorized capacity of 90.7 megawatts (MW) and a hydraulic capacity of 5,100 cubic feet per second (cfs); (5) transmission lines; (6) downstream fish passage facilities and artificial spawning beaches; and (7) appurtenant facilities.

The Lower Baker Development is located 0.5 mile upstream of the confluence of the Baker and Skagit Rivers. This development has the following existing facilities: (1) A 285-foot-high and 570-foot-long concrete gravity arch dam with a spillway containing 23 vertical slide gates that are each 14 feet high and 9.5 feet wide; (2) a concrete intake equipped with trashracks and gatehouse located near the left dam abutment; (3) one concrete and steel-lined penstock; (4) a 7-mile-long reservoir (Lake Shannon) with a surface area of 2,190 acres at a normal maximum pool elevation of 438.6 fmsl; (5) a reinforced concrete powerhouse that is 90 feet long and 66 feet wide housing a single turbine-generator with an authorized capacity of 71.4 MW and a hydraulic capacity of 4,100 cfs; (6) transmission lines; (7) a barrier dam; (8) upstream and downstream fish passage facilities; and (9) appurtenant facilities.

m. A copy of SD1 is on file with the Commission and is available for public inspection. SD1 may also be viewed on the web at *www.ferc.gov* using the ''RIMS'' link-select ''Docket #'' and follow the instructions (call 202–208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

n. *Scoping Process:* Although the Commission's intent is to prepare an environmental assessment (EA) for the Baker River Project, there is the possibility that an Environmental Impact Statement (EIS) will be required. Nevertheless, our scoping meetings described below will satisfy NEPA scoping requirements, irrespective of whether an EA or EIS is issued by the Commission. The Commission does not intend to conduct NEPA scoping meetings after Puget Sound Energy, Inc. (Puget) files its license application.

Scoping Meetings

Commission staff and Puget will jointly conduct one evening scoping meeting and one morning scoping meeting. The morning meeting will focus on resource agency and non-governmental organization concerns, while the evening meeting is primarily for public input. All interested individuals, organizations, and agencies are invited to attend one or both of the

meetings. Meeting times and locations are:

Evening Scoping Meeting

Date: May 21, 2002.
Time: 6:00 p.m. to 10:00 p.m.
Place: Concrete High School Multipurpose Room, 7830 Superior Avenue, Concrete, Washington.

Morning Scoping Meeting

Date: May 22, 2002.
Time: 9:00 a.m. to 3:00 p.m.
Place: Cottontree Inn, 2401 Riverside Drive, Mount Vernon, Washington.

Copies of SD1 outlining the subject areas to be addressed in an EA were distributed to the parties on the Commission's mailing list. Copies of SD1 will be available at the scoping meetings or may be viewed on the web at *www.ferc.gov* using the ''RIMS'' link, select ''Docket #'' and follow the instructions (call 202–208–2222 for assistance).

Site Visit

Commission staff and Puget will have a site visit to the Baker River Project at 10:00 a.m. on May 21, 2002. All interested individuals, organizations, and agencies are invited to attend. All participants should meet at the Baker River Project Visitor Center at 46110 East Main Street, Concrete, Washington. Any person interested in attending the site visit should call the Baker Message Line at 1–888–225–5773 (option 5, extension 81–3110) or send an email to *bakerlicense@puget.com.* Puget will supply on-site transportation for the site visit.

Objectives

At the scoping meetings, Commission staff will: (1) Summarize the environmental issues tentatively identified for analysis in the EA; (2) solicit from meeting participants all available information, especially quantifiable data, on the resources at issue; (3) encourage statements from experts and the public on issues that should be analyzed in the EA, including viewpoints in opposition to, or in support of, Commission staff's preliminary views; (4) determine the resource issues to be addressed in the EA; and (5) identify those issues that require a detailed analysis, as well as those issues that do not require a detailed analysis. Individuals, organizations, and agencies with environmental expertise and concerns are encouraged to attend the scoping meetings and to assist Commission staff in defining and clarifying the issues to be addressed in an EA. Both scoping meetings will be recorded by a stenographer and the transcripts will become part of the Commission's official record for this project.

Magalie R. Salas,

Secretary.

[FR Doc. 02–10145 Filed 4–24–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Regulations Governing Off-the-Record Communications; Public Notice

April 19, 2002.

This constitutes notice, in accordance with 18 CFR 385.2201(h), of the receipt of exempt and prohibited off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive an exempt or a prohibited off-the-record communication relevant to the merits of a contested on-the-record proceeding, to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary.

Prohibited communications will be included in a public, non-decisional file associated with, but not part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such requests only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication should serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications will be included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of exempt and prohibited off-the-record communications received in the Office of the Secretary within the preceding 14 days. Copies of this filing are on file with the Commission and are available for public inspection. The documents may be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance).

Exempt

Docket No.	Date filed	Presenter or requester
1. Docket No. CP01–153–000.	4–18–02	Charles P. Pope.
2. Project No. 1494–232.	4–19–02	Mike Brady.

Magalie R. Salas,

Secretary.

[FR Doc. 02–10146 Filed 4–24–02; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2002–0014; FRL–6833–5]

Region III Strategic Agriculture Grants; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA Region III is announcing the availability of approximately $150,000 in fiscal year (FY) 2002 grant/cooperative agreement funds under section 20 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (the Act), for grants to States and federally recognized Native American Tribes for research, public education, training, monitoring, demonstration, and studies. For convenience, the term ''State'' in this notice refers to all eligible applicants.

DATES: In order to be considered for funding during the FY 2002 award cycle, all applications must be received by EPA Region III on or before May 28, 2002. EPA will make its award decisions by May 31, 2002.

ADDRESSES: Please submit applications to the contact under Unit V. of the **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Susie Chun, Environmental Protection Agency, Region III, Mail code 3WC32, Waste Chemicals and Management Division, 1650 Arch Street, Philadelphia, PA 19103–2029; telephone number: (215) 814–2469; fax

number: (215) 814–3113; e-mail address: chun.susie@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 eligible applicants who primarily operate out of and will conduct the project in one of the following Region III States: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia. 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 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. *By mail or in person*. Contact the person listed under**FOR FURTHER INFORMATION CONTACT**.

II. Availability of FY 2002 Funds

With this publication, EPA Region III is announcing the availability of approximately $150,000 in grant/cooperative agreement funds for FY 2002. Region III is seeking to fund three grants. The Agency has delegated grant making authority to the EPA Regional Offices. EPA Region III is responsible for the solicitation of interest, the screening of proposals, and the selection of projects. Grant guidance will be provided to all applicants along with any supplementary information Region III may wish to provide. All applicants must address the criteria listed under Unit IV.B. of this document. Interested applicants should contact the Regional Strategic Agriculture Initiative Coordinator listed under Unit V. for more information.

III. Eligible Applicants

In accordance with the Act ''. . . Federal agencies, universities, or others as may be necessary to carry out the purposes of the act, . . .'' are eligible to receive a grant. Eligible applicants for purposes of funding under this grant program include those operating within the six EPA Region III States (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia), and any agency or instrumentality of a Region III State including State universities and non-profit organizations operating within a Region III State. For convenience, the term ''State'' in this notice refers to all eligible applicants.

IV. Activities and Criteria

A. General

The goal of the Strategic Agriculture Initiative Grant Program is to reduce the risks and use of pesticides in agricultural settings. Another goal is to rapidly spread available technology and information about ways to reduce dependence on the more highly toxic pesticides.

B. Criteria

Proposals will be evaluated based on the following criteria:

1. Qualifications and experience of the applicant relative to the proposed project.

- Does the applicant demonstrate experience in the field of the proposed activity?
- Does the applicant have the properly trained staff, facilities, or infrastructure in place to conduct the project?

2. Consistency of applicant's proposed project with the risk reduction goal of the Strategic Agriculture Initiative.

3. Provision for a quantitative or qualitative evaluation of the project's success at achieving the stated goals.

- Is the project designed in such a way that it is possible to measure and document the results quantitatively and qualitatively?
- Does the applicant identify the method that will be used to measure and document the project's results quantitatively and qualitatively?
- Will the project assess or suggest a means for measuring progress in reducing risk associated with the use of pesticides?

4. Likelihood the project can be replicated to benefit other communities or the product may have broad utility to a widespread audience. Can this project, taking into account typical staff and financial restraints, be replicated by similar organizations in different locations to address the same or similar problem?

C. Program Management

Awards of FY 2002 funds will be managed through EPA Region III. Quality Managment Plans and Quality Assurance Project Plans may be required, depending on the nature of the project and the data collected. Contact your Regional Strategic Agirculture Initiative Coordinator for more information about this requirement.

D. Contacts

Interested applicants must contact the appropriate EPA Regional Strategic Agriculture Initiative Coordinator listed under Unit V. to obtain specific instructions, regional criteria, and guidance for submitting proposals.

V. Region III Strategic Agriculture Initiative Program Contact

Region III: (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia), Susie Chun, (3WC32), 1650 Arch St., Philadelphia, PA 19103; telephone (215) 814–2469; fax number: (215) 814–3113; e-mail address: chun.susie@epa.gov.

VI. Submission to Congress and the Comptroller General

Under the Agency's current interpretation of the definition of a ''rule,'' grant solicitations such as this which are competitively awarded on the basis of selection criteria, are considered rules for the purpose of the Congressional Review Act (CRA). The CRA, 5 U.S.C. 801*et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), generally provides that before a rule may take effect, the agency promulgating the rules must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects

Environmental protection, Pesticides.

Dated: April 11, 2002.

James W. Newsom,

Acting Regional Adminstrator, Region III.

[FR Doc. 02–10042 Filed 4–24–02 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7175–6]

Metro Container Corporation Site; CERCLA 122(h) Administrative Settlement; Notice of Proposed Administrative Cost Recovery Settlement Pursuant to Section 122(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as Amended

AGENCY: Environmental Protection Agency.

ACTION: Notice, request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (''CERCLA''), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative cost recovery settlement under section 122(h)(1) of CERCLA, 42 U.S.C. 9622(h)(1), in connection with the Metro Container Corporation Site in Trainer, Delaware County, Pennsylvania. The proposed settlement is intended to resolve an EPA claim under section 107(a) of CERCLA, 42 U.S.C. 9607(a), against Arco Chemical Company; BP Oil Inc.; Mobil Oil Corporation; Sun Refining and Marketing Co., and E.I. de Pont de Nemours & Company (''Respondents''). The proposed administrative cost recovery settlement is part of a larger settlement finalized in 1989 under section 106(a) of CERCLA, 42 U.S.C. 9606(a), for work at the Site. The work has been completed. Under the cost recovery portion of the settlement, the Respondents will pay $223,074.53 to the Hazardous Substance Superfund.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the cost recovery settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. The settlement has been approved by the Attorney General, United States Department of Justice, or his designee.

DATES: Comments must be submitted on or before thirty (30) days from the date of publication of this Notice.

ADDRESSESS: The proposed cost recovery settlement and additional background information relating to the settlement are available for public inspection at the U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. A copy of the proposed cost recovery settlement may be obtained from Lydia Guy, Regional Docket Clerk (3RC00), U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103 (215) 814–2489). Comments should reference the Metro Container Corporation Site and EPA Docket No. III–89–11DC and should be forwarded to Ms. Guy at the above address.

FOR FURTHER INFORMATION CONTACT: Andrew S. Goldman (3RC21), Senior Assistant Regional Counsel, U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, PA 19103, (215) 814–2487.

Dated: April 17, 2002.

Judith Katz,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region III.

[FR Doc. 02–10172 Filed 4–24–02; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a proposed revised information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning Write Your Own Companies requirements to submit financial data to FEMA on a monthly basis.

ADDRESSES: Interested persons should submit written comments to Muriel B. Anderson, Chief, Records Management Section, Program Services and Systems Branch, Facilities Management and Services Division, Administration and Resource Planning Directorate, Federal Emergency Management Agency, 500 C Street, SW, Room 316, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Contact Kevin Montgomery, Financial Management Specialist, Federal Insurance and Mitigation Administration, (301) 918–1453 for additional information. You may contact Ms. Anderson for copies of the proposed collection of information at telephone number (202) 646–2625 or facsimile number (202) 646–3347 or e-mail *muriel.Anderson@fema.gov.*

SUPPLEMENTARY INFORMATION: Under the Write-Your-Own (WYO) Program, FEMA regulation 44 CFR 62.3 authorizes Federal Insurance Administrator to enter into arrangements with individual private sector insurance companies that are licensed to engage in the business of property insurance. These companies may offer flood insurance coverage to eligible property owners utilizing their customary business practices. To facilitate the marketing of flood insurance, the Federal Government will be a guarantor of flood insurance coverage for WYO Company policies issued under the WYO arrangement. To insure that any policyholder money is accounted for and appropriately expended, the Federal Insurance and Mitigation Administration (FIMA) and WYO companies implemented a Financial Control Plan under FEMA regulation 44 CFR part 62, Appendix B. This Plan requires that each WYO Company submit financial data on a monthly basis. The regulation explains the operational and financial control procedures governing the issuance of flood insurance coverage under the National Flood Insurance Program (NFIP) by private sector property insurance companies under the WYO Program.

Collection of Information

Title: Write-Your-Own (WYO) Program.

Type of Information Collection: Revision of a currently approved collection.

OMB Number: 3067–0169.

Abstract: Under the Write Your Own (WYO) Program, private sector insurance companies may offer flood insurance to eligible property owners. The Federal Government is guarantor of flood insurance coverage for WYO companies, issued under the WYO arrangements. In order to maintain adequate financial control over Federal funds, the NFIP requires that WYO companies submit a monthly financial report. The NFIP examines the data to ensure that policyholder funds are accounted for and appropriately expended.

Affected Public: Business or Other For-Profit.

Estimated Total Annual Burden Hours: 693 hours.

Estimated Cost: The annualized cost of the report to the Federal Government and to the respondents is negligible.

Comments

Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

Dated: April 16, 2002.

Virginia Akers,

Acting Branch Chief, Program Services and Systems Branch, Facilities Management and Services Division, Administration and Resource Planning Directorate.

[FR Doc. 02–10216 Filed 4–24–02; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the proposed revised information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning temporary housing units, for disaster victims of federally declared disasters.

ADDRESSES: Interested persons should submit written comments to Muriel B. Anderson, Chief, Records Management Section, Program Services and Systems Branch, Facilities Management and Services Division, Administration and Resource Planning Directorate, Federal Emergency Management Agency, 500 C Street, SW, Room 316, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Contact David Porter, Program Specialist, Readiness, Response and Recovery Directorate, telephone number (202) 646–3883 for additional information. You may contact Ms. Anderson for copies of the proposed collection of information at telephone number (202) 646–2625 or facsimile number (202) 646–3347 or e-mail *muriel.Anderson@fema.gov.*

SUPPLEMENTARY INFORMATION: Public Law 93–288, as amended by Public Law 100–707, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Section 408, authorizes the Federal Emergency Management Agency (FEMA) to provide Temporary Housing Assistance. This type of assistance could be in the form of mobile homes, travel trailers, or other readily fabricated dwelling. This assistance is used when required to provide disaster housing for victims of federally declared disasters. Accordingly the FEMA Form 90–1, is designed to ensure sites for temporary housing units will accommodate the home and comply with local, State, and Federal regulations regarding the placement of the temporary housing unit; FEMA Form 90–31, ensures the landowner (if other than the recipient of the home) will allow the temporary housing unit to be placed on the property; and ensure that routes on ingress and egress to and from the property are maintained.

Collection of Information

Title: Request for Site Inspection; Landowner's Authorization/Ingress/Egress Agreement.

Type of Information Collection: Revision of a currently approved collection.

OMB Number: 3067–0222.

Form Numbers: Request for Site Inspection (FEMA Form 90–1) and Landowner's Authorization/Ingress-Egress Agreement (FEMA Form 90–31).

Abstract: FEMA's Temporary Housing Assistance is used to provide mobile homes, travel trailers, or other forms of readily prefabricated forms of housing for the purpose of providing temporary housing to eligible applicants or victims of federally declared disasters. This information is required to determine the feasibility of the site for installation of the housing unit and ensures written permission of the property owner is obtained to allow the housing unit on to the property to include ingress and egress permission.

Affected Public: Individuals or households.

Estimated Total Annual Burden Hours:

FEMA forms	Number of respondents (A)	Number of responses	Frequency of response (B)	Hours per response (C)	Annual burden hours (A×B×C)
90–1	1000	1000	On Occasion	10 minutes	167
90–31	1000	1200	On Occasion	10 minutes	200
Total	1000	2200			367

Estimated Cost: The estimated cost to the Government for this information collection is approximately $6,500. There is no cost to the respondents.

Comments

Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. Comments should be

received within 60 days of the date of this notice.

Dated: April 16, 2002.

Virginia Akers,

Acting Branch Chief, Program Services and Systems Branch, Facilities Management and Services Division, Administration and Resource Planning Directorate.

[FR Doc. 02–10217 Filed 4–24–02; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed revised information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning the use of the Emergency Management Institute Resident Course Evaluation Form which is used to identify problems with course materials, evaluate the quality of the course delivery, facilities and instructors.

ADDRESSES: Interested persons should submit written comments to Muriel B. Anderson, Chief, Records Management Section, Program Services and Systems Branch, Facilities Management and Services Division, Administration and Resource Planning Directorate, Federal Emergency Management Agency, 500 C Street, SW, Room 316, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Contact Laurie Wivell, National Emergency Training Center, Training Division (301) 447–1216 for additional information. You may contact Ms. Anderson for copies of the proposed collection of information at telephone number (202) 646–2625 or facsimile number (202) 646–3347 or e-mail *muriel.anderson@fema.gov*.

SUPPLEMENTARY INFORMATION: The Emergency Management Institute (EMI) develops courses and administers resident and nonresident training programs in areas such as natural hazards, technical hazards, instructional methodology, professional development, leadership, exercise design and evaluation, information technology, public information, integrated emergency management, and train-the-trainer. A significant portion of the training is conducted by State emergency management agencies under cooperative agreements with FEMA.

In order to meet current information needs of EMI staff and management, the EMI uses this course evaluation form to identify problems with course materials, delivery, facilities, and instructors. This is a resident evaluation form. EMI staff will use the information to monitor and recommend changes in course materials, student selection criteria, training experience, and classroom environment. Reports will be generated and distributed to EMI management and staff. Without the information it will be difficult to determine the need for improvements and the degree of student satisfaction with each course. The respondents are students attending EMI resident courses. The evaluation form will be administered at the end of the course and will take no more than 10 minutes to complete. Contractors will scan the evaluation forms and generate the data reports using a computer program developed by a FEMA program analyst contractor. Evaluation forms are destroyed in accordance with FEMA's records retention schedule.

Collection of Information

Title: Emergency Management Institute Resident Course Evaluation Form.

Type of Information Collection: Extension of a currently approved collection.

OMB Number: 3067–0237.

Form Number(s): FEMA Form 95–41.

Abstract: Students attending the Emergency Management Institute resident program courses at FEMA's National Emergency Training Center will be asked to complete a course evaluation form. The information will be used by EMI staff and management to identify problems with course materials, and evaluate the quality of the course delivery, facilities, and instructors. The data received will enable them to recommend changes in course materials, student selection criteria, training experience and classroom environment.

Affected Public: State, Local or Tribal Government, Individuals or households, and Federal Government.

Estimated Total Annual Burden Hours: 667.

FEMA forms	Number of respondents (A)	Frequency of response (B)	Hours per response (C)	Annual burden hours (A × B × C)
95–41	4,000	Annually	10 minutes	667
Total Estimated Cost:$12,850 which includes operational and user costs..				667

Comments

Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

Dated: April 15, 2002.

Virginia A. Akers,

Acting Branch Chief, Program Services & Systems Branch, Facilities Management & Service Division, Administration and Resource Planning Directorate.

[FR Doc. 02–10218 Filed 4–24–02; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1407–DR]

Commonwealth of Kentucky; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Kentucky (FEMA–1407–DR), dated April 4, 2002, and related determinations.

EFFECTIVE DATE: April 4, 2002.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Readiness, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705 or *madge.dale@fema.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated April 4, 2002, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the Commonwealth of Kentucky, resulting from severe storms and flooding on March 17–21, 2002, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (Stafford Act). I, therefore, declare that such a major disaster exists in the Commonwealth of Kentucky.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas, and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance, Hazard Mitigation, and the Individual and Family Grant program will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Michael Bolch of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the Commonwealth of Kentucky to have been affected adversely by this declared major disaster:

Bath, Bell, Bourbon, Boyd, Carter, Clay, Elliott, Fleming, Greenup, Harlan, Knox, Laurel, Lawrence, Letcher, Leslie, Lewis, McCreary, Menifee, Montgomery, Morgan, Nicholas, Perry, Rowan, and Whitley Counties for Individual Assistance.

Bath, Bell, Boyd, Breathitt, Carter, Clay, Elliott, Fleming, Greenup, Harlan, Johnson, Knott, Knox, Lawrence, Leslie, McCreary, Magoffin, Perry, Rowan, Wayne and Whitley Counties for Public Assistance.

All counties within the Commonwealth of Kentucky are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Joe M. Allbaugh,

Director.

[FR Doc. 02–10213 Filed 4–24–02; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1329–DR]

New Mexico; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of New Mexico FEMA–1329–DR, dated May 13, 2000, and related determinations.

EFFECTIVE DATE: July 13, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Readiness, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705 or *madge.dale@fema.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that certain cost share provisions for the Public Assistance, Individual and Family Grant, Temporary Housing Assistance, and Hazard Mitigation Grant programs under the major disaster declaration were waived in accordance with section 104(k) of the Cerro Grande Fire Assistance Act, Pub. L. 106–246, 114 Stat. 589 (2000). The waiver applies to projects and programs undertaken in response to the Cerro Grande fire. The Federal share of eligible costs will be 100 percent for the following affected areas and programs:

Los Alamos County for Public Assistance, Temporary Housing Assistance, including mobile home group site construction and site development costs (including installation of utilities), and the Individual and Family Grant Program.

Rio Arriba, Sandoval, and Santa Fe Counties for the Individual and Family Grant Program.

For hazard mitigation measures undertaken in response to the Cerro Grande fire.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Joe M. Allbaugh,

Director.

[FR Doc. 02–10211 Filed 4–24–02; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3154–EM]

New Mexico; Amendment No. 8 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of New Mexico (FEMA–3154–EM), dated May 10, 2000, and related determinations.

EFFECTIVE DATE: July 13, 2000.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Readiness, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705 or *madge.dale@fema.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that certain cost share

provisions for assistance provided under the emergency declaration were waived in accordance with section 104(k) of the Cerro Grande Fire Assistance Act, Pub. L. 106–246, 114 Stat. 589 (2000). The waiver applies to projects undertaken in response to the Cerro Grande Fire. The Federal share of eligible costs incurred in direct response to the Cerro Grande Fire will be 100 percent for the following affected areas:

Los Alamos, Rio Arriba, Sandoval, and Santa Fe Counties.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Joe M. Allbaugh,

Director.

[FR Doc. 02–10215 Filed 4–24–02; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1408–DR]

Tennessee; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Tennessee (FEMA–1408–DR), dated April 5, 2002, and related determinations.

EFFECTIVE DATE: April 5, 2002.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Readiness, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705 or *madge.dale@fema.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated April 5, 2002, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Tennessee, resulting from severe storms and flooding over the periods of January 23–28, 2002 and March 15–20, 2002, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (Stafford Act). I, therefore, declare that such a major disaster exists in the State of Tennessee.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas, and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance, Hazard Mitigation, and the Individual and Family Grant program will be limited to 75 percent of the total eligible costs.

This also serves to resolve the Governor's appeal dated March 12, 2002. Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Charles M. Butler of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Tennessee to have been affected adversely by this declared major disaster:

Bledsoe, Blount, Claiborne, Cocke, Hancock, Hawkins, Loudon, and Sevier Counties for Individual Assistance.

Bledsoe, Blount, Cannon, Claiborne, Clay, Cocke, Cumberland, Decatur, Dekalb, Fentress, Giles, Grainger, Hancock, Hardin, Hawkins, Jackson, Lauderdale, Lawrence, Lewis, Lincoln, Loudon, McNairy, Macon, Marshall, Maury, Meigs, Roane, Scott, Sevier, Van Buren, Warren, and Wayne Counties for Public Assistance.

All counties within the State of Tennessee are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Joe M. Allbaugh,

Director.

[FR Doc. 02–10214 Filed 4–24–02; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1406–DR]

Virginia; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Virginia (FEMA–1406–DR), dated April 2, 2002, and related determinations.

EFFECTIVE DATE: April 2, 2002.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Readiness, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705 or *madge.dale@fema.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated April 2, 2002, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (Stafford Act), as follows:

I have determined that the damage in certain areas of the Commonwealth of Virginia, resulting from severe storms and flooding on March 17–20, 2002, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (Stafford Act). I, therefore, declare that such a major disaster exists in the Commonwealth of Virginia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas and Hazard Mitigation throughout the Commonwealth, and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. If Public Assistance is later warranted, Federal funds provided under that program will also be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Louis H. Botta of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the Commonwealth of Virginia to have been affected adversely by this declared major disaster:

Dickenson, Lee, Russell, Scott, Smyth, Tazewell, Washington and Wise Counties and the independent city of Norton for Individual Assistance.

All counties and independent cities within the Commonwealth of Virginia are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Joe M. Allbaugh,

Director.

[FR Doc. 02–10212 Filed 4–24–02; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Open Meeting of the Federal Interagency Committee on Emergency Medical Services

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice of open meeting.

SUMMARY: FEMA announces the following open meeting:

Name: Federal Interagency Committee on Emergency Medical Services (FICEMS).

Date of Meeting: June 6, 2002.

Place: Building S, National Emergency Training Center (NETC), 16825 South Seton Avenue in Emmitsburg, Maryland 21727. Room assignment will be made available upon in-processing at the Security Office.

Time: 10:30 a.m.

Proposed Agenda: Review and submission for approval of previous FICEMS Committee Meeting Minutes; Ambulance Design Subcommittee report; Technology Subcommittee report; Counter-Terrorism Subcommittee report; and presentation of member agency reports; reports of other interested parties.

SUPPLEMENTARY INFORMATION: This meeting will be open to the public with limited seating available on a first-come, first-served basis. See the Response and Security Procedures below.

Response Procedures: Committee members and members of the general public who plan to attend the meeting must contact Cheryl Phelan, on or before Tuesday, June 4, 2002, at National Emergency Training Center, 16825 S. Seton Ave, Emmitsburg, Maryland, 21727, or by telephone at (301) 447–1242, or via e-mail at *Cheryl.Phelan@fema.gov.* This is necessary to be able to create and provide a current roster of visitors to NETC per security directives.

Security Procedures: Increased security controls and surveillance are in effect at the National Emergency Training Center. All visitors must have a valid picture identification card and their vehicles will be subject to search by security personnel. All visitors will be issued a visitor pass which must be worn at all times while on campus. Please allow adequate time before the meeting to complete the security process.

Conference Call Capabilities: If you are not able to attend in person, a toll free number has been set up for teleconferencing. Members should call in around 10:30 a.m. The number is 1–800–320–4330. The FICEMS conference code is ''10.'' If you plan to call in, you should just enter the number ''10'' —no need to hit any other buttons, such as the star or pound keys.

FICEMS Meeting Minutes: Minutes of the meeting will be prepared and will be available upon request 30 days after they have been approved at the next FICEMS Committee Meeting on September 5, 2002. The minutes will also be posted on the United States Fire Administration website at *http://www.usfa.fema.gov/ems/ficems.htm* within 30 days after their approval at the September 5, 2002 FICEMS Committee Meeting.

Dated: April 15, 2002.

R. David Paulison,

U.S. Fire Administrator, United States Fire Administration.

[FR Doc. 02–10210 Filed 4–24–02; 8:45 am]

BILLING CODE 6718–08–P

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 9, 2002.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045–0001:

1. Dresdner Bank Lateinamerika Aktiengesellschaft, Hamburg, Germany, Dresdner Bank Aktiengesellschaft, Frankfurt, Germany, and Allianz Aktiengesellschaft, Munich, Germany, which is partially owned by Munchener Rueckversicherungs-Gesellschaft Aktiengesellschaft, Munich, Germany; to acquire Vestrust Securities LLC, Coral Gables, Florida, and thereby engage in activities related to agency transactional services for customer investments pursuant to § 225.28(b)(7) of Regulation Y and activities related to the provision of financial and investment advice pursuant to § 225.28(b)(6) of Regulation Y.

Board of Governors of the Federal Reserve System, April 19, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc.02–10107 Filed 4–24–02; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

Public Meeting of the Inter-Tribal Council on Hanford Health Projects (ICHHP) in Association With the Citizens Advisory Committee on Public Health Service (PHS) Activities and Research at Department of Energy (DOE) Sites: Hanford Health Effects Subcommittee

Name: Public meeting of the Inter-tribal Council on Hanford Health Projects (ICHHP) in association with the Citizens Advisory Committee on PHS Activities and Research at DOE Sites: Hanford Health Effects Subcommittee (HHES).

Time and Date: 9:00 a.m.–4:00 p.m., May 15, 2002.

Place: WestCoast Tri-Cities Hotel, 1101 North Columbia Center Blvd., Kennewick, WA. Telephone: (509) 783–0611.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 25 people.

Background: A Memorandum of Understanding (MOU) signed in October 1990 and renewed in September 2000 between ATSDR and DOE, delineates the responsibilities and procedures for ATSDR's public health activities at DOE sites required under sections 104, 105, 107, and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or ''Superfund''). These activities include health consultations and public health assessments at DOE sites listed on, or proposed for, the Superfund National Priorities List and at sites that are the subject of petitions from the public; and other health-related activities such as epidemiologic studies, health surveillance, exposure and disease registries, health education, substance-specific applied research, emergency response, and preparation of toxicological profiles.

In addition, under an MOU signed in December 1990 with DOE and replaced by an MOU signed in 2000, the Department of Health and Human Services (HHS) has been given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities, workers at DOE facilities, and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production and use. HHS has delegated program responsibility to CDC.

Community Involvement is a critical part of ATSDR's and CDC's energy-related research and activities, and input from members of the ICHHP is part of these efforts. The ICHHP will work with the HHES to provide input on American Indian health effects at the Hanford, Washington site.

Purpose: The purpose of this meeting is to address issues that are unique to tribal involvement with the HHES, and agency updates.

Matters to Be Discussed: Agenda items will include a dialogue on issues that are unique to tribal involvement with the HHES. This will include presentations and discussions on each tribal member's respective environmental health activities, and agency updates. Agenda items are subject to change as priorities dictate.

FOR MORE INFORMATION CONTACT: Alan Crawford, Executive Secretary, or Marilyn Palmer, Committee Management Specialist, Division of Health Assessment and Consultation, ATSDR, 1600 Clifton Road, NE M/S E–54, Atlanta, Georgia 30333, telephone 1–888–42–ATSDR (28737), fax 404/498–1744.

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 18, 2002.

Alvin Hall,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 02–10129 Filed 4–24–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

Citizens Advisory Committee on Public Health Service (PHS) Activities and Research at Department of Energy (DOE) Sites: Hanford Health Effects Subcommittee

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Agency for Toxic Substances and Disease Registry (ATSDR) and the Centers for Disease Control and Prevention (CDC) announce the following meeting.

Name: Citizens Advisory Committee on PHS Activities and Research at DOE Sites: Hanford Health Effects Subcommittee (HHES).

Times and Dates:

8:30 a.m.–5:30 p.m., May 16, 2002

8:30 a.m.–4:00 p.m., May 17, 2002

Place: West Coast Tri-Cities Hotel, 1101 North Columbia Center Blvd., Kennewick, WA 99336. Telephone: (509) 783–0611.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 100 people.

Background: A Memorandum of Understanding (MOU) signed in October 1990 and renewed in September 2000 between ATSDR and DOE, delineates the responsibilities and procedures for ATSDR's public health activities at DOE sites required under sections 104, 105, 107, and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or ''Superfund''). These activities include health consultations and public health assessments at DOE sites listed on, or proposed for, the Superfund National Priorities List and at sites that are the subject of petitions from the public; and other health-related activities such as epidemiologic studies, health surveillance, exposure and disease registries, health education, substance-specific applied research, emergency response, and preparation of toxicological profiles. In addition, under an MOU signed in December 1990 with DOE and replaced by an MOU signed in 2000, the Department of Health and Human Services (HHS) has been given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities, workers at DOE facilities, and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production and use. HHS has delegated program responsibility to CDC.

Purpose: This subcommittee is charged with providing advice and recommendations to the Director, CDC, and the Administrator, ATSDR, regarding community, American Indian Tribes, and labor concerns pertaining to CDC's and ATSDR's public health activities and research at this DOE site. The purpose of this meeting is to receive an update from the Inter-tribal Council on Hanford Health Projects; to review and approve the Minutes of the previous meeting; to receive updates from ATSDR, NCEH and NIOSH; to receive reports from the Outreach, Public Health Assessment, Public Health Activities, and the Studies Workgroups; and to address other issues and topics, as necessary.

Matters to Be Discussed: Agenda items include a presentation and discussion on team building and consensus advise, ethics training video presentation, continued discussion of the Hanford Community Health Project, and agency updates. Agenda items are subject to change as priorities dictate.

FOR MORE INFORMATION CONTACT: French Bell, Executive Secretary HHES, or Marilyn Palmer, Committee Management Specialist, Division of Health Assessment and Consultation, ATSDR, 1600 Clifton Road, NE M/S E–54, Atlanta, Georgia 30333, telephone 1–888–42–ATSDR (28737), fax 404/498–1744.

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 18, 2002.

Alvin Hall,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 02–10130 Filed 4–24–02; 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: Meeting.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

Name: CDC Advisory Committee on HIV and STD Prevention.

Time and Date: 8:30 a.m.–5 p.m., May 30, 2002.

Place: Capital Hilton, 1001 16th Street, Washington, DC 20036, Phone: (202) 393–1000.

Status: Open to the public, limited only by the space available. The meeting room will accommodate approximately 100 people.

Purpose: This Committee is charged with advising the Secretary and the Director, CDC, regarding objectives, strategies, and priorities for HIV and STD prevention efforts including maintaining surveillance of HIV infection, AIDS, and STDs, the epidemiologic and laboratory study of HIV/AIDS and STDs; information/education and risk reduction activities designed to prevent the spread of HIV and STDs; and other preventive measures that become available.

Matters To Be Discussed: Agenda items include issues pertaining to (1) STD/HIV program integration collaboration between CDC/HRSA, (2) Global AIDS Program, and (3) DHHS HIV/AIDS Review. Agenda items are subject to change as priorities dictate.

FOR MORE INFORMATION CONTACT: Paulette Ford-Knights, Public Health Analyst, National Center for HIV, STD, and TB Prevention, 1600 Clifton Road, NE, Mailstop E–07, Atlanta, Georgia 30333. Telephone 404/639–8008, fax 404/639–3125, e-mail *pbf7@cdc.gov*.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: April 18, 2002.

Alvin Hall,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 02–10131 Filed 4–24–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[Document Identifier: HCFA–10029]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (formerly known as the Health Care Financing Administration (HCFA)), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: New collection; *Title of Information Collection:* Medicare Program Integrity Customer Service Project; *Form No.:* CMS–10029 (OMB# 0938–0837); *Use:* Medicare's Integrity Program seeks to improve customer service provided to beneficiaries and providers. The study's purpose is to identify baseline satisfaction with Program Integrity efforts, to prioritize improvement areas, and to identify potential service delivery changes that can be implemented by CMS or its contractors. Respondents include beneficiaries whose billing questions were transferred to Fraud, and providers who have been through enrollment, medical review, or cost report audit; *Frequency:* Annually; *Affected Public:* Individuals or households, Business or other for-profit, Not-for-profit institutions; *Number of Respondents:* 5,250; *Total Annual Responses:* 5,250; *Total Annual Hours:* 782.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS's Web site address at *http://www.hcfa.gov/regs/prdact95.htm,* or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the CMS Paperwork Clearance Officer designated at the following address: CMS, Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards, Attention: Julie Brown, CMS 10029, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: April 16, 2002.

John P. Burke III,

Reports Clearance Officer, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 02–10188 Filed 4–24–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[Document Identifier: CMS–381]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA)), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Identification of Extension Units of Outpatient Physical Therapy (OPT) and Outpatient Speech Pathology (OSP) Providers and Supporting Regulations in 42 CFR 485.701–485.729; *Form No.:* CMS–381 (OMB# 0938–0273); *Use:* When an OPT/OSP provider furnishes services to locations other than their already certified premises (extension locations), those premises are considered to be part of the OPT/OSP provider and are subject to the same Medicare regulations as the primary location. This form is used by the State survey agencies and by the CMS regional offices to identify and monitor extension locations to ensure their compliance with Federal requirements; *Frequency:* Annually; *Affected Public:* Business or other for-profit; *Number of Respondents:* 2,833;*Total Annual Responses:* 2,833; *Total Annual Hours:* 708.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS's Web site address at *http://www.hcfa.gov/regs/prdact95.htm*, or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov*, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the CMS Paperwork Clearance Officer designated at the following address: CMS, Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards, Attention: Julie Brown, CMS–381, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: April 16, 2002.

John P. Burke III,

Reports Clearance Officer, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–10189 Filed 4–24–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[Document Identifier: CMS–484]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA)), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Attending Physician's Certification of Medical Necessity for Home Oxygen Therapy and Supporting Regulations 42 CFR 410.38 and 42 CFR 424.5; *Form No.:* 0938–0534 (CMS–484); *Use:* This form is used to determine if oxygen is reasonable and necessary pursuant to Medicare Statute; Medicare claims for home oxygen therapy must be supported by the treating physician's statement and other information including estimate length of need (# of months), diagnosis codes (ICD–9) etc.; *Frequency*: As needed; *Affected Public:* Business of other for-profit; *Number of Respondents:* 185,000; *Total Annual Responses*: 500,000; *Total Annual Hours:* 50,000.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS's Web site address at *http://www.hcfa.gov/regs/prdact95.htm,* or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the CMS Paperwork Clearance Officer designated at the following address: CMS, Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards, Attention: Julie Brown, CMS 484, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: April 16, 2002.

John P. Burke III,

Reports Clearance Officer, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–10190 Filed 4–24–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[Document Identifier: CMS–10062]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration

(HCFA)), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: New Collection; *Title of Information Collection:* Collection of Diagnostic Data from Medicare+Choice Organizations for Risk Adjusted Payments and Supporting Regulations Part 422 Subparts F and G; *Form No.:* CMS–10062 (OMB# 0938–New); *Use:* CMS requires hospital inpatient diagnostic data as well as diagnostic data from ambulatory settings (hospital outpatient and physician) from Medicare+Choice organizations to develop and implement risk adjustment methodology as required by the Balanced Budget Act of 1997 and the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.; *Frequency:* Quarterly; *Affected Public:;* Business or other for-profit, Not-for-profit institutions; *Number of Respondents:* 156; *Total Annual Responses:* 6,605,691; *Total Annual Hours:* 18,877.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS's Web site address at *http://www.hcfa.gov/regs/prdact95.htm,* or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov*, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the CMS Paperwork Clearance Officer designated at the following address: CMS, Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards, Attention: Melissa Musotto, Room, N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: April 16, 2002.

John P. Burke III,

Reports Clearance Officer, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–10193 Filed 4–24–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[Document Identifier: CMS–R–243]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA)), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Medicare Agreement Application, Health Care Prepayment Plan and Supporting Regulations in 42 CFR, 417.800–.840; *Form No.:* CMS–R–243 (OMB# 0938–0768); *Use:* An organization must meet certain regulatory requirements to be a Health Care Prepayment Plan that is eligible for a Medicare Section 1833 agreement. The application is the collection form to obtain the information from an organization that enables CMS staff to determine compliance with the regulations; *Frequency:* one time submission; *Affected Public:*; Business or other for-profit, Not-for-profit institutions, State, local and Tribal Government.; *Number of Respondents:* 10;*Total Annual Responses:* 10; *Total Annual Hours:* 750.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS's Web site address at *http://www.hcfa.gov/regs/prdact95.htm,* or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the CMS Paperwork Clearance Officer designated at the following address: CMS, Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards, Attention: Melissa Musotto, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: April 16, 2002.

John P. Burke III,

Reports Clearance Officer, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–10196 Filed 4–24–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Center for Medicare and Medicaid Services

[Document Identifier: CMS–R–266]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Center for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Center for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of

automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Medicaid Disproportionate Share Hospital Payments—Institutions for Mental Disease; *Form No.:* HCFA–R–0266 (OMB# 0938–0746); *Use:* This PRA package announces the Federal share of disproportionate share hospital (DSH) allotments for Federal fiscal years (FFYs) 1998 through 2002. It also describes the methodology for calculating the Federal share DSH allotments for FFY 2003 and thereafter, and announces the FFY 1998 and FFY 1999 limitations on aggregate DSH payments States may make to institutions for mental disease (IMD) and other mental health facilities; *Frequency:* Annually; *Affected Public:* State, Local, or Tribal Government; *Number of Respondents:* 54; *Total Annual Responses:* 54; *Total Annual Hours:* 2,160.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web site address at *http://www.hcfa.gov/regs/prdact95.htm,* or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Brenda Aguilar, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: April 16, 2002.

John P. Burke III,

CMS Reports Clearance Officer, CMS Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–10191 Filed 4–24–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[Document Identifier: CMS–10050]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: New Collection; *Title of Information Collection:* Survey of Newly Eligible Medicare Beneficiaries; *Form No.:* CMS–10050 (OMB# 0938–NEW); *Use:* It is not enough to merely mail information about the Medicare program to each beneficiary. We need to know not only that the beneficiaries got the information, but that they understood the information and are able to use it in making choices about their Medicare participation. To this end, CMS must have measure(s) over time of what beneficiaries know and understand about the Medicare program now to be able to quantify and attribute any changes to their understanding or behavior to information/education initiatives. Measuring beneficiary information needs and knowledge over time will help us evaluate the impact of information/education and other initiatives as well as to understand how the population is changing apart from such initiatives; *Frequency:* Monthly; *Affected Public:* Individuals or Households; *Number of Respondents:* 3,600; *Total Annual Responses:* 3,600; *Total Annual Hours:* 1,080.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web site address at *http://www.hcfa.gov/regs/prdact95.htm,* or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: April 16, 2002.

John P. Burke III,

CMS Reports Clearance Officer, CMS, Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–10192 Filed 4–24–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[Document Identifier: HCFA–1450]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a Currently Approved Collection; *Title of Information Collection:* Medicare Uniform Institutional Provider Bill and Supporting Regulations; *Form No.:* HCFA–1450 (OMB# 0938–0279); *Use:* This standardized form is used in the Medicare/Medicaid program to apply for reimbursement of covered services by all providers that accept Medicare/Medicaid assigned claims; *Frequency:* On occasion; *Affected Public:* Not-for-profit institutions, business or other for-profit; *Number of Respondents:* 46,708; *Total Annual Responses:* 158,603,290; *Total Annual Hours:* 1,666,208.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web site address at *http://www.hcfa.gov/regs/prdact95.htm,* or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: April 16, 2002.

John P. Burke III,

CMS Reports Clearance Officer, CMS, Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–10194 Filed 4–24–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[Document Identifier: CMS–1500]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a Currently Approved Collection; *Title of Information Collection:* Medicare/Medicaid Health Insurance Common Claim Form, Instructions, and Supporting Regulations in 42 CFR 414.40, 424.32, 424.44; *Form No.:* CMS–1500 (OMB# 0938–0008); *Use:* This form is a standardized claim form for use in the Medicare/Medicaid programs to apply for reimbursement for covered services. Many private insurers also use this form; *Frequency:* On occasion; *Affected Public:* State, Local, or Tribal Government, Not-for-profit institutions, business or other for-profit; *Number of Respondents:* 1,216,702; *Total Annual Responses:* 740,215,135; *Total Annual Hours:* 42,941,276.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web site address at *http://www.hcfa.gov/regs/prdact95.htm,* or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: April 16, 2002.

John P. Burke III,

CMS Reports Clearance Officer, CMS, Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–10195 Filed 4–24–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[Document Identifier: CMS–R–10]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a Currently Approved Collection; *Title of Information Collection:* Information Collection Requirements Contained in BDP–718: Advanced Directives (Medicare and Medicaid) and Supporting Regulations in 42 CFR 417.436, 417.801, 422.128, 430.12, 431.20, 431.107, 434.28, 483.10, 484.10, 489.102; *Form No.:* CMSR–R–10 (OMB# 0938–0610); *Use:* Certain Medicare and Medicaid organizations are responsible for collecting and documenting in a prominent place in medical records whether an individual has executed an advanced directive. This document indicates the individual's preference if he/she is incapacitated; *Frequency:* On occasion; *Affected Public:* Business or other for-profit State, Local, or Tribal Government, Not-for-profit institutions, Federal Government; *Number of Respondents:* 34,365; *Total Annual Responses:* 34,365; *Total Annual Hours:* 960,500.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web site

address at *http://www.hcfa.gov/regs/prdact95.htm,* or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: April 16, 2002.

John P. Burke III,

CMS Reports Clearance Officer, CMS, Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–10197 Filed 4–24–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[Document Identifier: CMS–R–295]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Revision of a currently approved collection; *Title of Information Collection:* Medicare CAHPS Disenrollment Surveys; *Form No.:* CMS–R–295 (OMB# 0938–0779); *Use:* CMS is required by the Balanced Budget Act of 1997 to provide disenrollment information on Medicare+Choice health plans to Medicare beneficiaries for the purpose of informed choice. To faithfully execute this requirement, CMS needs to survey Medicare beneficiaries who have disenrolled from their plans during the past year to obtain their ratings of their former plans (assessment survey) and the reasons why they left (reasons survey). The survey results will be reported to all beneficiaries in print and on the Internet; *Frequency:* Quarterly and Annually; *Affected Public:* Individuals or Households; *Number of Respondents:* 112,800; *Total Annual Responses:* 90,240; Total Annual Hours: 42,112.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web site address at *http://www.hcfa.gov/regs/prdact95.htm*, or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov*, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: April 16, 2002.

John P. Burke III,

CMS Reports Clearance Officer, CMS, Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–10198 Filed 4–24–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[Document Identifier: CMS–R–71]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a Currently Approved Collection; *Title of Information Collection:* Information Collection Requiremens in HS!-108F Assumption of Responsibilities and Supporting Regulations in 42 CFR 412.44, 412.46, 431.630, 456.654, 476.73, 476.74, 476.78; *Form No.:* CMS–R–71 (OMB# 0938–0445); *Use:* This rule establishes the review functions to be performed by the PRO. It outlines relationships among PROs, providers, practitioners, beneficiaries, intermediaries, and carriers; *Frequency:* As Needed; *Affected Public:* Business or other for-profit; *Number of Respondents:* 6,036; *Total Annual Responses:* 6,036; *Total Annual Hours:* 45,465.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web site address at *http://www.hcfa.gov/regs/prdact95.htm,* or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov*, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer:

OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: April 16, 2002.

John P. Burke III,

CMS Reports Clearance Officer, CMS, Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–10199 Filed 4–24–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. ACYF–PA–CCB–2002–01]

Early Learning Opportunities Act Discretionary Grants

AGENCY: Administration on Children, Youth and Families, ACF, DHHS.

ACTION: Announcement of the availability of competitive grants to local councils.

SUMMARY: The purpose of this program announcement is to announce the availability of Fiscal Year 2002 Discretionary Funds, authorized by Congress under the FY 2002 Consolidated Appropriations Act, for Early Learning Opportunities Act competitive discretionary grants to local councils.

DATES: The closing date for submission of applications is June 24, 2002. Mailed applications postmarked after the closing date will be classified as late, and therefore will not be eligible for competition.

Deadline: Mailed applications shall be considered as meeting an announced deadline if they are received on or before the deadline date, or sent on or before the deadline date and received by ACF in time for the independent review. Applications must be sent to: Administration on Children, Youth and Families, Child Care Bureau, Program Announcement No. ACYF–PA–CCB–2002–01, Child Care Bureau Conference Management Center, c/o MasiMax Resources, Inc., 1300 Piccard Drive, Suite 203, Rockville, MD 20850, Telephone: 1–240–632–5632.

Applicants must ensure that a legibly dated U.S. Postal Service postmark or a legibly dated, machine produced postmark of a commercial mail service is affixed to the envelope/package containing the application(s). To be acceptable as proof of a timely mailing, a postmark from a commercial mail service must include the logo/emblem of the commercial mail service company, and must reflect the date the package was received by the commercial mail service company from the applicant. Private metered postmarks will not be acceptable as proof of timely mailing.

Applications hand carried by applicants, applicant couriers, or by other representatives of the applicant shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 9:00 a.m. and 4:30 p.m., EDT, Monday through Friday (excluding Federal holidays) at the above address. (Applicants are cautioned that express/overnight mail services do not always deliver as agreed.)

ACF cannot accommodate transmission of applications by fax or through other electronic media, regardless of date or time of submission and receipt. Therefore, applications transmitted to ACF electronically will not be accepted.

Late Applications: Applications that do not meet the criteria stated above are considered late applications. ACF will notify each late applicant that its application will not be considered in the current competition.

Extension of Deadlines: ACF may extend an application deadline for applicants affected by acts of God such as floods and hurricanes, when there is widespread disruption of mail service, or for other disruptions of services, such as a prolonged blackout, that affect the public at large. A determination to extend or waive deadline requirements rests with the Chief Grants Management Officer.

Notice of Intent To Submit an Application: If you intend to submit an application, you are strongly encouraged to notify the Child Care Bureau by fax at 202–690–5600 at least four weeks prior to the submission deadline date. Your fax should include the following information: the number and title of this announcement; your organization's name and address; and your contact person's name, phone number, fax number, and e-mail address. The information will be used to determine the number of expert reviewers needed to evaluate applications, and to update the mailing list for future program announcements.

FOR FURTHER INFORMATION CONTACT: A copy of this Program Announcement and the necessary application forms can be obtained by contacting 1–800–351–2293. Copies of this Program Announcement can also be downloaded from the Child Care Bureau's Web site at *http://www.adf.dhhs.gov/programs/ccb* and all necessary application forms can be downloaded at *http://www.acf.dhhs.gov/programs/ofs/forms/htm#apps.* Call 1–800–351–2293 if you have questions about the application process. The Federal Project Officer for the Early Learning Opportunities Act program is Carol de Barba, who can be reached at 202–690–6243 or by e-mail at *cdebarba@acf.dhhs.gov*.

SUPPLEMENTARY INFORMATION: The contents of the ACF Uniform Discretionary Grant Application for this program as well as preparation instructions are contained in the program announcement. This **SUPPLEMENTARY INFORMATION** section contains all the instructions needed to apply for a grant under this announcement.

The **SUPPLEMENTARY INFORMATION** section consists of six parts and one appendix. Part I includes background information on the Child Care Bureau, general information about the Early Learning Opportunities Act program, a description of the goals and priorities related to this announcement, and relevant definitions. Part II contains key program information such as project duration, funding requirements, and eligibility. Part III contains the requirements and instructions for preparing the Uniform Project Description. Part IV contains the evaluation criteria upon which applications will be reviewed and evaluated. Part V describes the application and selection process. Part VI provides the required contents of the application as well as instructions for submission. *Appendix A* is a list of the current ELOA grantees (FY 01) and the geographic areas they serve.

The contents of the **SUPPLEMENTARY INFORMATION** section are outlined below:

Table of Contents

Part I. General Information

A. The Child Care Bureau

The Child Care Bureau was established in 1994 to provide leadership to efforts to enhance the quality, affordability, and supply of child care. The Child Care Bureau administers the Child Care and Development Fund (CCDF), a $4.8 billion child care program that includes funding for child care subsidies and activities to improve the quality and availability of child care. CCDF was created after amendments to ACF child care programs by Title VI of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 consolidated four Federal child care funding streams including the Child Care and Development Block Grant, AFDC/JOBS Child Care, Transitional Child Care, and At-Risk Child Care. With related State and Federal funding, CCDF provides close to $11 billion a year to States, Territories, and Tribes to help low-income working families access child care services.

The Bureau works closely with ACF Regional Offices, States, Territories, and Tribes to assist with, oversee, and document implementation of new policies and programs in support of State, local, and private sector administration of child care services and systems. In addition, the Bureau collaborates extensively with other offices throughout the Federal government to promote integrated, family-focused services, and coordinated child care delivery systems. In all of these activities, the Bureau seeks to enhance the quality, availability, and affordability of child care services, support children's healthy growth and development in safe child care environments, enhance parental choice and involvement in their children's care, and facilitate the linkage of child care with other community services.

B. The Early Learning Opportunities Act

The Early Learning Opportunities Act (ELOA) was passed by Congress to award grants to States to enable them to increase, support, expand and better coordinate early learning opportunities for children and their families through local community organizations. The purposes of the Act are to: (1) Increase the availability of voluntary programs, services, and activities that support early childhood development, increase parent effectiveness, and promote the learning readiness of young children so that young children enter school ready to learn; (2) support parents, child care providers, and caregivers who want to incorporate early learning activities into the daily lives of young children; (3) remove barriers to the provision of an accessible system of early childhood learning programs in communities throughout the United States; (4) increase the availability and affordability of professional development activities and compensation for caregivers and child care providers; and (5) facilitate the development of community-based systems of collaborative service delivery models characterized by resource sharing, linkages between appropriate supports, and local planning for services.

The Act provides that if the amount appropriated for this program in any fiscal year is less than $150 million, the Department of Health and Human Services (DHHS) shall award grants on a competitive basis directly to Local Councils. DHHS is administering the program under this special provision in FY 2002.

C. Early Learning Opportunities Act Grants—Goals and Priorities

In FY 2002, grants will be awarded, on a competitive basis, directly to those Local Councils that can best assess their community needs and create a plan to facilitate the development of community-based systems and collaborative service delivery models.

ELOA grants will be available to Local Councils that have been so designated by a local government entity, Indian Tribe, Regional Corporation, or Native Hawaiian entity. Local Councils will be required to submit the results of a current needs and resources assessment, documenting the needs of the young children and families in their locality, as well as a local plan that addresses the most significant needs. To receive an ELOA grant, the plan must include activities for ''Enhancing Early Childhood Literacy,'' AND two or more of the other allowable ELOA activities specified in Part II, F.

In developing local plans and applications under this announcement, ACF encourages Local Councils to incorporate strategies to promote the involvement of faith-based providers, father involvement, healthy marriage, ELOA services in rural communities, and support to families transitioning-off welfare. The implementation plan must describe the outcome measures for each proposed activity.

D. Definitions

Administrative Costs—eans costs related to the overall management of the program, which do not directly relate to the provision of program services. These costs can be in both the personnel and non-personnel budget categories and include, but are not limited to: salaries of managerial and administrative staff, indirect costs, and other costs associated with administrative functions such as accounting, payroll services, or auditing. **Note:** Not more than three percent of the total Federal share received by the Local Council through this announcement shall be used to pay for the ''administrative costs'' of the Local Council, including administrative costs of any sub-grantees and third parties in carrying out activities funded under the grant.

Budget Period—for the purposes of this announcement, budget period means the period of time for which ELOA funds are made available to a particular grantee (*i.e.*, beginning on September 30, 2002 and ending on February 28, 2004).

Caregiver—means an individual, including a relative, neighbor, or family friend, who regularly or frequently provides care, with or without compensation, for a child for whom the individual is not the parent.

Child Care Provider—means a provider of non-residential child care services (including center-based, family-based, and in-home child care services) for compensation who or that is legally operating under State law, and in compliance with applicable State and local requirements for the provision of child care services.

Early Learning—when used with respect to a program or activity, means learning designed to facilitate the development of cognitive, language, motor, and social-emotional skills for, and to promote learning readiness in, young children (*see* definition of young child).

Early Learning Program—means a program of services or activities that helps parents, caregivers, and child care providers to incorporate early learning into the daily lives of young children; or a program that directly provides early learning to young children.

Indian Tribe—has the meaning given the term in section 4 of the Indian Self-

Determination and Education Assistance Act (25 U.S.C. 450b).

Local Council—means a Local Council established or designated by a local government, Indian Tribe, Regional Corporation, or Native Hawaiian entity to serve as applicant under this announcement serving one or more localities.

Local Government—means a county, municipality, city, town, township, borough, parish, select board, council of local governments (whether or not incorporated as a nonprofit corporation under State law), intra-state district, a general purpose unit of local government, and any other interstate or regional unit of local government. ''Local Government'' does not mean any of the 50 States, or any agency or instrumentality of a State exclusive of local governments.

Locality—means a city, county, borough, township, or area served by another general purpose unit of local government, an Indian Tribe, a Regional Corporation, or a Native Hawaiian entity.

Native Hawaiian Entity—means a private non-profit organization that serves the interests of Native Hawaiians, and is recognized by the Governor of Hawaii for the purpose of planning, conducting, or administering programs (or parts of programs) for the benefit of Native Hawaiians.

Non-Federal Share—means that portion of project costs not borne by the Federal government. Under ELOA, the minimum required Non-Federal Share is 15 percent of the total Federal cost of the approved project.

Parent—means a biological parent, an adoptive parent, a stepparent, a foster parent, or a legal guardian of, or a person standing in loco parentis to a child.

Program Income—means gross income earned by the grantee or subgrantee that is directly generated by a grant supported activity, or earned only as a result of the award. 45 CFR parts 74 and 92 include similar types of earned revenue, which qualify as program income. These include but are not limited to income from fees for services performed and the use of rental property.

Project Period—for the purposes of this announcement, project period means a starting date of September 30, 2002 and an ending date of February 28, 2004.

Real Property—means land, including land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

Regional Corporation—means a Native Alaska Regional Corporation; an entity listed in section 419(4)(B) of the Social Security Act (42 U.S.C. 619(4)(B)).

Training—means instruction in early learning that—(a) Is required for certification under State and local laws, regulations, and policies; (b) Is required to receive a nationally or State recognized credential or its equivalent; (c) is received in a postsecondary education program focused on early learning or early childhood development in which the individual is enrolled; or (d) is provided, certified, or sponsored by an organization that is recognized for its expertise in promoting early learning or early childhood development.

Young Child—for purposes of this program, means any child from birth to the age of mandatory school attendance in the State where the child resides.

Part II. Key Program Information and Requirements

A. Purposes

The purposes of the Early Learning Opportunities Act (ELOA) are—

- To increase the availability of voluntary programs, services, and activities that support early childhood development, increase parent effectiveness, and promote the learning readiness of young children so that young children enter school ready to learn;
- To support parents, child care providers, and caregivers who want to incorporate early learning activities into the daily lives of young children;
- To remove barriers to the provision of an accessible system of early childhood learning programs in communities throughout the United States;
- To increase the availability and affordability of professional development activities and compensation for caregivers and child care providers; and
- To facilitate the development of community-based systems of collaborative service delivery models characterized by resource sharing, linkages between appropriate supports, and local planning for services.

B. Citations

1. *Sponsorship.* Grants being awarded under this announcement are sponsored by the Child Care Bureau (the Bureau) of the Administration on Children, Youth and Families (ACYF) in the Administration for Children and Families (ACF), U.S. Department of Health and Human Services (DHHS). The Bureau will manage the grants.

2. *Funding Authority.* Funding is provided by ACF under the Consolidated Appropriations Act, 2002 (Pub. L. 107–116) and Pub. L. 106–554, the Early Learning Opportunities Act.

3. *Catalog of Federal Domestic Assistance.* The Catalog of Federal Domestic Assistance Number is 93.577.

C. Number of Awards

The Bureau estimates that between 25 and 35 grants will be awarded in FY 2002, subject to the availability of funds and the results of the review process.

D. Project Duration and Budget Period

The project period for all ELOA grants will be 17 months and will begin on September 30, 2002 and end on February 28, 2004.

E. Funding Levels and Reservations

Individual awards will be between $250,000 and $1,000,000 depending on the size of the population to be served as well as geographic area to be served and the reasonableness of the budget in relationship to the services to be provided. While this will vary depending on the scope of the applications submitted, awards are expected to average $700,000.

The Act (section 809) provides that the Secretary shall reserve a portion of each year's total ELOA appropriation for Indian Tribes, Regional Corporations, and Native Hawaiian entities. ACF anticipates competitively awarding funds to at least one Local Council designated by an Indian Tribe and one Local Council designated by an Alaska Native Regional Corporation or Native Hawaiian entity, subject to receipt of applications meeting the requirements of the Act as reflected in this announcement. ACF intends to award no less than one percent of the FY 2002 ELOA appropriation in grants to Indian Tribes, Alaska Natives, and Native Hawaiians.

F. Allowable Early Learning Activities

In general, Local Councils may use ELOA funds to pay for developing, operating, or enhancing voluntary early learning programs that are likely to produce sustained gains in early learning. The President has identified the enhancement of early childhood literacy as a priority for this administration. Therefore, for FY 2002 grants, the Child Care Bureau will only consider for funding those Local Councils that include in their applications activities for ''Enhancing Early Childhood Literacy'' (*see* Item a. below), *and* two or more of the other allowable activities listed below (*i.e.*, Items b. through g.).

The Project Summary/Abstract must contain statements that clearly identify

which of the following allowable early learning activities are included in the project.

(a) Enhancing early childhood literacy AND two or more of the following allowable activities:

(b) Helping parents, caregivers, child care providers, and educators increase their capacity to facilitate the development of cognitive, language comprehension, expressive language, social emotional, and motor skills, and promote learning readiness;

(c) Promoting effective parenting;

(d) Developing linkages among early learning programs within a community and between early learning programs and health care services for young children;

(e) Increasing access to early learning opportunities for young children with special needs including developmental delays, by facilitating coordination with other programs serving such young children;

(f) Increasing access to existing early learning programs by expanding the days or times that the young children are served, by expanding the number of young children served, or by improving the affordability of the programs for low-income families;

(g) Improving the quality of early learning programs through professional development and training activities, increased compensation, and recruitment and retention incentives, for early learning providers;

(h) Removing ancillary barriers to early learning, including transportation difficulties and absence of programs during nontraditional work times.

G. Non-Federal Share of Project Costs

Grantees must provide at least 15 percent of the total approved project cost. The total approved project cost is the sum of the Federal share and the non-Federal share. Therefore, a project requesting $500,000 in Federal funds must include a match of at least $88,235 (15 percent of the total approved project cost). To compute the non-Federal share divide the Federal share by .85 and subtract the Federal share from that amount. For example: $500,000 ÷ .85 = $588,235 minus $500,000 = $88,235. The total approved project cost in this example is $588,235.

The non-Federal share may be contributed in cash or in-kind, fairly evaluated, including facilities, equipment, or services, which may be provided from State or local public sources, or through donations from private entities. For the purposes of this paragraph, the term ''facilities'' includes the use of facilities, but the term ''equipment'' means donated equipment and not the use of equipment. Grantees will be held accountable on the grant award for commitments of non-Federal resources even if the approved amount exceeds the minimum match required. Failure to provide the amount specified on the grant award can result in a disallowance of Federal funds.

H. Other Financial Requirements

1. Amounts received shall be used to supplement and not supplant other Federal, State, and local public funds expended to promote early learning. No funds provided shall be used to carry-out an activity funded under another provision of law providing for Federal child care or early learning programs, unless an expansion of such activity is identified in the local needs assessment and performance goals.

2. Not more than three percent of the total Federal share received by the Local Council through this announcement shall be used to pay for the administrative costs (as defined in Part I, D.) of the Local Council, including the administrative costs of any of its sub-grantees and third parties, in carrying-out activities funded under the grant.

3. Local Councils receiving assistance under the ELOA shall ensure that programs, services, and activities assisted under this program, which customarily require a payment for such programs, services, or activities, adjust the cost of such programs, services, and activities provided to the individual or the individual's child based on the individual's ability to pay.

4. Applications proposing to use ELOA funds for construction purposes or for the purchase of real property will not be considered for funding.

I. Eligibility

Designation of Local Council by Local Government Entity

An eligible applicant for FY 2002 ELOA grants must be designated by a local government entity (or Indian Tribe, Regional Corporation, or Native Hawaiian entity) as a ''Local Council'' to serve one or more localities. The applicant must include a letter in its application from an appropriate local government entity specifically designating it as the Local Council. The local government entity making the designation must also clearly explain in its letter the source/nature of its authority to make such a designation. Applicants from Indian Tribes and Regional Corporations must include a tribal resolution from the governing body of the Tribe(s) or Regional Corporation(s), which designates the Local Council for the purpose of the ELOA.

Composition of a Local Council

To receive an award, the membership of the Local Council must be composed of:

(a) Representatives of local agencies that will be directly affected by early learning programs assisted under the ELOA and this announcement;

(b) Parents;

(c) Other individuals concerned with early learning issues in the locality, such as representatives of entities providing elementary education, child care resource and referral services, early learning opportunities, child care, and health services; and

(d) Other key community leaders.

In addition, Local Councils may be faith-based organizations or may include faith-based organizations in their membership, provided all eligibility criteria outlined above are met. Local Councils that were formed prior to the date of enactment of the ELOA and that meet the membership requirements above will be considered eligible. Local Councils and their Fiscal Agents must also be able to demonstrate organizational and fiscal capabilities.

Local Council as Applicant and Designation of Fiscal Agent

A Local Council may enter into an agreement with an entity that has a demonstrated capacity for administering grants that is affected by, or concerned with, early learning issues, including the State, to serve as fiscal agent for the administration of grant funds received by the Local Council under this program. This may include faith-based organizations. The Local Council, however, must be the applicant under this announcement, and if selected to receive a grant, must be responsible for ensuring compliance with the activities and terms of the grant. If the Local Council is not incorporated or does not have an employer identification number (EIN) issued by the Internal Revenue Service), it may designate its fiscal agent as the applicant applying ''On Behalf of the Local Council'' (*see* Items 5 and 6 on the SF–424).

Non-Profit Status

Non-profit organizations submitting an application must submit proof of their non-profit status in their applications at the time of submission. This can be accomplished by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in section 501(c)(3) of the IRS code, or by providing a copy of the

currently valid IRS tax exemption certificate, or by providing a copy of the articles of incorporation as a not-for-profit organization, bearing the seal of the State in which the corporation or association is domiciled.

Geographic Location and Locality(ies) To Be Served

Applicants must describe the precise location of the project and boundaries of the area to be served at the beginning of the Project Description Summary/Abstract (*see* Part III, A. below) including the following: the State, county(ies), specific locality(ies) (*e.g.,* city, town, township, borough, parish, or area served by another general purpose of local government, Indian Tribe, Regional Corporation (Alaska), or native Hawaiian entity).

Note: Applications received from multiple applicants proposing to serve the same or overlapping geographic areas will not be considered for award. Applicants that propose to serve all or part of a geographic area, which is currently being served by an ELOA grantee (See Appendix A) also will not be considered for award.

Other Eligibility Information

Local Councils in each of the 50 States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico are eligible to apply under this announcement. Only Local Councils, not individuals, are eligible to apply under this announcement. Local Councils (and the localities served by those Local Councils) that received FY 2001 ELOA grants will not be considered for FY 2002 awards under this announcement.

J. Protections

1. No person, including a parent, shall be required to participate in any program of early childhood education, early learning, parent education, or developmental screening pursuant to the provisions of the Early Learning Opportunities Act.

2. Nothing in the Early Learning Opportunities Act shall be construed to affect the rights of parents otherwise established in Federal, State, or local law.

3. No entity that receives funds under the Early Learning Opportunities Act shall be required to provide services under this announcement through a particular instructional method or in a particular instructional setting to comply with the ELOA.

Part III. General Instructions for Preparing the Uniform Project Description

General Instructions for Preparing a Full Project Description

ACF is particularly interested in specific factual information and statements of measurable goals in quantitative terms. Project descriptions are evaluated on the basis of substance, not length. Extensive exhibits are not required. Cross-referencing should be used rather than repetition. Supporting information concerning activities that will not be directly funded by the grant or information that does not directly pertain to an integral part of the grant-funded activity should be placed in an appendix.

The Project Description Overview

Purpose

The project description provides a major means by which an application is evaluated and ranked to compete with other applications for available assistance. The project description should be concise and complete and should address the activity for which Federal funds are being requested. Supporting documents should be included where they can present information clearly and succinctly. In preparing your project description, all information requested through each specific evaluation criteria should be provided. Awarding offices use this and other information in making their funding recommendations. It is important, therefore, that this information be included in the application.

Pages should be numbered and a table of contents should be included for easy reference.

A. Project Summary/Abstract/Geographic Location

Provide a summary of the project description (a page or less) with reference to the funding request. Describe the precise location of the project and boundaries of the area to be served by the proposed project. Maps or other graphic aids may be attached.

B. Objectives and Need for Assistance

Clearly identify the physical, economic, social, financial, institutional, and/or other problem(s) requiring a solution. The need for assistance must be demonstrated and the principal and subordinate objectives of the project must be clearly stated; supporting documentation, such as letters of support and testimonials from concerned interests other than the applicant, may be included. Any relevant data based on planning studies should be included or referred to in the endnotes/footnotes. Incorporate demographic data and participant/beneficiary information, as needed. In developing the project description, the applicant may volunteer or be requested to provide information on the total range of projects currently being conducted and supported (or to be initiated), some of which may be outside the scope of the program announcement.

C. Results or Benefits Expected

Identify the results and benefits to be derived. *For example:* Specify the number of children and families to be served and how the services to be provided will be funded consistent with the local needs assessment. Or, explain how the expected results will benefit the population to be served in meeting its needs for early learning services and activities.

D. Approach/Evaluation

Approach

Outline a plan of action, which describes the scope and detail of how the proposed work will be accomplished. Account for all functions or activities identified in the application. Cite factors, which might accelerate or decelerate the work and state your reason for taking the proposed approach rather than others. Describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.

Provide quantitative monthly or quarterly projections of the accomplishments to be achieved for each function or activity in such terms as the number of people to be served and the number of activities accomplished. When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.

If any data is to be collected, maintained, and/or disseminated, clearance may be required from the U.S. Office of Management and Budget (OMB). This clearance pertains to any ''collection of information that is conducted or sponsored by ACF.''

List organizations, cooperating entities, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.

Evaluation

Provide a narrative addressing how the results of the project and the

conduct of the project will be evaluated. In addressing the evaluation of results, state how you will determine the extent to which the project has achieved its stated objectives and the extent to which the accomplishment of objectives can be attributed to the project. Discuss the criteria to be used to evaluate results, and explain the methodology that will be used to determine if the needs identified and discussed are being met and if the project results and benefits are being achieved. With respect to the conduct of the project, define the procedures to be employed to determine whether the project is being conducted in a manner consistent with the work plan presented and discuss the impact of the project's various activities on the project's effectiveness.

E. Additional Information

The following are requests for additional information that need to be included in the application:

Staff and Position Data

Provide a biographical sketch for each key person appointed and a job description for each vacant key position. A biographical sketch will also be required for new key staff as appointed.

Plan for Continuance Beyond Grant Support

Provide a plan for securing resources and continuing project activities after Federal assistance has ceased.

Organizational Profiles

Provide information on the applicant organization(s) and cooperating partners such as organizational charts, financial statements, audit reports or statements from CPAs/Licensed Public Accountants, Employer Identification Numbers, names of bond carriers, contact persons and telephone numbers, child care licenses and other documentation of professional accreditation, information on compliance with Federal/State/local government standards, documentation of experience in the program area, and other pertinent information. Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission.

The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in section 501(c)(3) of the IRS code, or by providing a copy of the currently valid IRS tax exemption certificate, or by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

Third-Party Agreements

Include written agreements between grantees and subgrantees or subcontractors or other cooperating entities. These agreements must detail scope of work to be performed, work schedules, remuneration, and other terms and conditions that structure or define the relationship.

Letters of Support

Provide statements from community, public and commercial leaders that support the project proposed for funding. All submissions should be included in the application *OR* by application deadline.

F. Budget and Budget Justification

Provide line item detail and detailed calculations for each budget object class identified on the Budget Information form. Detailed calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. The detailed budget must also include a breakout by the funding sources identified in Block 15 of the SF–424.

Provide a narrative budget justification that describes how the categorical costs are derived. Discuss the necessity, reasonableness, and allocability of the proposed costs.

General

The following guidelines are for preparing the budget and budget justification. Both Federal and non-Federal resources shall be detailed and justified in the budget and narrative justification. For purposes of preparing the budget and budget justification, ''Federal resources'' refers only to the ACF grant for which you are applying. Non-Federal resources are all other Federal and non-Federal resources. It is suggested that budget amounts and computations be presented in a columnar format: first column, object class categories; second column, Federal budget; next column(s), non-Federal budget(s), and last column, total budget. The budget justification should be a narrative.

Personnel

Description: Costs of employee salaries and wages.

Justification: Identify the project director or principal investigator, if known. For each staff person, provide the title, time commitment to the project (in months), time commitment to the project (as a percentage or full-time equivalent), annual salary, grant salary, wage rates, etc. Do not include the costs of consultants or personnel costs of delegate agencies or of specific project(s) or businesses to be financed by the applicant.

Fringe Benefits

Description: Costs of employee fringe benefits unless treated as part of an approved indirect cost rate.

Justification: Provide a breakdown of the amounts and percentages that comprise fringe benefit costs such as health insurance, FICA, retirement insurance, taxes, etc.

Travel

Description: Costs of project-related travel by employees of the applicant organization (does not include costs of consultant travel).

Justification: For each trip, show the total number of traveler(s), travel destination, duration of trip, per diem, mileage allowances, if privately owned vehicles will be used, and other transportation costs and subsistence allowances. Travel costs for key staff to attend ACF-sponsored workshops should be detailed in the budget.

Equipment

Description: ''Equipment'' means an article of nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost which equals or exceeds the lesser of (a) the capitalization level established by the organization for the financial statement purposes, or (b) $5,000. (**Note:** Acquisition cost means the net invoice unit price of an item of equipment, including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. Ancillary charges, such as taxes, duty, protective in-transit insurance, freight, and installation shall be included in or excluded from acquisition cost in accordance with the organization's regular written accounting practices.)

Justification: For each type of equipment requested, provide a description of the equipment, the cost per unit, the number of units, the total cost, and a plan for use on the project, as well as use or disposal of the equipment after the project ends. An applicant organization that uses its own definition for equipment should provide a copy of its policy or section of its policy which includes the equipment definition.

Supplies

Description: Costs of all tangible personal property other than that included under the Equipment category.

Justification: Specify general categories of supplies and their costs. Show computations and provide other information, which supports the amount requested.

Contractual

Description: Costs of all contracts for services and goods except for those that belong under other categories such as equipment, supplies, construction, etc. Third-party evaluation contracts (if applicable) and contracts with secondary recipient organizations, including delegate agencies and specific project(s) or businesses to be financed by the applicant, should be included under this category.

Justification: All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. Recipients and subrecipients, other than States that are required to use Part 92 procedures, must justify any anticipated procurement action that is expected to be awarded without competition and exceed the simplified acquisition threshold fixed at 41 USC 403(11) (currently set at $100,000). Recipients might be required to make available to ACF pre-award review and procurement documents, such as request for proposals or invitations for bids, independent cost estimates, etc.

Note: Whenever the applicant intends to delegate part of the project to another agency, the applicant must provide a detailed budget and budget narrative for each delegate agency, by agency title, along with the required supporting information referred to in these instructions.

Other

Enter the total of all other costs. Such costs, where applicable and appropriate, may include but are not limited to insurance, food, medical and dental costs (noncontractual), professional services costs, space and equipment rentals, printing and publication, computer use, training costs, such as tuition and stipends, staff development costs, and administrative costs.

Justification: Provide computations, a narrative description, and a justification for each cost under this category.

Program Income

Description: The estimated amount of income, if any, expected to be generated from this project.

Justification: Describe the nature, source, and anticipated use of program income in the budget or refer to the pages in the application, which contain this information.

Non-Federal Resources

Description: Amounts of non-Federal resources that will be used to support the project as identified in Block 15 of the SF–424.

Justification: The firm commitment of these resources must be documented and submitted with the application in order to be given credit in the review process. A detailed budget must be prepared for each funding source.

Part IV. Evaluation Criteria

Criterion 1. Objectives and Need for Assistance (20 points)

1. The extent to which the applicant specifies the goals and objectives of the project and describes how implementation will fulfill the purposes of the ELOA. The applicant must demonstrate a thorough understanding of the importance of early learning services and activities that help parents, caregivers, and child care providers incorporate early learning into the daily lives of young children, as well as programs that directly provide early learning to young children.

2. The extent to which the applicant demonstrates the need for assistance including identification and discussion of its needs and resources assessment concerning early learning services. Relevant data from the assessment should be included. Participant and beneficiary information must also be included.

3. The extent to which the applicant describes its resources assessment and the relevancy of the results as the basis for determining its objectives and need for assistance.

4. The extent to which the applicant demonstrates how it will give preference to supporting activities/projects that maximize the use of resources through collaboration with other early learning programs, provide continuity of services for young children across the age spectrum, and help parents and other caregivers promote early learning with their young children. The applicant must provide information about how decisions will be made about who will provide each early learning service and/or activity funded through this grant.

5. The extent to which the applicant demonstrates that it has worked with local education agencies to identify cognitive, social, and emotional, and motor developmental abilities which are necessary to support children's readiness for school; that the programs, services, and activities assisted under this title will represent developmentally appropriate steps toward the acquisition of those abilities; and, that the programs, services, and activities assisted provide benefits for children cared for in their own homes as well as children placed in the care of others.

Criterion 2. Results and Benefits Expected (15 Points)

1. The extent to which the applicant specifies the number of children and families to be served and how the services to be provided will be funded consistent with the assessment.

2. The extent to which the applicant explains how the expected results will benefit the population to be served in meeting its needs for early learning services and activities.

3. The extent to which the applicant describes how it will assess the effects that services provided under this grant have had in addressing the needs identified under its needs and resources assessment. Particular attention must be paid to discussing how the effectiveness of the activities included in their implementation plan (approach) will be assessed.

4. The extent to which the applicant demonstrates that completion of the proposed objectives will result in specific, measurable results. The specific information provided in the narrative and plan on expected results or benefits for each objective is the standard upon which its achievement can be evaluated at the end of the project period (*i.e.,* 17 months).

Criterion 3. Approach/Evaluation (35 Points)

1. The extent to which the applicant includes a detailed plan that identifies goals and objectives, relates those goals and objectives to the findings of its needs and resources assessment, and provides a work plan identifying specific activities necessary to accomplish the stated goals and objectives. The plan must demonstrate that each of the project objectives and activities supports the current needs and resource assessment and can be accomplished with the available or expected resources during the proposed project period.

In addition, the plan must:

a. Indicate when the objective and major activities under each objective will be accomplished (a timeline is recommended);

b. Specify who will conduct the activities under each objective;

c. Describe how subcontractors will be chosen and held accountable for

carrying out activities in compliance with this application, and grant terms and conditions;

d. Describe how actual and perceived conflict of interest will be avoided if the Local Council is also a direct service provider; and

e. Indicate how programs, services, and activities are provided based on the family's ability to pay (for services that customarily require a payment).

2. The extent to which the applicant proposes to implement activities consistent with ACF priorities as supported by the community needs and resources assessment. (ACF priorities include enhancing early literacy, involving faith-based providers, involving fathers, and strengthening marriage, as well as supports to rural communities, and families transitioning-off welfare.)

3. The extent to which the applicant describes how the project will form collaborations among local early learning, youth, social service, educational providers (including faith-based organizations) to maximize resources and concentrate efforts on areas of greatest need.

4. The extent to which the applicant describes its work with local educational agencies to identify cognitive, social, emotional, and motor developmental abilities, which are necessary to support children's readiness for school.

5. The extent to which the applicant's programs, services, and activities assisted under ELOA will represent developmentally appropriate steps toward the acquisition of those abilities.

6. The extent to which the applicant's programs, services, and activities assisted under this announcement provide benefits for children cared for in their own homes as well as children placed in the care of others.

7. The extent to which the applicant's plan describes how unanticipated problems will be resolved to ensure that the project will be completed on time and with a high degree of quality.

8. The extent to which the applicant includes a feasible plan for securing resources and continuing early learning activities after Federal assistance has ended.

Criterion 4. Additional Information (20 Points)

1. The extent to which the applicant demonstrates its staff and organizational experience particularly in areas of facilitating needs and resources assessments and collaborative activities as they relate to early learning services. The applicant must also document its experience in facilitating such activities and the length of time the applicant has been involved in these activities. Evidence of the applicant's ability to manage a project of the proposed scope is demonstrated. The application clearly shows the successful management of projects of similar scope by the organization, and/or by the individuals designated to manage the project.

2. The extent to which the applicant provides position descriptions and/or resumes of key personnel, including those of consultants, which clearly relate to the personnel staffing required to achieve the project objectives and the proposed budget. The position descriptions and resumes must clearly describe the qualifications, any specialized skills, and duties for each position necessary for overall quality of the project. Resumes must be included if individuals have been identified for positions in the application. The applicant must also list organizations and consultants who will participate in the project along with a short description of the nature of their effort or contribution.

3. The extent to which the applicant describes its agency including the types, quantities, and costs of services it provides. The applicant must discuss the role of other organizations that will be involved in providing direct services to children and families through this grant.

4. If the Local Council plans to work with a fiscal agent, that entity, its qualifications, and its relationship to the Council must be described.

5. The extent to which the applicant provides organizational charts for the Local Council and its members, and any third-parties. List all sites, including addresses, phone numbers and staff contacts.

6. The extent to which the applicant demonstrates active participation of the Local Council in the development of its application and the project, if funded. Such evidence includes but is not limited to minutes of council meetings, resolutions, newspaper articles, and letters of commitment/support.

7. The extent to which the applicant demonstrates a feasible plan for securing resources and continuing project activities after Federal assistance has ceased.

8. The extent to which the applicant includes third-party agreements with cooperating entities, which detail the scope of work to be performed, work schedules, remuneration, and any other terms and conditions that structure or define the relationship. Information about new agreements that will be executed with subgrantees, contractors, or other cooperating entities should also be included.

9. The extent to which the applicant demonstrates support for the project from parents, the community at-large, and other key leaders and stakeholders.

Criterion 5. Budget and Budget Justification (10 Points)

1. The extent to which the applicant demonstrates that the funds requested will be used for early learning services that are allowed under this announcement. The discussion must refer to (1) the budget information presented on Standard Forms 424 and 424A and the applicant's budget justification and (2) the results or benefits identified under Criterion 2 above. Funds must be designated to allow two representatives from the Local Council to attend one two-day grantee meeting in Washington, DC.

2. The extent to which the project's costs are reasonable in view of the activities to be carried out, that the funds are appropriately allocated across component areas, and that the budget is sufficient to accomplish the objectives.

3. The extent to which the applicant and/or its fiscal agent demonstrates that it has sufficient fiscal and accounting capacity to ensure prudent use, proper disbursement, and accurate accounting of funds.

Part V. Application and Selection Process

A. Assistance to Prospective Grantees

Potential grantees can direct questions about application forms to the Administration on Children, Youth and Families, Child Care Bureau Program Announcement at 1–800–351–2293. Questions about the ELOA program requirements may be directed to the Federal Project Officer at 202–690–6243.

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B. Application Requirements

To be considered for a grant, each application must be submitted on the forms provided in the Application Kit and in accordance with the guidance provided in Parts V and VI below.

C. Paperwork Reduction Act of 1995

Public reporting burden for this collection of information is estimated to average 10 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information.

The project description is approved under OMB control number 0970–0139, which expires December 31, 2003.

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.

D. Notification Under Executive Order 12372

This program announcement is not covered under Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' and 45 CFR part 100, ''Intergovernmental Review of Department of Health and Human Services Program and Activities.''

E. Availability of Forms and Other Materials

A copy of the standard forms that must be submitted as part of an application and instructions for completing the application are provided in the Application Kit. These standard forms can also be downloaded and printed at: *http://www.acf.dhhs.gov/programs/ofs/forms.htm.* Additional copies of this announcement may be obtained by calling 1–800–351–2293.

F. Application Consideration and Selection

Each application will undergo an eligibility and conformance review by Federal Child Care Bureau staff. Applications that pass the eligibility and conformance review will be evaluated on a competitive basis according to the evaluation criteria in Part IV of this program announcement. This review will be conducted in Washington, DC by panels of Federal and non-Federal experts knowledgeable in the areas of early learning, child care, early childhood education, and other relevant program areas.

Application review panels will assign a score to each application and identify its strengths and weaknesses. The Child Care Bureau will conduct an administrative review of the applications and results of the competitive review panels and make recommendations for funding to the Commissioner, ACYF.

Subject to the recommendation of the Child Care Bureau's Associate Commissioner, the Commissioner, ACYF, will make the final selection of the applications to be funded. Applications may be funded in whole or in part depending on: (1) The ranked order of applicants resulting from the competitive review; (2) staff review and consultations; (3) the combination of projects that best meets the Bureau's objectives; (4) the funds available; (5) the statutory requirement that reserves funds for Indian Tribes, Alaska Native Regional Corporations, and Native Hawaiian entities; and (6) other relevant considerations. The Commissioner may also elect not to fund any applicants with known management, fiscal, reporting, program, or other problems which make it unlikely that they would be able to provide effective services.

Successful applicants will be notified through the issuance of a Financial Assistance Award that sets forth the amount of funds granted, the terms and conditions of the grant award, the effective date of the award, and the budget period for which support is given, and the total project period for which support is provided. Organizations whose applications will not be funded will be notified in writing by the Commissioner, ACYF. Every effort will be made to notify all unsuccessful applicants as soon as possible after final decisions are made.

Part VI. Submission Instructions

A. Contents of Application

A complete application consists of the following items in the order listed:

1. *Application for Federal Assistance (Standard Form 424, REV 4–92).* Follow the instructions on the back of the form. In Item 5 on the SF–424, enter the name of the applicant [Local Council]. However, if the Local Council is not incorporated or does not have an EIN issued by the IRS, the name of its fiscal agent must be entered followed by ''On Behalf of the [name of Local Council]. For example: Caring County Community Services On Behalf of the Early Childhood Alliance Local Council. Enter the Employer Identification Number (EIN) in Item 6. The EIN must be the number assigned to the entity identified in Item 5. In Item 8 on the SF–424, check ''New.'' In Item 10, clearly identify the Catalog of Federal Domestic Assistance program title and number (*i.e.,* Early Learning Opportunities Act, 93.577). A signature on the application constitutes an assurance that the applicant will comply with the relevant Departmental regulations contained in 45 CFR part 74 or part 92.

2. *Budget Information*—Non-Construction Programs (Standard Form 424A). Follow the instructions on the back of the form.

3. *Assurances*—Non-Construction Programs (Standard Form 424B). A duly authorized representative of the applicant organization must certify that the applicant is in compliance with these assurances and certifications. The applicant must certify its compliance with: (1) Drug-free workplace requirements; (2) debarment and other responsibilities; (3) Pro-Children Act of 1994 (Certification Regarding Environmental Tobacco Smoke). A signature on the SF 424 indicates compliance with the Drug Free Workplace Requirements, Debarment and Other Responsibilities and Environmental Tobacco Smoke Certifications.

4. *Certification Regarding Lobbying.* Applicants must include an executed Certification Regarding Lobbying prior to receiving an award in excess of $100,000.

5. *Cover Letter that includes the announcement number and contact information for the applicant.* The letter must be signed by an individual authorized to act for the applicant agency and to assume responsibility for the obligations imposed by terms and conditions of the grant award.

6. *A signed Letter of Designation for the Local Council from a local government entity that explains its authority to make such a designation.*

7. *A Tribal Resolution, if applicable.*

8. *A Table of Contents.*

9. *A Project Description Summary/Abstract (one page maximum)*—Clearly mark this page with the applicant's name as shown in Item 5 on the SF–424, identify the title of the proposed project as shown in Item 11, and the service area as shown in Item 12 of the SF–424. The Project Description Summary/Abstract must not exceed 300 words. The first paragraph must describe the precise location of the project and the boundaries of the area to be served including the following: the State, county(ies), specific locality(ies) (*e.g.,* city, county, borough, township, parish, etc.) and/or region(s). Care should be taken to produce a Summary/Abstract that accurately and concisely reflects the proposed project. It should briefly describe the objectives of the project, the approach to be used, and the results and benefits expected.

10. *The Project Narrative.* The applicant is strongly encouraged to use the evaluation criteria in Part IV to organize its response to Part III, the Uniform Project Description. Specific information should be provided that addresses all components of each criterion. It is in the applicant's best interest to ensure that the project description is easy to read, logically developed in accordance with the evaluation criteria, and adheres to recommended page limitations. In addition, the applicant should be mindful of the importance of preparing and submitting applications using language, terms, concepts, and descriptions that are generally known to the field of early learning as defined under this announcement.

The pages of the project description must be double-spaced, printed on only

one side, with no less than one-inch margins, and numbered. Applicants are strongly encouraged to limit this portion of their application to no more than 100 pages.

11. *Appendices.* The recommended maximum number of pages for supporting documentation is 50 numbered pages. These documents might include excerpts from the needs and resources assessment, resumes/job descriptions, photocopies of news clippings, documents related to the involvement and participation of the Local Council, and evidence of its efforts to coordinate child care services at the local level including letters of support and/or third-party agreements.

B. Submission of Application

To be considered for funding, the applicant must submit one signed original and two additional copies of the application, including all attachments, to the application receipt point specified above. The original copy of the application must have original signatures, signed in blue ink. Each copy must be stapled (back and front) in the upper left corner. All copies of an application must be submitted in a single package.

Each application will be duplicated, therefore, please do not use or include colored paper, colored ink, separate covers, binders, clips, tabs, plastic inserts, over-sized paper, videotapes, or any other items that cannot be easily duplicated on a photocopy machine with an automatic feed.

Do not bind, clip, staple, or fasten in any way separate subsections of the application, including the supporting documentation. Applicants are advised that a copy (not the original) of the application as submitted will be reproduced by the Federal government for review.

Dated: April 19, 2002.

Joan E. Ohl,

Commissioner, Administration on Children, Youth and Families.

Appendix A.—FY 2001 Early Learning Opportunity Act Grantees

Twenty-six Early Learning Opportunity Act (ELOA) grants were awarded in FY 2001. Listed below is the name of each grantee, the title of its project, and its geographic service area. The Federal Project Officer for these ELOA grants is Carol de Barba, who can be reached at 202–690–6243.

• Alameda County Children and Families Commission, San Leandro, CA 94577

Hand-in-Hand: The Alameda County Early Learning Partnership.

Alameda County is located on the eastside of San Francisco Bay and extends from the cities of Berkeley and Albany in the north to Fremont in the south. Alameda County is bounded on the north by Contra Costa County, on the south by Santa Clara County, on the southeast corner by Stanislaus County, on the east by San Joaquin County, and on the west by the San Francisco Bay.

• Bristol Bay Native Association, Dillingham, AK 99576

Bristol Bay Native Association Early Learning Opportunities Program.

The Bristol Bay region is located in Southwest Alaska. Its regional boundaries under the Alaska Native Claims Settlement Act extend about 350 miles North to South, and about 230 miles East to West. The region consists of 32 communities, 29 of which are federally recognized tribes. There are three separate census divisions: Bristol Bay Borough Census Area (three communities), the Dillingham Census Area (12 communities), and the Lake and Peninsula Borough Census Area (17 communities).

• Central Council Tlingit & Haida Indian Tribes of Alaska, Juneau, AK 99801

Encircled in a Blanket of Wellness: Children's Early Learning Mental Health Project.

This project serves the geographic area known as ''Southeast Alaska'' including the three large communities of Juneau, Sitka, and Ketchikan, and approximately 20 other communities. Southeast Alaska is a 600-mile long island archipelago and coastal strip also referred to as the ''panhandle'' of the state. The panhandle stretches from the Tsimpshian Native Village of Metlakatla in the South, to the Tlingit Native Village of Yakutat in the North.

• Community Connections, Inc., Bluefield, WV 24701

Mercer County Early Learning Project.

This is a county-wide project. Mercer County is located in the most southern part of West Virginia. The largest population base is located in the city of Bluefield; the County seat is Princeton.

• Community Coordinated Child Care, Hillside, NJ 24701

Union County Early Learning Opportunities Project

Union County is at the center of the New York—New Jersey Metropolitan Region, along the Boston—Washington Corridor. It is bounded by Essex County to the north, Morris and Somerset Counties to the west, and Middlesex County to the south. The Arthur Kill waterway separates the County from Staten Island, New York to the east. The County seat is Elizabeth.

• Durham's Partnership for Children, Durham, NC 27707

The Literacy and School Readiness Enhancement Pilot Project

This project serves Durham and Orange Counties. These counties are contiguous counties that are located in the Research Triangle area of central North Carolina.

• Early Childhood Care and Education Council of Multnomah County, Portland, OR 97204

Multnomah County Components of Early Learning.

The service area is Multnomah County, which includes the City of Portland.

• Early Learning Foundation, Seattle, WA 98115

Strengthening Early Learning Opportunities in King County Communities

This is a county-wide project serving King County including the City of Seattle.

• Fairbanks North Star Borough Early Childhood Development Commission (FNSB), Fairbanks, AK 99707

For all Families, A Community Model: Providing Early Childhood Education for Families and Communities and Promoting Excellence in Child Care in the FNSB.

The Borough is located in the central eastern half of Alaska and includes Fairbanks, Alaska and many surrounding small communities and rural areas covering 7,361 square miles.

• Family Central, Inc. On Behalf of Broward School Readiness Coalition, Inc., Fort Lauderdale, FL 33316

Broward Investment in Quality Care for Kids (BrIQCK).

Broward County is bounded by Miami-Dade County on the south, the Everglades and Collier County on the West, Palm Beach County on the north, and the Atlantic Ocean on the east. Major cities include Fort Lauderdale, Hollywood, and Pompano Beach.

• Gritman Medical Center On Behalf of the Early Childhood Service Council, Moscow, ID 83843

Early Learning Collaborative Project In A Rural Region of Northern Idaho.

This is a county-wide project in Latah County, which is located in North Central Idaho.

• Lenawee Intermediate School District, Adrian, MI 49221

Lenawee's Child (Helping to Increase Learning and Development).

Lenawee County is located in South Central Michigan along the Ohio border.

• Mid-America Regional Council (MARC), Kansas City, MO 64105

Early Childhood Excellence Project.

MARC serves as the association of city and county governments and the metropolitan planning organization for the bi-state Kansas City region. MARC serves an eight county area that includes Cass, Clay, Jackson, Platte, and Ray Counties in Missouri and Johnson, Leavenworth, and Wyandotte Counties in Kansas.

• Mid Coast Access to Child Care, Nobleboro, ME 04555

Enhancing Quality of Early Care.

The boundaries of the service area include the Counties of Waldo, Knox, Lincoln, and Sagadahoc County. It also includes the communities of Brunswick and Harpswell

located within the northernmost part of Cumberland County.

• **Mono County Office of Education On Behalf of the Mono County Child Care Council, Mono, CA 93546**

Eastern Sierra Early Learning Collaborative.

The service area includes Alpine and Mono Counties in the eastern part of California.

• **Napa County Office of Education On Behalf of the Napa County Child Care Planning Council, Napa, CA 97558**

The E.A.R.L.Y. Project: Enhancing Accessibility and Readiness for Learning by Young Children.

Napa County is located in the Northern San Francisco Bay area, southwest of Sacramento, north of Oakland/Berkeley, and northeast of San Francisco.

• **New Haven Public Schools, New Haven, CT 06519**

New Haven Early Learning Opportunities Program.

The geographic location of the targeted service area is the City of New Haven. New Haven consists of 20 different neighborhoods and a federally-designated Empowerment Zone.

• **People's Regional Opportunity Program, Portland, ME 04101**

Cumberland County ACCESS/CITE Partnership for Child Care.

The geographic area covered by this partnership is the cities and towns in Cumberland County with the exception of Brunswick, Harpswell, and South Harpswell.

• **San Bernardino County Human Services System, San Bernardino, CA 92415**

San Bernardino Early Learning Opportunities Project.

This is a county-wide project in San Bernardino County, which is located in the center of Southern California. It is bounded by the States of Arizona and Nevada, and the Counties of Riverside, Los Angeles, Inyo, and Orange.

• **San Mateo County Superintendent of Schools On Behalf of the San Mateo County Child Care Partnership Council, Redwood City, CA 94065**

San Mateo County Early Learning Project.

San Mateo County is bounded by the Pacific Ocean to the west, the San Francisco Bay to the east, San Francisco to the north, and the City of San Jose and the County of Santa Clara to the south. It includes the cities of Redwood City, San Mateo, Daly City, East Palo Alto, Menlo Park, and South San Francisco.

• **Southern Iowa Economic Development Association On Behalf of the Mahaska-Wapello Empowerment Area, Ottumwa, IA 52501**

Parents As Teachers Expansion Program

The Mahaska-Wapello Empowerment Area includes the six Counties of Appanoose, Davis, Jefferson, Keokuk, Mahaska, and Wapello. These Counties are located in the lower three tiers of Southern Iowa.

• **United Way of Greater Tucson, Tucson, AZ 85754**

First Focus on Kids: Coordinating Early Learning Opportunities for Children and Their Families.

This project serves the following zip codes in and around the City of Tucson: 85705–06, 85710, 85711–13, 85716, 85719, 85730, and 85745–46.

• **United Way of New York City, New York, NY 10016**

New York City Early Learning Project.

This project serves the five Boroughs of New York City including Brooklyn, Bronx, Manhattan, Queens, and Staten Island.

• **United Way Services, Richmond, VA 23241**

Greater Richmond Early Development Coalition

The geographic area served by this Coalition includes the City of Richmond, and the Counties of Chesterfield and Henrico.

• **United Way of Southeastern Pennsylvania, Philadelphia, PA 19103**

Children Ready: Invest in Success.

The project boundary is the City of Philadelphia.

• **Youth Health Service, Inc., Elkins, WV 26241**

Quality Care: Improving the Quality of Early Learning Services in Two Impoverished Rural Counties.

The target communities of this project are in Barbour and Randolph Counties in the north and west central parts of West Virginia.

[FR Doc. 02–10105 Filed 4–24–02; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 02F–0160]

The Minute Maid Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that The Minute Maid Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of Vitamin D_3 in calcium-fortified fruit juices and fruit drinks.

FOR FURTHER INFORMATION CONTACT: Judith L. Kidwell, Center for Food Safety and Applied Nutrition (HFS–265), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740–3835, 202–418–3354.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 2A4734) has been filed by The Minute Maid Co., c/o King and Spalding, 1700 Pennsylvania Ave. NW., Washington, DC 20006. The petition proposes to amend the food additive regulations in Part 172—*Food Additives Permitted for Direct Addition to Food for Human Consumption* (21 CFR part 172) to provide for the safe use of Vitamin D_3 as a nutrient supplement in calcium-fortified fruit juices and fruit drinks.

The agency has determined under 21 CFR 25.32(k) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Dated: March 29, 2002.

Alan M. Rulis,

Director, Office of Food Additive Safety, Center for Food Safety and Applied Nutrition.

[FR Doc. 02–10087 Filed 4–24–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 02N–0037]

Postponement of Public Informational Meeting on Antimicrobial Resistance

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the postponement of a public informational meeting on antimicrobial resistance originally scheduled for April 26, 2002. FDA will publish a notice with the new date and information for the meeting in the **Federal Register** at a future time.

DATES: The public informational meeting on antimicrobial resistance scheduled for April 26, 2002, from 9:30 a.m. to 4:30 p.m. has been postponed.

FOR FURTHER INFORMATION CONTACT: Vash Klein, Center for Veterinary Medicine (HFV–12), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 301–827–3795.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 9, 2002 (67 FR 17076), FDA announced that a public informational meeting on antimicrobial resistance would be held at the Capital Hilton Hotel, Congressional Room, 1001 16th St. (16th and K Sts.), Washington, DC, on April 26, 2002, from 9:30 a.m. to 4:30 p.m. FDA is postponing this

meeting. When FDA sets a new date for the meeting, we will publish a notice announcing the date, time, and location in the **Federal Register**.

Dated: April 19, 2002.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 02–10225 Filed 4–22–02; 4:55 pm]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information collection requests under review by the Office of Management and Budget, in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). To request a copy of the clearance requests submitted to OMB for review, call the HRSA Reports Clearance Office on (301) 443–1129.

The following request has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995:

Proposed Project: Needs Assessment of the Black Lung Clinics Program: New

The Bureau of Primary Health Care (BPHC), Health Resources and Services Administration (HRSA), is planning to conduct a needs assessment of the Black Lung Clinics Program. The purpose of this study is to obtain data about the Black Lung Clinic Program grantees/sites and the services they provide to active and retired coal miners. The study consists of two sections: (1) a written and telephone survey of the site Program Coordinators about the patients and the services they provide, as well as services that patients would like to receive, but which are not available; and, (2) a measurement of the costs associated with delivering requisite services to this population for whom data will be obtained from secondary sources. The data collected will provide policymakers with a better understanding of the resources needed to continue to support and expand the program. The assessment will provide new information about the organization, financing, and delivery of services to active and retired coal miners in Black Lung Clinic Programs.

Data from the survey and costing will provide quantitative information about the programs, specifically: (a) The characteristics of the patients they serve, (b) the organization components of the program, (c) the scope of services provided, (d) the costs and resources necessary to implement the program, (e) outreach services available, and (f) key unmet needs. This assessment will provide data useful to the program and will enable HRSA to provide data required by Congress under the Government Performance and Results Act of 1993.

The estimated burden is as follows:

Form name	Number of respondents	Responses per respondent	Hours per response	Total burden hours
Survey	52	1	8.5	442

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: John Morrall, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: April 19, 2002.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 02–10233 Filed 4–24–02; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Recruitment of Sites for Assignment of Commissioned Officers

AGENCY: Health Resources and Services Administration (HRSA), HHS.

ACTION: General notice.

SUMMARY: The Health Resources and Services Administration (HRSA) announces that applications will be accepted from organized primary health care sites that provide services to underserved populations in the neediest Health Professional Shortage Areas (HPSAs) throughout the Nation that are interested in receiving an assignment of one of forty (40) PHS commissioned officers. The National Health Service Corps (NHSC) will pay the salaries, moving expenses and benefits for 40 commissioned officers who will be part of a mobile cadre of health care professionals. These commissioned officers will provide services to patients at their assigned practice sites and may be called upon to respond to regional and/or national health emergencies. The NHSC will assist the officers in acquiring, maintaining and enhancing emergency response skills. The initial assignments will be no longer than three years in duration. Thirty-six of these commissioned officers will be family practice physicians and four will be dentists.

Eligible Applicants

To be eligible to receive the assignment of one of the forty commissioned officers, public and nonprofit private entities must: (1) meet the standard requirements to be approved as an NHSC site (*see* sections 333 and 333A of the Public Health Service Act) and (2) submit a completed Proposal for Use of a Commissioned Officer 2002 form.

All entities that receive the assignment of NHSC personnel must enter into an agreement with the State agency that administers Medicaid, accept assignment of Medicare, see all patients regardless of their ability to pay and use and post a discounted fee plan. In addition, entities must understand that if they receive the assignment of one of these forty commissioned officers, that officer will be away from the practice site for up to 4 weeks per year for training and may be away from the site for an additional period of time to respond to a regional or national health emergency.

Evaluation and Selection Process

For those entities which meet the standard requirements to be approved as an NHSC site, the NHSC will evaluate and score their Proposals for Use of a Commissioned Officer, looking at the health care needs of the HPSA to be served, the entity's proposed utilization of the commissioned officer to meet those needs, the entity's plan for evaluating that officer's progress toward meeting those needs, and the budget resources available to meet those needs.

The NHSC will determine which entities qualify for the assignment of one of the forty commissioned officers based on:

(1) The Proposal's score;

(2) The health care needs of the HPSA served as evidenced by the HPSA score (HPSAs are scored on a scale of 1 to 25 for primary care HPSAs and 1 to 26 for dental HPSAs using criteria such as ratio of available health providers to population, rate of poverty and access to primary health services taking into account the distance to such services. Higher HPSA scores correlate to greater need.); and

(3) The need to equitably distribute the commissioned officers throughout the Nation.

More than forty entities may be approved to qualify for the assignment of one of these commissioned officers. Therefore, it is possible that an entity deemed qualified may not receive a commissioned officer.

Application Requests, Dates and Address

All interested entities will be required to submit a Proposal for Use of a Commissioned Officer 2002 form. Entities that are not on the NHSC Opportunities List (*see http://bhpr.hrsa.gov/nhsc/opportunities—list*) will also be required to submit a Recruitment and Retention Assistance Application to enable the NHSC to determine if they meet the standard requirements to be approved as an NHSC site. (Entities that are on the NHSC Opportunities List have already submitted Recruitment and Retention Applications and have been approved as NHSC sites.)

Completed proposals/applications should be addressed to: National Health Service Corps, 4350 East-West Highway, 8th Floor, Bethesda, MD, 20814. These proposals/applications must be postmarked on or before the deadline date of June 3, 2002. Proposals/applications postmarked after June 3, 2002, or sent to any address other than the one specified above, will be returned to the applicant and not be considered. Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.

Additional Information

Entities interested in receiving proposal/application materials may do so by calling the National Health Service Corps call center at 1–800–221–9393. They may also get information and download the Proposal for Use of Commissioned Officer 2002 form and the Recruitment and Retention Assistance Application by visiting the NHSC Web site at: *http://bhpr.hrsa.gov/nhsc/.*

Dated: April 19, 2002.

Elizabeth M. Duke,

Administrator.

[FR Doc. 02–10226 Filed 4–24–02; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Poison Control Program; Cooperative Agreement for the Development of Patient Management Guidelines for Poisonings

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of availability of funds.

SUMMARY: The Health Resources and Services Administration (HRSA) announces that up to $300,000 in fiscal year (FY) 2002 funds is available to fund one cooperative agreement for the development of guidelines for patient management following exposure to toxic substances. The award will be made under the authority of the Poison Control Center Enhancement and Awareness Act (Public Law 106–174). The purpose of this cooperative agreement is to develop evidence-based guidelines to assure greater consistency in the treatment of poisoning episodes both within and among different Poison Control Centers throughout the country. HRSA's Maternal and Child Health Bureau (MCHB) will administer the cooperative agreement (CFDA #93.253). Funding for the cooperative agreement in FY 2002 was appropriated under Public Law 107–116.

DATES: The deadline for receipt of applications is July 1, 2002. Applications will be considered on time if they are: (1) received on or before the deadline date or (2) postmarked by on or before the deadline date. The project award date is September 1, 2002.

ADDRESSES: To receive a complete application kit, applicants may telephone the HRSA Grants Application Center at 1–877–477–2123 beginning May 1, 2002, or register on-line at: *http://www.hrsa.dhhs.gov/*, or by accessing *http://www.hrsa.gov/g_order3.htm* directly. This program uses the standard Form PHS 5161–1 (rev. 7/00) for applications (approved under OMB No. 0920–0428). Applicants must use Catalog of Federal Domestic Assistance (CFDA) number 93.253 when requesting application materials. The CFDA is a Government wide compendium of enumerated Federal programs, projects, services, and activities that provide assistance. All applications should be mailed or delivered to: Grants Management Officer, MCHB; HRSA Grants Application Center, 901 Russell Avenue, Suite 450, Gaithersburg, MD 20879; telephone: 1–877–477–2123; e-mail: *hrsagac@hrsa.gov.*

This application guidance and the required forms for the cooperative agreement for the patient management guidelines may be downloaded in either WordPerfect 6.1 or Adobe Acrobat format (.pdf) from the MCHB home page at *http://www.mchb.hrsa.gov/.* Please contact Joni Johns, at 301/443–2088, or *jjohns@hrsa.gov* if you need technical assistance in accessing the MCHB home page via the Internet.

This announcement will appear in the **Federal Register** and on the HRSA home page at: *http://www.hrsa.dhhs.gov/.* **Federal Register** notices are found by following instructions at: *http://www.access.gpo.gov/su_docs/aces/aces140.html.*

FOR FURTHER INFORMATION CONTACT: Carol A. Delany, 301/443–0926, e-mail: *cdelany@hrsa.gov* (for questions specific to project activities of the program, program objectives); Theda Duvall, 301/443–1440, e-mail *tduvall@hrsa.gov* (for grants policy, budgetary, and business questions).

SUPPLEMENTARY INFORMATION: Patient Management Guidelines Cooperative Agreement Background and Objectives:

The Poison Control Center Enhancement and Awareness Act (Pub. L. 106–174) (the Act) was enacted in February 2000 to provide funding to stabilize and enhance Poison Control Centers. The Act also provided funding the establishment of a nationwide toll free number for greater access to Poison Control Centers in the United States, and for the development of standard patient management protocols for commonly encountered toxic exposures.

Each year, more than 2,000,000 poison exposures are reported to poison control centers (PCCs). More than 90 percent of these exposures occur in the home and more than half of the victims are children younger than 6 years of age. Persons seeking help with a poisoning exposure have access to PCCs staffed by toxicology professionals who, via a telephone hotline, give immediate information and treatment advice about suspected toxic exposures. About 70 percent of the exposure cases reported

to PCCs are successfully managed at home without further need for treatment at a healthcare facility.

Currently, while there are patient management guidelines for individual centers, there are no uniform national guidelines to provide a framework for the advice given by toxicology professionals. Since there is no requirement for consistency among centers, the treatment of patients may differ from center to center. The implementation of a single national telephone number has increased the need for uniform guidelines and consistency in care and advice since the same poison exposure case may be handled by multiple Poison Control Centers.

In 2001, following input from an ad hoc group of national stakeholder organizations, the Maternal and Child Health Bureau (MCHB) began the process of developing uniform guidelines for the management of poisoned patients. A competitive contract was awarded to the American Association of Poison Control Centers (AAPCC) in collaboration with the American Academy of Clinical Toxicology and the American College of Medical Toxicology to develop an approach to guideline development, and apply it to the development of guidelines for the treatment of non-toxic exposures.

The approach developed by the AAPCC uses an evidence-based review of available medical literature and poisoning data. Guidelines are drafted and reviewed by a consensus panel comprised of qualified clinical toxicologists. A secondary review includes all Poison Control Center personnel and outside groups with interest in this area such as the American Academy of Pediatrics. The AAPCC tested this approach by using it to draft guidelines for handling exposures to nontoxic substances.

Authorization

Section 6(b)(2) of the Poison Control Center Enhancement and Awareness Act (Public Law 106–174).

Purpose

The purpose of this cooperative agreement is to use the AAPCC-developed approach to draft guidelines for the treatment of patients following exposures to individual or classes of related poisonous substances. MCHB will expect the awardee to propose toxic substances for guideline development, draft selected guidelines, and propose a plan for the distribution, utilization, feedback, and periodic review of the guidelines.

Eligibility

Any public or private entity is eligible to apply for the cooperative agreement. Under the President's initiative, faith-based organizations that are otherwise eligible and believe they can contribute to HRSA's program objectives are urged to consider this initiative.

Funding Level/Project Period

Approximately $300,000 is available to support the award of this cooperative agreement in FY 2002, with a project period of up to three years. Funding for this cooperative agreement beyond FY 2002 is contingent upon satisfactory performance, the availability of funds, and program priorities. The initial budget period is expected to be 12 months, with subsequent budget periods being 12 months.

Funding Mechanism

The administrative and funding instrument to be used for this project will be a cooperative agreement, in which substantial MCHB scientific and/or programmatic involvement with the awardee is anticipated during the performance of the project. Under the terms of this cooperative agreement, in addition to the required monitoring and technical assistance, Federal responsibilities will include:

(1) Provision of services of experienced Federal personnel as participants in the planning and development of all phases of this activity.

(2) Participation, as appropriate, in meetings conducted during the period of the cooperative agreement.

(3) Ongoing review and concurrence with activities and procedures to be established and implemented for accomplishing the scope of work.

(4) Participation in the preparation of project information prior to dissemination.

(5) Participation in the presentation of information on project activities.

(6) Assistance with the establishment of contacts with Federal and State agencies, MCHB grant projects, and other contacts that may be relevant to the project's mission; and referrals to these agencies.

Review Criteria

In general, applications for this grant program will be reviewed on the basis of the extent to which they address the following criteria:

1. Completeness and clarity of the project narrative;

2. Practicability and achievability of the plan to use requested funds;

3. Technical qualifications and capabilities of the organization and project personnel;

4. Strength of the project's plans for evaluation;

5. Clarity and appropriateness of the budget and coordinated budget narrative.

The final review criteria used to review and rank applications for this cooperative agreement are included in the application kit. Applicants should pay strict attention to addressing these criteria, as they are the basis upon which their applications will be judged.

Paperwork Reduction Act

OMB approval for any data collection in connection with this cooperative agreement will be sought, as required under the Paperwork Reduction Act of 1995.

Dated: April 18, 2002.

Elizabeth M. Duke,

Administrator.

[FR Doc. 02–10089 Filed 4–24–02; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Special Projects of National Significance, Targeted Information Technology Model Implementation; Evaluation and Technical Assistance Center

AGENCY: Health Resources and Services Administration and Agency for Healthcare Research and Quality, HHS.

ACTION: Notice of availability of funds.

SUMMARY: The Health Resources and Services Administration (HRSA) and the Agency for Healthcare Research and Quality (AHRQ) announce the availability of fiscal year (FY) 2002 funds to be awarded under the Special Projects of National Significance (SPNS) program for discretionary grants, under a new competition that supports the evaluation of the effectiveness of Information Technology (IT) to improve the delivery and quality of care to underserved HIV-infected individuals. The purpose of this new grant initiative is to support multi-year projects that will develop and evaluate IT-based projects that: (1) Optimize the delivery of health care; (2) optimize outcomes and quality of health care; and (3) assess the cost-effectiveness of IT interventions. In addition, a Technical Assistance (TA) Center will be supported to provide advice and

technical assistance to the funded multi-year IT Projects regarding program refinement and evaluation. Special emphasis is directed to help individuals from communities of color and underserved populations.

The SPNS program is authorized by section 2691 of the Public Health Service (PHS) Act.

Funds will be awarded in two categories. In the first category (IT Projects), HRSA and AHRQ expect to award approximately three (3) grants for the development and evaluation of IT-based projects that can improve the delivery of primary medical care and/or ancillary services to underserved HIV-infected individuals. It is anticipated that each IT Project site will be awarded approximately $400,000 per year for a 4-year project period.

In the second category (TA Center), HRSA and AHRQ expect to award one grant up to $300,000 per year for a 4-year project period to support a TA Center. This TA Center will provide technical assistance to grantees on areas related to program implementation, evaluation, and dissemination of findings.

Grants may be awarded to eligible public and private non-profit entities to develop and evaluate technological interventions of care for the treatment of people with HIV infection.

Proposed IT Projects should seek to improve the delivery of primary medical care and/or ancillary services and contribute to measurable and sustainable improvements in three main areas: (1) Optimizing the delivery of health care; (2) optimizing outcomes and quality of health care; and (3) assessing the cost-effectiveness of IT interventions. Each of the areas is described below:

Optimizing delivery of care: The first area of emphasis focuses on how the application of technology can facilitate and improve the delivery of care. This may include, but is not limited to, linking health care systems with other systems of care that HIV-infected individuals may require such as drug rehabilitation programs, mental health care, and other social services.

Optimizing outcomes and quality: The second area of emphasis focuses on how to improve outcomes and quality of care. This may include, but is not limited to, tools for provider decision-support in clinical settings or other strategies to reduce medical errors, enhance medication adherence, and improve clinician-prescribing practices.

Assessing cost-effectiveness: The third area of emphasis relates to how the application of IT can reduce health care costs without adversely affecting outcomes or quality. This may include, but is not limited to, IT interventions that can reduce medication costs or decrease hospitalizations for HIV-positive patients.

IT Projects should focus on under-served populations and be evaluated in outpatient or community-based settings. Grantees are expected to select the evaluative framework and instruments within six (6) months and have the IT-based intervention up and running within nine (9) months. The intervention may utilize an IT tool already in use or adapt an IT tool within the first nine (9) months of award. If tools must be adapted, applicants are encouraged to partner with a technology vendor or University-based technology program. IT Project grantees are expected to collaborate with the SPNS-supported TA Center and widely disseminate results of the project. The TA center will facilitate the evaluation and dissemination efforts of the successful IT projects.

The SPNS program is designed to demonstrate and evaluate innovative and replicable HIV service delivery models. The authorizing legislation specifies three SPNS program objectives: (1) To support the development of innovative models of HIV care; (2) to evaluate the effectiveness of innovative program designs; and (3) to promote replication of effective models. Therefore, crucial factors in appraising proposals for IT-based demonstration models will include, among other factors, the degree to which the applicant's plan improves the delivery, quality or cost-effectiveness of care for vulnerable subpopulations and historically under-served communities by implementing innovative IT-based interventions.

DATES: To help HRSA adequately plan for the Objective Review Process, Letters of Intent are encouraged from all applicants. Such letters should be sent to: Barbara Aranda-Naranjo, PhD, RN, FAAN, Branch Chief, ATTN: 2002 IT Initiative, Demonstration Project Development and Evaluation Branch, Office of Science and Epidemiology, HIV/AIDS Bureau, Health Resources and Services Administration, 5600 Fishers Lane, Rm. 7C–07, Rockville, MD 20857 or faxed to: 301–443–4965. Such letters should be received by SPNS within 30 days after the publication of this Notice of Availability of Funds in the **Federal Register**. Receipt of these notices of intent will not be routinely acknowledged.

EFFECTIVE DATE: Applications must be received in the HRSA Grant Application Center by the close of business June 12, 2002, to be considered for competition. Applications will meet the deadline if they are either (1) received on or before the deadline date or (2) postmarked on or before the deadline date, and received in time for submission to the objective review panel. A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted instead of a postmark. Private metered postmarks shall not be accepted as proof of timely mailing. Applications received after the deadline will be returned to the applicant.

ADDRESSES: The official grant application kit and guidance materials for this announcement may be obtained from the HRSA Grants Application Center, Attn: CFDA 93.928; 2002 IT Initiative, The Legin Group, Inc., 901 Russell Avenue, Suite 450, Gaithersburg, MD 20879; telephone 877–477–2123, e-mail address: *HRSA.GAC@hrsa.gov.* Applicants are strongly advised to obtain the Guidance before preparing applications. Please mail completed applications to the HRSA Grants Application Center, previously described. Applicants for grants will use Revised Form PHS 5161–1, approved under OMB Control No. 0937–0189. This form may also be downloaded from the DHHS Program Support Center (PSC) Web site: *http://www.psc.gov/forms/PHS/phs.html.* All applications submitted to the SPNS program will be reviewed and rated by an objective review panel. The application guidance may be accessed through HRSA's Web site at *www.hrsa.dhhs.gov/grants.htm.*

FOR FURTHER INFORMATION CONTACT: Additional information regarding business, administrative, and fiscal issues related to the awarding of grants under this Notice may be requested from Ms. Mary Douglas, Grants Management Specialist, HIV/AIDS Bureau, Health Resources and Services Administration, 5600 Fishers Lane, Rm. 7–89, Rockville, MD 20857; telephone 301–443–1262; fax 301–594–6096; e-mail address: *MDouglas@hrsa.gov.*

Additional information regarding program issues and the overall SPNS Program may be requested from Barbara Aranda-Naranjo, PhD, RN, FAAN, Branch Chief, ATTN: 2002 IT Initiative, Demonstration Project Development and Evaluation Branch, Office of Science and Epidemiology, HIV/AIDS Bureau, Health Resources and Services Administration, 5600 Fishers Lane, Rm. 7C–07, Rockville, MD 20857; telephone 301–443–4149; fax 301–443–4965; e-mail address: *BAranda-Naranjo@hrsa.gov.*

Technical assistance regarding this funding announcement may be requested from Rick Crane, Special Program Consultant, Demonstration Project and Evaluation Branch, Office of Science and Epidemiology, HIV/AIDS Bureau, Health Resources and Services Administration, 5600 Fishers Lane, Room 7C–07, Rockville, MD 20857; telephone 301–443–0232; fax 415–626–7369; e-mail address *ricrane@msn.com.*

Healthy People 2010 Objectives: The Public Health Service urges applicants to address at least one of the Healthy People 2010 objectives in their work plans. Potential applicants may obtain a copy of Healthy People 2010 (Full Report) or Healthy People 2010 (Summary Report) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Web site: *http://www.access.gpo.gov;* telephone: 202–512–1800).

SUPPLEMENTARY INFORMATION: The SPNS program endeavors to advance knowledge and skills in HIV service delivery, to stimulate the design of innovative models of care, and to support the development of effective delivery systems for these services. SPNS accomplishes its purpose through funding, technical support, and evaluation of innovative HIV service delivery models. Within the health care delivery system, information technology is increasingly being used to improve services. Rapid advances in IT now make it possible to bring information to both health care providers and patients. Some of these IT interventions include automated laboratory reporting, electronic medical records, computerized provider order entry, smart cards, bar coding and digital imaging. In addition, IT can be used for provider and patient education and training. While the use of information technology in health care continues to expand, there is little to no evidence demonstrating the effectiveness of IT to improve HIV care. This solicitation seeks proposals that will assess the extent to which IT applied in various HIV care settings can contribute to measurable and sustainable improvements in the delivery, quality or cost-effectiveness of care for people living with HIV. Further, the announcement seeks applications for a TA Center to work with funded IT Project grantees.

Review Criteria

Criteria for the technical review of applications for IT Projects are as follows

1. (20 points) Description of the applicant's organizational capacity and eligibility;
2. (15 points) Description of the context for the proposed intervention;
3. (25 points) Description of the applicant's current IT-based model and proposed intervention;
4. (25 points) Description of evaluation and dissemination plans;
5. (10 points) Appropriateness and justification of the budget; and
6. (5 points) Adherence to Program Guidance.

Criteria for the technical review of applications for the TA Center are as follows

1. (25 points) Description of the professional qualifications of personnel;
2. (20 points) Description of the organizational capacity;
3. (25 points) Description of a comprehensive work plan;
4. (15 points) Description of product development activities;
5. (10 points) Appropriateness and adequacy of the budget; and
6. (5 points) Adherence to the Program Guidance.

Availability of Funds

The SPNS program is authorized by Section 2691of the PHS Act. Grants may be awarded directly to public and non-profit private entities, including community-based organizations. The program has approximately $1.5 million dollars available for this initiative. HRSA expects to make approximately three (3) awards for demonstration projects and one award for the Technical Assistance Center. The budget and project periods for approved and funded projects will begin on or about October 1, 2002. All applicants should submit budgets for the 4-year project period.

All grantees funded should recognize that this initiative is not designed to provide continuous support once the SPNS demonstration project is completed and evaluated. Demonstration programs are strongly encouraged to secure non-SPNS funding support during their projects if the evaluation suggests that the model is effective and merits continuation. Further information on this matter is contained in the Guidance.

Eligible Applicants

The statute, Section 2691(a) specifies that grants may be awarded to public and non-profit private entities to fund special programs for the care and treatment of people with HIV disease. Eligible applicants may include, but are not limited to, State, local, or tribal public health, mental health, housing, or substance abuse departments; public or non-profit hospitals and medical facilities; faith-based and community-based service organizations (*e.g.*, AIDS service organizations, Federally-qualified health centers, family planning centers, AIDS anti-discrimination and advocacy organizations, homeless assistance providers, hemophilia centers, community mental health centers, substance abuse treatment centers, urban and tribal Indian health centers or facilities, migrant health centers, etc.), institutions of higher education (e.g., Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges and Universities), and national service provider and/or policy development associations and organizations.

Allowable Costs

The basis for determining allocable and allowable costs to be charged to PHS grants is set forth in 45 CFR part 74 and 45 CFR part 92 for State, local, or tribal governments. The four separate sets of cost principles prescribed for public and private non-profit recipients are: OMB Circular A–87 for State, local or tribal governments; OMB Circular A–21 for institutions of higher education; 45 CFR part 74, Appendix E for hospitals; and OMB Circular A–122 for non-profit organizations. Further information on allowable costs is contained in the Guidance.

Reporting and Other Requirements

A successful applicant under this notice will submit two semi-annual activity summary reports, in accordance with provisions of the general regulations which apply under 45 CFR 74.51 ''Monitoring and Reporting of Program Performance,'' with the exception of State and local governments to which 45 CFR part 92 reporting requirements apply.

Federal Smoke Free Compliance

The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and to promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care or early childhood development services are provided to children.

Public Health System Reporting Requirements

This program is also subject to the Public Health System Reporting Requirements which have been approved by the Office of Management and Budget under No. 0937–0195. Under these requirements, any community-based, non-governmental

applicant must prepare and submit a Public Health System Impact Statement (PHSIS). The PHSIS is intended to keep State and local health officials appraised of proposed health services grant applications submitted from within their jurisdictions.

All applicants are required to submit, no later than the Federal due date for receipt of the application, the following information to the administrator of the State and local health agencies and to the State and local AIDS program director in the area(s) to be affected by the proposed program: (1) a copy of the face page of the application (SF 424); and, (2) a summary of the project, not to exceed one page, which provides: (a) A description of the population to be served; (b) a summary of the services to be provided; and, (c) a description of the coordination planned with the appropriate State or local health agencies. Copies of the letters forwarding the PHSIS to these authorities must be contained in the application materials submitted to this program.

Executive Order 12372

The SPNS Grant Program has been determined to be a program subject to the provisions of Executive Order 12372, concerning intergovernmental review of Federal Programs, as implemented by 45 CFR part 100. Executive Order 12372 allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. The application packages to be made available under this notice will contain a listing of States which have chosen to set up a review system and will provide a State Single Point of Contact (SPOC) for the review. Applicants (other than federally recognized Indian tribes) should contact their SPOCs as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected state. The due date for State process recommendations is 60 days after the appropriate deadline dates. HRSA does not guarantee that it will accommodate or explain its responses to State process recommendations received after the due date. (*See* ''Intergovernmental Review of Federal Programs,'' Executive Order 12372, and CFR part 100, for a description of the review process and requirements.)

Audit Requirements

Applicants are required to comply with requirements of OMB Circular A–133. For additional information on this topic, contact Ms. Mary Douglas, Grants Management Specialist, HIV/AIDS Bureau, Health Resources and Services Administration, 5600 Fishers Lane, Rm. 7–89, Rockville, MD 20857; telephone 301–443–1262; fax 301–594–6096; e-mail address: *MDouglas@hrsa.gov.*

The OMB Catalog of Federal Domestic Assistance number for the Special Projects of National Significance is 93.928.

Dated: April 18, 2002.

Elizabeth M. Duke,

Administrator.

[FR Doc. 02–10088 Filed 4–24–02; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Fiscal Year 2003 Competitive Application Cycle for the National Research Service Award Program

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) announces that Fiscal Year 2003 applications will be accepted for the National Research Service Award Program administered by HRSA pending availability of funds. To administer this program, HRSA receives one percent of all NRSA funding provided to the National Institutes of Health.

Authorizing Legislation: These applications are solicited under the National Research Service Awards (42 CFR part 66) and section 487(d)(3) of the Public Health Service (PHS) Act, as amended, which provides funding to eligible institutions to develop or enhance research training opportunities in primary medical care for individuals selected by the institutions.

Purpose of Award: To provide grants to institutional postdoctoral research training programs to train researchers in primary medical care.

Eligible Applicants: An applicant must be an entity that has received Federal grant or contract support under sections 747 (Family Medicine Training), 748 (General Internal Medicine and General Pediatrics Training, revised in 1998 to section 747), or 749 (General Dentistry Training, revised in 1998 to section 747) of the PHS Act.

Review Criteria: The review criteria are: (1) History of performance of faculty and trainees; (2) primary care research focus; and (3) trainee recruitment and retention. Additional information pertaining to the Review Criteria will be listed in the Supplement to Instructions for application form PHS–398.

Estimated Amount of Available Funds: Pending final approval of the FY2003 budget, it is anticipated that $6,600,000 will be available in fiscal year 2003 for this program.

Estimated Number of Awards: It is estimated that 25 awards will be made for fiscal year 2003.

Application Requests, Availability, Dates and Addresses: The PHS 398 application is currently available and may be downloaded via the web at *http://www.hrsa.gov/bhpr/grants2002*. The instructions for preparing the Institutional National Research Service Award Applications are contained within application form PHS 398. In addition to that material, it is also important to download and use the Supplement to Instructions for application form PHS 398, Application for Institutional National Research Service Awards Grant For Research Training In Primary Medical Care that will be posted on the Health Resources and Services Administration, Bureau of Health Professions web site at *http://www.hrsa.gov/bhpr/grants2002*. The Supplement to Instructions for application form PHS 398 will be available for downloading via the Web on April 25, 2002. Hard copies of the application form PHS 398 and the Supplement to Instructions may be obtained by contacting the HRSA Grants Application Center at 901 Russell Avenue, Suite 450, Gaithersburg, MD 20879, (877) 477–2123. To be considered for competition, applications must be postmarked or received on or before June 14, 2002 in the HRSA Grants Application Center.

FOR FURTHER INFORMATION CONTACT: Shelby Biedenkapp or Marcia Britt, Division of Medicine and Dentistry, Bureau of Health Professions, HRSA, Room 9A–20, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, or e-mail address sbiedenkapp@hrsa.gov or mbritt@hrsa.gov, telephone number is 301–443–1467 and fax number is 301–443–1945.

Paperwork Reduction Act: The Application for the National Research Service Award Program has been approved by the Office of Management and Budget (OMB) under the Paperwork

Reduction Act. The OMB clearance number is 0925–0001.

Dated: April 19, 2002.

Elizabeth M. Duke,

Administrator.

[FR Doc. 02–10231 Filed 4–25–02; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Organ Procurement and Transplantation Network

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of meeting of the Advisory Committee on Organ Transplantation.

SUMMARY: Pursuant to Public Law 92–463, the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the second meeting of the Advisory Committee on Organ Transplantation (ACOT), Department of Health and Human Services (HHS). The meeting will be held from approximately 8 a.m. to 6 p.m. on May 30, 2002, and from 8 a.m. to 5 p.m. on May 31, 2002, at the Hotel Washington, Pennsylvania Avenue at 15th Street, NW, Washington, DC 20004. The meeting will be open to the public; however, seating is limited and pre-registration is encouraged (see **SUPPLEMENTARY INFORMATION**).

SUPPLEMENTARY INFORMATION: Under the authority of 42 U.S.C. section 217a, section 222 of the Public Health Service Act, as amended, and 42 CFR 121.12 (2000), the ACOT was established to assist the Secretary in enhancing organ donation, ensuring that the system of organ transplantation is grounded in the best available medical science, and assuring the public that the system is as effective and equitable as possible, and, thereby, increasing public confidence in the integrity and effectiveness of the transplantation system. The ACOT is composed of 41 members, including the Chair. Members are serving as Special Government Employees and have diverse backgrounds in fields such as organ donation, health care public policy, transplantation medicine and surgery, critical care medicine and other medical specialties involved in the identification and referral of donors, non-physician transplant professions, nursing, epidemiology, immunology, law and bioethics, behavioral sciences, economics and statistics, as well as representatives of transplant candidates, transplant recipients, organ donors, and family members.

The ACOT will hear and discuss reports from the following ACOT subcommittees: Kidney/Pancreas Allocation Review; Heart/Lung Allocation Review; Liver Allocation Review; Educating and Recognizing Actual and Potential Donors; Improving Systemic Performance [The Law]; Improving Systemic Performance [The Professions]; Meeting the Needs of Multicultural Populations; and Clinical Issues, including Alternative Organ Sources.

The draft meeting agenda will be available on May 15 on the Division of Transplantation's website *http://www.hrsa.gov/osp/dot/whatsnew.htm* or the Department's donation website at *http://www.organdonor.gov/news.htm.*

A registration form is available on the Division of Transplantation's website: *http://www.hrsa.gov/osp/dot/whatsnew.htm* or the Department's donation website at *http://www.organdonor.gov/news.htm.* The completed registration form should be submitted by facsimile to McFarland and Associates, Inc., the logistical support contractor for the meeting, at FAX number (301) 589–2567. Individuals without access to the Internet who wish to register may call Verna Robinson with McFarland and Associates, Inc., at 301–562–5326. Individuals who plan to attend the meeting and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the ACOT Executive Director, Jack Kress, in advance of the meeting. Mr. Kress may be reached by telephone at 301–443–8653, by e-mail at: *jkress2@hrsa.gov,* or in writing at the address of the Division of Transplantation provided below. Management and support services for ACOT functions are provided by the Division of Transplantation, Office of Special Programs, HRSA, Room 7C–22, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone 301–443–7577.

After the presentation of the subcommittee reports, members of the public will have an opportunity to provide comments on the subcommittee reports. Because of the Committee's full agenda and the time frame in which to cover the agenda topics, public comment will be limited. All public comments will be included in the record of the ACOT meeting.

Dated: April 19, 2002.

Elizabeth M. Duke,

Administrator.

[FR Doc. 02–10232 Filed 4–24–02; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 19(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/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 Human Genome Research Institute Initial Review Group Genome Research Review Committee.

Date: June 4, 2002.

Time: 8:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Ken D. Nakamura, PhD, Scientific Review Administrator, Office of Scientific Review, National Human Genome Research Institute, National Institutes of Health, Bethesda, MD 20892, 301 402–0838.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: April 18, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–10113 Filed 4–24–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Council for Human Genome Research.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Human Genome Research.

Date: May 20–21, 2002.

Open: May 20, 2002, 8:30 a.m. to 12:30 p.m.

Agenda: Discussion of NHGRI events and program priorities.

Place: Holiday Inn, 8777 Georgia Avenue, Silver Spring, MD 20910.

Closed: May 20, 2002, 1:30 p.m. to adjournment on May 21, 2002.

Agenda: To review and evaluate grant applications and/or proposals.

Place: Holiday Inn, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Elke Jordan, PhD, Deputy Director, National Human Genome Research Institute, National Institutes of Health, PHS, DHHS, 31 Center Drive, Building 31, Room 4B09, Bethesda, MD 20892, 301–496–0844.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: April 18, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–10114 Filed 4–24–02; 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 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 Alcohol Abuse and Alcoholism

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 section 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 on Alcohol Abuse and Alcoholism.

Date: June 5–6, 2002.

Closed: June 5, 2002, 7 p.m. to 9 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, MD 20814.

Open: June 6, 2002, 8:30 a.m. to 4 p.m.

Agenda: Program documents.

Place: 45 Center Drive, Natcher Building, Conference Room E1/2, Bethesda, MD 20892.

Contact Person: Kenneth R. Warren, PHD, Director, Office of Scientific Affairs, National Advisory Council on Alcohol Abuse and Alcoholism, National Institutes of Health, Willco Building, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892–7003, 301–443–4375, *kwarren@niaaa.nih.gov*

Information is also available on the Institute's/Center's home page: *silk.nih.gov/silk/niaaa1/about/roster.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: April 18, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Comittee Policy.

[FR Doc. 02–10115 Filed 4–24–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Targeted Gene Expression for the Treatment of Cancer, Bone Metastasis and Diabetes

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209 (c)(1) and 37 CFR 404.7 (a)(1)(i), that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of an exclusive license worldwide to practice the invention embodied in the Provisional Patent Application No. 60/024,213, filed 8/15/96, converted to PCT (PCT/US97/15270) filed on 8/14/97 entitled ''Spatially and Temporal Control of Gene Expression Protein Promoter in Combination with Local Heat'' to Gene Control S.A., a non-U.S. corporation located at 9, rue Boissonnas CH 1211 Geneva 24, Switzerland. The patent rights of this invention have been assigned to the United States of America. The proposed field of use may be limited to targeted gene expression, for the treatment of cancer, bone metastasis and diabetes.

DATES: Only written comments and/or applications for a license, received by the NIH Office of Technology Transfer on or before June 24, 2002, will be considered.

ADDRESSES: Requests for a copy of the patent application, inquiries, comments and other materials relating to the contemplated license should be directed to: Wendy R. Sanhai, Ph.D., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3821; telephone: (301) 496–7736 ext. 244; facsimile: (301) 402–0220; e-mail: *sanhaiw@od.nih.gov*. A signed Confidential Disclosure Agreement will be required to receive copies of the patent application.

SUPPLEMENTARY INFORMATION: This invention relates to the spatial and temporal control of exogenous gene expression in genetically engineered cells and organisms. In particular, it covers the use of heat inducible promoters such as the promoter of heat shock genes to control the expression of exogenous genes. It further relates to the use of focused ultrasound to heat cells that contain therapeutic genes under the control of heat shock promoter, thereby

inducing the expression of therapeutic genes.

The prospective exclusive license territory will be worldwide and will be royalty-bearing. Said license may be granted within sixty (60) days from the date of this published notice unless the NIH receives written evidence and argument establishing that granting this license is inconsistent with the terms and conditions of 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i).

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: April 17, 2002.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer.

[FR Doc. 02–10117 Filed 4–24–02; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Synthetic Ordered Arrays of Antigen for the Induction of Autoantibodies

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of an exclusive license to practice the invention embodied in United States Patent Application 09/835,124 and its foreign equivalents, entitled ''Virus-Like Particles for the Induction of Autoantibodies,'' filed on April 13, 2001, with priority back to U.S. S/N 60/105,132, filed October 21, 1998, to LigoCyte Pharmaceuticals, Inc., having a place of business in Bozeman, Montana. The patent rights in this invention have been assigned to the United States of America.

DATES: Only written comments and/or application for a license which are received by the NIH Office of Technology Transfer on or before June 24, 2002, will be considered.

ADDRESSES: Requests for a copy of the patent application, inquiries, comments and other materials relating to the contemplated license should be directed to: Peter Soukas, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; e-mail: *ps193c@nih.gov;* telephone: (301) 496–7056, ext. 268; facsimile: (301) 402–0220.

SUPPLEMENTARY INFORMATION: This invention claims compositions and methods for producing antibodies to tolerogens (self-antigens normally exposed to B cells that fail to induce an antibody response). The compositions of the invention comprise multiple copies of a tolerogen (or at least one B cell epitope of a tolerogen) chimerized to capsomeric structures or capsid proteins in an orderly manner. This invention could potentially replace any treatment utilizing chronic administration of a monoclonal antibody that reacts with a self-antigen.

The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within 60 days from the date of this published Notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The field of use may be limited to non-Virus-Like Particle (VLP) polyvalent liposome nanoparticle vaccines against self-antigens.

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: April 17, 2002.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer.

[FR Doc. 02–10116 Filed 4–24–02; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Privacy Act of 1974: Establishment of New Privacy Act System of Records

AGENCY: Substance Abuse and Mental Health Services Administration (SAMHSA), DHHS.

ACTION: Privacy Act of 1974: Notice of new system of records

SUMMARY: The Substance abuse and mental Health Services Administration (SAMHSA) is establishing a new system of records in order to implement the provisions of the Controlled Substances Act as amended (21 U.S.C. 823(g)(2)).

SUPPLEMENTARY INFORMATION: New legislation permits practitioners to seek waivers from the separate registration requirements required under the Controlled Substances Act for practitioners who use narcotic treatment medications in the maintenance or detoxification treatment of opiate addition. The Secretary of the Department of Health and Human Services has delegated to SAMHSA the responsibility of determining whether practitioners meet the requirements for these waivers. To be eligible for waivers, practitioners must be licensed physicians, must be registered by Drug Enforcement Administration (DEA), must fulfill qualifications for training and experience, and must make written certifications about treatment capacity and patent load. Practitioners determined eligible for a waiver, will receive a unique identification number from DEA, and will be eligible to prescribe certain approved opioid treatment medications.

This new system of records will permit SAMHSA to conduct its responsibilities to determine whether practitioners meet requirements for waivers. SMHSA will use the information from this system to verify DEA registration status, to verify medical license status, and to verify training and experience qualifications. In addition, for those practitioners who consent, SMHSA will use limited information from this system to augment the Substance Abuse Treatment Facility Locator. The Treatment Facility Locator is a web-based system that permits individuals seeking treatment to locate treatment providers.

DATES: SAMHSA invites interested persons to submit comments on the proposed new system on or before May 28, 2002. SAMHSA will adopt this new

system without further notices on June 10, 2002 unless comments are received that would result in a contrary determination.

ADDRESSES: Please address comments to the SAMHSA Privacy Act Officer, Division of Administrative Services, Room 6–101, Parklawn building, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Rockville, Maryland 20857. We will make comments available for public inspection at the above address during normal business hours, 8:30 a.m.–5 p.m.

FOR FURTHER INFORMATION CONTACT: Nichols Reuter, Supervisory, Public Health Advisor, Office of Pharmacologic and Alternative Therapies, Center for Substance Abuse Treatment/SAMHSA, 5600 Fishers Lane, Rockwall II, suite 740, Rockville, Maryland 20857 (301) 443–0547.

Dated: April 4, 2002.

Richard Kopanda,

Executive Officer, Substance Abuse and Mental Health Services Administration.

09–30–0052

SYSTEM NAME:

Opioid Treatment Waiver Notification System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Pharmacologic and Alternative Therapies, Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration, Room 7–40, Rockwall II Building, 5600 Fishers Lane, Rockville, Maryland 20857.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

An individual practitioner (physician) or a practitioner in a group practice who submits a written notification of intent to use schedule III, IV, V opioid drugs for the maintenance or detoxification treatment of opiate addiction under 21 U.S.C. 823(g)(2).

CATEGORIES OF RECORDS IN THE SYSTEM:

Physician name, address, phone, facsimile, state medical license number, DEA registration number, credentialing and specialized training information. In addition, for those practitioners in group practices, the group practice EIN.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Controlled Substance Act (21 U.S.C. 823(g)(2)).

PURPOSES(S):

To determine (as required by 21 U.S.C. 823(g)(2)) whether practitioners who submit notifications meet all of the requirements for a waiver under 21 U.S.C. 823(g)(2)(B). The established criteria for a waiver include: a written notification that states the practitioner's name, the practitioner's registration under 21 U.S.C. 823(f), the practitioner's physician license under State law, and the qualifying physician criteria. The record system will also allow disclosure with consent of limited information to the Treatment Facility Locator.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A. Medical speciality societies to verify practitioner qualifications.

B. Other federal law enforcement and regulatory agencies for law enforcement and regulatory purposes.

C. State and local law enforcement and regulatory agencies for law enforcement and regulatory purposes.

D. Persons registered under the Controlled Substance Act (Pub. L. 91–513) for the purpose of verifying the registration of customers and practitioners.

E. Disclosure may be made to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the written request of that individual.

F. The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when (a) HHS, or any component thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

G. SAMHSA intends to disclose information from this system to an expert, consultant, or contractor (including employees of the contractor) of SAMHSA if necessary to further the implementation and operation of this program.

Disclosure limited to individual's name, address, and phone number will also be made to the SAMHSA Treatment Facility Locator pursuant to express consent.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM STORAGE:

Documents are filed in manual files in enclosed and/or locked file cabinets and in secured computers. The same basic data is maintained in an automated system for quick retrieval.

RETRIEVABILITY:

Records are retrieved by the individual practitioner's name and cross indexed by the practitioner's DEA registration number.

SAFEGUARDS:

1. *Authorized Users:* Federal contract and support personnel.

2. *Physical Safeguards:* All folders are in file cabinets in a room that is locked after business hours in a building with controlled entry (picture identification). Files are withdrawn from cabinet for Federal staff who have a need to know by a sign in and out procedure.

3. *Procedural Safeguards:* Access to records is strictly limited to those staff members trained in accordance with the Privacy Act.

4. *Implementation Guidelines:* DHHS Chapter 45–13 of the General Administration Manual.

RETENTION AND DISPOSAL:

Records are retained for a period of five years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Nicholas Reuter, Office of Pharmacologic and Alternative Therapies, Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration, Room 6–70, Rockwall II Building, 5600 Fishers Lane, Rockville, Maryland 20857.

NOTIFICATION PROCEDURES:

To determine if a record exists, write to the appropriate System Manager at the Address above or appear in person to the Division of Contracts Management. An individual may learn if a record exists about himself/herself upon written request with notarized signature. An individual who is the subject of records maintained in this record system may also request an accounting of all disclosures that have been made for that individual's records, if any.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should specify the record contents being sought. An individual may also request an accounting of disclosures of his/her records, if any.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above and identify the record, specify the information being contested, the corrective action sought, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Individual practitioner notifications of intent to use Schedule III, IV, or V opioid drugs for the Maintenance and Detoxification Treatment of Opiate Addiction under 21 USC § 823(g)(2).

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 02–10261 Filed 4–24–02; 8:45 am]

BILLING CODE 4162–20–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 28, 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–844074

Applicant: George E. Hogan, Jr., Double H Exotics, Okeechobee, FL.

The applicant requests renewal of his permit to authorize interstate and foreign commerce, export, and cull of excess male barasingha (*Cervus duvauceli*) and Arabian oryx (*Oryx leucoryx*) from his captive herd for the purpose of enhancement of survival of the species. This notice shall cover a period of five years. Permittee must apply for renewal annually.

PRT–694126

Applicant: National Institutes of Health/National Cancer Institute, Frederick, MD.

The applicant requests an amendment of their permit authorizing the import of multiple shipments of biological samples from wild, captive-held, and/or captive-born endangered primates (Primates), bears (Ursidae), and cats (Felidae), to now include biological samples from all endangered mammals, for the purpose of scientific research. No animals can be intentionally killed for the purpose of collecting specimens. Any invasively collected samples can only be collected by trained personnel. This notification covers activities conducted by the applicant over a period of 5 years.

PRT–055376

Applicant: Lance H. Norris, Nunich, 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–055375

Applicant: Thomas P. Tinnin, Albuquerque, MN.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–673539, 055424, 055425, 055426

Applicant: Gatti Productions, Inc, Orange, CA.

The applicant request three new permits and the re-issuance of one permit to export, 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.

PRT–839021

Applicant: Ferdinand and Anton Hantig, d.b.a. Manimal Magic Act, Inc, Las Vegas, NV.

The applicant request re-issuance of their permits to re-export and re-import tigers (Panthera tigris) 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.

PRT–809348

Applicant: Hawthorn Corporation, Grayslake, IL.

The applicant request re-issuance/renewal of their permit to re-export and re-import Asian elephants (*Elephas maximus*) and progeny of the animals currently held by the applicant and any animals acquired in the United States by the applicant to/from worldwide locations to enhance the survival of the species through conservation education. This notification covers activities conducted by the applicant over a three year period.

PRT–777744, 812757

Applicant: Hawthorn Corporation, Grayslake, IL.

The applicant request re-issuance of their permits to re-export and re-import tigers (Panthera tigris) 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 part 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.

Concurrent with the publication of this notice in the **Federal Register**, the Division of Management Authority is forwarding copies of the above applications to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

PRT–055302

Applicant: Richard B. Sapa, Columbia Falls, MT.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Southern Beaufort polar bear population in Canada, for personal use.

PRT–055367

Applicant: Richard Hawkins, Rochester, MN.

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.

PRT–055368

Applicant: Jerry P. Mariska, Waseca, MN.

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.

PRT–055444

Applicant: Louis F. Spadaccino, Holland, PA.

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 12, 2002.

Anna Barry,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 02–10125 Filed 4–24–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of a Permit Application (Blairwood/Silver Oak) for Incidental Take of the Golden-Cheeked Warbler

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: Blairwood, Ltd. (Applicant) has applied for an incidental take permit (TE–053021–0) pursuant to section 10(a) of the Endangered Species Act (Act). The requested permit would authorize the incidental take of the endangered golden-cheeked warbler. The proposed take would occur as the result of the construction and occupation of a residential and commercial development on the approximately 98.43-acre Silver Oak Subdivision, Williamson County, Texas.

DATES: Written comments on the application should be received within 60 days of the date of this publication.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Room 4102, Albuquerque, New Mexico, 87103. Persons wishing to review the EA/HCP may obtain a copy by contacting Sybil Vosler, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas, 78758 (512/490–0057). Documents will be available for public inspection by written request, by appointment only, during normal business hours (8 a.m. to 4:30 p.m.) at the U.S. Fish and Wildlife Service, Austin, Texas. Written data or comments concerning the application and EA/HCP should be submitted to the Supervisor, U.S. Fish and Wildlife Service, Austin, Texas, at the above address. Please refer to permit number TE–053021–0 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Sybil Vosler at the U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas, 78758.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the ''taking'' of endangered species such as the golden-cheeked warbler. However, the Fish and Wildlife Service (Service), under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the incidental take application. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) will not be made until at least 60 days from the date of publication of this notice. This notice is provided pursuant to section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

Applicants

Blairwood, Ltd. plans to construct a residential and commercial development on the approximately 98.43-acre Silver Oak Subdivision, located on County Road 174 (Brushy Creek Road), Cedar Park, Williamson County, Texas. This action will eliminate up to 109.9 acres of golden-cheeked warbler habitat, which may result in the take of two to three golden-cheeked warbler territories. The applicant proposes to compensate for this incidental take of golden-cheeked warbler habitat by preserving 101 acres of GCW habitat in perpetuity; and clearing only between August 1 to March 1 when the warblers are not present.

Bryan Arroyo,

Acting Regional Director, Region 2.

[FR Doc. 02–10104 Filed 4–24–02; 8:45 am]

BILLING CODE 4510–55–P

DEPARTMENT OF THE INTERIOR

National Park Service

General Management Plan, Draft Environmental Impact Statement, Tonto National Monument, Arizona

AGENCY: National Park Service, Department of the Interior.

ACTION: Availability of draft environmental impact statement and general management plan for Tonto National Monument.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the National Park Service announces the availability of a draft Environmental Impact Statement and

General Management Plan (DEIS/GMP) for Tonto National Monument, Arizona.

DATES: The DEIS/GMP will remain available for public review for sixty calendar days from the published date of this Notice of Availability. If any public meetings are held concerning the DEIS/GMP, they will be announced at a later date.

Comments: If you wish to comment, you may submit your comments by any one of several methods. You may mail comments to Superintendent, Tonto National Monument, HC02, Box 4602, Roosevelt, AZ 85545. You may also comment via the Internet to *http://www.nps.gov/planning/tont.* If you do not receive a confirmation from the system that we have received your Internet message, contact us directly at Superintendent, Tonto National Monument, (928) 467–2241. Finally, you may hand-deliver comments to Tonto National Monument, HC02, Roosevelt, AZ 85545. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

ADDRESSES: Copies of the DEIS/GMP are available from the Superintendent, Tonto National Monument, HC02, Box 4602, Roosevelt, AZ 85545. Public reading copies of the DEIS/GMP will be available for review at the following locations:

Office of the Superintendent, Tonto National Monument, State Route 188, 30 miles west of Globe, AZ, Roosevelt, AZ 85545, Telephone: (928) 467–2241.

Planning and Environmental Quality, Intermountain Support Office—Denver, National Park Service, 12795 W. Alameda Parkway, Lakewood, CO 80228, Telephone: (303) 969–2851.

Office of Public Affairs, National Park Service, Department of the Interior, 18th and C Streets, NW., Washington, DC 20240, Telephone: (202) 208–6843.

SUPPLEMENTARY INFORMATION: This Draft General Management Plan/Environmental Impact Statement describes and analyzes alternatives for the management of Tonto National Monument over the next ten to fifteen years. Four alternatives were considered—a no-action and three action alternatives including the National Park Service (NPS) proposal. The NPS proposal would construct a new administrative facility within monument boundaries to improve staff needs and remodel the existing visitor center to increase visitor orientation and education opportunities. The management of cultural and natural resources would also improve with more staff and the information needed to conduct preservation programs. The DEIS/GMP in particular evaluates the environmental consequences of the proposed action and the other alternatives on impacts to archeological and historical resources, long-term health of natural ecosystems, visitor experiences, economic contribution to local communities, adjacent landowners, and operational efficiency. The draft plan also describes cumulative effects for each alternative.

FOR FURTHER INFORMATION CONTACT: Superintendent, Tonto National Monument, HC02, Box 4602, Roosevelt, AZ 85545 Phone: (928) 467–2241.

Dated: March 14, 2002.

Michael Synder,

Director, Intermountain Region, National Park Service.

[FR Doc. 02–10134 Filed 4–24–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Gettysburg National Military Park Advisory Commission

AGENCY: National Park Service, Interior.

ACTION: Notice of June 20, 2002, meeting.

SUMMARY: This notice sets forth the date of the June 20, 2002 meeting of the Gettysburg National Military Park Advisory Commission.

DATES: The public meeting will be held on June 20, 2002 from 7 p.m. to 9 p.m.

Location: The meeting will be held at the Cyclorama Auditorium, 125 Taneytown Road, Gettysburg, Pennsylvania 17325.

Agenda: The June 20, 2002 meeting will consist of the Sub-Committee Reports from the Historical, Executive, and Interpretive Committees; Federal Consistency Reports Within the Gettysburg Battlefield Historic District; Operational Updates on Park Activities which consist of the Historic Landscape Rehabilitation which will consist of planting in the Codori-Trostle Thicket and Plum Run Area; Updating the schedule of repairs on the Pennsylvania Monument; Construction Updates such as the fire suppression project for 50 historic structures; the Sewer Project and the Waterline project; Transportation which consists of the National Park Service and the Gettysburg Borough working on the shuttle system; Update of the Willoughby Run Bridge located on Route 30; Update on land acquisition within the park boundary or in the historic district; and the Citizens Open Forum where the public can make comments and ask questions on any park activity.

FOR FURTHER INFORMATION CONTACT: John A. Latschar, Superintendent, Gettysburg National Military Park, 97 Taneytown Road, Gettysburg, Pennsylvania 17325.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning agenda items. The statement should be addressed to the Gettysburg National Military Park Advisory Commission, 97 Taneytown Road, Gettysburg, Pennsylvania 17325.

Dated: March 22, 2002.

John A. Latschar,

Superintendent, Gettysburg NMP/Eisenhower NHS.

[FR Doc. 02–10135 Filed 4–24–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Availability of Draft Director's Order Concerning National Park Service Policies and the Acquisition of Leased Space

AGENCY: National Park Service, Interior.

ACTION: Notice of availability.

SUMMARY: The National Park Service (NPS) has prepared a Director's Order setting forth its policies and procedures governing acquisition of leased space. When adopted, the policies and procedures will apply to all units of the national park system, and will supersede and replace policies and procedures issued in October, 1994.

DATES: Written comments will be accepted on or before May 28, 2002.

ADDRESSES: Requests for copies and written comments for Draft Director's

Order #89 should be sent to Bruce Blackistone, Office of Special Programs, Mail Stop 3657, National Park Service, Department of the Interior, 1849 C Street, NW., Washington, DC 20240; or to the Internet address: *bruce_blackistone@nps.gov.*

FOR FURTHER INFORMATION CONTACT: Bruce Blackistone at 202–565–1173.

SUPPLEMENTARY INFORMATION: The NPS is updating its current system of internal written instructions. When these documents contain new policy or procedural requirements that may affect parties outside of the NPS, they are first made available for public review and comment before being adopted. The draft Director's Order covers topics regarding the leasing of buildings and other facilities from external sources to provide support for various NPS activities.

Individual respondents may request that we withhold their home address from the administrative record, which we will honor to the extent allowable by the law. There also may be circumstances in which we would withhold from the record the respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment.

Dated: April 1, 2002.

Alfred J. Poole III,

Assistant for Special Programs.

[FR Doc. 02–10133 Filed 4–24–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Quarterly Status Report of Water Service, Repayment, and Other Water-Related Contract Negotiations

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given of proposed contractual actions that are new modified, discontinued, or completed since the last publication of this notice on January 31, 2002. The January 31, 2002, notice should be used as a reference point to identify changes. This notice is one of a variety of means used to inform the public about proposed contractual actions for capital recovery and management of project resources and facilities. Additional Bureau of Reclamation (Reclamation) announcements of individual contract actions may be published in the **Federal Register** and in newspapers of general circulation in the areas determined by Reclamation to be affected by the proposed action. Announcements may be in the form of news releases, legal notices, official letters, memorandums, or other forms of written material. Meetings, workshops, and/or hearings may also be used, as appropriate, to provide local publicity. The public participation procedures do not apply to proposed contracts for sale of surplus or interim irrigation water for a term of 1 year or less. Either of the contracting parties may invite the public to observe contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act.

ADDRESSES: The identity of the approving officer and other information pertaining to a specific contract proposal may be obtained by calling or writing the appropriate regional office at the address and telephone number given for each region in the supplementary information.

FOR FURTHER INFORMATION CONTACT: Sandra L. Simons, Manager, Water Contracts and Repayment Office, Bureau of Reclamation, PO Box 25007, Denver, Colorado 80225–0007; telephone 303–445–2902.

SUPPLEMENTARY INFORMATION: Pursuant to section 226 of the Reclamation Reform Act of 1982 (96 Stat. 1273) and 43 CFR 426.20 of the rules and regulations published in *352 FR 11954,* April 13, 1987, Reclamation will publish notice of the proposed or amendatory contract actions for any contract for the delivery of project water for authorized uses in newspapers of general circulation in the affected area at least 60 days prior to contract execution. Pursuant to the ''Final Revised Public Participation Procedures'' for water resource-related contract negotiations, published in *347 FR 7763,* February 22, 1982, a tabulation is provided of all proposed contractual actions in each of the five Reclamation regions. Each proposed action is, or is expected to be, in some stage of the contract negotiation process in 2002. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary of the Interior, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the regional directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved.

Public participation in and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

1. Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

2. Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of Reclamation.

3. Written correspondence regarding proposed contracts may be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

4. Written comments on a proposed contract or contract action must be submitted to the appropriate regional officials at the locations and within the time limits set forth in the advance public notices.

5. All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.

6. Copies of specific proposed contracts may be obtained from the appropriate regional director or his designated public contact as they become available for review and comment.

7. In the event modifications are made in the form of a proposed contract, the appropriate regional director shall determine whether republication of the notice and/or extension of the comment period is necessary.

Factors considered in making such a determination shall include, but are not limited to: (i) The significance of the modification, and (ii) the degree of public interest which has been expressed over the course of the negotiations. As a minimum, the regional director shall furnish revised contracts to all parties who requested the contract in response to the initial public notice.

Acronym Definitions Used Herein

BON Basis of Negotiation
BCP Boulder Canyon Project
Reclamation Bureau of Reclamation
CAP Central Arizona Project
CUP Central Utah Project
CVP Central Valley Project
CRSP Colorado River Storage Project
D&MC Drainage and Minor Construction
FR Federal Register
IDD Irrigation and Drainage District
ID Irrigation District

M&I Municipal and Industrial
NEPA National Environmental Policy Act
O&M Operation and Maintenance
P–SMBP Pick-Sloan Missouri Basin Program
PPR Present Perfected Right
RRA Reclamation Reform Act
R&B Rehabilitation and Betterment
SOD Safety of Dams
SRPA Small Reclamation Projects Act
WCUA Water Conservation and Utilization Act
WD Water District

Pacific Northwest Region: Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise, Idaho 83706–1234, telephone 208–378–5223.

New contract actions:

23. Emmett ID and 12 individual contract spaceholders, Boise Project, Payette Division, Idaho: Repayment agreements or contracts for reimbursable costs of SOD modifications to Deadwood Dam.

24. Greenberry ID, Willamette Basin Project, Oregon: Irrigation water service contract for approximately 7,500 acre-feet of project water.

Discontinued contract actions:

7. U. S. Fish and Wildlife Service and Boise-Kuna ID, Boise Project, Idaho: Memorandum of agreement for the use of approximately 400 acre-feet of storage space annually in Anderson Ranch Reservoir. Water to be used for wildlife mitigation purposes (ponds and wetlands).

17. Wenatchee Heights Reclamation District, Washington: Deferment contract for the deferment of the District's annual installments due in 2001 and 2002 under a Drought Act loan contract.

18. Individual irrigation water user, Rogue River Basin Project, Oregon: Water service contract to provide 1,029 acre-feet of stored water from Lost Creek Reservoir (a Corps of Engineers' project) for the purpose of irrigation. Completed contract action:

19. Roza ID, Yakima Project, Washington: Deferment contract for the deferment of the District's 2001 construction obligation under the Drought Act of 1959. Contract executed on February 6, 2002.

Mid-Pacific Region: Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825–1898, telephone 916–978–5250. New contract action:

39. Sacramento River Settlement Contracts, CVP, California: Up to 145 contracts and one contract with Colusa Drain Mutual Water Company will be renewed; water quantities for these contracts total 2.2M acre-feet. Colusa Drain Mutual Water Company will be renewed for a period of 25 years, and the rest will be renewed for a period of 40 years. These contracts reflect an agreement to settle water rights' claims on the Sacramento River.

Modified contract action:

2. Contractors from the American River Division, Cross Valley Canal, Delta Division, Friant Division, Sacramento River Division, San Felipe Division, Shasta Division, Trinity River Division, and West San Joaquin Division, CVP, California: Early renewal of existing long-term contracts; long-term renewal of the interim renewal water service contracts expiring in 2003; water quantities for these contracts total in excess of 3.4M acre-feet. These contract actions will be accomplished through long-term renewal contracts pursuant to Public Law 102–575. Prior to completion of negotiation of long-term renewal contracts, existing interim renewal water service contracts may be renewed through successive interim renewal of contracts.

Completed contract actions:

12. Cachuma Operations and Maintenance Board, Cachuma Project, California: Temporary interim contract (not to exceed 1 year) to transfer responsibility of certain Cachuma Project facilities to member units. Temporary interim contract executed on January 1, 2002, and expires on June 30, 2002.

15. Placer County Water Agency, CVP, California: Amendment of existing water service contract to allow for additional points of diversion and adjustment to CVP water quantities. The amended contract will conform to current Reclamation law. Amendatory contract executed on February 26, 2002.

Lower Colorado Region: Bureau of Reclamation, PO Box 61470 (Nevada Highway and Park Street), Boulder City, Nevada 89006–1470, telephone 702–293–8536. New contract action

47. Citizens Communications Company (Agua Fria Division), CAP, Arizona: Assignment of M&I water service subcontract rights and responsibilities to Arizona American Water Company (Sun City).

Modified contract action:

25. Phelps Dodge Miami, Inc., CAP, Arizona: Amendment of subcontract to extend the deadline until December 31, 2002, for giving notice of termination on exchange.

Completed contract actions:

28. Coachella Valley WD, BCP, California: Amend contract No. 14–20–650–631 with Coachella Valley WD to include additional lands on the Torres Martinez Indian Reservation that are located within the District's Improvement District No. 1 which were reclassified and determined to be arable.

31. San Carlos Apache Tribe, CAP, Arizona: Agreement among the San Carlos Apache Tribe, the Salt River Project, and the United States, for exchange of up to 14,000 acre-feet of Black River water for CAP water.

32. San Carlos Apache Tribe, Arizona: Agreement among the San Carlos Apache Tribe, the United States, and the Phelps Dodge Corporation for the lease of CAP water.

Upper Colorado Region: Bureau of Reclamation, 125 South State Street, Room 6107, Salt Lake City, Utah 84138–1102, telephone 801–524–4419.

New contract actions:

1. (f) David W. and Rebecca A. Dennis: Aspinall Unit, CRSP; Colorado: Contract for 1 acre-foot to support an augmentation plan, Case No. 01CW84, Water Division Court No. 4, State of Colorado, to provide for a single-family residential well, including in-house residential, limited lawn, pond evaporation, and livestock watering (non-commercial).

1. (g) United States Fish and Wildlife Service: Aspinall Unit, CRSP; Colorado: Contract for 25 acre-feet to support an augmentation plan to provide water for the Hotchkiss Fish Hatchery ponds, used to grow out endangered fish, a part of the Endangered Fish Recovery Program.

18. LeChee Chapter of the Navajo Nation, Glen Canyon Unit, CRSP, Arizona: Long-term contract for 950 acre-feet of water for municipal purposes.

19. Ute Mountain Ute Tribe, Dolores Project, Colorado: Short-term (5-year) carriage contract with the Ute Mountain Ute Tribe to carry up to 3,500 acre-feet of non-project water in project facilities under the authority of the Warren Act of 1911.

20. Pine River ID, Pine River Project, Colorado: Contract to allow the District to convert up to approximately 3,000 acre-feet of project irrigation water to municipal, domestic, and industrial uses.

Modified contract action:

2. Taos Area, San Juan-Chama Project, New Mexico: The United States is reserving 2,990 acre-feet of project water for potential use in an Indian water rights settlement in the Taos, New Mexico area.

Completed contract actions:

1. (c) Larry Allen: Aspinall Unit, CRSP; Colorado: Contract for 1 acre-foot to support an augmentation plan, Case No. 01CW26, Water Division Court No. 4, State of Colorado, to provide for a single-family residential well, including home lawn and livestock watering (non-

commercial). Contract was executed March 20, 2002.

1. (d) Karl Hipp: Aspinall Unit, CRSP; Colorado: Contract for 1 acre-foot to support an augmentation plan, Case No. 01CW27, Water Division Court No. 4, State of Colorado, to provide for a single-family residential well, including home lawn and livestock watering (non-commercial). Contract was executed March 4, 2002.

1. (e) Oliver Woods: Aspinall Unit, CRSP; Colorado: Contract for 1 acre-foot to support an augmentation plan, Case No. 01CW14, Water Division Court No. 4, State of Colorado, to provide for a single-family residential well, including home lawn and livestock watering (non-commercial). Contract was executed March 20, 2002.

16. San Juan Water Commission, New Mexico, Animas-La Plata Project, Colorado and New Mexico: Cost sharing/repayment contract for up to 20,800 acre-feet per year of M&I water; contract terms to be consistent with the Colorado Ute Settlement Act Amendments of 2000 (Title III of Public Law 106–554). Contract was executed March 5, 2002.

Great Plains Region: Bureau of Reclamation, PO Box 36900, Federal Building, 316 North 26th Street, Billings, Montana 59107–6900, telephone 406–247–7730.

New contract actions:

41. Miles Land and Livestock Co. (Individual), Kendrick Project, Alcova Reservoir, Wyoming: Negotiate long-term contract for annual conveyance of up to 153.27 acre-feet of non-project water through the Casper Canal, Wyoming.

42. Helena Valley Unit, P–SMBP, Montana: The long-term water service contract with the City of Helena, Montana, expires December 31, 2003. Initiating negotiations for contract renewal for an annual supply of raw water for domestic and M&I use from Helena Valley Reservoir not to exceed 5,680 acre-feet of water annually.

Modified contract actions:

17. Lower Marias Unit, P–SMBP, Montana: Water service contract with Robert A. Sisk expired in July 1998. Initiating long-term contract for the use of up to 600 acre-feet of storage water from Tiber Reservoir to irrigate 220 acres. Temporary/interim contracts are being issued to allow continued delivery of water and the time necessary to complete required actions for the long-term contract process.

18. Lower Marias Unit, P–SMBP, Montana: Initiating renewal of long-term water service contract with Julie Peterson for the use of up to 717 acre-feet of storage water from Tiber Reservoir to irrigate 239 acres. Temporary/interim contracts are being issued to allow continued delivery of water and the time necessary to complete required actions for the long-term contract process.

19. Lower Marias Unit, P–SMBP, Montana: Water service contract with Ray Morkrid as Morkrid Enterpirses expired May 1998. Initiating long-term contract for the use of up to 6,855 acre-feet of storage water from Tiber Reservoir to irrigate 2,285 acres. Temporary/interim contracts are being issued to allow continued delivery of water and the time necessary to complete required actions for the long-term contract process.

27. Helena Valley Unit, P–SMBP, Montana: Initiating negotiations with Helena Valley ID for renewal of Part A of the A/B contract which expires in 2004.

28. Crow Creek Unit, P–SMBP, Montana: Initiating negotiations with Toston ID for renewal of Part A of the A/B contract which expires in 2004.

32. City of Dickinson, P–SMBP, Dickinson Unit, North Dakota: Negotiate a long-term water service contract with the City of Dickinson or Park Board, for minor amounts of water from Dickinson Dam. Temporary contract will be negotiated with Park Board and with the City of Dickinson for minor amounts of water from Dickinson Dam.

37. Lower Marias Unit, P–SMBP, Montana: Initiating long-term water service contract with Allen Brown as Tiber Enterprises for up to 910 acre-feet of storage from Tiber Reservoir to irrigate 303.2 acres. Temporary/interim contracts are being issued to allow continued delivery of water and the time necessary to complete required actions for the long-term contract process.

Discontinued contract action:

10. Northwest Area Water Supply, North Dakota: Long-term contract for water supply from Garrison Diversion Unit facilities. The State has decided not to contract at this time. A special use permit will be issued.

Completed contract actions:

29. Louis F. Polk, Jr. (Individual), Shoshone Project, Buffalo Bill Dam, Wyoming: Renewal of exchange water service contract not to exceed 500 acre-feet of water to service 249 acres. Renewal of exchange water service contract has been executed.

36. City of Dickinson, P–SMBP, North Dakota: In accordance with Public Law 106–566, a BON has been prepared to amend contract No. 9–07–60–W0384 which will allow the City to pay a lump-sum payment in lieu of its remaining repayment obligation for construction costs associated with the bascule gate. The BON has been approved by the Commissioner. The City of Dickinson paid out with a lump-sum payment.

38. Tom Green County Water Control and Improvement District No. 1, San Angelo Project, Texas: The District has requested deferment of its 2002 repayment obligation. A BON has been prepared to amend contract No. 14–06–500–369. Contract was executed March 15, 2002.

Dated: April 4, 2002.

Elizabeth Cordova-Harrison,

Deputy Director, Office of Policy.

[FR Doc. 02–10132 Filed 4–24–02; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Resource Conservation and Recovery Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a Consent Decree in *United States* v. *Hi-Noon Petroleum, Inc.*, Civil Action No. CV 02–27–GF–CSO, was lodged on April 3, 2002, with the United States District Court for the District of Montana. The Consent Decree resolves the claims of the United States under Section 9006 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6991e, for violations of the federal RCRA Underground Storage Tank (UST) regulations, 40 CFR Part 280 at the P&M Convenience Store in Browning, Montana. In the attached Consent Decree, Hi-Noon Petroleum will pay a penalty of $23,125.00 to the United States. Hi-Noon will spend an additional $69,375.00 on a Supplemental Environmental Project which conforms to EPA's Supplemental Environmental Projects Policy.

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 for the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Hi-Noon Petroleum, Inc.,* DOJ REF. #90–7–1–06937.

The Consent Decree may be examined at the Office of the United States Attorney, 2929 3rd Ave. North, Suite 400, Billings, MT 59101, and at U.S. EPA Region VII (8ENF–L), 999 18th Street, Suite #300, Denver, CO 80202–2466. A copy of the Consent Decree may

also be obtained by mail from the Consent Decree Library, Department of Justice, P.O. Box 7611, Washington, DC 20044–7611. In requesting a copy from the Consent Decree Library, please refer to the referenced case and enclose a check in the amount of $5.50 (25 cents per page reproduction cost), payable to the U.S. Treasury.

Robert Brook,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 02–10120 Filed 4–24–02; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Oil Pollution Act of 1990

In accordance with Departmental policy, notice is hereby given that a proposed Consent Decree in *United States* v. *Dimitrios N. Manetas*, Civil Action No. G–00–758, was lodged on March 6, 2002, with the United States District Court for the Southern District of Texas.

In this action the United States, pursuant to Sections 301(a) and 404 of the Oil Pollution Act of 1990, (''OPA''), 33 U.S.C. §§ 1311(a) and 1344, seeks civil penalties and injunctive relief, alleging that Dimitrios N. Manetas on January 22, 1999, and April 4, 1997, discharged dredged or fill material and/or controlled and directed the discharge of dredged or fill material into waters of the United States at a site located in LaMarque, Galveston County, Texas, without a permit issued by the United States Army Corps of Engineers.

The proposed Consent Decree provides that Dimitrios N. Manetas will pay the United States $18,721.00 in civil penalties and will perform mitigation projects as set out in appendix I attached to the Consent Decree, that he will comply with the terms and conditions of preservation of the project, and, except as in accordance with the Consent Decree, Manetas and his agents, successors and assigns are enjoined from discharging any pollutant into waters of the United States unless such discharge complies with the provisions of the CWA and its implementing regulations.

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 for the Environment and Natural Resources Division, P.O. Box 7611, United States Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Dimitrios N. Manetas*, Civil Action No. G–00–758, DOJ Ref. USAO #1999V00427.

The proposed Consent Decree may be examined at the office of the United States Attorney, Southern District of Texas, 911 Travis Street, Suite 1500, Houston, Texas 77208. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, United States Department of Justice, Washington, DC 20044–7611. In requesting a copy please refer to the referenced case and enclose a check in the amount of $4.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Dated: April 9, 2002.

Gordon M. Speights Young,

Assistant United States Attorney, United States Attorney's Office, P.O. Box 61129, Houston, Texas 77208, Telephone: (713) 567–9501, Facsimile: (713) 718–3303.

[FR Doc. 02–10122 Filed 4–24–02; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on March 25, 2002 a proposed Partial Consent Decree in *United States* v. *Pharmacia Corporation (p/k/a Monsanto Company) and Solutia, Inc.,* Civil Action No. CV–02–PT–0749–E was lodged with the United States District Court for the Northern District of Alabama.

In this action the United States alleges that Pharmacia Corporation and Solutia, Inc. (''Defendants'') are liable under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), for injunctive relief in connection with the release of hazardous substances from the Defendants' manufacturing facility located in Anniston, Alabama into the environment. The United States further alleges that the Defendants are liable for reimbursing the United States for all future response costs incurred in connection with the Anniston PCB Site.

This Partial Consent Decree (hereinafter ''Decree'') requires the Defendants to provide, in accordance with federal regulations, standards and guidelines, for a thorough assessment of contamination in and around Annistan, Alabama and to determine the risks that such contamination may pose to public health and the environment. This process is called the Remedial Investigation. In addition, the proposed Decree requires the Defendants to identify methodologies for cleanup of the contamination so as to provide the necessary protection of public health an the environment. This process is called the Feasibility Study. Ultimately, from this process, the U.S. Environmental Protection Agency (''EPA'') will select the appropriate cleanup to ensure protection of public health and the environment. The costs for the Remedial Investigation and Feasibility Study (''RI/FS'') will be borne by the Defendants.

Under the proposed Decree, the Defendants will undertake implementation of the RI/FS. The RI/FS includes the Defendants' manufacturing facility and all areas where contamination has migrated from the facility.

In addition, the Decree requires the Defendants to provide over $3.2 million in funding to an education trust fund. The trust fund is created under the proposed Decree for the purpose of providing special education, tutoring, or other supplemental educational services for children of west Anniston that have learning disabilities or otherwise need additional educational services.

Under the Decree, the Defendants will be required to reimburse the United States for all future oversight costs.

Additionally, the Decree requires the Defendants to provide funding for a Technical Assistance Plan (''TAP''). The purpose of the TAP is to provide technical assistance to the community so that the community can play a meaningful role in the RI/FS process.

Notice of the Decree was published on April 5, 2002 at 67 **Federal Register** at page 16124. However, the publication contained an error in that it stated that the settlement was under the Clean Air Act. The Department of Justice will receive for a period of sixty (60) days from the April 5, 2002 publication comments relating to the proposed Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044, and should refer to *United States* v *Pharmacia Corporation (p/k/a Monsanto Company and Solutia, Inc.,* D.J. Ref. 90–11–2–07135/1.

The proposed Partial Consent Decree may be examined at the Office of the United States Attorney, Northern District of Alabama, 1801 4th Avenue, North, Birmingham, Alabama 35203; and at Region 4, Office of the Environmental Protection Agency,

Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303. A copy of the proposed Partial Consent Decree may be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy, please enclose a check in the amount of $6.25 (without exhibits), $41.50 (with exhibits) (25 cents per page reproduction cost) payable to the Treasurer of the United States.

Ellen M. Mahan,

Assistant Section Chief, Environment and Natural Resources Division.

[FR Doc. 02–10121 Filed 4–24–02; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Emergency Review; Comment Request

April 10, 2002.

The Department of Labor has submitted the following information collection request (ICR), utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). OMB approval has been requested by April 26, 2002. A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain a copy of this ICR, contact Darrin King on 202–693–4129 or e-mail: *king-darrin@dol.gov.*

Comments and questions about the ICR listed below should be submitted to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor, Office of Management and Budget, Room 10235, Washington, DC 20503 (202–395–7316), and received by April 26, 2002.

The Office of Management and Budget is particularly interested in comments which:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Agency: Office of the Secretary (OS).

Title: Information Collection Plan for GovBenefits.

OMB Number: 1290–0NEW.

Affected Public: Individual or households; Business or other for-profit; Not-for-profit institutions; Farms; State, Local, or Tribal Governments.

Frequency: On occasion.

Number of Respondents: 500,000.

Estimated Number of Annual Responses: 500,000.

Average Response Time: 2.5 minutes.

Estimated Annual Burden Hours: 20,000.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintaining): $0.

Description: The President's Management Agenda for E-Government (February 27, 2002) sets forth a strategy for simplifying the delivery of services to citizens. The President's agenda outlines a Federal E-Government Enterprise Architecture that will transition the management and delivery of government services from a bureaucracy-centered to a citizen-centered paradigm. To this end, the Department of Labor serves as the managing partner of the Administration's ''GovBenefits'' (formerly ''Eligibility Assistance Online'') strategy for assisting citizens in identifying and locating information on benefits sponsored by the Federal government. This tool will greatly reduce the burden on citizens attempting to locate services available from many different government agencies by providing one-stop access to information on obtaining those services.

From time-to time, the precise questions or content may require modification to accommodate addition to the GovBenefits portal as well as new or revised services. Furthermore, while the initial launch version scheduled for April 2002 does not ''collect'' information, to better service citizens through website design, subsequent versions may need to collect user demographics such as ''average age.''

Respondents answer a series of questions to the extent necessary for locating relevant information on Federal benefits. Responses are used by the respondent to expedite the identification and retrieval of sought after information and resources pertaining to the benefits sponsored by the Federal government.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 02–10139 Filed 4–24–02; 8:45 am]

BILLING CODE 4510–23–M

THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: The National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Laura S. Nelson, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential and/or information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), and (6) of section 552b of Title 5, United States Code.

1. *Date:* May 2, 2002.
Time: 9 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Summer Seminars and Institutes for School Teachers, submitted to

the Division of Education Programs at the March 1, 2002 deadline.

2. *Date:* May 3, 2002.
Time: 9 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Summer Seminars and Institutes for College and University Teachers, submitted to the Division of Education Programs at the March 1, 2002 deadline.

3. *Date:* May 6, 2002.
Time: 9 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Summer Seminars and Institutes for College and University Teachers, submitted to the Division of Education Programs at the March 1, 2002 deadline.

4. *Date:* May 7, 2002.
Time: 9 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Summer Seminars and Institutes for College and University Teachers, submitted to the Division of Education Programs at the March 1, 2002 deadline.

5. *Date:* May 14, 2002.
Time: 8:30 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Humanities Focus Grants, submitted to the Division of Education Programs at the April 15, 2002 deadline.

6. *Date:* May 16, 2002.
Time: 8:30 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Humanities Focus Grants, submitted to the Division of Education Programs at the April 15, 2002 deadline.

7. *Date:* May 17, 2002.
Time: 8:30 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Humanities Focus Grants, submitted to the Division of Education Programs at the April 15, 2002 deadline.

8. *Date:* May 20, 2002.
Time: 8:30 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Humanities Focus Grants, submitted to the Division of Education Programs at the April 15, 2002 deadline.

9. *Date:* May 21, 2002.
Time: 8:30 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Humanities Focus Grants, submitted to the Division of Education Programs at the April 15, 2002 deadline.

10. *Date:* May 22, 2002.
Time: 8:30 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Humanities Focus Grants, submitted to the Division of Education Programs at the April 15, 2002 deadline.

Laura S. Nelson,

Advisory Committee Management Officer.

[FR Doc. 02–10090 Filed 4–24–02; 8:45 am]
BILLING CODE 7536–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–315 and 50–316]

Indiana Michigan Power Company; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–58 and Facility Operating License No. DPR–74, issued to Indiana Michigan Power Company (the licensee), for operation of the Donald C. Cook Nuclear Plant, Units 1 and 2, located in Berrien County, Michigan.

The proposed amendment would revise the surveillance requirements for the Train AB, CD, and N batteries in technical specification (TS) 4.8.2.3.2.c.1 and TS 4.8.2.5.2.c.1. The proposed amendment affects the requirement to verify that battery cells, cell plates and racks show no visual indication of physical damage or abnormal deterioration. The proposed amendment would allow the operability of batteries exhibiting such damage or deterioration to be determined by an evaluation. The proposed amendment is consistent with a Nuclear Regulatory Commission (NRC) approved change to the Standard TSs for Westinghouse plants (NUREG 1431, Revision 1) as documented in TS Task Force Standard TS Change Traveler-38. Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in Title 10 of the Code of Federal Regulations (10 CFR), Section 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the Proposed Change Involve a Significant Increase in the Probability of Occurrence or Consequences of an Accident Previously Evaluated?

Response: No.

Probability of Occurrence of an Accident Previously Evaluated—

The proposed change would eliminate the requirement to declare the Train AB, CD, or N battery inoperable due to physical damage or abnormal deterioration of the cells, cell plates, or racks if the damage or deterioration would not degrade battery performance. The proposed change would also require that a decision to not declare a battery inoperable be based on an evaluation of the physical damage or abnormal deterioration. The proposed change does not affect any existing accident initiators or precursors. The safety function of the batteries is to provide power to systems and components that mitigate an accident. There is no design basis accident that is initiated by a failure of a battery to perform its safety function. The proposed change will not create any adverse interactions with other systems that could result in initiation of a design basis accident. Therefore, the probability of occurrence of an accident previously evaluated is not significantly increased.

Consequences of an Accident Previously Evaluated—

The proposed change does not reduce the ability of the batteries to perform their safety function. The TS will continue to require that a battery be declared inoperable if physical damage or abnormal deterioration that impairs the ability of a battery to perform its safety function is observed. As a result, the ability of the batteries to perform their safety function is unaffected by the proposed change. Therefore, the safety related systems and components that are supported by the batteries and mitigate the consequences of an accident are not affected by the proposed change.

In summary, the probability of occurrence and the consequences of an accident previously evaluated are not significantly increased.

2. Does the Proposed Change Create the Possibility of a New or Different Kind of Accident From Any Accident Previously Evaluated?

Response: No.

The proposed change does not create any new or different accident initiators or precursors. The batteries will continue to function as before the change, and will continue to be declared inoperable if physical damage or abnormal deterioration that impairs the ability of a battery to perform its safety function is observed. The proposed change does not create any new failure modes for the batteries and does not affect the interaction between the batteries and any other system. Thus, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the Proposed Change Involve a Significant Reduction in a Margin of Safety?

Response: No.

The margins of safety associated with a battery are those pertaining to its performance. The TSs will continue to require that a battery be declared inoperable if physical damage or abnormal deterioration of the cells, cell plates, or racks that would degrade battery performance is observed. As a result, the proposed change does not affect the capability of the batteries to perform in accordance with established safety margins. Therefore, the proposed change does not involve a significant reduction in margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By May 28, 2002, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714, which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or electronically on the Internet at the NRC Web site *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If there are problems in accessing the document, contact the Public Document Room Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov*. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final

determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to David W. Jenkins, *Esq.,* 500 Circle Drive, Buchanan, MI 49107 attorney for the licensee. Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated [date], which is available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC Public Document Room Reference staff by telephone at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 18th day of April, 2002.

For the Nuclear Regulatory Commission.

John F. Stang,

Senior Project Manager, Section 1, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 02–10185 Filed 4–24–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–280 and 50–281]

Viginia Electric and Power Company, Surry Power Station, Units 1 and 2; Notice of Availability of the Draft Supplement 6 to the Generic Environmental Impact Statement and Public Meeting for the License Renewal of Surry Units 1 and 2

Notice is hereby given that the U. S. Nuclear Regulatory Commission (the Commission) has published a draft plant-specific supplement to the Generic Environmental Impact Statement (GEIS), NUREG–1437, regarding the renewal of operating licenses DPR–32 and DPR–37 for an additional 20 years of operation at Surry Power Station, Units 1 and 2. Surry Power Station is located in Surry County, Virginia. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources.

The draft supplement to the GEIS is available electronically for public inspection in the NRC Public Document Room located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm.html* (the Public Electronic Reading Room). If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, or 301–415–4737, or by e-mail to *pdr@nrc.gov.* In addition, the Swem Library at the College of William and Mary, Williamsburg, Virginia, has agreed to make the draft supplement to the GEIS available for public inspection.

Any interested party may submit comments on the draft supplement to the GEIS for consideration by the NRC staff. To be certain of consideration, comments on the draft supplement to the GEIS and the proposed action must be received by July 12, 2002. Comments received after the due date will be considered if it is practical to do so, but the NRC staff is able to assure consideration only for comments received on or before this date. Written comments on the draft supplement to the GEIS should be sent to: Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mail Stop T–6D 59, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Comments may be hand-delivered to the NRC at 11545 Rockville Pike, Rockville, Maryland, between 7:45 a.m. and 4:15 p.m. on Federal workdays. Electronic comments may be submitted to the NRC by the Internet at *SurryEIS@nrc.gov.* All comments received by the Commission, including those made by Federal, State, and local agencies, Indian tribes, or other interested persons, will be made available electronically at the Commission's Public Document Room in Rockville, Maryland and from the Publicly Available Records (PARS) component of NRC's document system (ADAMS).

The NRC staff will hold a public meeting to present an overview of the draft plant-specific supplement to the GEIS and to accept public comments on the document. The public meeting will be held at the Surry Combined District Court Room, Surry County Government Center, 45 School Street, Surry, Virginia, on May 29, 2002. There will be two sessions to accommodate interested parties. The first session will commence at 1:30 p.m. and will continue until 4:30 p.m. The second session will commence at 7 p.m. and will continue until 10 p.m. Both meetings will be transcribed and will include (1) a presentation of the contents of the draft plant-specific supplement to the GEIS, and (2) the opportunity for interested government agencies, organizations, and individuals to provide comments on the draft report. Additionally, the NRC staff will host informal discussions one hour prior to the start of each session at the Surry County Government Center. No comments on the proposed scope of the supplement to the GEIS will be accepted during the informal discussions. To be considered, comments must be provided either at the transcribed public meetings or in writing, as discussed below. Persons may pre-register to attend or present oral comments at the meeting by contacting Mr. Andrew J. Kugler by telephone at 1–800–368–5642, extension 2828, or by Internet to the NRC at *SurryEIS@nrc.gov* no later than May 22, 2002. Members of the public may also register to provide oral comments within 15 minutes of the start of each session. Individual oral comments may be limited by the time

available, depending on the number of persons who register. If special equipment or accommodations are needed to attend or present information at the public meeting, the need should be brought to Mr. Kugler's attention no later than May 22, 2002, to provide the NRC staff adequate notice to determine whether the request can be accommodated.

FOR FURTHER INFORMATION CONTACT: Mr. Andrew J. Kugler, License Renewal and Environmental Impacts Program, Division of Regulatory Improvement Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Mr. Kugler may be contacted at the aforementioned telephone number or e-mail address.

Dated at Rockville, Maryland, this 3rd day of April, 2002.

For the Nuclear Regulatory Commission.

Pao-Tsin Kuo,

Acting Program Director, License Renewal and Environmental Impacts, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

[FR Doc. 02–10184 Filed 4–24–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Solicitation of Comments on Draft NRC Inspection Manual Chapter 2604, ''Licensee Performance Review''

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of opportunity for comment.

SUMMARY: The Division of Fuel Cycle Safety and Safeguards of the NRC has issued a draft revision to Inspection Manual Chapter (MC) 2604, ''Licensee Performance Review'' for stakeholder review and comment. The Licensee Performance Review (LPR) process is part of the NRC's oversight program for commercial nuclear fuel cycle facilities regulated under 10 CFR parts 40, 70, and 76. These facilities currently include gaseous diffusion plants, uranium fuel fabrication facilities, and a uranium hexafluoride (UF_6) production facility.

Through the proposed revision to MC 2604, the staff intends to make the LPR process more risk informed by: focusing the periodic performance reviews on safety- and safeguards-significant issues; discontinuing the practice of aggregating non-significant issues; eliminating the use of ''strengths'' and ''challenges to performance'' in characterizing facility performance, and; replacing the term ''weaknesses'' with ''areas needing improvement.'' In addition to enhancing the safety focus of facility performance assessment, the staff believes that these changes should make the LPR process more efficient. Accordingly, the staff has shortened the time span to produce an LPR report by several weeks, which will result in the reports being more timely. The staff intends to continue holding public meetings in the vicinity of facilities to present LPR results to licensees and interested stakeholders.

The availability of this document is the latest step in an NRC effort to improve its oversight program for nuclear fuel cycle facilities. The staff has recently revised its approach to this project to revise first the LPR process, then the inspection program, pending the implementation of changes resulting from the recent revision to 10 CFR part 70. The staff's revised approach is described more fully in a March 18, 2002, memorandum from the Executive Director for Operations to the Commission. This memorandum is available in the Public Document Room, in ADAMS (accession number ML012770063), and on the NRC technical conference Web site at *http://techconf.llnl.gov/cgi-bin/topics.*

Opportunity To Comment: To provide NRC with stakeholder views on proposed changes to the process used to assess the safety and safeguards performance of fuel facilities, interested parties are invited to comment on the draft revision to MC 2604.

DATES: Written comments must be received prior to May 28, 2002.

ADDRESSES: A copy of the draft revision to MC 2604 may be obtained by writing to the Inspection Section, Special Projects and Inspection Branch (M/S T8H7), Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Materials Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Comments on this document should be sent to this same address.

The draft revision to MC 2604 is also available on the NRC technical conference Web site at *http://techconf.llnl.gov/cgi-bin/topics.*

FOR FURTHER INFORMATION CONTACT: Patrick Castleman, Office of Nuclear Material Safety and Safeguards, M/S T8H7, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–8118, e-mail *pic@nrc.gov.*

Dated at Rockville, Maryland, this 18th day of April, 2002.

For the Nuclear Regulatory Commission.

Melvyn N. Leach,

Chief, Special Projects and Inspection Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 02–10183 Filed 4–24–02; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

January 2002 Pay Adjustments

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: The President adjusted the rates of basic pay and locality payments for certain categories of Federal employees in January 2002. This notice documents those pay adjustments for the public record.

FOR FURTHER INFORMATION CONTACT: Brenda Roberts, Office of Compensation Administration, Workforce Compensation and Performance Service, Office of Personnel Management, (202) 606–2858, FAX (202) 606–0824, or email to *payleave@opm.gov.*

SUPPLEMENTARY INFORMATION: On December 28, 2001, the President signed Executive Order 13249 (67 FR 639, January 7, 2002), which implemented the January 2002 across-the-board adjustments for the statutory pay systems and the 2002 locality pay adjustments for General Schedule (GS) employees in the 48 contiguous States and the District of Columbia. The President made these adjustments consistent with Public Law 107–67, November 12, 2001, which authorized an overall average pay increase of 4.6 percent for General Schedule employees.

Schedule 1 of Executive Order 13249 provides the rates for the 2002 General Schedule and reflects a 3.6 percent general increase. Executive Order 13249 also includes the percentage amounts of the 2002 locality payments. (See Section 5 and Schedule 9 of Executive Order 13249.)

The publication of this notice satisfies the requirement in section 5(b) of Executive Order 13182 that the Office of Personnel Management (OPM) publish appropriate notice of the 2002 locality payments in the **Federal Register**.

GS employees receive locality payments under 5 U.S.C. 5304. Locality payments apply in the 48 contiguous States and the District of Columbia. In 2002, locality payments ranging from 8.64 percent to 19.04 percent apply to GS employees in 32 locality pay areas.

These 2002 locality pay percentages, which replaced the locality pay percentages that were applicable in 2001, became effective on the first day of the first applicable pay period beginning on or after January 1, 2002. An employee's locality-adjusted annual rate of pay is computed by increasing his or her scheduled annual rate of basic pay (as defined in 5 U.S.C. 5302(8) and 5 CFR 531.602) by the applicable locality pay percentage. (See 5 CFR 531.604 and 531.605.)

Executive Order 13249 establishes the new Executive Schedule, which incorporates the 3.4 percent increase (rounded to the nearest $100) required under 5 U.S.C. 5318. The Executive order also reflects a decision by the President to increase the rates of basic pay for members of the Senior Executive Service (SES) by 3.6 percent (rounded to the nearest $100) at levels ES–1 through ES–3 and by 3.4 percent (rounded to the nearest $100) at levels ES–4 through ES–6. The maximum rate of basic pay for SES members is limited by law to the rate for level IV of the Executive Schedule, which is now $130,000.

The Executive order adjusted the rates of basic pay for administrative law judges (ALJs) at levels AL–2 and AL–3 by approximately 5.4 percent (rounded to the nearest $100). The rate of basic pay for AL–1 was increased by approximately 3.4 percent, since that rate is capped at the rate for level IV of the Executive Schedule. (See 5 U.S.C. 5372.)

The rates of basic pay for Board of Contract Appeals (BCA) members are calculated as a percentage of the rate for level IV of the Executive Schedule. (See 5 U.S.C. 5372a.) Therefore, BCA rates of basic pay were increased by approximately 3.4 percent. Also, the maximum rate of basic pay for senior-level (SL) and scientific or professional (ST) positions was increased by approximately 3.4 percent (to $130,000) because it is tied to the rate for level IV of the Executive Schedule. The minimum rate of basic pay for SL/ST positions is equal to 120 percent of the minimum rate of basic pay for GS–15 and thus was increased by 3.6 percent (to $99,096). (See 5 U.S.C. 5376.)

On December 6, 2001, the President's Pay Agent extended the 2002 locality-based comparability payments to the same Governmentwide and single-agency categories of non-GS employees that received the 2001 locality payments. The Governmentwide categories include members of the SES, the Foreign Service, the Senior Foreign Service, employees in SL/ST positions, ALJs, administrative appeals judges, and BCA members.

OPM published ''Salary Tables for 2002,'' (OPM Doc. 124–48–6) in April 2002. This publication provides complete salary tables incorporating the 2002 pay adjustments, information on general pay administration matters, locality pay area definitions, Internal Revenue Service withholding tables, and other related information. The rates of pay shown in this publication are the official rates of pay for affected employees and are hereby incorporated as part of this notice. You may purchase copies of ''Salary Tables for 2002'' from the Government Printing Office (GPO) by calling (202) 512–1800 (outside the DC area: 1–866–512–1800) or FAX (202) 512–2250. You may order copies directly from GPO on the Internet at *http://bookstore.gpo.gov.* In addition, you can find pay tables on OPM's Internet Web site at *http://www.opm.gov/oca/payrates/index.htm.*

Office of Personnel Management.

Kay Coles James,

Director.

[FR Doc. 02–10136 Filed 4–24–02; 8:45 am]

BILLING CODE 6325–39–P

SECURITIES AND EXCHANGE COMMISSION

[Rule 236, SEC File No. 270–118 and OMB Control No. 3235–0095]

Proposed Collection; Comment Request; Requests Under Review by Office of Management and Budget Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 236 under the Securities Act of 1933 (''Securities Act'') requires issuers choosing to rely on an exemption from Securities Act registration for the issuance of fractional shares, scrip certificates or order forms, in connection with a stock dividend, stock split, reverse stock split, conversion, merger or similar transaction to furnish specified information to the Commission in writing at least ten days prior to the offering. The information is needed to provide public notice that an issuer is relying on the exemption. Public companies are the likely respondents. An estimated ten submissions are made pursuant to Rule 236 annually, resulting in an estimated annual total burden of 15 hours.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549.

Dated: April 17, 2002.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–10149 Filed 4–24–02; 8:45 am]

BILLING CODE 8010–01–U

SECURITIES AND EXCHANGE COMMISSION

[Rule 10f–3, OMB Control No. 3235–0226 and SEC File No. 270–237]

Submission for OMB Review; Comment Request; Upon Written Request, Copies Available From: Securities and Exchange Commission Office of Filings and Information Services Washington, DC 20549

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension and approval of the collection of information discussed below.

Section 10(f) of the Investment Company Act of 1940 [15 U.S.C. 80a–10(f)] (the ''Act'' or ''Investment Company Act'') prohibits a registered investment company (''fund'') from purchasing any security during an underwriting or selling syndicate if the fund has certain relationships with a

principal underwriter [1] for the security (''affiliated underwriter'').[2] Congress enacted this provision in 1940 to protect funds and their investors by preventing underwriters from ''dumping'' unmarketable securities on affiliated funds.[3]

In 1958, under rulemaking authority in section 10(f), the Commission adopted rule 10f–3, which is entitled ''Exemption for the Acquisition of Securities During the Existence of an Underwriting or Selling Syndicate.'' The Commission last amended the rule in January 2001.[4] Rule 10f–3 currently permits a fund to purchase securities in a transaction that otherwise would violate section 10(f) if, among other things: [5]

(1) The securities either are registered under the Securities Act of 1933, are municipal securities with certain credit ratings, or are offered in certain private or foreign offerings;

(2) the securities purchases meet certain conditions with respect to timing and price;

(3) the issuer of the securities has been in continuous operation for at least three years prior to the issuance of the securities;

(4) the offering involves a ''firm commitment'' underwriting;

(5) the underwriters'' commission is reasonable;

(6) the fund (together with other funds advised by the same investment adviser) purchases no more than twenty-five percent of the offering;

(7) the fund purchases the securities from a member of the syndicate other than the affiliated underwriter;

(8) each transaction effected under the rule is reported on Form N–SAR;

(9) the fund's directors have approved procedures for purchases made in reliance on the rule, regularly review fund purchases to determine whether they comply with these procedures, and approve necessary changes to the procedures; and

(10) a written record of each transaction effected under the rule is maintained for six years, the first two of which in an easily accessible place. [6]

These limitations are designed to prevent purchases under the rule from raising the concerns that section 10(f) was enacted to address and to protect the interests of investors. These requirements provide a mechanism for fund boards to oversee compliance with the rule. The required recordkeeping facilitates the Commission staff's review of rule 10f–3 transactions during routine fund inspections and, when necessary, in connection with enforcement actions.

The staff estimates that approximately 410 funds engage in a total of approximately 2050 rule 10f–3 transactions each year. We estimate that each fund makes an average of fifteen responses per year and that the 410 funds that rely on rule 10f–3 make a total of 6150 total annual responses.[7] Before making a purchase under rule 10f–3, the purchasing fund must document that the transaction complies with the conditions in the rule, a process which the staff estimates takes an average of approximately thirty minutes per transaction at a cost of $22.44 per transaction.[8] Thus, annually, in the aggregate, funds spend approximately 1025 hours [9] at a cost of $46,002 [10] on pre-transaction reporting. The staff estimates that, after the transaction is complete, an additional thirty minutes is spent completing the record of the transaction at a cost of $22.44 per transaction.[11] Thus, annually, in the aggregate, funds spend approximately 1025 hours [12] at a cost of $46,002 [13] on post-transaction reporting. The staff estimates further that preparation of a quarterly report of all rule 10f–3 transactions for the board of directors takes approximately 1.5 hours per quarter (in which there are 10f–3 transactions) at a cost of $43.78.[14] The staff estimates that, on average, each of the 410 funds engages in rule 10f–3 transactions during two quarters each year. Thus, annually in the aggregate, funds spend approximately 1230 hours [15] at a cost of $35,900 [16] on the preparation of quarterly transaction reports. The staff estimates that the board of directors spends fifteen minutes reviewing these reports each quarter (in which there are 10f–3 transactions) at a cost of $500.[17] Thus, annually, in the aggregate, funds spend approximately 205 hours [18] at a cost of $410,000 [19] for the quarterly review of rule 10f–3 transactions by boards. The staff further estimates that reviewing and revising as needed written procedures for rule 10f–3 transactions takes, on average, two hours of a compliance attorney's time at a cost of approximately $124.02 [20] per year and fifteen minutes of board time at a cost of $500 per year.[21] Thus, annually, in the aggregate, the staff estimates that funds spend a total of approximately 922.5 hours [22] at a cost of approximately $255,848 [23] on monitoring and revising rule 10f–3 procedures. The staff estimates, therefore, that rule 10f–3 imposes an information collection burden of 4407.5 hours [24] at a cost of

[1] ''Principal underwriter'' is defined to mean (in relevant part) an underwriter that, in connection with a primary distribution of securities, (A) is in privity of contract with the issuer or an affiliated person of the issuer, (B) acting alone or in concert with one or more other persons, initiates or directs the formation of an underwriting syndicate, or (C) is allowed a rate of gross commission, spread, or other profit greater than the rate allowed another underwriter participating in the distribution. 15 U.S.C. 80a–2(a)(29).

[2] Section 10(f) prohibits the purchase if a principal underwriter of the security is an officer, director, member of an advisory board, investment adviser, or employee of the fund, or if any officer, director, member of an advisory board, investment adviser, or employee of the fund is affiliated with the principal underwriter. 15 U.S.C. 80a–10(f).

[3] See Investment Trusts and Investment Companies: Hearings on S. 3580 Before a Subcomm. of the Senate Comm. on Banking and Currency, 76th Cong., 3d Sess. 35 (1940) (statement of Commissioner Healy).

[4] Additional amendments to rule 10f–3 were proposed on November 29, 2000. Exemption for the Acquisition of Securities During the Existence of an Underwriting or Selling Syndicate, Investment Company Act Release No. 24775 (Nov. 29, 2000). These proposals, if adopted, would expand the exemption provided by the rule to permit a fund to purchase government securities in a syndicated offering and modify the rule's percentage limit on purchases.

[5] See Rule 10f–3(b).

[6] The written record must state (i) from whom the securities were acquired, (ii) the identity of the underwriting syndicate's members, (iii) the terms of the transactions, and (iv) the information or materials on which the fund's board of directors has determined that the purchases were made in compliance with procedures established by the board. See Rule 10f–3(b)(12).

[7] 2050 instances of pre-transaction reporting + 2050 instances of post-transaction reporting + 820 quarterly reports + 820 quarterly reviews by fund boards + 410 instances of monitoring and revision of rule 10f–3 procedures = 6150 responses

[8] Typically, personnel from several departments, including portfolio management and compliance, share this task. The staff estimates that the average hourly rate for these personnel is $44.87.

[9] 2050 transactions per year × 30 minutes per transaction = 1025 hours

[10] 2050 transactions × $22.44/transaction = $46,002

[11] As with the reporting at the time of the transaction, the task of completing the record of the transaction is shared among personnel for whom the staff estimates the average hourly rate to be $44.87.

[12] 2050 transactions per year × 30 minutes per transaction = 1025 hours

[13] 2050 transactions per year × $22.44/transaction = $46,002

[14] The staff estimates that a compliance clerk spends one hour of time, at $12.77/hour, preparing the report and a compliance attorney spends half an hour of time, at $62.01/hour, reviewing the report.

[15] 410 funds × 2 quarters/year × 1.5 hours/quarter = 1230 hours

[16] 410 funds × 2 quarters/year × $43.78/quarter = $35,900

[17] The staff estimates that each hour of a fund board's meeting costs $2000.

[18] 410 funds × 2 quarters/year × 15 minutes/quarter = 205 hours

[19] 410 funds × 2 quarters/year × $500/quarter = *$410,000*

[20] 2 hours × $62.01/hour = $124.02

[21] These averages take into account the fact that in most years, fund attorneys and boards spend little or no time modifying procedures and in other years, they spend a significant amount of time doing so.

[22] 410 funds × (2 hours by compliance attorney + 15 minutes by board/year) = 922.5 hours

[23] 410 funds × ($124.02 for compliance attorney time + $500 for board time) = $255,848

[24] 1025 for pre-transaction reporting + 1025 for post-transaction reporting + 1230 hours for preparing the board report + 205 hours for board

Continued

$793,752.[25] This estimate does not include the time spent filing transaction reports on Form N–SAR, which is encompassed in the information collection burden estimate for that form. Commission staff estimates that there is no cost burden for rule 10f–3 other than the costs associated with the hour burden. These estimates are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even a representative survey or study of Commission rules.

It is mandatory that funds provide the information required by rule 10f–3 to obtain the benefit of the exemption provided by the rule. The information required by rule 10f–3 that is reported on Form N–SAR is public and therefore not confidential. Written records of rule 10f–3 transactions maintained by funds, the written procedures that ensure compliance with the rule, and any modifications to these procedures are non-public and therefore confidential.

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.

Please direct general comments regarding the above information to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; and (ii) Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, Mail Stop 0–4, 450 5th Street, NW, Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: April 17, 2002.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–10148 Filed 4–24–02; 8:45 am]

BILLING CODE 8010–01–U

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act; meetings

STATUS: Closed meetings

PLACE: 450 Fifth Street, NW., Washington, DC.

DATE AND TIME OF PREVIOUSLY ANNOUNCED MEETING: Tuesday, April 23, 2002 at 10 a.m. and Wednesday, April 24, 2002 at 10 a.m.

CHANGE IN THE MEETING: Cancellation of Meeting/Time Change.

The closed meeting scheduled for Tuesday, April 23, 2002, has been cancelled. The closed meeting scheduled for Wednesday, April 24, 2002 at 10 a.m. has changed to Wednesday, April 24, 2002 at 9:30 a.m.

For further information, please contact the Office of the Secretary at (202) 942–7070.

Dated: April 23, 2002.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–10287 Filed 4–23–02; 11:53 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act; Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission held the following additional meeting during the week of April 15, 2002:

An additional closed meeting was held on Wednesday, April 17, 2002 at 4 p.m.

Commissioner Glassman, as duty officer, determined that no earlier notice thereof was possible.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries attended the closed meeting. Certain staff members who had an interest in the matters were also present.

The General Counsel of the Commission, or his designee, certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(5), (7), and (10) and 17 CFR 200.402(a)(5), (7), and (10), permitted consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting held on Wednesday, April 17, 2001, was:

Adjudicatory matters; and formal order of investigation.

For further information, please contact: The Office of the Secretary at (202) 942–7070.

Dated: April 23, 2002.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–10288 Filed 4–23–02; 11:53 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45773; File No. SR–Amex–2002–32]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the American Stock Exchange LLC Relating to Suspension of Transaction Charges for Certain Exchange-Traded Funds and Trust Issued Receipts

April 17, 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 April 15, 2002, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to suspend Exchange transaction charges for customer orders in the following Amex-listed Exchange-Traded Funds and Trust Issued Receipts: MidCap SPDRs™, Select Sector SPDRs® (9 series), and HOLDRs™ (17 series).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Amex has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[25] $46,002 for pre-transaction reporting + $46,002 for post-transaction reporting + $35,900 for preparing the board report + $410,000 for board review of rule 10f–3 transactions + $255,848 for monitoring and revising rule 10f–3 procedures = $793,752

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to suspend transaction charges for customer orders for the following Amex-listed securities: (1) MidCap SPDRs™ (Symbol: MDY); (2) all series of Select Sector SPDRs, including Basic Industries (XLB), Consumer Services (XLV), Consumer Staples (XLP), Cyclical/Transportation (XLY), Energy (XLE), Financial (XLF), Industrial (XLI), Technology (XLK), and Utilities (XLU); and (3) all series of HOLDRs, including: Biotech (BBH), Broadband (BDH), B2B Internet (BHH), Europe 2001 (EKH), Internet (HHH), Internet Architecture (IAH), Internet Infrastructure (IIH), Market 2000+ (MKH), Oil Service (OIH), Pharmaceutical (PPH), Regional Bank (RKH), Retail (RTH), Semiconductor (SMH), Software (SWH), Telecom (TTH), Utilities (UTH), and Wireless (WMH).

Off-floor orders (*i.e.*, customer and broker-dealer orders) in these securities currently are charged $.006 per share ($.60 per 100 shares), capped at $100 per trade (16,667 shares). Orders entered electronically into the Amex Order File from off the floor (''System Orders'') for up to 5,099 shares are currently not assessed a transaction charge, while System Orders over 5,099 shares are subject to a $.006 per share transaction charge, capped at $100 per trade. The Exchange proposes to suspend transaction charges applicable to customer orders. The Exchange will continue to impose, and is not suspending, existing transaction charges applicable to entities other than customers, including Exchange specialists, registered traders, and member organizations.

The Exchange believes a suspension of fees for these securities for customer orders is appropriate to enhance the competitiveness of executions in these securities on the Amex. The Exchange will reassess the fee suspension as appropriate, and will file any modification to the fee suspension with the Commission pursuant to Section 19(b)(3)(A) of the Act.[3]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[4] in general, and furthers the objectives of Section 6(b)(4) of the Act,[5] in particular, because it is intended to assure the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.[6]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. 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 establishes or changes a due, fee, or other charge imposed by the Exchange. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in the furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR–Amex–2002–32 and should be submitted by May 16, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–10151 Filed 4–24–02; 8:45 am]

BILLING CODE 8010–01–P

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4).

[6] At the request of Amex, the Commission revised this sentence. Telephone call between Michael Cavalier, Associate General Counsel, Amex, and Jennifer Lewis, Attorney, Division of Market Regulation, Commission, on April 17, 2002.

[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).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45782; File No. SR–Amex–2002–34]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the American Stock Exchange LLC Relating to the Exchange's Booth Automated Routing System (BARS)

April 18, 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 April 17, 2002, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Amex. Amex has designed the proposed rule change as ''non-controversial'' under Rule 19b–4(f)(6),[3] thus rendering it immediately effective. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Amex is filing enhancements to its order routing technology known as BARS (Booth Automated Routing System). There is no proposed rule text as such.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Amex included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Amex has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

BARS is an order routing system with no order execution capabilities. Amex understands BARS to be functionally similar to the Broker Booth Support System (''BBSS'') of the New York Stock Exchange (''NYSE'') and the Order Routing System (''ORS'') of the Chicago Board Option Exchange. BARS allows brokers to manage and route orders for Amex-traded securities. There is also a market look function that allows floor brokers to provide booth clerks with information regarding the state of the market for a particular security.

Since it is an integrated part of the Exchange's order routing and processing systems, BARS accepts only orders that these systems can process (*i.e.,* CMS-eligible orders).[4] Currently, multi-legged option orders (*e.g.,* spreads) and certain contingency orders[5] are not CMS-eligible. The maximum size for a BARS order is 99,900 shares for a stock and 30,000 contracts for an option. These are system limitations.

Orders can be received electronically into BARS from CMS. Brokers can program different algorithms for each Amex security into BARS to determine which orders are routed to the specialist for execution or ''booking,'' and which orders are routed to the broker's booth on the Amex floor. These algorithms can be changed dynamically and can be a combination of order size, order type, and security. Booth clerks also can enter orders into BARS that are telephoned to the floor (*i.e.,* orders that are not systematized when they arrive on the Exchange). BARS users can determine whether to route an order to the specialist, to a broker on the floor via a BARS handheld terminal (''HHT''), or print the order for manual handling. BARS HHT uses the Exchange's wireless data network to maintain communications between the HHT and the booth. Orders that are printed remain in BARS and, thus, a complete record of these orders is maintained. BARS automatically routes requests to cancel or modify orders to the appropriate user for his or her action.

As noted above, a BARS user can route orders to a particular BARS HHT. The BARS HHT provides a broker with the order management and trade reporting[6] functions required by brokers. All information regarding trades entered either through the BARS booth terminal or a broker HHT is automatically sent to the Exchange's trade processing facilities. Floor brokers also can use BARS HHT to route orders to other brokers or back to the booth.

Since BARS provides an electronic order management system, it allows brokers to have a complete electronic record in a single location of orders handled by the firm. Amex believes that BARS thereby facilitates audit trail and billing functions.

As of April 1, 2002, all Amex floor brokers have BARS terminals in their booths. With this initial implementation complete, BARS HHTs are being rolled out firm by firm. Currently, there are approximately 50 floor brokers representing 12 firms with assigned BARS HHTs. This is approximately 40 percent of the total number of BARS HHTs that ultimately will be assigned.

2. Statutory Basis

Amex believes that the proposed rule change is consistent with Section 6(b) of the Act[7] in general and furthers the objectives of Section 6(b)(5)[8] in particular in that it is designed to prevent fraudulent and manipulative acts and practices; to promote just and equitable principles of trade; to remove impediments to and perfect the mechanism of a free and open market and a national market system; and, in general, to protect investors and the public interest. Amex also believes that the proposed rule change is not designed to permit unfair discrimination between customers, issuers, brokers, and dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

Amex has stated that BARS would impose no burden on competition 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

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Amex has stated that, because the proposed rule change does not (1) significantly affect the protection of investors or the public interest; (2) impose any significant burden on competition; and (3) become operative for 30 days from the date on which it was filed (or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest), it has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and Rule 19b–4(f)(6) thereunder.[10]

Amex has requested that the Commission waive the 30-day pre-operative period under Rule 19b–4(f)(6)(iii). The Commission finds that waiving the pre-operative period is consistent with the protection of investors and the public interest.[11] Rule 19b–4(f)(6) also requires the self-regulatory organization to provide the Commission written notice of its intent to file the proposed rule change at least five business days before doing so (or such shorter time as designated by the Commission). Amex also has requested that the Commission waive the five-day pre-filing requirement. The Commission hereby grants this request.

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.

[4] The Common Message Switch (''CMS'') is the means by which member firms may send electronic orders to both Amex and the NYSE.

[5] CMS currently accommodates market on close, market or better, stop, stop limit, all or none, fill or kill, immediate or cancel, and opening options orders. CMS accommodates the same contingencies for equity orders with the addition of market with or without and close orders.

[6] ''Reporting'' in this sense does not refer to disseminating last sale information through the Consolidated Trade System. Rather, it refers to advising the persons who are handling an order of its execution and submitting the trade to comparison.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6).

[11] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–Amex–2002–34 and should be submitted by May 16, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–10153 Filed 4–24–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45774; File No. SR–CBOE–2002–15]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to CBOE Rule 8.51

April 17, 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 April 15, 2002, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to adopt a new interpretation and policy under CBOE Rule 8.51. Below is the text of the proposed rule change. Additions are italicized.

Rule 8.51 Trading Crowd Firm Disseminated Market Quotes

(a)–(b) No change.

* * * Interpretations and Policies:

.01–.08 No change.

.10 For purposes of determining when the firm quote obligations under Rule 8.51 attach in respect of orders received at a PAR workstation in a DPM trading crowd and how the exemptions to that obligation provided in paragraph (e) of that Rule apply, the responsible broker or dealer shall be deemed to receive an order, and an order shall be deemed to be presented to the responsible broker or dealer, at the time the order is received on the DPM's PAR workstation.

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 CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change provides an interpretation of CBOE Rule 8.51 to clarify when the firm quotation obligation of the trading crowd under that rule arises in the case of orders received at PAR workstations in DPM trading crowds, and to interpret how the exemptions from that obligation apply in the case of such orders. CBOE Rule 8.51(b)(1) obligates ''the responsible broker or dealer to sell (buy) at least the established number of contracts at the offer (bid) which is displayed when the responsible broker or dealer receives a buy (sell) order at the trading station where the reported security is located for trading.'' Paragraph (e) of CBOE Rule 8.51 provides certain exemptions from the firm quote obligation that are tied to when an order is ''presented.'' For purposes of CBOE Rule 8.51 ''the responsible broker or dealer'' is defined as the trading crowd in a series or class of option.[3] This proposed rule change adds Interpretation and Policy .10 to make it clear that for the purposes of CBOE Rule 8.51 in respect of orders received at a PAR workstation in a DPM trading crowd, the responsible broker or dealer is deemed to receive an order, and an order is deemed to be presented to the responsible broker or dealer, at the time the order is received on the DPM's PAR workstation.[4]

2. Statutory Basis

By clarifying the time when firm quote obligations attach under CBOE Rule 8.51 in respect of orders received over PAR workstations in DPM trading crowds, the Exchange believes that the proposed rule change will promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and protect investors and the public interest, and will not permit unfair discrimination between customers, issuers, brokers or dealers, in furtherance of the objectives of Section 6(b)(5) of the Exchange Act.[5]

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change constitutes a stated policy, practice, or interpretation with respect to the

[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Commission noted in the approval order of SR–CBOE–2002–07 that ''any member of the trading crowd who submits a manual quote that improves the Exchange's disseminated quote would be considered to be the responsible broker or dealer pursuant to Rule 11Ac1–1(c) under the Act.'' Exchange Act Release No. 45677 (March 29, 2002), 67 FR 16476, 16477 (April 5, 2002).

[4] In SR–CBOE–01–67 filed with the Commission in December 2001, the Exchange proposed an Interpretation and Policy .09, which makes clear that a trading crowd may voluntarily agree to honor its disseminated quotes for a larger number of contracts than required by rule.

[5] 15 U.S.C. 78f(b)(5).

meaning, administration, or enforcement of an existing rule of the Exchange, it has become effective pursuant to Section 19(b)(3)(A)(i) of the Act [6] and subparagraph (f)(1) of Rule 19b–4 [7] thereunder. 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 proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–2002–15 and should be submitted by May 16, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–10150 Filed 4–24–02; 8:45 am]

BILLING CODE 8010–01–P

[6] 15 U.S.C. 78s(b)(3)(A)(i).

[7] 17 CFR 240.19b–4(f)(1).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45780; File No. SR–DTC–2001–04]

Self-Regulatory Organizations; The Depository Trust Company; Order Granting Approval of Proposed Rule Change Relating to the Implementation of the Global Corporate Action Hub Service

April 18, 2002.

On March 30, 2001, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change, File No. SR–DTC–2001–04, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''). [1] Notice of the proposal was published in the **Federal Register** on November 13, 2001.[2] No comment letters were received. For the reasons discussed below, the Commission is granting approval of the proposed rule change.

I. Description

The Global Corporate Action Hub (''GCAH'') is a new service that will provide efficient means of systemically transmitting corporate actions information and consolidating related messages between investment managers and their multiple custodians. GCAH will: (1) Provide a single, automated point of access through a centralized communications conduit for custodians and investment managers; (2) standardize corporate action market practice and embrace the recently released ISO 15022 MT56X message formats; (3) use Internet-based technology to provide easy access to all parties; (4) offer a seamless exchange of information between bank and broker custodians, investment managers, and DTC; and (5) enhance service delivery by providing an efficient, industry-wide corporate action processing solution.

Under the GCAH, each custodian will create the corporate action message for its recipients, who are investment managers servicing mutual customers. Custodians may, but are not required to, use information supplied by DTC in creating their corporate action message. Regardless of whether or not custodians use information supplied by DTC, custodians remain responsible for the content of the messages. Using event-specific templates with standardized election options, each custodian will provide or validate the terms and conditions, then will add account and position information for each customer. GCAH will route these announcements, along with those generated by other custodians, to the specified investment managers. DTC will ensure that mandatory fields are completed but will not edit, change, or validate the terms and conditions of the announcements that remain unique to the custodians.

Each investment manager will receive all of its custodians' announcements and any DTC announcements for a single event on a single display. Investment managers will select their election option for voluntary offers. Investment managers will have the opportunity to make their election decisions for all accounts, for accounts handled by individual custodians, or by customer account, and their election decisions will be sent to the custodians using GCAH. Investment managers will receive status updates reflecting the state of the message (*e.g.*, unread).

GCAH contains built-in, real-time status flow monitoring that keeps all parties informed at all times of a transaction's status, with each party seeing changing status indicators that effectively track the progressive stages in the communication process. The GCAH home page includes summary alerts to highlight pending transactions and deadlines. Additional protection is provided by an e-mail alert built into the system that provides warning messages well in advance of transaction deadlines. Each party, therefore, sees both status indicators and affirmative messages.

Users of GCAH who are not DTC participants will sign an agreement substantially in the form of the agreement attached as Exhibit B to DTC's filing. ''Participant Operating Procedures'' containing more detailed information about GCAH are attached to DTC's filing as Exhibit C.

II. Discussion

Section 17A(b)(3)(F) [3] of the Act requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions. The GCAH service will facilitate efficient, industry-wide corporate action processing. GCAH will provide its users with a single point of access to automated, real-time transaction information. The GCAH service will allow DTC to further standardize and automate the processing of corporate actions. Therefore, the Commission finds that DTC's proposed rule change is consistent with its obligation under

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 45025 (November 5, 2001), 66 FR 56869.

[3] 15 U.S.C. 78q–1(b)(3)(F).

section 17A(b)(3)(F) of the Act to remove impediments to and perfect the mechanism of the national system for clearance and settlement.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR–DTC–2001–04) be and hereby is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–10156 Filed 4–24–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45772; File No. SR–ISE–2002–09]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the International Securities Exchange LLC Relating to Fee Changes

April 17, 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 April 15, 2002, the International Securities Exchange LLC (''ISE'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which the ISE has prepared. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The ISE is proposing to lower the ceiling from $750,000 to $650,000 for each of the ten payment-for-order-flow funds that it maintains. The text of the proposed rule change is available at the ISE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the ISE included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it had received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The ISE has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to establish a lower ceiling from $750,000 to $650,000 for each of the ten payment-for-order-flow funds that the ISE maintains.[3] The ISE established this ceiling in November 2001 and has been monitoring the levels of the payment-for-order flow funds.[4] The ISE continues to pay out of these funds less money than has been collected, and the ISE believes that lowering the cap to $650,000 will provide sufficient money for Primary Market Makers to maintain the payment-for-order-flow program while lessening the economic burden on the market makers that pay the fees.

The basis for this proposed rule change is the requirement under Section 6(b)(4) of the Act[5] that an exchange have an equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The ISE believes that the proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The ISE has not solicited, and does not intend to solicit, comments on this proposed rule change. The ISE has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[6] and Rule 19b–4(f)(2)[7] thereunder. At any time within 60 days after the filing of the proposed rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal office of the ISE. All submissions should refer to ISE–2002–09 and should be submitted by May 16, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–10152 Filed 4–24–02; 8:45 am]

BILLING CODE 8010–01–P

[4] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Under ISE Rule 802(b), the ISE has divided the options it trades into ten groups, with one Primary Market Maker assigned to each group. The ISE maintains a payment-for-order-flow fund for each group, consisting of the fees collected from market makers trading options in that group. The Primary Market Maker for the group is responsible for arranging and making all payments to Electronic Access Members for order flow sent to the ISE in options in that group.

[4] *See* Securities Exchange Act Release No. 45128 (December 4, 2001), 66 FR 64325 (December 12, 2001).

[5] 15 U.S.C. 78f(b)(4).

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 19b–4(f)(2).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45778; File No. SR–NASD–2002–47]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Revisions to the Limited Principal—Introducing Broker/Dealer Financial and Operations (Series 28) Examination Program

April 18, 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 April 10, 2002, the National Association of Securities Dealers, Inc. (''NASD''), through its wholly owned subsidiary, NASD Regulation, Inc. (''NASD Regulation''), 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 NASD Regulation. NASD Regulation has designated this proposed rule change as one constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization under section 19(b)(3)(A)(i) of the Act,[3] and Rule 19b–4(f)(1)[4] thereunder, which renders the proposal effective upon filing with the Commission.[5] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD Regulation is proposing revisions to the Limited Principal—Introducing Broker/Dealer Financial and Operations (Series 28) examination program. The proposed revisions update the Series 28 examination study outline,[6] selection specifications,[7] and question bank[8] to reflect changes to the laws, rules, and regulations covered by the examination and to reflect more accurately the duties and responsibilities of a Series 28 principal. Additionally, the proposed revisions change the format of the Series 28 examination. The proposed revisions do not result in any textual changes to the By-Laws, Schedules to the By-Laws, or Rules of NASD Regulation or the NASD.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD Regulation included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NASD Regulation has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Pursuant to section 15A(g)(3) of the Act,[9] which requires the NASD to prescribe standards of training, experience, and competence for persons associated with NASD members, the NASD has developed examinations, and administers examinations developed by other self-regulatory organizations, that are designed to establish that persons associated with NASD members have attained specified levels of competence and knowledge. NASD Regulation periodically reviews the content of the examinations to determine whether revisions are necessary or appropriate in view of changes pertaining to the subject matter covered by the examinations.

The Series 28 examination is an NASD examination that qualifies an individual to function as a limited principal responsible for matters involving an introducing member's financial and operational management. A Series 28 principal may serve as an introducing member's chief financial officer.

A committee of industry representatives, together with NASD Regulation staff, recently undertook a review of the Series 28 examination program. As a result of this review, NASD Regulation is proposing revisions to the Series 28 examination study outline to reflect changes in relevant laws, rules, and regulations covered by the examination, including rules concerning anti-money laundering and Regulation S–P,[10] and to reflect more accurately the duties and responsibilities of a Series 28 principal.

Additionally, NASD Regulation is proposing to reformat the examination. Currently, the Series 28 examination is a two-part test graded on a 100 point system. The first part includes 75 multiple-choice questions (each worth one point) and the second part, which is worth 25 points, requires individuals to perform computations based on financial information in a member's trial balance. Individuals taking the examination may be given partial credit for answers to computational questions in the second part. NASD Regulation is proposing to change the format of the Series 28 examination to make it a one-part examination with a total of 85 multiple-choice questions (each worth one point), and will not give partial credit for any answers.

To adequately test the material covered in the revised examination, NASD Regulation is proposing to reorganize the substantive sections of the outline and to allocate questions to each section as follows: Keeping and Preservation of Records and Broker/Dealer Financial Reporting Requirements, 15 questions; Net Capital Requirements, 36 questions; Customer Protection, 10 questions; and Other Relevant Regulations and Interpretations, 24 questions.

NASD Regulation is proposing similar changes to the corresponding sections of the Series 28 examination selection specifications and question bank. NASD Regulation is proposing to change the testing time for the Series 28 examination to 2 hours from 3 hours. The passing score for the examination will continue to be 70%.

2. Statutory Basis

NASD Regulation believes that the proposed revisions are consistent with the provisions of sections 15A(b)(6)[11] and 15A(g)(3) of the Act,[12] which authorize the NASD to prescribe standards of training, experience, and

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(i).

[4] 17 CFR 240.19b–4(f)(1).

[5] *See* Letter to Alden S. Adkins, Senior Vice President and General Counsel, NASD Regulation, from Belinda Blaine, Associate Director, Division of Market Regulation, SEC, dated July 24, 2000.

[6] The text of the Series 28 study outline is available at NASD Regulation and at the Commission.

[7] NASD Regulation has requested confidential treatment for the Series 28 examination, and thus the specifications are omitted from this filing. The specifications have been filed separately with the Commission pursuant to Rule 24b–2 under the Act. 17 CFR 240.24b–2.

[8] Based upon instruction from the Commission staff, NASD Regulation is not filing the question bank for Commission review. *See* Letter to Alden S. Adkins, Senior Vice President and General Counsel, NASD Regulation, from Belinda Blaine, Associate Director, Division of Market Regulation, SEC, dated July 24, 2000.

[9] 15 U.S.C. 78o–3(g)(3).

[10] 17 CFR 248.1–18; 17 CFR 248.30; and 17 CFR 248, Appendix A.

[11] 15 U.S.C. 78o–3(b)(6).

[12] 15 U.S.C. 78o–3(g)(3).

competence for persons associated with NASD members.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD Regulation does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments 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)(i) of the Act [13] and Rule 19b–4(f)(1) [14] thereunder, in that the foregoing proposed rule change constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization. NASD Regulation proposes to implement the revised Series 28 examination program on August 1, 2002.

At any time within 60 days of this filing, the Commission may summarily abrogate this proposal 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 NASD. All submissions should refer to file number SR–NASD–2002–47 and should be submitted by May 16, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–10155 Filed 4–24–02; 8:45 am]

BILLING CODE 8010–01–P

[13] 15 U.S.C. 78s(b)(3)(A)(i).

[14] 17 CFR 240.19b–4(f)(1).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45779; File No. SR–NASD–2001–97]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Granting Approval to a Proposed Rule Change and Amendment No. 1 Thereto Relating to the Elimination of Interval Delays in Nasdaq's SuperMontage System

April 18, 2002.

On January 2, 2002, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association''), through its subsidiary, the Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend NASD Rule 4710(b)(1)(D) to remove delays between executions across price levels in Nasdaq's future Order Display and Collector Facility (''NNMS'' or ''SuperMontage''). On March 7, 2002, Nasdaq filed Amendment No. 1 to the proposed rule change.[3] The proposed rule change and Amendment No. 1 were published for comment in the **Federal Register** on March 19, 2002.[4] The Commission received no comments regarding the proposal, as amended.

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 [5] and, in particular, the requirements of section 15A of the Act [6] and the rules and regulations thereunder. Specifically, the Commission finds that the proposal to eliminate the delays between executions at different price levels in SuperMontage is consistent with section 15A(b)(6) of the Act [7] because it may minimize the risk of orders queuing within SuperMontage, thereby helping to ensure the efficient and orderly operation of SuperMontage. In addition, the Commission believes that the prompt execution of orders in SuperMontage should facilitate the price discovery process, to the benefit of all market participants. Nasdaq represents that it will implement this rule change within 30 days after successful completion of SuperMontage user acceptance testing. The Commission expects Nasdaq to carefully monitor the effect on the Nasdaq market and on market participants of eliminating the interval delays between executions in SuperMontage, as it currently does for SuperSOES.[8]

For the foregoing reasons, the Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[9] that the proposed rule change (SR–NASD–2001–97), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–10157 Filed 4–24–02; 8:45 am]

BILLING CODE 8010–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* letter from Thomas P. Moran, Associate General Counsel, Nasdaq, to Katherine A. England, Assistant Director, Division of Market Regulation, Commission, dated March 6, 2002 (''Amendment No. 1'').

[4] *See* Securities Exchange Act Release No. 45554 (March 13, 2002), 67 FR 12631.

[5] In approving this amended proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[6] 15 U.S.C. 78*o*–3.

[7] 15 U.S.C. 78*o*–3(b)(6).

[8] *See* Securities Exchange Act Release No. 44504 (July 2, 2001), 66 FR 36022 (July 10, 2001) (order approving the elimination of interval delays in SuperSOES); *see also* Securities Exchange Act Release No. 43863 (January 19, 2001), 66 FR 8020 (January 26, 2001) (order approving SuperMontage and requiring Nasdaq to monitor market performance in SuperMontage as it related to interval delays).

[9] 15 U.S.C. 78s(b)(2).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45777; File No. SR–NASD–2002–26]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto by National Association of Securities Dealers, Inc. Relating to the Adjustment of Open Orders in Nasdaq's SuperMontage System

April 18, 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 March 25, 2002, The National Association of Securities Dealers, Inc. (''NASD''), through its subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq.[3] The NASD filed this proposal under section 19(b)(3)(A) of the Act,[4] and Rule 19b–4(f)(6) thereunder,[5] 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

NASD is proposing to allow the adjustment of open orders residing in SuperMontage in response to issuer corporate actions. Nasdaq will implement this rule change no later than 30 days after successful user acceptance testing of the SuperMontage system. Below is the text of the proposed rule changes. Proposed new language is underlined.

* * * * *

4715. Adjustment of Open Quotes and/or Orders—NNMS will automatically adjust the price and/or size of open quotes and/or orders resident in the system in response to issuer corporate actions related to a dividend, payment or distribution, on the ex-date of such actions, except where a cash dividend or distribution is less than one cent ($0.01), as follows:

(a) Quotes—All bid and offer side quotes shall be purged from the system.

(b) Sell Orders—Sell side orders shall not be adjusted by the system and must be modified, if desired, by the entering party, except for reverse splits where such sell side orders shall be purged from the system.

(c) Buy Orders—Buy side orders shall be adjusted by the system based on the particular corporate action impacting the security (i.e. cash dividend, stock dividend, both, stock split, reverse split) as set forth below:

(1) Cash Dividends: Buy side order prices shall be first reduced by the dividend amount and the resulting price will then be rounded down to the nearest penny unless marked ''Do Not Reduce''.

(2) Stock Dividends and Stock Splits: Buy side order prices shall be determined by first rounding up the dollar value of the stock dividend or split to the nearest penny. The resulting amount shall then be subtracted from the price of the buy order. Unless marked ''Do Not Increase'', the size of the order shall be increased by first, (A) multiplying the size of the original order by the numerator of the ratio of the dividend or split, then (B) dividing that result by the denominator of the ratio of the dividend or split, then (C) rounding that result to the next lowest round-lot.

(3) Dividends Payable in Either Cash or Securities at the Option of the Stockholder: Buy side order prices shall be reduced by the dollar value of either the cash or securities, whichever is greater. The dollar value of the cash shall be determined using the formula in paragraph (1) above, while the dollar value of the securities shall be determined using the formula in paragraph (2) above. If the stockholder opts to receive securities, the size of the order shall be increased pursuant to the formula in subparagraph (2) above.

(4) Combined Cash and Stock Dividends/Split: In the case of a combined cash dividend and stock split/dividend, the cash dividend portion shall be calculated first as per section (1) above, and stock portion thereafter pursuant to sections (2) and/or (3) above.

(5) Reverse Splits: All orders (buy and sell) shall be cancelled and returned to the entering firm.

(d) Open buy and sell orders that are adjusted by the system pursuant to the above rules, and that thereafter continuously remain in the system, shall retain the time priority of their original entry.

* * * * *

4705. NNMS Participant Registration

(a) through (f) No Change.

(g) The Association and its subsidiaries shall not be liable for any losses, damages, or other claims arising out of the NNMS or its use. Any losses, damages, or other claims, related to a failure of the NNMS to deliver, display, transmit, execute, compare, submit for clearance and settlement, *adjust, retain priority for,* or otherwise *correctly* process an order, Quote/Order, message, or other data entered into, or created by, the NNMS shall be absorbed by the member, or the member sponsoring the customer, that entered the order, Quote/Order, message, or other data into the NNMS.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

As part of its ongoing preparation for the launch of SuperMontage, Nasdaq is engaging in a continuing review of the system's functionality and rules with a view to constant improvement. As a result of this review, and in consultation with industry professionals, Nasdaq has determined to adopt rules to govern the adjustment of open orders residing in the SuperMontage system in response to issuer corporate actions (*e.g.* stock splits, stock dividends).

The current design of SuperMontage contemplates that the open orders of

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] On March 25, 2002, the Commission received an amendment from Nasdaq revising its process for adjusting open orders in Nasdaq's future Order Display and Collection Facility (''NNMS'' or ''SuperMontage''). *See* letter from Edward S. Knight, Executive Vice President and General Counsel, Nasdaq, to Katherine England, Assistant Director, Division of Market Regulation (''Division''), Commission, dated March 22, 2002 (''Amendment No. 1''). Amendment No. 1 supersedes and replaces in its entirety the original proposed rule change that Nasdaq filed with the SEC on February 21, 2002. The proposed rule change is treated as filed on the date Amendment No. 1 was received.

[4] 15 U.S.C. 78s(b)(3)(A).

[5] 17 CFR 240.19b–4(f)(6). Nasdaq requested that the Commission waive the 5-day pre-filing notice requirement.

securities residing in the system that thereafter become subject of a corporate action(s) by the issuer impacting their price and/or size are to be cancelled and purged from SuperMontage and returned to the entering party for adjustment and, if desired, re-entry. Once purged, these orders lose their original time-priority in the system and are treated as new orders upon re-entry.

In order to assist Nasdaq market participants that elect to submit orders to SuperMontage in appropriately managing and adjusting such open orders, and the quotes representing such orders, in response to actions taken by an issuer, Nasdaq has determined to adopt an automated process within the system that will govern how open SuperMontage quotes and/or orders will, and will not be adjusted as the result of issuer corporate actions.

First, quotes on both the bid and offer side of the market will be purged by the system if they are for stocks that become subject of a corporate action that impacts their price or size. Once purged, they will have to be re-entered, if desired, by a quoting market participant. Orders to sell will not be purged by the system and will not be automatically adjusted by the system.[6] Buy orders shall have their price and/or size automatically adjusted by the system based on the type of corporate action taken by the issuer as outlined in the rule language. Nasdaq notes that automatic adjustments of open orders proposed here are substantially similar to those already in place for NASD members pursuant to NASD Rule 3220.[7] Finally, orders that are automatically adjusted by the system and that thereafter continuously remain in SuperMontage shall retain the time-priority of their original entry.

Nasdaq believes that adoption of these automated adjustments to open orders will enhance the ability of market participants to manage customer limit orders. By automating the open order adjustment process in the context of corporate actions, firms can ensure that open orders of customers residing in the SuperMontage system will be consistently and appropriately adjusted whenever a corporate action impacts them. Moreover, since adjustments made by the system result in the order retaining its original time priority, the process decreases firm and customer burdens that can accompany the wholesale purging and re-entry of customer limit orders when an issuer corporate action takes place while retaining, to the extent possible, the time-priority previously established by customers.

Nasdaq proposes to revise its Rule 4705 to provide for the proposed adjustments to be made to SuperMontage orders in connection with the corporate actions described above and the proposed priority retention.[8] In addition, Nasdaq proposes to clarify in its Rule 4705 that Nasdaq shall bear no liability for SuperMontage errors by adding the word ''correctly'' to such rule.[9]

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with section 15A(b) of the Act,[10] in general, and furthers the objectives of section 15A(b)(6) of the Act,[11] in particular, because it promotes just and equitable principles of trade, fosters cooperation and coordination with persons engaged in processing information with respect to, and facilitating transactions in securities, as well as removes impediments to and perfects the mechanism of a free and open market, and, in general, protects investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in 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

Nasdaq has neither solicited nor received written comments.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest, (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days after the date of filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest; provided that Nasdaq has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission, the proposed rule change has become effective pursuant to section 19(b)(3)(A) of the Act[12] and Rule 19b–4(f)(6)[13] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[14] normally requires that a self-regulatory organization give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change. However, Rule 19b–4(6)(iii)[15] permits the Commission to designate a shorter time. Nasdaq seeks to have the five-business-day pre-filing requirement waived with respect to the proposed rule change. The Commission has determined to waive the five-business-day pre-filing requirement.

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 proposed rule change, as amended, 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

[6] The only exception to this standard is sell orders involving a security subject to a reverse stock split. Such sell orders shall be purged by the system and must be re-entered, if desired, by the entering party.

[7] Unlike NASD Rule 3220, the proposal does not specifically address the adjustment of open stop orders to buy or sell because SuperMontage will not accept stop orders. Telephone call between Thomas P. Moran, Counsel, Nasdaq, and Jennifer Lewis, Attorney, Division, Commission, on April 5, 2002 (''April 5 Telephone Call'').

[8] April 5 Telephone Call, *supra* note 7.

[9] *Id.* Nasdaq believes that the rule language already provided for this waiver of liability, but that the rule language could be improved.

[10] 15 U.S.C. 78*o*–3(b).

[11] 15 U.S.C. 78*o*–3(b)(6).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6).

[14] *Id.*

[15] 17 CFR 240.19b–4(f)(6)(iii).

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 NASD. All submissions should refer to File No. SR-NASD–2002–26 and should be submitted by May 16, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[16]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–10158 Filed 4–24–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45789; File No. SR–NYSE–2001–30]

Self-Regulatory Organizations; The New York Stock Exchange, Inc.; Notice of Filing of Proposed Rule Change To Amend Rule 227 Regarding Depository Eligibility

April 19, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on August 21, 2001, the New York Stock Exchange, Inc. (''NYSE'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by NYSE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change seeks to amend NYSE Rule 227 by deleting the references to ''domestic'' and ''foreign'' issuers in paragraph (a) as well as additional requirements imposed pursuant to paragraph (b) of the rule in order for a security to be depository eligible.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NYSE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NYSE has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The NYSE adopted Rule 227 on June 1, 1995, for the purpose of facilitating implementation of Rule 15c6–1 of the Act that established a three-day settlement period for most securities transactions.[2] Rule 227, which required that domestic issuers' securities be depository eligible before they would be listed, set forth specific requirements for depository eligibility for issuers in order to facilitate the book entry settlement of initial public offerings and to reducing the risks inherent in settling securities transactions.

On May 13, 1996, approximately one year after Rule 227 was approved, the Commission approved a rule change filed by The Depository Trust Company (''DTC'')[3] allowing DTC to implement its Initial Public Offering (''IPO'') Tracking System.[4] The IPO Tracking System enables lead managers and syndicate members of equity underwritings to monitor repurchases of distributed shares in an automated book-entry environment.

Currently before an issue of securities can be listed, Rule 227(a) requires each domestic issuer to represent to the NYSE that a CUSIP number identifying the security has been included in the file of eligible issuers maintained by a securities depository registered with the Commission as a clearing agency. The proposed amendments would delete the references to ''domestic'' and ''foreign'' issuers in paragraph (a). Exclusion of foreign issuers is no longer necessary because they have the capacity to comply with Rule 227 and have been doing so voluntarily for several years.

Rule 227(b) states that a security depository's inclusion of a CUSIP number in its file of eligible issues does not render a security ''depository eligible'' unless (1) the securities depository has an electronic system for monitoring repurchases of distributed shares at the time such shares commence trading on the Exchange or (2) when a managing underwriter elects not to deposit the securities on distribution date, it notifies the securities depository no later than three months after the commencement of trading on the NYSE. Rule 227(b) will be deleted as it is no longer relevant since DTC has implemented its IPO Tracking System, which is monitoring repurchases of distributed shares.

In addition, the proposed amendments to Rule 227 should facilitate compliance with the one-day settlement cycle (''T+1'') for securities transactions, which is currently scheduled to commence June 2005. The proposed amendments should increase the number of depository-eligible securities which should facilitate the timely settlement of trades and transition to T+1 settlement.

The proposed rule change is consistent with the requirements of sections 6(b)(5) and 17A of the Act and the rules and regulations thereunder requiring the rules of the NYSE be designed to remove impediments to and perfect the mechanism of a free and open market and to perfect a national market system which provides, among other things, for the prompt and accurate clearance and settlement of securities transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The NYSE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The NYSE has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register**, or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the NYSE consents, the Commission will:

(A) by order approve such proposed rule change or

[16] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 35798 (June 1, 1995), 60 FR 30909 (June 12, 1995) [File No. SR–NYSE–95–19] (order approving the adoption of NYSE Rule 227 setting forth requirements on issuers seeking to have their shares listed on the Exchange).

[3] DTC is a securities depository registered with the Commission under sections 17A and 19 of the Act as a clearing agency.

[4] Securities Exchange Act Release No. 37208 (May 13, 1996), 61 FR 25253 (May 20, 1996) [File No. SR–DTC–95–27] (order approving implementation of DTC's IPO Tracking System).

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR–NYSE–2001–30 and should be submitted by May 16, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–10154 Filed 4–24–02; 8:45 am]

BILLING CODE 8010–01–P

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request

The Social Security Administration (SSA) publishes a list of information collection packages that will require clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13 effective October 1, 1995, The Paperwork Reduction Act of 1995. SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

[5] 17 CFR 200.30–3(a)(12).

Written comments and recommendations regarding the information collection(s) should be submitted to the SSA Reports Clearance Officer at the following addresses: (SSA), Social Security Administration, DCFAM, Attn: SSA Reports Clearance Officer, 1–A–21 Operations Bldg., 6401 Security Blvd., Baltimore, MD 21235.

The information collection listed below will be submitted to OMB within 60 days from the date of this notice. Therefore, your comments should be submitted to SSA within 60 days from the date of this publication. You can obtain a copy of the collection instrument by calling the SSA Reports Clearance Officer at 410–965–0454, or by writing to her at the address listed above.

Social Security Number Verification Service (SSNVS)—0960–New.

Background

Under IRS regulation, employers are obligated to provide wage and tax data to the Social Security Administration (SSA) using form W–2, Wage and Tax Statement or its electronic equivalent. As part of this process, the employer must furnish the employee's name and their Social Security Number (SSN). This information must match SSA's records in order for the employee's wage and tax data to be properly posted to their Earnings Record. Information that is incorrectly provided to the agency must be corrected by the employer using an amended reporting form, which is a labor-intensive and time-consuming process for both SSA and the employer. Therefore, to help ensure that employers provide accurate name and SSN information, SSA plans to offer a free and secure Internet service for employers, SSNVS, that will allow them to perform advance verification of their employees' name and SSN information against SSA records.

SSNVS Collection

SSA will use the information collected through the SSNVS to verify that employee name and SSN information, provided by employers, matches SSA records. SSA will respond to the employer informing them only of matches and mismatches of submitted information. SSA plans to conduct a pilot with a limited number of test employers followed by national implementation. Respondents are employers who provide wage and tax data to SSA and have elected to participate in the pilot and the future national service.

Pilot Burden Hours Estimate

Number of Respondents: 100.

Frequency of Response: 10.

Average Burden Per Response: 5 minutes.

Estimated Annual Burden: 83 hours.

National Implementation Burden Hours Estimate

Number of Respondents: 1,000,000.

Frequency of Response: 10.

Average Burden Per Response: 5 minutes.

Estimated Annual Burden: 833,333 hours.

Please note: SSA estimates that each respondent will access the SSNVS an average of 10 times annually.

Dated: April 22, 2002.

Elizabeth A. Davidson,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 02–10229 Filed 4–24–02; 8:45 am]

BILLING CODE 4191–02–P

SOCIAL SECURITY ADMINISTRATION

The Ticket to Work and Work Incentives Advisory Panel Meeting

AGENCY: Social Security Administration (SSA).

ACTION: Notice of meeting.

DATES: May 14, 2002, 10 a.m.–5:30 p.m.; May 15, 2002, 9 a.m.–5:30 p.m.; May 16, 2002, 9 a.m.–5:30 p.m.

ADDRESSES: Hilton New York (Rockefeller Plaza), 1335 Avenue of the Americas, (53rd to 54th Streets), New York, NY 10019–6078. Phone: (212) 586–7000. Fax: (212) 315–1374.

SUPPLEMENTARY INFORMATION:

Type of meeting: This is a quarterly meeting open to the public. The public is invited to participate by coming to the address listed above. Public comment will be taken during the quarterly meeting. The public is also invited to submit comments in writing on the implementation of the Ticket to Work and Work Incentives Improvement Act (TWWIIA) of 1999 at any time.

Purpose: In accordance with section 10(a)(2) of the Federal Advisory Committee Act, the Social Security Administration (SSA) announces a meeting of the Ticket to Work and Work Incentives Advisory Panel (the Panel). Section 101(f) of Public Law 106–170 establishes the Panel to advise the Commissioner of SSA, the President, and the Congress on issues related to work incentives programs, planning and assistance for individuals with disabilities as provided under section 101(f)(2)(A) of the TWWIIA. The Panel is also to advise the Commissioner on matters specified in section 101(f)(2)(B)

of that Act, including certain issues related to the Ticket to Work and Self-Sufficiency Program established under section 101(a) of that Act.

Interested parties are invited to attend the meeting. The Panel will use the meeting time to receive briefings, hear presentations, conduct full Panel deliberations on the implementation of TWWIIA and receive public testimony. The focus of this meeting will be on youth with disabilities and their transition from school to employment and/or post-secondary education.

The Panel will meet in person commencing on Tuesday, May 14, 2002 from 10 a.m. to 5:30 p.m.; Wednesday, May 15, 2002 from 9 a.m. to 5:30 p.m.; and Thursday, May 16, 2002 from 9 a.m. to 5:30 p.m.

Agenda: The Panel will hold a quarterly meeting. Briefings, presentations, full Panel deliberations and other Panel business will be held Tuesday, Wednesday, and Thursday, May 14, 15, and 16, 2002. Public testimony will be heard in person Tuesday, May 14, 2002 from 11 a.m. to 12 noon and on Wednesday May 15, 2002 from 2 p.m. to 3:30 p.m. The Panel is particularly interested in hearing public comment on youth with disabilities and their transition to employment and/or post-secondary education. Members of the public must schedule a timeslot in order to comment. In the event that the public comments do not take up the scheduled time period for public comment, the Panel will use that time to deliberate and conduct other Panel business.

Individuals interested in providing testimony in person should contact the Panel staff as outlined below to schedule time slots. Each presenter will be called on by the Chair in the order in which they are scheduled to testify and is limited to a maximum five-minute verbal presentation. Full written testimony on TWWIIA Implementation, no longer than 5 pages, may be submitted in person or by mail, fax or email on an on-going basis to the Panel for consideration.

Since seating may be limited, persons interested in providing testimony at the meeting should contact the Panel staff by e-mailing Kristen M. Breland, at *kristen.m.breland@ssa.gov* or calling (202) 358–6423.

The full agenda for the meeting will be posted on the Internet at *http://www.ssa.gov/work/panel/* one week before the meeting or can be received in advance electronically or by fax upon request.

Contact Information: Anyone requiring information regarding the Panel should contact the TWWIIA Panel staff. Records are being kept of all Panel proceedings and will be available for public inspection by appointment at the Panel office. Anyone requiring information regarding the Panel should contact the Panel staff by:

- Mail addressed to Social Security Administration, Ticket to Work and Work Incentives Advisory Panel Staff, 400 Virginia Avenue, SW., Suite 700, Washington, DC, 20024.
- Telephone contact with Kristen Breland at (202) 358–6423.
- Fax at (202) 358–6440.
- E-mail to *TWWIIAPanel@ssa.gov.*

Dated: April 19, 2002.

Deborah M. Morrison,

Designated Federal Officer.

[FR Doc. 02–10289 Filed 4–24–02; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 3996]

Bureau of Educational and Cultural Affairs Request for Grant Proposals: North African Educational Partnerships Program (Algeria and Tunisia)

SUMMARY: The Office of Global Educational Programs of the Bureau of Educational and Cultural Affairs announces an open competition for an assistance award program to support the development of programs of instruction and faculty training at universities in Algeria and Tunisia in business management, public administration, information technology, computer science, or other fields with significant potential to support the modernization of the Algerian or Tunisian economies. Accredited, post-secondary educational institutions meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3) may apply to pursue institutional or departmental objectives in partnership with one or more Algerian or Tunisian institutions with support from the North African Educational Partnerships Program.

Proposals may include more than one partner institution within one of the eligible countries, but may not include more than one country. The means for achieving the objectives of the applicant and its partner(s) may include mentoring, teaching, consultation, research, distance education, internship training, and professional outreach to public sector managers or private sector entrepreneurs.

Program Information

Overview and Project Objectives: The program is designed to assist North African universities to develop modern curricula and programs of instruction in business management, public administration, and related fields, to facilitate the development of business activity; and to improve the quality, efficiency, and integrity of management in the private and public sectors in the participating countries. Proposals emphasizing practical strategies to assist the North African faculty and administrators to develop new curricula, teaching methodologies and programs are encouraged.

Pending availability, funds will be awarded for a period of two to three years to assist with the costs of exchanges, of providing educational materials, of increasing library holdings, and of improving Internet connections.

The project should pursue these objectives through a strategy that coordinates the participation of junior and senior level faculty, administrators, or graduate students in appropriate combinations of teaching, mentoring, internships, in-service training, and outreach, in exchange visits ranging from one week to an academic year. Visits of one semester or more for participants from Algeria and Tunisia are strongly encouraged and program activities must be tied to the goals and objectives of the project.

Proposals may also include English language training for selected participants whose existing English skills need to be strengthened or refreshed.

U.S. Institution and Participant Eligibility: The lead institution and grant recipient 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 or researchers at a foreign partner institution.

North African Institution and Participant Eligibility

In Algeria and Tunisia, 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.

Budget Guidelines: The Bureau anticipates awarding two or more grants per country, in amounts not to exceed $310,000 each, under this grant competition. Bureau grant guidelines require that organizations with less than four years experience in conducting international exchanges be limited to $60,000. Therefore, organizations with less than four years of experience in conducting international exchanges are ineligible to apply under this competition. Budget and budget notes should carefully justify the amounts requested. There must be a summary budget as well as a breakdown reflecting the program and administrative budgets including unit costs. While there is no rigid ratio of administrative to program costs, priority will be given to proposals whose administrative costs are no more than thirty per cent of the total requested from the Bureau. Cost sharing will be considered an important indicator of institutional commitment. Please refer to the POGI for complete budget guidelines and formatting instructions.

Announcement Title and Number: All correspondence with the Bureau concerning this RFGP should reference the above title and number ECA/A/S/U–02–16.

FOR FURTHER INFORMATION, CONTACT: The Office of Global Educational Programs, ECA/A/S/U, Room 349, U.S. Department of State, 301 4th Street, SW., Washington, DC 20547, telephone (202) 619–5289, fax (202) 401–1433, *fjenning@pd.state.gov* and *hiemstra@pd.state.gov* to request a Solicitation Package. The Solicitation Package contains detailed award criteria, required application forms, specific budget instructions, and standard guidelines for proposal preparation.

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 website 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 7, 2002. Faxed documents will not be accepted at any time. Documents postmarked the due date but received on a later date will not be accepted. Each applicant must ensure that the proposals are received by the above deadline.

Applicants must follow all instructions in the Solicitation Package. The original and 10 copies of the application should be sent to: U.S. Department of State, SA–44, Bureau of Educational and Cultural Affairs, Ref.: ECA/A/S/U–16–02, 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 with a maximum line length of 65 characters. 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.

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.

The program office and the Public Affairs Section of the U.S. Embassy in Algiers and Tunis will review eligible proposals. 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 grant awards resides 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 partner North African 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. Relevant factors include: the availability of a sufficient number of faculty and/or administrators willing and able to participate in project activities, and faculty and/or administrators with Arabic or French language skills.

(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. Proposals should describe projected benefits to the institutions involved as well as to wider communities of educators and practitioners in Algeria or Tunisia.

(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, and observations about anticipated long-term impact on the Algerian or Tunisian economy.

(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. While there is no rigid ratio of administrative to program costs, priority will be given to proposals whose administrative costs are less than thirty per cent of the total requested from ECA.

(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.

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 U.S. North African Economic Partnership.

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures.

Dated: April 16, 2002.

Rick A. Ruth,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 02–10186 Filed 4–24–02; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2002–12141]

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of availability and request for comments.

SUMMARY: The FAA invites public comment on its intent to clarify how Designated Engineering Representatives (DER) are authorized to approve major repair and major alteration data intended for use on foreign-registered aircraft.

DATES: Comments must be received by May 18, 2002.

FOR FURTHER INFORMATION CONTACT: Kevin Kendall, FAA, Aircraft Certification Service, Aircraft Engineering Division, Delegation and Airworthiness Programs Branch, AIR–140, ARB Room 304, 6500 S. MacArthur Boulevard, Oklahoma City, Oklahoma 73169; telephone: (405) 954–7074; fax (405) 954–2209; e-mail *kevin.kendall@faa.gov*

SUPPLEMENTARY INFORMATION:

Comments Invited

You are invited to comment on the proposed order by submitting such written data, views, or arguments, as you desire, to the aforementioned specified address. You may examine all comments received on the proposed order before the closing date, in Room 815, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, SW., Washington, DC 20591, weekdays except Federal holidays, between 8:30 a.m. and 4:30 p.m. All communications received on or before the closing date for comments will be considered by the Director of the Aircraft Certification Service before issuing the final order.

Background

We at the FAA acknowledge that current policy does not fully address DER data approval for major repair and major alternations for foreign-registered aircraft. Lack of specific policy has caused some Aircraft Certification Offices to allow such approvals, while others do not. In certain cases, we concur with DER data approval for major repairs and major alternations on foreign-registered aircraft. We see the need to define what those cases are, and the process for documenting these approvals.

We also understand that DERs and their customers are concerned that our policy may restrict their ability to support the needs of the aviation

industry. We believe that these concerns may be relieved by allowing DERs to approve data for major repairs and major alterations applicable to certain foreign-registered aircraft. In many cases this activity requires a disclaimer be used on the FAA Form 8110–3. We also see a benefit in allowing DERs to approve data for foreign-registered aircraft in instances where the foreign authority has no capability or system for generating the approval. However, this does not mean that any authority must accept DER approved data. Additional background and discussion are provided in the draft order.

Interim Implementation

Since the current policy is silent regarding when a DER may approve major repair or major alteration data specifically intended for use on foreign-registered aircraft, implementation of this proposed policy may change a past practice allowed by the FAA. We advise Aircraft Certification Offices to continue their currently established practice until this policy becomes official.

How To Obtain Copies

The proposed order will be available on the World Wide Web at *http://av-info.faa.gov/dst/dernotice.htm.* You can also request it from the office listed under **FOR FURTHER INFORMATION CONTACT.**

Issued in Washington, DC, on April 18, 2002.

David W. Hempe,

Manager, Aircraft Engineering Division.

[FR Doc. 02–10180 Filed 4–24–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Kings & Queens Counties, NY

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this Notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for the rehabilitation or replacement of the Kosciusko Bridge, focusing on a 1.1-mile segment of the Brooklyn-Queens Expressway (BQE) from Morgan Avenue in Kings County to the Long Island Expressway (LIE) interchange in Queens County, both in New York State.

FOR FURTHER INFORMATION CONTACT: Robert Arnold, Division Administrator, Federal Highway Administration, New York Division, Leo W. O'Brien Federal Building, 7th Floor, Clinton Avenue and North Pearl Street, Albany, New York, 12207 Telephone: (518) 431–4127.

or

Joseph Brown, P.E., Project Director, New York State Department of Transportation, Region 11, Hunters Point Plaza, 47–40 21St Street, Long Island City, New York 11101 Telephone: (718) 482–4683.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the New York State Department of Transportation (NYSDOT), will prepare an Environmental Impact Statement (EIS) that will study and document proposed improvements to the Kosciuszko Bridge, focusing on a 1.1-mile segment of the Brooklyn-Queens Expressway (BQE) portion of I–278, from Morgan Avenue in Kings County, to the Long Island Expressway (LIE) interchange in Queens County.

The Kosciuszko Bridge Project will address two primary problems identified with the bridge.

Traffic and Safety

The bridge, built in the 1930's, cannot safely carry the present volume of traffic. The bridge's narrow lanes (11 feet), steep grade (4 percent), lack of shoulders, and short merge/weave distances near ramps and interchange do not meet current highway design and safety standards. These design deficiencies, combined with approximately 170,000 vehicles using the bridge each day, result in the bridge operating at or near capacity during the AM and PM peak periods, severe congestion throughout much of the midday, heightened accident rates and the diversion of the highway traffic onto local streets.

Structural Conditions

The structural condition of the bridge is deteriorating. A number of interim repairs were completed by NYSDOT in recent years to correct identified problems and to extend the life of the bridge and viaduct. Recent inspections have indicated that, despite these aggressive maintenance efforts, the structural deficiencies are increasing. The frequent maintenance and repair efforts and their associated lane closures, while necessary to maintain the bridge, exacerbate the congestion and traffic diversion problems mentioned above, and do not provide a long-term solution to the structure's underlying problems.

The Alternatives Analysis will consider a wide range of alternatives designed to address these needs. A long list of alternatives will be developed during the public scoping process with input from all stakeholders. Each alternative will be screened for its ability to meet the project's goals and objectives. The most promising alternatives will be forwarded for detailed evaluation in the Draft Environmental Impact Statement (DEIS). These alternatives are expected to fall into one of the following categories: no build; Transportation System Management (TSM); rehabilitation with or without additional capacity; and replacement. The DEIS will assess the effect of the project alternatives on: Traffic and transportation; noise; air and water quality; land use and neighborhood character; recreational, cultural, and historic resources; hazardous waste and visual resources.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed interest in this project. The DEIS will be available for public and agency review and comment.

To insure that the full range of issues related to the proposed action is addressed and all significant issues identified, a series of scoping activities will be conducted. Pre-scoping activities have included open houses, meetings with involved agencies, and presentations to local community boards. The formal scoping process will involve:

1. *Public scoping meetings,* to be held in May 2002, to provide the public with information about the project, and to assist in formulating the scope of the environmental studies in the DEIS. NYSDOT will provide information about the project and the scope of the DEIS. Comments on the project and on the scope of the DEIS will then be received from the public, and NYSDOT personnel will be available to answer questions. The public can submit written comments or give oral comments to an on-site stenographer. Written comments will be received by NYSDOT until 30 days after the date of the last scoping meeting (see addresses below).

2. *Scoping discussions with other agencies,* particularly those with a direct or indirect involvement in the proposed project's corridor and project area.

The public scoping meetings are scheduled as follows:

Date & Time: May 14, 2002, 3 p.m. 9 p.m.

Location: Martin Luther High School, 60–02 Maspeth Avenue, Maspeth, NY 11378

Date & Time: May 21, 2002, 3 p.m. 9 p.m.

Location: St. Cecilia's Roman Catholic Church, 84 Herbert Street, Brooklyn, NY 11222

At these meetings, attendees may review displays describing the project with project staff available to respond to questions. At 4 p.m. and 7 p.m., NYSDOT will make a brief presentation describing the project and its goals. Following each presentation, interested persons can make oral statements concerning the project, possible alternatives, and the scope of the DEIS. A stenographer will record all statements at the meeting for inclusion in the meeting record. Written statements may also be submitted at the meeting or sent to the addresses above. Any comments received within 30 days of the date of the last scoping meeting will be made part of the record.

In addition, a public hearing will be held after publication of the DEIS to obtain comments on that document. Public notice will be given of the time and place of the DEIS public hearing.

Throughout the scoping process, comments and suggestions are invited on the DEIS scope from any interested parties. Comments or questions concerning this proposed action and the EIS should be directed to NYSDOT or FHWA at the addresses provided above. Comments can also be faxed to Mr. Joseph Brown, P.E., Project Director, NYSDOT, at (718) 482–6319 or e-mailed to *kosciuszko@gw.dot.state.ny.us*

The proposed project would be funded in part through Federal programs which assist State transportation agencies in the planning and development of an integrated, interconnected transportation system important to interstate commerce and travel by constructing and rehabilitating the National Highway System, including the Interstate System. (Catalog of Federal Domestic Assistance Program Numbher 20.205, Highway Research Planning and Construction. The regulations implementing Executive Order 12372, which foster State and local government coordination and review of proposed Federal financial assistance and direct Federal development, apply to this program).

Authority: 23 U.S.C. 315; 23 CFR 771.123]

Issued on: April 18, 2002.

Douglas P. Conlan,

District Engineer, Federal Highway Administration, Albany, New York.

[FR Doc. 02–10108 Filed 4–24–02; 8:45 am]

BILLING CODE 9410–22–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2000–7657–3]

General Motors North America, Inc., Grant of Application for Inconsequential Noncompliance

In response to an appeal from General Motors North America, Inc. (GM), the National Highway Traffic Safety Administration (NHTSA) is granting a GM petition for a determination that a noncompliance with Federal Motor Vehicle Safety Standard (FMVSS) No. 118, ''Power Operated Windows, Partitions, and Roof Panel Systems'' is inconsequential to motor vehicle safety. This notice reconsiders NHTSA's previous denial of the GM petition.

GM originally petitioned the agency on March 10, 2000. A notice requesting comment on the GM petition was published on August 7, 2000 (65 FR 48280). The agency initially denied the petition (66 FR 50496), and GM submitted an appeal to the agency on December 21, 2001. All documents relating to the GM application and appeal are contained in the associated docket, NHTSA–2000–7657.

GM determined that the noncompliance existed in some 1998–1999 model year GM and Isuzu light trucks equipped with Retained Accessory Power (RAP), a convenience feature designed to allow operation of electrical accessories such as the radio and power windows during a timed interval immediately following ignition key removal and that is turned off by the opening of one of the front doors. In those vehicles, manipulation of the hazard flasher switch had the potential to inadvertently activate the RAP of a parked car without the key. This condition failed to meet the requirements of paragraph S4 of FMVSS No. 118 because it was possible for the power windows and sunroofs of the affected vehicles to be enabled without any use of the ignition key.

FMVSS No. 118 sets limits on how and when power windows and sunroofs can be enabled, mainly by requiring the ignition key for their operation. The requirements in the standard are intended to ensure that a person in possession of the ignition key (presumably an adult) is present to supervise occupants, especially children, who might be injured if they were free to operate power windows and sunroofs without supervision.

In its original application for inconsequential noncompliance, GM reasoned that a series of specific, unlikely events all would have to occur before an opportunity for injury from a power window or sunroof could exist in the affected vehicles. To wit, a child or children would have to be left unattended and unrestrained within the vehicle; the child or children would have to manipulate the hazard flasher switch on the top of the steering column in the requisite manner (which in some switches would require considerable bottoming force on the switch and/or considerable side force, in order for RAP activation to occur), or the service brake pedal would have to be pressed in conjunction with pressing on the hazard flasher switch (although in some vehicles, no amount of force on the switch would activate RAP); and the child or children would then have to operate a power window or sunroof in such a way as to be injured by it prior to opening a door (which deactivates the RAP), or before twenty minutes had elapsed from the time of initial RAP activation (the maximum time that RAP remains active), and also before a parent or other adult returned. GM presented data and arguments to support the unlikely nature of these events, and concluded that the overall likelihood of an injury occurring as a result of the noncompliance was exceedingly small.

NHTSA initially denied the GM application as discussed in the preceding **Federal Register** notice in this docket. On December 21, 2001, GM appealed NHTSA's denial. In its appeal, GM requested that NHTSA reconsider for a number of reasons. One reason GM stated was that the denial was inconsistent with the agency's prior decisions. Another reason used by GM was that, by the time it filed the appeal, an additional 19 months had elapsed, representing 1.5 million vehicle years, since it had first discovered the noncompliance, and no related incidents had been reported. The additional elapsed time brought the total vehicle-years that the noncomplying vehicles had been in the field without incident to 2.8 million.

A subsequent comment filed in the docket by Delphi Corporation, which manufactured the hazard flasher switches in the affected GM vehicles, cited a NHTSA final rule from May 5, 1983, in which the agency amended FMVSS No. 118 to permit the use of the RAP feature in motor vehicles. In that notice, the agency acknowledged the possibility that under rare circumstances power windows might be operational as a result of the RAP feature without the driver being present in the vehicle. At the same time, the agency also recognized that similar possibilities existed whether RAP was

permitted or not. The agency stated the following:

While there is a possibility under the new option for power windows to be operational without the driver being present in the vehicle, that possibility could arise only in rare circumstances. Further, similar possibilities exist under one of the existing options [in section S4 of FMVSS No. 118.] For example, under the new [RAP] option, a driver could get out of a vehicle, leaving the engine running, and close the door. The windows would still be operational. Then, if the driver's window were open so that he or she could reach through the open window instead of opening the door to shut the engine off, the windows would continue to be operational. Similarly, under one of the current options, power windows would be operable in the same circumstances, at least until the driver reached into the vehicle and shut off the engine.

In other words, the agency recognized that the safety measures in the standard could not prevent power windows from being enabled in all instances in which a driver or adult passenger might not be present.

After further consideration, we believe that the conditions under which RAP may be activated in the subject noncomplying GM vehicles are highly unlikely to occur and are similar to the unlikely circumstances contemplated in the final rule permitting the use of the RAP feature. We believe that it is, in fact, at least as unlikely for inadvertent RAP activation to occur in the subject noncomplying GM vehicles as it would be for RAP to be activated in a fully complying vehicle without a driver present in circumstances such as those discussed in the 1983 final rule. Furthermore, the fact the agency knowingly permitted those slight safety issues in the 1983 final rule establishes that the agency believed such issues are inconsequential. The safety issue in the noncomplying GM vehicles, being similar to the ones acknowledged in 1983, is therefore also inconsequential.

In granting this GM petition, the agency is in no way de-emphasizing the importance of the safety provisions in FMVSS No. 118. On the contrary, the agency maintains active involvement in issues relating to power window safety and has recently undertaken a study to determine the extent of non-crash motor vehicle events, especially those involving children, which result in injuries and fatalities due to motor vehicle power windows.

For the reasons expressed above, the agency has reconsidered its previous decision to deny the GM petition, published in the **Federal Register** on October 3, 2001 (66 FR 50496). Accordingly, GM's application is granted and the applicant is exempted from providing the notification of the noncompliance as required by 49 U.S.C. 30118, and from remedying the noncompliance as required by 49 U.S.C. 30120.

(49 U.S.C. 301118, 301120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: April 19, 2002.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 02–10182 Filed 4–24–02; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34180]

Soo Line Railroad Company—Trackage Rights Exemption—I&M Rail Link, LLC

I&M Rail Link, LLC (I&M) has agreed to grant overhead and local trackage rights to Soo Line Railroad Company d/b/a Canadian Pacific Railway Company (CPR) over its lines located in Illinois, Iowa and Missouri as follows: between River Junction (milepost 159.0) and the I&M/Kansas City Southern Railway Joint Agency Yard, Kansas City, MO (milepost 498.8), via Marquette, Sabula, Davenport and Ottumwa, IA, and Chillicothe, MO, with access to all connections at Kansas City; and between Pingree Grove, IL (milepost 40.26), and Sabula, IA (milepost 140.8), the latter being the point of intersection between the aforementioned routes; and direct access to Ipsco Steel, Inc.'s (Ipsco) steel mill at Montpelier, IA (milepost 206.6).[1]

The transaction was scheduled to be consummated on or shortly after April 12, 2002.

The purpose of the trackage rights is to allow CPR to serve the Ipsco facility in Montpelier under the terms of a transportation agreement entered into by CPR, I&M and Ipsco.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34180, must be filed with the Surface Transportation Board, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Diane P. Gerth, LEONARD, STREET AND DEINARD PROFESSIONAL ASSOCIATION, 150 South Fifth Street, Minneapolis, MN 55402.

Board decisions and notices are available on our Web site at ''*www.stb.dot.gov.*''

Decided: April 18, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–10028 Filed 4–24–02; 8:45 am]

BILLING CODE 4915–00–P

[1] A redacted version of the trackage rights agreement between I&M and CPR was filed with the notice of exemption. The full version of the agreement, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with a motion for protective order. A protective order was served in this proceeding on April 18, 2002.

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

April 18, 2002.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before May 28, 2002 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1.

Regulation Project Number: REG–209106–89 (formerly EE–84–89) NPRM.

Type of Review: Extension.

Title: Changes With Respect to Prizes and Awards and Employee Achievement Awards.

Description: This regulation requires recipients of prizes and awards to maintain records to determine whether a qualifying designation has been made. The affected public are prize and award

recipients who seek to exclude the cost of a qualifying prize or award.

Respondents: Individuals or households.

Estimated Number of Respondents: 5,100.

Estimated Burden Hours Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 1,275 hours.

OMB Number: 1545–1375.

Regulation Project Number: IA–5–92 Final.

Type of Review: Extension.

Title: Carryover of Passive Activity Losses and Credits and At Risk Losses to Bankruptcy Estates of Individuals.

Description: These regulations provide for a joint election to have the regulations apply to certain bankruptcy cases. In a chapter 7 case, the written consent of the trustee must be obtained. In a chapter 11 case, the election must be in the reorganization plan or in a court order.

Respondents: Individuals or households.

Estimated Number of Respondents: 600,000.

Estimated Burden Hours Per Respondent: 1 hour.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 600,000 hours.

OMB Number: 1545–1393.

Regulation Project Number: EE–14–81 NPRM.

Type of Review: Extension.

Title: Deductions and Reductions in Earnings and Profits (or Accumulated Profits) With Respect to Certain Foreign Deferred Compensation Plans Maintained by Certain Foreign Corporations or by foreign Branches of Domestic Corporations.

Description: The regulation provides guidance regarding the limitations on deductions and adjustments to earnings and profits (or accumulated profits) for certain foreign deferred compensation plans. Respondents will be multinational corporations.

Respondents: Business or other for-profit.

Estimated Number of Respondents/ Recordkeepers: 1,250.

Estimated Burden Hours Per Respondent/Recordkeeper: 508 hours.

Frequency of Response: On occasion.

Estimated Total Reporting/ Recordkeeping Burden: 634,450 hours.

OMB Number: 1545–1409.

Form Number: IRS Form 8842.

Type of Review: Extension.

Title: Election To Use Different Annualization Periods for Corporate Estimated Tax.

Description: Form 8842 is used by corporations (including S corporations), tax-exempt organizations subject to the unrelated business income tax, and private foundations to annual elect the use of annualization period in section 6655(e)(2)(c)(i) or (ii) for purposes of figuring the corporation's estimated tax payments under the annualized income installment method.

Respondents: Business or other for-profit.

Estimated Number of Respondents/ Recordkeepers: 1,700.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping	1 hr., 54 min.
Learning about the law or the form.	18 min.
Preparing and sending the form to the IRS.	20 min.

Frequency of Response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 4.335 hours.

OMB Number: 1545–1435.

Regulation Project Number: EE–5–93.

Type of Review: Extension.

Title: Electronic Filing of Form W–4.

Description: Information is required by the Internal Revenue Service to verify compliance with section 31.3402(f)(2)–1(g)(1), which requires submission to the Service of certain withholding exemption certificates. The affected respondents are employers that choose to make electronic filing of Forms W–4 available to their employees.

Respondents: Business or other for-profit, Not-for-profit institutions, Federal Government, State, Local or Tribal Government.

Estimated Number of Respondents: 2,000.

Estimated Burden Hours Per Respondent: 20 hours.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 40,000 hours.

OMB Number: 1545–1477.

Regulation Project Number: EE–34–95 Final.

Type of Review: Extension.

Title: Notice of Significant Reduction in the Rate of Future Benefit Accrual.

Description: In order to protect the rights of participants in qualified pension plans, plan administrators must provide notice to plan participants and other parties, if the plan is amended in a particular manner. No government agency receives the information.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 3,000.

Estimated Burden Hours Per Respondent: 5 hours.

Frequency of Response: Other (once).

Estimated Total Reporting Burden: 15,000 hours.

OMB Number: 1545–1633.

Regulation Project Number: REG–209121–89 Final.

Type of Review: Extension.

Title: Certain Asset Transfers to a Tax-Exempt Entity.

Description: The written representation requested from a tax-exempt entity in regulations section 1.337(d)–4(b)(1)(A) concerns its plans to use assets received from a taxable corporation in a taxable unrelated trade or business. The taxable corporation is not taxable on gain if the assets are used in a taxable unrelated trade or business.

Respondents: Business or other for-profit, Not-for-profit institutions.

Estimated Number of Respondents: 25.

Estimated Burden Hours Per Respondent: 5 hours.

Frequency of Response: Other (once).

Estimated Total Reporting Burden: 125 hours.

OMB Number: 1545–1641.

Revenue Procedure Number: Revenue Procedure 99–17.

Type of Review: Extension.

Title: Mark to Market Election for Commodities Dealers and Securities and Commodities Traders.

Description: The revenue procedure prescribes the time and manner for dealing in commodities and traders in securities or commodities to elect to use the mark-to-market method of accounting under § 475(e) or (f) of the Internal Revenue Code. The collections of information in sections 5 and 6 of this revenue procedure are required by the IRS in order to facilitate monitoring taxpayers changing accounting methods resulting from making the elections under § 475(e) or (f).

Respondents: Business or other for-profit.

Estimated Number of Respondents/ Recordkeepers: 1,000.

Estimated Burden Hours Per Respondent/Recordkeeper: 30 minutes.

Frequency of Response: Other (one time).

Estimated Total Reporting/ Recordkeeping Burden: 500 hours.

OMB Number: 1545–1650.

Regulation Project Number: REG–208156–91 Final.

Type of Review: Extension.

Title: Accounting for Long-Term Contracts.

Description: The information collected in required to notify the Commissioner of a taxpayer's decision

to sever or aggregate one or more long-term contracts under the regulations. The statement is needed so the Commission can determine whether the taxpayer properly severed or aggregated its contract(s). The regulations affect any taxpayer that manufactures or constructs property under long-term contracts.

Respondents: Business or other for-profit, Individuals or households.

Estimated Number of Respondents: 50,000.

Estimated Burden Hours Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 12,500 hours.

Clearance Officer: Glenn Kirkland, Internal Revenue Service, Room 6411–03, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 02–10118 Filed 4–24–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Treasury Advisory Committee on Commercial Operations of the Customs Service

AGENCY: Departmental Offices, Treasury.

ACTION: Solicitation of applications for membership in the Treasury Advisory Committee on Commercial Operations of the Customs Service.

SUMMARY: This notice establishes criteria and procedures for the selection of members and provides public notice of the Department's intent to file a Charter for the committee's eighth two year term.

Title: The Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service.

Purpose: The purpose of the Committee is to provide advice to the Secretary of the Treasury on all matters involving the commercial operations of the U.S. Customs Service and to submit an annual report to Congress describing its operations and setting forth any recommendations. The Committee provides a critical and unique forum for distinguished representatives of diverse industry sectors to present their views and advice directly to senior Treasury and Customs officials. This is done on a regular basis in an open and candid atmosphere.

SUPPLEMENTARY INFORMATION:

Background

In the Omnibus Budget Reconciliation Act of 1987 (Pub. L. 100–203), Congress directed the Secretary of the Treasury to create an Advisory Committee on Commercial Operations of the Customs Service. The Committee is to consist of 20 members drawn from industry sectors affected by Customs commercial operations with balanced political party affiliations. The Committee's first two-year charter was filed on October 17, 1988 and six additional charters have been filed for two-year terms. The current charter will expire on October 6, 2002. The Treasury Department plans to file a new charter by that date, renewing the Committee for an eighth two-year term.

Objective, Scope and Description of the Committee

The Committee's objective is to advise the Secretary of the Treasury on issues relating to the commercial operations of the Customs Service. It is expected that, during its eighth two-year term, the Committee will consider issues relating to enhanced border and cargo supply chain security, Customs modernization and automation, informed compliance and compliance assessment, account based processing, commercial enforcement and uniformity, international efforts to harmonize customs practices and procedures, strategic planning, northern border and southern border issues, and relationships with foreign Customs authorities. As directed by Congress, the Committee will be presided over by the Assistant Secretary of the Treasury for Enforcement. During the two-year charter, the Committee will meet approximately eight times (quarterly). Additional special meetings of the full Committee or a subcommittee thereof may be convened if necessary. The meetings will generally be held in the Treasury Department, Washington, DC. However, typically, one or two meetings per year are held outside of Washington at a Customs port.

The meetings are open to public observers, including the press, unless special procedures have been followed to close a meeting. During the last two-year term none of the Committee meetings have been closed.

The members shall be selected by the Secretary of the Treasury from representatives of the trade or transportation community that do business with Customs, the general public, or others who are directly affected by Customs commercial operations. In addition, members shall represent major regions of the country, and, by statute, not more than ten members may be affiliated with the same political party. No person who is required to register under the Foreign Agents Registration Act as an agent or representative of a foreign principal may serve on this advisory committee. Members shall not be paid compensation nor shall they be considered Federal Government employees for any purpose. No per diem, transportation, or other expenses are reimbursed for the cost of the public service of attending Committee meetings at any location.

Membership on the Committee is personal to the appointee. Under the Charter, a member may not send an alternate to represent him or her at a Committee meeting. However, since Committee meetings are open to the public, another person from a member's organization may attend and observe the proceedings in a nonparticipating capacity. Regular attendance is essential; the Charter provides that a member who is absent for two consecutive meetings or two meetings in a calendar year shall lose his or her seat on the Committee. Members who are serving on the Committee during its expiring two-year term are eligible to reapply for membership provided that they are not in their second consecutive term and that they have met attendance requirements. A new application letter and updated resume are required.

Application for Advisory Committee Appointment

Any interested person wishing to serve on the Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service must provide the following:

- Statement of interest and reasons for application;
- Complete professional biography or resume;
- Political affiliation, in order to ensure balanced representation. (Mandatory. If no party registration or allegiance exists, indicate ''independent'' or ''unaffiliated'').

In addition, applicants must state in their applications that they agree to submit to pre-appointment background and tax checks. (Mandatory). However, a national security clearance is not required for the position.

There is no prescribed format for the application. Applicants may send a letter describing their interest and qualifications and enclose a resume.

The application period for interested candidates will extend to June 17, 2002. Applications should be submitted in sufficient time to be received by the

close of business on the closing date by Gordana S. Earp, Office of Regulatory, Tariff and Trade Enforcement, Office of the Under Secretary (Enforcement), Room 4004, Department of the Treasury, 1500 Pennsylvania Avenue, NW, Washington, DC 20220, ATT: COAC 2002.

Dated: April 22, 2002.

Timothy E. Skud,

Deputy Assistant Secretary, (Regulatory, Tariff, and Trade Enforcement).

[FR Doc. 02–10205 Filed 4–24–02; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8814

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8814, Parents' Election To Report Child's Interest and Dividends.

DATES: Written comments should be received on or before June 24, 2002, to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, Room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, (202) 622–6665, or through the Internet (*Allan.M.Hopkins@irs.gov*) Internal Revenue Service, Room 6407, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Parents' Election To Report Child's Interest and Dividends.

OMB Number: 1545–1128.

Form Number: 8814.

Abstract: Form 8814 is used by parents who elect to report the interest and dividend income of their child under age 14 on their own tax return. If this election is made, the child is not required to file a return.

Current Actions: There are no changes being made to Form 8814 at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 1,100,000.

Estimated Time Per Respondent: 1 hr., 17 min.

Estimated Total Annual Burden Hours: 1,408,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 16, 2002.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 02–10207 Filed 4–24–02; 8:45 am]

BILLING CODE 4830–01–P

Federal Register

Thursday,
April 25, 2002

Part II

Federal Emergency Management Agency

Radiological Emergency Preparedness: Exercise Evaluation Methodology; Notice

FEDERAL EMERGENCY MANAGEMENT AGENCY

Radiological Emergency Preparedness: Exercise Evaluation Methodology

AGENCY: Federal Emergency Management Agency (FEMA)

ACTION: Notice of correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) is correcting certain provisions of the exercise evaluation areas published in the September 12, 2001 **Federal Register** notice entitled ''Radiological Emergency Preparedness: Exercise Evaluation Methodology'' (66 FR 47526–47546). Today's notice supersedes our notice of September 12, 2001 and republishes that notice in its entirety with corrections.

EFFECTIVE DATE: The corrections contained in this notice are effective April 25, 2002.

FOR FURTHER INFORMATION CONTACT: Vanessa E. Quinn, Chief, Radiological Emergency Preparedness Branch, Technological Services Division, Federal Emergency Management Agency, 500 C Street, SW., Washington DC 20472; (202) 646–3664; *vanessa.quinn@fema.gov.*

SUPPLEMENTARY INFORMATION:

Introduction

The Federal Emergency Management Agency (FEMA) is correcting certain provisions of the exercise evaluation areas published in the September 12, 2001 **Federal Register** notice entitled ''Radiological Emergency Preparedness: Exercise Evaluation Methodology'' (66 FR 47526–47546). On September 12, 2001, we (FEMA) published the Radiological Emergency Preparedness (REP) exercise evaluation areas and associated criteria, effective as of October 1, 2001, for use when evaluating REP exercises. After publication, we need to clarify some of the information in the September notice. Today we supersede the September 12, 2001 notice and republish it with corrections.

Revisions to September 12, 2001, Federal Register Notice

Each item (a) through (n) that we list below describes a revision of the September notice and states the rationale for the change.

(a) We inserted a sentence after the third sentence in the preamble discussion of Criterion 1.b.1 as follows:

However, FEMA will evaluate all facilities, as a baseline, during the first exercise under the new Evaluation Criteria.

Rationale: FEMA added the language to clearly state FEMA's intent to evaluate all facilities, during the first exercise under the new Criteria, as a baseline.

(b) We revised the Extent of Play for Criterion 1.e.1, second paragraph, to read:

All instruments should be inspected, inventoried, and operationally checked before each use. Instruments should be calibrated in accordance with the manufacturer's recommendations. Unmodified CDV–700 series instruments and other instruments without a manufacturer's recommendation should be calibrated annually. Modified CDV–700 instruments should be calibrated in accordance with the recommendation of the modification manufacturer. A label indicating such calibration should be on each instrument, or calibrated frequency can be verified by other means. Additionally, instruments being used to measure activity should have a range of readings sticker affixed to the side of the instrument. The above considerations should be included in 4.a.1 for field team equipment; 4.c.1 for radiological laboratory equipment (does not apply to analytical equipment); reception center and emergency worker facilities' equipment under 6.a.1; and ambulance and medical facilities' equipment under 6.d.1.

Rationale: The revision corrects the disconnect where the note implies that field team equipment is not included in this criterion but the opening sentence of the same paragraph mentions field team equipment. The revision also makes it clear that considerations do not apply to analytical equipment in 4.a.1.

(c) We revised the Extent of Play for Criterion 1.e.1, sixth paragraph, to read:

Quantities of dosimetry and KI available and storage locations(s) will be confirmed by physical inspection at storage location(s) or through documentation of current inventory submitted during the exercise, provided in the Annual Letter of Certification submission, and/or verified during a Staff Assistance Visit. Available supplies of KI should be within the expiration date indicated on KI bottles or blister packs. As an alternative, the ORO may produce a letter from a certified private or State laboratory indicating that the KI supply remains potent, in accordance with U.S. Pharmacopoeia standards.

Rationale: The change deletes the misinformation that FEMA can issue letters extending the shelf life of potassium iodide (KI).

(d) We revised the Intent for Sub-Element 2.b, first sentence, to read:

This sub-element derives from NUREG–0654, which provides that Offsite Response Organizations (ORO) have the capability to use all available data to independently project integrated dose and compare the estimated dose savings with the protective action guides.

Rationale: The change clarifies what is meant by ''independently projected dose'' by specifying that ''all available data,'' from any source, can be used by the ORO.

(e) We deleted reference to ''Evacuation Time Estimates'' in Sub-element 2.b and in Extent of Play for Criterion 2.c.1.

Rationale: NUREG–0654/FEMA–REP–1, Supplement 3 deletes Evacuation Time Estimates as a consideration when formulating protective actions.

(f) We revised Criterion 3.b.1 to read:

KI and appropriate instructions are available should a decision to recommend use of KI be made. Appropriate record keeping of the administration of KI for emergency workers and institutionalized individuals is maintained. (NUREG–0654, J.10.e).

Rationale: The change deletes ''(not the general public),'' since it may be confusing to some individuals.

(g) We deleted ''decide upon and'' from Criterion 3.c.2, and moved the text that follows from the Extent of Play for Criterion 3.c.2 to the Extent of Play for Criterion 2.c.1.

Applicable OROs should demonstrate the capability to alert and notify all public school systems/districts of emergency conditions that are expected to or may necessitate protective actions for students. Contacts with public school systems/districts must be actual.

In accordance with plans and/or procedures, OROs and/or officials of public school systems/districts should demonstrate the capability to make prompt decisions on protective actions for students. Officials should demonstrate that the decision making process for protective actions considers (that is, either accepts automatically or gives heavy weight to) protective action recommendations made by ORO personnel, the ECL at which these recommendations are received, preplanned strategies for protective actions for that ECL, and the location of students at the time (for example, whether the students are still at home, en route to the school, or at the school).

Rationale: Evaluation Area 2 addresses protective action decisionmaking, and Evaluation Area 3 addresses protective action implementation. Thus, the decision process for the school population was moved from Evaluation Area 3 to Evaluation Area 2.

(h) We revised the Extent of Play for Criterion 3.e.2, first paragraph, to read:

Development of measures and strategies for implementation of Ingestion Pathway Zone (IPZ) protective actions should be demonstrated by formulation of protective action information for the general public and food producers and processors. This includes either pre-distributed public information material in the IPZ or the capability for the

rapid distribution of appropriate pre-printed and/or camera-ready information and instructions to pre-determined individuals and businesses. OROs should demonstrate the capability to control, restrict or prevent distribution of contaminated food by commercial sectors. Exercise play should include demonstration of communications and coordination between organizations to implement protective actions. Actual field play of implementation activities may be simulated. For example, communications and coordination with agencies responsible for enforcing food controls within the IPZ should be demonstrated, but actual communications with food producers and processors may be simulated.

Rationale: The change incorporates the option of pre-distributing the information.

(i) We revised the Extent of Play for Criterion 3.f.1, first paragraph, to read:

Relocation: OROs should demonstrate the capability to coordinate and implement decisions concerning relocation of individuals, not previously evacuated, to an area where radiological contamination will not expose the general public to doses that exceed the relocation PAGs. OROs should also demonstrate the capability to provide for short-term or long-term relocation of evacuees who lived in areas that have residual radiation levels above the (first-, second-, and fifty-year) PAGs.

Rationale: The change clarifies the differences among short-, intermediate-, and long-term relocation.

(j) We revised the Intent for Sub-Element 4.a to read:

This sub-element derives from NUREG–0654, which provides that Offsite Response Organizations (ORO) should have the capability to deploy field teams with the equipment, methods, and expertise necessary to determine the location of airborne radiation and particulate deposition on the ground from an airborne plume. In addition, NUREG–0654 indicates that OROs should have the capability to use field teams within the plume emergency planning zone to measure airborne radioiodine in the presence of noble gases and to detect radioactive particulate material in the airborne plume. In the event of an accident at a nuclear power plant, the possible release of radioactive material may pose a risk to the nearby population and environment. Although accident assessment methods are available to project the extent and magnitude of a release, these methods are subject to large uncertainties. During an accident, it is important to collect field radiological data in order to help characterize any radiological release. Adequate equipment and procedures are essential to such field measurement efforts.

Rationale: The change corrects a disconnect and lack of clarity between this criterion and Criteria 2.b.1 and 2.b.2.

(k) We added language to the Extent of Play for Criterion 5.a.1 as follows:

Offsite Response Organizations (ORO) with route alerting as the primary method of alerting and notifying the public should demonstrate the capability to accomplish the primary route alerting, following the decision to activate the alert and notification system, in a timely manner (will not be subject to specific time requirements) in accordance with the ORO's plan and/or procedures. At least one route needs to be demonstrated and evaluated. The selected route(s) should vary from exercise to exercise. However, the most difficult route should be demonstrated at least once every six years. All alert and notification activities along the route should be simulated (that is, the message that would actually be used is read for the evaluator, but not actually broadcast) as agreed upon in the extent of play. Actual testing of the mobile public address system will be conducted at some agreed upon location. The initial message should include the elements required by current FEMA REP guidance.

Rationale: For some jurisdictions, route alerting is the primary alert and notification method, and we added this language for use when evaluating those jurisdictions.

(l) We revised the second paragraph of the Extent of Play for Criterion 6.b.1 to read:

The area to be used for monitoring and decontamination should be set up as it would be in an actual emergency, with all route markings, instrumentation, record keeping and contamination control measures in place. Monitoring procedures should be demonstrated for a minimum of one vehicle. It is generally not necessary to monitor the entire surface of vehicles. However, the capability to monitor areas such as radiator grills, bumpers, wheel wells, tires, and door handles should be demonstrated. Interior surfaces of vehicles that were in contact with individuals found to be contaminated should also be checked.

Rationale: The change corrects a disconnect where the preamble of the September **Federal Register** notice says that references to air filters have been deleted, while the extent of play still referenced monitoring of air intake systems.

(m) We added the following footnote 1 to the title of Table 2, Federal Evaluation Process Matrix, as follows:

1. See Evaluation Criteria for Specific Requirements.

Rationale: The statement in the footnote applies as a general rule, not just for the Sub-Elements noted in the September 12, 2001, notice.

(n) We added the following footnote 4 to Table 2, Federal Evaluation Process Matrix, Sub-Element 3.b:

4. Should be demonstrated in every biennial exercise by some organizations and should be demonstrated at least once every six years by every ORO with responsibility for implementation of KI decision.

Rationale: The change highlights the requirement for some Offsite Response Organizations (ORO) to demonstrate the criterion at every exercise.

Revised September 12, 2001 Federal Register Notice

Accordingly, this notice supersedes our notice of September 12, 2001, Exercise Evaluation Methodology, 66 FR 47526–47546, and republishes that document with corrections, beginning with the **SUPPLEMENTARY INFORMATION** portion of the preamble.

Dated: April 19, 2002.

Michael D. Brown,

General Counsel.

The corrected notice follows:

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) has revised the Radiological Emergency Preparedness Exercise Manual (REP–14) dated September 1991 by adopting the six Exercise Evaluation Areas described in this notice and deleting the thirty-four REP–14 Objectives that are set out in Section D of REP–14.[1] This is an interim measure. FEMA is currently working on a REP Handbook, a comprehensive compilation of REP guidance. The REP Handbook will incorporate the new Exercise Evaluation Areas and portions of REP–14 that pertain to the conduct of exercises. When the new reference book is issued, REP–14 will be withdrawn.

Adoption of the new Evaluation Areas rendered a companion manual entitled Radiological Emergency Preparedness Exercise Evaluation Methodology (REP–15) dated September 1991 obsolete. REP–15 is rescinded effective January 1, 2002, which is the date upon which all subsequent exercises will be evaluated in accordance with the new criteria.

FEMA published the proposed evaluation areas and the Evaluation Module in the **Federal Register** on June 11, 2001 for sixty days of public comment, 66 FR 31342. The public comment period closed on August 10, 2001. We received 83 comments by the deadline. Representatives of State and local public health, environmental and emergency management agencies submitted the majority of comments. We also received thoughtful and constructive comments from licensees of nuclear power plants, the general public and a public interest group.

[1] Adoption of the proposed Evaluation Criteria renders much of Section C.2 of REP–14 obsolete. Pages C.2–3 and C.2–4 of REP–14 speak to the frequency with which particular REP–14 objectives will be exercised. FEMA is adopting the Federal Exercise Evaluation Matrix, which appears later in this document as Table 2, in place of the exercise objective groupings which appear on Pages C.2–3 and C.2–4 of REP–14.

Under a Memorandum of Understanding between FEMA and the Nuclear Regulatory Commission (NRC), 44 CFR 353, App. A (2000 edition), FEMA provides the NRC with an opportunity to review and comment on emergency planning and preparedness guidance issued by FEMA's Radiological Emergency Preparedness (REP) program. The NRC received a copy of the **Federal Register** notice and provided comments on August 10, 2001.

Background on Exercise Evaluation

FEMA conducts and evaluates exercises through the REP program to assess the capability of Offsite Response Organizations (ORO) to respond to an emergency involving a commercial nuclear power plant, in accordance with FEMA regulations published in 44 CFR part 350.[2] Although section 350.9 is the portion of part 350 that primarily speaks to exercises, section 350.9 does not specifically address the standards for conduct and evaluation of the exercises. These standards are in 44 CFR 350.5(a) which states:

''Section 50.47 of [the NRC's] Emergency Planning Rule [10 CFR Parts 50 [Appendix E] and 70 as amended and the joint FEMA-Nuclear Regulatory Commission *Criteria for Preparation and Evaluation of Radiological Response Plants and Preparedness In Support of Nuclear Power Plants* (NUREG–0654/FEMA REP–1, Rev 1 November, 1980)[3] [4] * * * are to be used in reviewing, evaluating and approving State and local radiological emergency plans and preparedness and in making any findings and determinations with respect to the adequacy of the plans and the capabilities of State and local government to implement them. Both the planning and preparedness standards and related criteria contained in NUREG–0654 are to be used by FEMA and the NRC in reviewing and evaluating State and local government radiological emergency plans and preparedness.''[5]

Planning Standard N of NUREG–0654 addresses the conduct of exercises. The Planning Standard states that ''Periodic exercises are (will be) conducted to evaluate major portions of emergency response capabilities * * * and deficiencies identified as a result of exercises * * * are (will be) corrected.'' Evaluation criterion N.1.a of NUREG–0654 defines an exercise as ''an event that tests the integrated capability and a major portion of the basic elements existing within emergency preparedness plans and organizations.''

The Planning Standard N criteria contain several requirements for exercises. All exercises must simulate an emergency that results in offsite radiological emergency releases that would require response by offsite authorities.[6] Scenarios should be varied from year to year and conducted under various weather conditions; some exercises or drills should be off-hours and unannounced.[7] In other respects, the Planning Standard N criteria contemplate that exercises will be conducted as set forth in NRC and FEMA rules and in exercise evaluation guidance.[8]

In September 1991, FEMA published the current exercise evaluation guidance, which is REP–14. REP–14 established a series of 34 objectives (REP–14 Objectives) that interpret and apply the guidance contained in NUREG–0654. A companion document, REP–15, contained a series of forms and checklists keyed to the 34 REP–14 Objectives for use by exercise evaluators in documenting performance. FEMA circulated both documents for public comment.[9]

REP–14 also established the frequency with which each of the objectives would be demonstrated in exercises. The REP–14 Objectives were divided into three groups. Thirteen objectives in the first group would need to be demonstrated in every exercise. Every exercise should demonstrate 9 objectives in the second group by some but not all responding organizations as the scenario dictates, provided that all responding organizations must demonstrate the objective once every six years. Another eleven objectives must be demonstrated once every six years.[10]

Public Comment on the Proposed Evaluation Areas

The new approach to exercise evaluation discussed in this notice is the outgrowth of a multi-year strategic review of the REP program. We explained the strategic review process that led to the formulation of this approach in the June 11, 2001 **Federal Register** notice, 66 FR 31343–31344. A key recommendation of the strategic review process was that FEMA streamline the exercise evaluation process by making the criteria less prescriptive and more ''results-oriented.''

A number of commenters felt that the proposal published on June 11 substantially met this objective. A State emergency management agency, writing for itself and two counties noted, ''In general, we feel that the proposals are a substantial improvement over previous evaluation methodologies. The document is much less prescriptive and establishes the basis for an outcome-based evaluation.'' Another State observed. ''This proposal showed that FEMA not only listened to the OROs'' concerns, but took our advice to heart and followed through with its commitment to make the exercise evaluation process more performance-based and less subjective.'' However, several other commenters felt that the document remained too prescriptive. We have examined their suggestions and have made adjustments to certain of the criteria where appropriate. A public interest group suggested that certain of the evaluation criteria appear to significantly lower performance standards. We considered each of their examples, but we disagree with their conclusions.

The NRC staff observed, ''As a result of a staff level review of the [**Federal Register** notice] and our participation in the strategic review process, it is our belief that exercises conducted and evaluated pursuant to the revised methodology will continue to provide FEMA with sufficient basis to support reasonable assurance recommendations to the NRC.''

Two commenters, representing State agencies, suggested that FEMA periodically review the evaluation criteria to determine whether further improvements are needed. FEMA accepts the suggestion. The initial review of the evaluation criteria will commence in January 2003 when data from the first full year of exercises conducted under the new criteria will be available.

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[2] The preamble to 44 CFR part 350 is published at 46 FR 44332 [September 28, 1983].

[3] This document is hereafter referred to as NUREG–0654.

[4] The planning standards and related criteria have been clarified, interpreted, and modified by FEMA Policy Memoranda, Guidance Memoranda, and REP Series documents.

[5] *See also,* 44 CFR 350.13(a) which states in relevant part ''The basis upon which [FEMA] makes the determination for withdrawal of approval [of a State or local radiological emergency plan] is the same basis used in reviewing plans and exercises, that is, the planning standards and related criteria in NUREG 0654/FEMA REP–1, Rev. I.''

[6] The NRC staff comment noted that an acceptable exercise scenario could involve a sufficient fission product accumulation in containment without a release, notwithstanding the language of Planning Standard N. FEMA believes that exercise scenarios that involve offsite radiological emergency releases provide a better test of an ORO's integrated response capability.

[7] *See,* Planning Standard N, evaluation criteria 1.a and 1.b.

[8] *See,* Planning Standard N, evaluation criteria 1.a (rules) and 3 (exercise evaluation guidance).

[9] On March 27, 1991, FEMA noticed the availability of REP–14 and REP–15 for public comment in the **Federal Register** [56 FR 12734. FEMA announced that REP–14 and REP–15 were final and effective in subsequent **Federal Register** notices, 57 FR 4880 (February 10, 1992) corrected by 57 FR 10956 (March 31, 1992).

[10] *See,* REP–14, pages C–2.3 to C–2.4. REP–14 Objective 34 was not included in any of the three groups because it is not demonstrated by OROs. Objective 34 addresses demonstration of emergency response capability by nuclear power plant licensees in the event that State and local government decline to participate in radiological emergency planning and preparedness.

Discussion of the New Evaluation Criteria

Evaluation Area 1—Emergency Operations Management

Evaluation Area 1 has five sub-elements: (a) Mobilization, (b) facilities, (c) direction and control, (d) communications equipment and (e) equipment and supplies to support operations.

Criterion 1.a.1 requires that the OROs use effective procedures to alert, notify and mobilize emergency personnel and activate facilities in a timely manner. FEMA previously noted that one of the more difficult issues to arise from the strategic review is how OROs demonstrate their twenty-four hour staffing capability in an exercise. The evaluation criteria associated with Planning Standard ''A'' of NUREG–0654 require that ''each principal organization shall be capable of continuous (twenty-four-hour) operations for a protracted period.'' [11]These criteria also require that each State and local response organization be capable of twenty-four-hour emergency response, including 24 hour per day staffing of communications links.[12]

REP–14 Objective 30.1,[13] which implemented these criteria, required all agencies responsible for providing twenty-four-hour staffing to demonstrate a shift change once every six years. The shift change was demonstrated by providing a ''one-for-one replacement * * * of key staff'' responsible for communications, direction and control of operations, alert and notification of the public, accident assessment, information for the public and the media, radiological monitoring, protective response and medical and public health support.[14]

REP–14 Objective 30.2 requires outgoing staff members to demonstrate the capability to brief their replacements on the current status of the simulated emergency. The purpose of this demonstration is to assure that the transition from the outgoing to the incoming shift is accomplished without discontinuity in operations.

The dissatisfaction within the REP community about Objective 30 seemed to stem from time constraints associated with the exercise. OROs will bring a second shift (often composed of volunteers who must take time away from other responsibilities) in for the exercise, only to discover that there is little time left in the exercise for the second shift to actually demonstrate their capabilities.

In response to these concerns, new evaluation criterion 1.a.1 eliminates the requirement that OROs demonstrate a shift change once every six years. In order to assure that OROs have sufficient staffing to support twenty-four hour operations, we will require that they certify this capability in the Annual Letter of Certification. Additionally, FEMA REP site specialists will review ORO 24-hour staffing capabilities during Staff Assistance visits. This approach is consistent with Planning Standard ''A'' of NUREG–0654 and its associated criteria, neither of which requires the demonstration of a shift change. Many comments suggested that FEMA approach verification of 24-hour capability in this manner.

We also expressed concern in the June 11 **Federal Register** notice whether key personnel on the off-hours shifts can perform as well as the primary responders. We sought comment on whether the evaluation criteria should require OROs to demonstrate their twenty-four hour response capability by alternating the key staff that participate in the biennial exercises from among the shifts.[15]

The commenters overwhelmingly opposed FEMA's proposal to rotate exercise participation among shifts. Several of these commenters noted that they do rotate REP exercise participation among their shifts but would prefer that FEMA not prescribe that this be done. Other commenters suggested that given the frequent turnover of personnel in the emergency management community, most responders have an opportunity to participate in evaluated exercises at one time or another. Some commenters argued that they should be graded on the performance of their primary team and noted that people who occupy most key functions have adequate opportunities to train in non-graded exercises and exercises to prepare for non-radiological incidents. Commenters also argued that those who occupy key positions in their organizations would remain in place throughout the emergency response, except for relatively brief rest and sanitation breaks. Even then, they could be called back to address a critical issue. Still other commenters expressed concern that emergency management volunteers are being asked to participate in an increasing number of exercises, each directed at a specific hazard. These commenters were concerned that the cumulative exercise burden might cause volunteers to drop out. Others noted the availability of interstate mutual aid personnel to supplement local staff. FEMA generally found these arguments to be valid.

In the June 11 **Federal Register** notice, FEMA proposed that a shift change briefing occur during every exercise, regardless of whether a shift change is actually demonstrated. After considering the comments we have concluded that we will not require the demonstration of shift change briefings. Evaluation criterion 1.c.1 already requires that periodic briefings occur during the course of an exercise. To require a simulated shift change briefing would not only lengthen the exercise but also require a redundant demonstration of a briefing capability.

We sought comments about whether FEMA should begin exercises on weekends, holidays or off-hours. The comments from the emergency management community were uniformly negative. Some commenters responded that emergency management has advanced to the level that off-hours response to actual incidents is routine. Other commenters felt that the cumulative burden of actual off-hours responses and off-hours exercises on volunteers was too great.

The NRC staff, on the other hand, suggested that off-hours and unannounced exercises were helpful since actual events often happen in the off-hours. Evaluation Criterion 1.b of Planning Standard ''N'', as interpreted by subsequent guidance, requires off-hours exercises. Additionally Planning Standard ''N'' suggests that some exercises should be unannounced. In light of this language, FEMA believes that the new exercise evaluation criteria should provide for off-hours and unannounced exercises, but will defer consideration of a standard until it has finalized a policy on granting exercise credit for participation in actual emergency response activities and equivalent drills and exercises. We believe that many OROs will be able to demonstrate their ability to mobilize personnel quickly at any time of the day through documented performance in actual emergency responses and other equivalent drills and exercises. This is the reason that Planning Standard ''N'' suggests unannounced and off-hours exercises. We will publish the proposed credit policy and off-hours, unannounced exercise criteria in the **Federal Register** for comment before we implement them.

[11] Planning Standard A, evaluation criterion A.4.

[12] Planning Standard A, evaluation criterion A.1.e

[13] Objective 30.1 is criterion 1 under Objective 30. We refer REP–14 evaluation criteria in this manner throughout this document.

[14] REP–14 page D.30–1.

[15] We defined key positions in this proposal in the same way that they were defined in REP–14 Objective 30.1.

Criterion 1.b.1 requires that the ORO demonstrate that its facilities are sufficient to support the emergency response. Under the proposed exercise methodology, facilities will only be evaluated if they are new or have substantial changes in structure or mission. It seems redundant to require the re-evaluation of a facility every two years if the facility has not changed. However, FEMA will evaluate all facilities, as a baseline, during the first exercise under the new Evaluation Criteria. FEMA will require that OROs certify in the Annual Letter of Certification that their facilities are available and adequate to meet emergency response needs.[16] FEMA reserves the right to audit the representations made in the Annual Letter of Certification.

Criterion 1.d requires that communications capabilities be managed in support of emergency operations with communication links established and maintained with appropriate locations. The proper functioning of communications equipment is essential to success in any exercise, just as it is essential to success in any response to a real event. FEMA expects that both the primary and backup communications systems, which are required by Planning Standard F, Evaluation Criterion F.1 of NUREG–0654, will be fully functional at the beginning of an exercise. FEMA will continue to require that the ORO demonstrate the functionality of the primary and at least one backup system at each exercise. If one of the two communications systems fails, but there was no adverse effect on exercise performance, then there will be no exercise issue. If the primary and a backup communications system fail, the ORO can prevent an exercise issue by using additional backup communications resources. However, if failure of communications systems has an adverse or potentially adverse effect on exercise performance, then FEMA will assess an exercise issue. In all cases, a failure in a communications system must be remedied no later than the next scheduled communications drill. We expect OROs to advise the REP program site specialist when the ORO has corrected a communications failure noted during an exercise.

A commenter noted that new Evaluation Criterion 1.d.1 requires that primary and backup communications systems rely on separate power sources. This language does not appear in NUREG–0654 and has been deleted.

Criterion 1.e.1 requires that equipment, dosimetry,[17] supplies of potassium iodide (KI) and other required supplies are sufficient to support emergency operations. FEMA may or may not verify that these items are available and in good repair as a stand-alone item in every exercise. A commenter suggested that this represented a lowering of standards. We disagree. Exercise scenarios ordinarily require that equipment and supplies be put to use. If equipment and supplies are unavailable or non-functional, then the ORO may not be able to perform the emergency response activity at an acceptable level. Equipment and supplies that are not checked during an exercise will be checked during a Staff Assistance Visit. Additional assurance that equipment and supplies are available in appropriate quantities and are properly maintained will be obtained in the Annual Letter of Certification. The representations contained in the Annual Letter of Certification are subject to audit.

A number of comments addressed technical provisions of Evaluation Criterion 1.e.1. Three comments addressed the shelf life of KI supplies. KI is a non-prescription thyroid-blocking agent that can provide protection to the thyroid from the uptake of radioiodines. The commenters observed that, if properly stored, KI retains its potency for a longer period than the expiration date printed on the manufacturer's packaging would indicate. The shelf life of KI may be extended if a certified private or State laboratory's analysis determines that the KI supply remains potent, in accordance with U.S. Pharmacopoeia standards. FEMA does not have an independent basis to determine whether KI supplies remain potent past their expiration date. Accordingly, we will defer to the prevailing certified laboratory and U.S. Pharmacopoeia standards when evaluating the availability of KI supplies under Criterion 1.e.1.

Several comments also addressed emergency worker protective equipment. This was an area in which some commenters thought FEMA was too prescriptive. We considered each of the comments carefully. Evaluation criterion 1.e.1 previously required that CDV–700 survey instruments be calibrated annually. This is the generally accepted standard for unmodified CDV–700 instruments. We understand that a number of CDV–700 instruments have been modified. Modified CDV–700 instruments should be calibrated in accordance with the recommendation of the manufacturer of the modification.

Evaluation criterion 1.e.1 previously provided that all instruments should be operationally checked once each calendar quarter and after each use. We have revised this criterion to provide that instruments be checked before each use in an exercise. We will observe this check during exercises. We will not verify during exercises that instruments were checked quarterly. To assure compliance with Planning Standard H of NUREG–0654, we will require that the ORO represent that instruments have been checked in accordance with the requirements of NUREG–0654 and its plans and procedures in the Annual Letter of Certification.

Evaluation Area 2—Protective Action Decisionmaking

Evaluation Area 2 assesses the ORO's ability to render decisions about what protective actions members of the public and emergency workers need to take in the wake of an incident. It has five sub-elements: emergency worker exposure control, radiological assessment and protective action recommendations and decisions for the plume phase of the emergency,[18] protective action decision considerations for the protection of special populations, radiological assessment and decisionmaking for the ingestion pathway exposure[19] and radiological assessment and decisionmaking concerning relocation, re-entry and return.

Evaluation criterion 2.a.1 addresses radiation exposure control for emergency workers. In response to comments we have deleted language in the first two paragraphs of the extent of play that was regarded as unduly prescriptive by commenters.

Various commenters suggested that FEMA not require a demonstration of the capacity to make decisions about authorizing emergency workers to receive radiation doses above the preauthorized levels and to manage workers who have received higher-level doses. FEMA believes that this

[16] This notice contains several new requirements for the Annual Letter of Certification. These requirements are effective for Annual Letters of Certification due January 31, 2002.

[17] The terms permanent-record dosimeter, non-self-reading dosimeter, and non-direct-reading dosimeter, which are used in various parts of this document, are intended to be synonymous.

[18] The plume phase of the emergency focuses on preventing exposure of a population to radiation through direct and contact with the plume.

[19] The ingestion pathway phase focuses on preventing exposure of a population to radiation through ingestion of food and water that may have been contaminated by radiation.

capability should continue to be demonstrated.[20]

Evaluation criterion 2.b.2 requires OROs to demonstrate a decision making process for recommending the use of KI for the general public. The NRC staff suggested that this criterion should read, ''OROs should demonstrate the capability to make decisions on the distribution and administration of KI as a protective measure for the general public to supplement sheltering and evacuation if the offsite planning authorities generally have determined that KI will be used as a protective measure for the general public under offsite plans.'' We agree in principle and have revised the criterion; however, it is important to emphasize that we will only evaluate an ORO's plan to distribute and administer KI to the general public if the ORO has voluntarily decided to use KI as a protective measure for the general public.

The criterion requires that OROs alert and notify every public school system or district, in every exercise, using whatever method would be used to make the notification in the event of a real incident. A number of commenters who use technology such as auto-dialers and tone alert radios to make actual notifications objected to demonstrating the technology during exercises. The concern expressed was that some would not understand that the activation was part of an exercise and would panic. Since the systems are regularly tested, the argument that activation in connection with an exercise would cause panic seems improbable.

Sub-element 2.d establishes procedures for ingestion pathway exercises. A number of comments suggested that FEMA not require ingestion pathway exercises unless federal agency participation is sufficient to support State and local efforts. As Chair of the Federal Radiological Preparedness Coordinating Committee, FEMA is taking the lead in encouraging increased federal participation in ingestion pathway exercises. However, the OROs are still obligated to demonstrate that they can make ingestion pathway decisions independent of federal participation under Planning Standards J and N of NUREG–0654. 44 CFR 350.9(c)(4) requires ingestion pathway exercises to be conducted whether or not the federal agencies elect to participate.[21]

[20] This observation also applies to comments arguing the same point in connection with sub-element 3.c.

[21] These observations also apply to comments submitted with respect to Evaluation Criteria 3.e.1 and 3.e.2, 4.b.1 and 4.b.2

Evaluation criterion 2.e.1 requires demonstration of the capability to make decisions on the relocation, re-entry and return of the general public following a severe accident at a nuclear power plant. One commenter inquired whether the criterion requires that the ORO provide dosimetry to members of the public entering a restricted zone who are escorted by personnel wearing dosimetry. FEMA believes that everyone in the restricted zone needs to be able to track his or her dose. Accordingly, we believe that this criterion, which is based in part on evaluation criterion K.3.a of Planning Standard ''K,'' requires that each individual in the restricted zone have a non-self-reading (permanent-record) dosimeter. It is sufficient for the escorts to possess direct reading dosimetry.

A commenter suggested that FEMA retain the standard and optional approaches to re-entry and relocation decisionmaking in REP–14. We understand that the optional approach is more conservative than the standard approach, which we have incorporated in the new evaluation areas. If the ORO's plan and procedures provide that the optional approach will be employed in re-entry and relocation decisionmaking, then FEMA will evaluate performance under the optional approach.

Evaluation Area 3—Protective Action Implementation

Evaluation Area 3 assesses the ORO's ability to implement protective actions, including evacuation. It contains six sub-elements: implementation of emergency worker exposure control, implementation of KI decisions, implementation of protective actions for special populations, implementation of traffic and access control, implementation of ingestion pathway decisions, and implementation of relocation, re-entry and return decisions.

Criterion 3.a.1 provides that OROs should demonstrate the capability to provide appropriate dosimetry, dosimeter chargers, and instructions on the use of dosimetry to emergency workers. One commenter suggested that each emergency worker in the field does not require a personal dosimeter charger. We agree; however, every emergency worker should have reasonable access to a dosimeter charger. OROs should demonstrate the ability to provide dosimetry that is appropriate in relation to the responsibilities of the emergency workers.

The new criterion makes it clear that emergency workers can refer to published procedures and confer with co-workers in responding to evaluator inquiries about dosimetry, just as they would, if necessary, in a real incident. One commenter thought that this amounted to a ''monumental lowering of standards'' and suggested that some emergency workers may be ''clueless'' about how to read dosimetry. We disagree. Emergency workers are trained in the proper use of dosimetry. We anticipate that in a real situation they would refer to printed materials and confirm readings with other members of their team.

Criterion 3.c.1 evaluates implementation of protective actions for special populations other than schools. OROs must demonstrate a capability to alert and notify special populations, transportation providers (including special resources for people with disabilities), and establish reception facilities. The availability of resources to transport special populations out of the plume exposure pathway is key. For this reason, we proposed that OROs actually contact at least 1/3 of their transportation providers during each exercise to determine whether buses and drivers would be available if the exercise were an actual emergency. We received a significant number of comments that suggested we delete this requirement. Some commenters thought the demonstration proves only that their list of telephone numbers is correct. Other commenters felt that some actual contacts should be demonstrated but that the number of contacts should be negotiated in the extent of play agreement. We agree with these commenters and have modified Criterion 3.c.1 accordingly.

Criterion 3.c.2 evaluates the capability to implement protective action decisions for schools and day care centers.

A number of comments addressed the extent to which private schools and day care centers must participate in REP exercises. We note that there are variations in the amount of control that OROs exercise over private schools and day care centers. A number of commenters suggested that FEMA should not require demonstration of actual or simulated contacts with day care centers. If the ORO's plan provides that private schools and/or day care providers are to be treated as special populations for the purpose of notification, then FEMA believes it is reasonable to ask that the ORO demonstrate the ability to execute this portion of the plan. However, if the plan regards some or all private schools and/or day care centers (such as those located in private homes) as part of the

general population, rather than a special population, these facilities fall outside of Criterion 3.c.2. Therefore, the ability to make individual contacts need not be demonstrated. Since there are considerable differences in the way that ORO plans and procedures relate to private schools and day care centers, we believe it is more appropriate to address whether and how these facilities will participate in exercises through the Extent of Play agreement rather than the evaluation criteria.

In the June 11 **Federal Register** notice FEMA reserved the right to interview bus drivers and/or bus escorts (if a plan provides that the buses will be escorted) to determine their familiarity with evacuation routes. In response to comments, we will make every effort to interview bus drivers and/or escorts out of sequence from the exercise, during their regular duty day, in order to reduce costs to OROs.

Criterion 3.d.1 evaluates the capability to establish and maintain appropriate traffic control and access points. A commenter suggested that FEMA should not interview public safety personnel about traffic and access control plans but confine these interviews to determining whether the public safety workers can adequately use personal protective equipment. We believe that both topics are equally important. Interviews may include such topics as re-entry criteria, location of congregate care centers and evacuation routes.

Evaluation Area 4—Field Measurement and Analysis

Evaluation Area 4 assesses the capability of OROs to conduct and analyze field radiation measurements. It has three sub-elements: plume phase field measurements and analysis, post plume phase field measurements and sampling, and laboratory operations. A commenter asked how high range instruments referred to in Criterion 4.a.1 should be operationally tested. The criterion requires that the ORO demonstrate their established policy. FEMA will observe that the operational check is performed in accordance with the ORO's policy. The location where these operational checks will occur can be negotiated in the extent of play agreement.

Another commenter suggested that the ORO should not be required to send field teams to measure the plume centerline or peak plume measurement under Criterion 4.a.2. The commenter observed that protective action decisions could be formulated based upon plant conditions before release and measurements at the plume edges. Criterion 4.a.2 allows the ORO to rely on plume centerline and peak plume measurements collected by the nuclear power plant licensee. However, if this data is not available from the licensee, then the decision as to whether this data is necessary to sufficiently characterize the plume rests with the ORO. A commenter thought Criterion 4.a.2 was too prescriptive in describing how the transfer of samples to a radiological laboratory should occur. The criterion requires that standard chain of custody procedures be observed in transferring samples. We do not believe that it is unduly prescriptive.

Evaluation Area 5—Emergency Notification and Public Information

Evaluation Area 5 looks at the ORO's ability to notify the public of an incident and to effectively communicate protective action decisions. It contains two sub-elements: activation of the prompt alert and notification system and emergency information and instructions for the public and the media.

Proposed Criteria 5.a.1, 5.a.2 and 5.a.3 address activation of the prompt alert and notification system. We are publishing criteria 5.a.1 and 5.a.3 in final form, but are deferring final publication of proposed Criterion 5.a.2. Criterion 5.a.1 requires that the alert and notification system be activated in a timely manner following notification to the ORO by the nuclear power plant of an incident that requires activation of the alert and notification system but does not immediately require urgent action by the public. Whether decisionmakers initiate the alert and notification system in a ''timely manner'' will be judged in relation to the scenario. We will also evaluate the quality of the public notification. A commenter felt that the term ''timely manner'' is too subjective. We disagree. The decision on whether and when to initiate the alert and notification sequence in situations where no urgent action is required by the public is a matter of judgment. The ORO is expected to exercise this judgment in accordance with its plans and procedures.

Proposed criterion 5.a.2 required that activities associated with the alert and notification system in a ''fast breaker'' situation must be completed within fifteen minutes of the time that ORO officials have received verified notification from the nuclear power plant of a situation that immediately requires urgent public action. The proposed criterion was based on NRC regulations that appear in 10 CFR Part 50, Appendix E.IV.D. Many commenters addressed the ''fast breaker'' provision in the June 11 **Federal Register** notice. Pursuant to Section III.E of the Memorandum of Understanding between FEMA and the NRC, the NRC has requested that FEMA defer publishing Criterion 5.a.2 in final at this time. Since Criterion 5.a.2 derives from NRC regulations, it is especially appropriate that FEMA honor this request.

Proposed criteria 5.a.1 and 5.a.2 indicated that the content of the initial informational message should be consistent with current FEMA guidance. FEMA published a companion notice in the September 12, 2001 edition of the **Federal Register**, 66 FR 47525–47548, addressing the minimum required content for initial informational messages.

Criterion 5.a.3 addresses backup alerting and notification of the general public in the event of a failure in the primary alert and notification system. It also addresses alerting of people who are located in ''exception areas'' and are not notified by the Emergency Alert System, tone alert radios or other technology. Criterion 5.a.3 requires that the completion of the alert and notification sequence for exception areas and backup alerting and notification be completed within 45 minutes of the decision by offsite emergency officials to notify the public of an emergency situation. REP–14 required completion of the notification within ''approximately'' 45 minutes for backup alerting and within 45 minutes for exception areas. The new criterion, which sets a 45-minute standard for both, more closely conforms to the requirements set forth in Appendix 3 to NUREG–0654 and in FEMA REP–10. One commenter suggested that the REP–14 criterion be retained. Another suggested that FEMA establish a ''goal of 45 minutes'' for completion of the sequence. We will not require that this capability be demonstrated during periods in which weather or road conditions create a safety hazard for mobile teams attempting to meet the 45-minute deadline.

Criterion 5.b.1 tests whether OROs provide accurate emergency information and instructions to the public and the news media in a timely fashion. While FEMA has determined that technical information such as Emergency Classification Levels need not be included in the initial alert and notification system message, this information should be made available to the news media with a plain language explanation for use in *subsequent* emergency information and instructions.

The preamble to the June 11 **Federal Register** notice stated that the ORO should be prepared to explain the Emergency Classification Level and related technical information in plain language during an exercise. We agree with a commenter who observed that it is the obligation of the nuclear power plant licensee to explain the plant conditions that caused the Emergency Classification Level to be triggered. However, the ORO is required to explain the significance of the Emergency Classification Level and why protective action decisions have been made based upon the Emergency Classification Level. We also accepted comments that the so-called ''rumor control'' telephone line hereafter be referred to as the ''public inquiry hotline'' and that the term ''press release'' be replaced with ''media release.''

Evaluation Area 6: Support Operations/ Facilities

Evaluation Area 6 assesses the capability of OROs to account for, monitor and decontaminate evacuees, emergency workers, and emergency worker equipment, to provide temporary care of evacuees and to assure that capabilities exist for transporting and treating injured individuals who have been exposed to radiation. These competencies are tested in the four sub-elements associated with Evaluation Area 6. We agree with a commenter who indicated that Criterion 6.a.1 does not require that an ORO demonstrate the ability to monitor the entire population of an Emergency Planning Zone within 12 hours of the incident. The new evaluation areas do not affect longstanding guidance that requires OROs to plan for and to demonstrate the ability to monitor 20% of the Emergency Planning Zone population within the twelve-hour timeframe.

Several comments addressed the monitoring of vehicles that may need to be decontaminated. One commenter asked whether FEMA requires that vehicles used by members of the general public be monitored. NUREG–0654 does not require that vehicles operated by members of the general public be monitored or decontaminated. FEMA has nevertheless required that procedures be in place to monitor and decontaminate vehicles if inspectors found that an occupant is contaminated. During an exercise these procedures at a minimum must be described to the evaluator.

Other commenters thought that Criterion 6.b.1, which pertains to emergency worker vehicles, is too prescriptive about how vehicles are to be monitored. The criterion offers examples of places where radiation can accumulate. It is not intended to require that all of these areas be inspected. Another commenter suggested that we not mention air filters in Criterion 6.b.1 since they are inaccessible in modern cars. We have deleted this reference.

In response to a comment concerning Criterion 6.d.1, we note that a person who has suffered a critical injury may be transported to a hospital that does not have the capability to monitor for radiation exposure. Under such circumstances, it is acceptable for the ORO to provide the monitoring capability at the hospital.

TABLE 1.—COMPARISON OF PROPOSED EVALUATION AREAS WITH NUREG–0654/FEMA REP–1, REV. 1 PLANNING CRITERIA AND REP 14/15 OBJECTIVES AND CRITERIA

Evaluation area/sub-element/criterion	NUREG 0654 criteria	REP–14/15 objective & criterion
1—Emergency Operations Management		1, 2, 3, 4, 5, 8, 14, 17, 30
1.a—Mobilization		
1.a.1: OROs use effective procedures to alert, notify, and mobilize emergency personnel and activate facilities in a timely manner.	A.4; D.3,4; E.1,2; H.4	1.1, 1.2; 30
1.b—Facilities		
1.b.1: Facilities are sufficient to support the emergency response	H.3	2.1
1.c—Direction and Control		
1.c.1: Key personnel with leadership roles for the ORO provide direction and control to that part of the overall response effort for which they are responsible.	A.1.d; A.2.a,b	3.1
1.d—Communications Equipment		
1.d.1: At least two communication systems are available, at least one operates properly, and communication links are established and maintained with appropriate locations. Communications capabilities are managed in support of emergency operations.	F.1,2	4.1
1.e—Equipment and Supplies to Support Operations		
1.e.1: Equipment, maps, displays, dosimetry, potassium iodide (KI), and other supplies are sufficient to support emergency operations.	H.7, 10; J.10.a, b, e, J.11; K.3.a	2.1; 5.1; 8.2; 14.2
2—Protective Action Decision Making		5, 7, 9, 14, 15, 16, 26, 28
2.a.—Emergency Worker Exposure Control		
2.a.1: OROs use a decision-making process, considering relevant factors and appropriate coordination, to ensure that an exposure control system, including the use of KI, is in place for emergency workers including provisions to authorize radiation exposure in excess of administrative limits or protective action guides.	J.10.e,f; K.4	5.1, 5.3; 14.1
2.b—Radiological Assessment and Protective Action Recommendations and Decisions for the Plume Phase of the Emergency		
2.b.1: Appropriate protective action recommendations are based on available information on plant conditions, field monitoring data, and licensee and ORO dose projections, as well as knowledge of onsite and offsite environmental conditions.	I.8,10; Supp. 3	7.1

TABLE 1.—COMPARISON OF PROPOSED EVALUATION AREAS WITH NUREG–0654/FEMA REP–1, REV. 1 PLANNING CRITERIA AND REP 14/15 OBJECTIVES AND CRITERIA—Continued

Evaluation area/sub-element/criterion	NUREG 0654 criteria	REP–14/15 objective & criterion
2.b.2: A decision-making process involving consideration of appropriate factors and necessary coordination is used to make protective action decisions (PADs) for the general public (including the recommendation for the use of KI, if ORO policy).	J.9; J.10.f,m	9.1; 14.1
2.c—Protective Action Decisions Consideration for the Protection of Special Populations		
2.c.1: Protective action decisions are made, as appropriate, for special population groups.	J.9; J.10. d, e	9.1; 15.1; 16.1
2.d—Radiological Assessment and Decision-Making for the Ingestion Exposure Pathway		
2.d.1: Radiological consequences for the ingestion pathway are assessed and appropriate protective action decisions are made based on the ORO planning criteria.	J.9, 11	26.1, 26.2
2.e—Radiological Assessment and Decision-Making Concerning Relocation, Re-entry, and Return		
.		
2.e.1: Timely relocation, re-entry, and return decisions are made and coordinated as appropriate, based on assessments of radiological conditions and criteria in the ORO's plan and/or procedures.	I.10; J.9; M.1	28.1, 28.2, 28.3, 28.4, 28.5
3—Protective Action Implementation		5, 11, 14, 15, 16, 17, 27, 29
3.a—Implementation of Emergency Worker Exposure Control		
3.a.1: The OROs issue appropriate dosimetry and procedures, and manage radiological exposure to emergency workers in accordance with the plan and procedures. Emergency workers periodically and at the end of each mission read their dosimeters and record the readings on the appropriate exposure record or chart.	K.3.a, 3.b	5.1, 5.2
3.b—Implementation of KI Decision		
3.b.1: KI and appropriate instructions are made available should a decision to recommend use of KI be made. Appropriate record keeping of the administration of KI for emergency workers and institutionalized individuals is maintained.	J.10.e	14.1, 14.3
3.c—Implementation of Protective Actions for Special Populations		
3.c.1: Protective action decisions are implemented for special populations other than schools within areas subject to protective actions.	J.10.c,d,g	15.1, 15.2
3.c.2: OROs/School officials decide upon and implement protective actions for schools.	J.10.c,d,g	16.1, 16.2, 16.3
3.d—Implementation of Traffic and Access Control		
3.d.1: Appropriate traffic and access control is established Accurate instructions are provided to traffic and access control personnel.	J.10.g,j	17.1, 17.2, 17.3
3.d.2: Impediments to evacuation are identified and resolved	J.10.k	17.4
3.e—Implementation of Ingestion Pathway Decisions		
3.e.1: The ORO demonstrates the availability and appropriate use of adequate information regarding water, food supplies, milk and agricultural production within the ingestion exposure pathway emergency planning zone for implementation of protective actions.	J.9,11	27.1
3.e.2: Appropriate measures, strategies and pre-printed instructional material are developed for implementing protective action decisions for contaminated water, food products, milk, and agricultural production.	J.9,11	11.4; 27.2; 27.3
3.f—Implementation of Relocation, Re-entry, and Return Decisions		
3.f.1: Decisions regarding controlled re-entry of emergency workers and relocation and return of the public are coordinated with appropriate organizations and implemented.	M.1,3	29.1, 29.2, 29.3, 29.4
4—Field Measurement and Analysis		6, 8, 24, 25
4.a—Plume Phase Field Measurement and Analyses		
4.a.1: The field teams are equipped to perform field measurements of direct radiation exposure (cloud and ground shine) and to sample airborne radioiodine and particulates.	H.10 I.7,8,9	6.1; 8.1, 8.2
4.a.2: Field teams are managed to obtain sufficient information to help characterize the release and to control radiation exposure.	I.8,11; J.10.a; H.12	6.3, 6.4

TABLE 1.—COMPARISON OF PROPOSED EVALUATION AREAS WITH NUREG–0654/FEMA REP–1, REV. 1 PLANNING CRITERIA AND REP 14/15 OBJECTIVES AND CRITERIA—Continued

Evaluation area/sub-element/criterion	NUREG 0654 criteria	REP–14/15 objective & criterion
4.a.3: Ambient radiation measurements are made and recorded at appropriate locations, and radioiodine and particulate samples are collected. Teams will move to an appropriate low background location to determine whether any significant (as specified in the plan and/or procedures) amount of radioactivity has been collected on the sampling media.	I.9	6.4, 6,5; 8.3, 8.4, 8.5, 8.6
4.b Post Plume Phase Field Measurements and Sampling		
4.b.1: The field teams demonstrate the capability to make appropriate measurements and to collect appropriate samples (for example, food crops, milk, water, vegetation, and soil) to support adequate assessments and protective action decision-making	I.8; J.11	24.1
4.c—Laboratory Operations		
4.c.1: The laboratory is capable of performing required radiological analyses to support protective action decisions.	C.3; J.11	25.1, 25.2
5—Emergency Notification and Public Information		10, 11, 12, 13
5.a—Activation of the Prompt Alert and Notification System		
5.a.1: Activities associated with primary alerting and notification of the public are completed in a timely manner following the initial decision by authorized offsite emergency officials to notify the public of an emergency situation. The initial instructional message to the public must include as a minimum the elements required by current FEMA REP guidance.	10 CFR Part 50, Appendix E.IV.D; E.5,6,7.	10.1
5.a.2: [Reserved]		
5.a.3: Activities associated with FEMA approved exception areas (where applicable) are completed within 45 minutes following the initial decision by authorized offsite emergency officials to notify the public of an emergency situation. Backup alert and notification of the public is completed within 45 minutes following the detection by the ORO of a failure of the primary alert and notification system.	Appendix 3: B.2.c; E.6	10.2, 10.3
5.b—Emergency Information and Instructions for the Public and the Media		
5.b.1: OROs provide accurate emergency information and instructions to the public and the news media in a timely manner.	E.5,7; G.3.a; G.4.c	11.1, 11.2, 11.3; 12.1, 12.2; 13.1, 13.2
6—Support Operation/Facilities		18, 19, 20, 21, 22
6.a—Monitoring and Decontamination of Evacuees and Emergency Workers and Registration of Evacuees		
6.a.1: The reception center/emergency worker facility has appropriate space, adequate resources, and trained personnel to provide monitoring, decontamination, and registration of evacuees and/or emergency workers.	J.10.h; J.12; K.5.a	18.1, 18.2, 18.3, 18.4, 18.5; 22.1, 22.2
6.b—Monitoring and Decontamination of Emergency Worker Equipment		
6.b.1: The facility/ORO has adequate procedures and resources for the accomplishment of monitoring and decontamination of emergency worker equipment, including vehicles.	K.5.b	22.1; 22.3
6.c—Temporary Care of Evacuees		
6.c.1: Managers of congregate care facilities demonstrate that the centers have resources to provide services and accommodations consistent with American Red Cross planning guidelines. (Found in MASS CARE—Preparedness Operations, ARC 3031) Managers demonstrate the procedures to assure that evacuees have been monitored for contamination and have been decontaminated as appropriate before entering congregate care facilities.	J.10.h; J.12	19.1, 19.2
6.d—Transportation and Treatment of Contaminated Injured Individuals		
6.d.1: The facility/ORO has the appropriate space, adequate resources, and trained personnel to provide transport, monitoring decontamination, and medical services to contaminated injured individuals.	F.2; H.10; K.5.a,b; L.1; L.4	20.1, 20.2, 20.3, 20.4, 20.5; 21.1,21.2, 21.3, 21.4

Revised Exercise Evaluation Areas

The six exercise evaluation areas and associated criteria, as corrected, are as follows:

Evaluation Area 1—Emergency Operations Management

Sub-Element 1.a—Mobilization

Intent

This sub-element derives from NUREG–0654, which provides that Offsite Response Organizations (ORO) should have the capability to alert, notify, and mobilize emergency personnel and to activate and staff emergency facilities.

Criterion 1.a.1: OROs use effective procedures to alert, notify, and mobilize emergency personnel and activate facilities in a timely manner. (NUREG–0654, A.4; D.3, 4; E.1, 2; H.4).

Extent of Play

Responsible OROs should demonstrate the capability to receive notification of an emergency situation from the licensee, verify the notification, and contact, alert, and mobilize key emergency personnel in a timely manner. Responsible OROs should demonstrate the activation of facilities for immediate use by mobilized personnel when they arrive to begin emergency operations. Activation of facilities should be completed in accordance with the plan and/or procedures. Pre-positioning of emergency personnel is appropriate, in accordance with the extent of play agreement, at those facilities located beyond a normal commuting distance from the individual's duty location or residence. Further, pre-positioning of staff for out-of-sequence demonstrations is appropriate in accordance with the extent of play agreement.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless noted above or otherwise indicated in the extent of play agreement.

Sub-Element 1.b—Facilities

Intent

This sub-element derives from NUREG–0654, which provides that Offsite Response Organizations (ORO) have facilities to support the emergency response.

Criterion 1.b.1: Facilities are sufficient to support the emergency response. (NUREG–0654, H.3).

Extent of Play

Facilities will only be specifically evaluated for this criterion if they are new or have substantial changes in structure or mission. Responsible OROs should demonstrate the availability of facilities that support the accomplishment of emergency operations. Some of the areas to be considered are: adequate space, furnishings, lighting, restrooms, ventilation, backup power and/or alternate facility (if required to support operations).

Facilities must be set up based on the ORO's plans and procedures and demonstrated as they would be used in an actual emergency, unless noted above or otherwise indicated in the extent of play agreement.

Sub-Element 1.c—Direction and Control

Intent

This sub-element derives from NUREG–0654, which provides that Offsite Response Organizations (ORO) have the capability to control their overall response to an emergency.

Criterion 1.c.1: Key personnel with leadership roles for the ORO provide direction and control to that part of the overall response effort for which they are responsible. (NUREG–0654, A.1.d; A.2.a, b).

Extent of Play

Leadership personnel should demonstrate the ability to carry out essential functions of the response effort, for example: keeping the staff informed through periodic briefings and/or other means, coordinating with other appropriate OROs, and ensuring completion of requirements and requests.

All activities associated with direction and control must be performed based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless otherwise noted above or indicated in the extent of play agreement.

Sub-Element 1.d—Communications Equipment

Intent

This sub-element derives from NUREG–0654, which provides that Offsite Response Organizations (ORO) should establish reliable primary and backup communication systems to ensure communications with key emergency personnel at locations such as the following: appropriate contiguous governments within the emergency planning zone (EPZ), Federal emergency response organizations, the licensee and its facilities, emergency operations centers (EOC), and field teams.

Criterion 1.d.1: At least two communication systems are available, at least one operates properly, and communication links are established and maintained with appropriate locations. Communications capabilities are managed in support of emergency operations. (NUREG–0654, F.1, 2).

Extent of Play

OROs will demonstrate that a primary and at least one backup system are fully functional at the beginning of an exercise. If a communications system or systems are not functional, but exercise performance is not affected, no exercise issue will be assessed. Communications equipment and procedures for facilities and field units should be used as needed for the transmission and receipt of exercise messages. All facilities and field teams should have the capability to access at least one communication system that is independent of the commercial telephone system. Responsible OROs should demonstrate the capability to manage the communication systems and ensure that all message traffic is handled without delays that might disrupt the conduct of emergency operations. OROs should ensure that a coordinated communication link for fixed and mobile medical support facilities exists. The specific communications capabilities of OROs should be commensurate with that specified in the response plan and/or procedures. Exercise scenarios could require the failure of a communications system and the use of an alternate system, as negotiated in the extent of play agreement.

All activities associated with the management of communications capabilities must be demonstrated based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless otherwise noted above or in the extent of play agreement.

Sub-Element 1.e—Equipment and Supplies To Support Operations

Intent

This sub-element derives from NUREG–0654, which provides that Offsite Response Organizations (ORO) have emergency equipment and supplies adequate to support the emergency response.

Criterion 1.e.1: Equipment, maps, displays, dosimetry, potassium iodide (KI), and other supplies are sufficient to support emergency operations. (NUREG–0654, H.7,10; J.10.a, b, e, J.11; K.3.a).

Extent of Play

Equipment within the facility (facilities) should be sufficient and

consistent with the role assigned to that facility in the ORO's plans and/or procedures in support of emergency operations. Use of maps and displays is encouraged.

All instruments should be inspected, inventoried, and operationally checked before each use. Instruments should be calibrated in accordance with the manufacturer's recommendations. Unmodified CDV–700 series instruments and other instruments without a manufacturer's recommendation should be calibrated annually. Modified CDV–700 instruments should be calibrated in accordance with the recommendation of the modification manufacturer. A label indicating such calibration should be on each instrument, or calibrated frequency can be verified by other means. Additionally, instruments being used to measure activity should have a range of readings sticker affixed to the side of the instrument. The above considerations should be included in 4.a.1 for field team equipment; 4.c.1 for radiological laboratory equipment (does not apply to analytical equipment); reception center and emergency worker facilities' equipment under 6.a.1; and ambulance and medical facilities' equipment under 6.d.1.

Sufficient quantities of appropriate direct-reading and permanent record dosimetry and dosimeter chargers should be available for issuance to all categories of emergency workers that could be deployed from that facility. Appropriate direct-reading dosimetry should allow individual(s) to read the administrative reporting limits and maximum exposure limits contained in the ORO's plans and procedures.

Dosimetry should be inspected for electrical leakage at least annually and replaced, if necessary. CDV–138s, due to their documented history of electrical leakage problems, should be inspected for electrical leakage at least quarterly and replaced if necessary. This leakage testing will be verified during the exercise, through documentation submitted in the Annual Letter of Certification, and/or through a staff assistance visit.

Responsible OROs should demonstrate the capability to maintain inventories of KI sufficient for use by emergency workers, as indicated on rosters; institutionalized individuals, as indicated in capacity lists for facilities; and, where stipulated by the plan and/or procedures, members of the general public (including transients) within the plume pathway EPZ.

Quantities of dosimetry and KI available and storage locations(s) will be confirmed by physical inspection at storage location(s) or through documentation of current inventory submitted during the exercise, provided in the Annual Letter of Certification submission, and/or verified during a Staff Assistance Visit. Available supplies of KI should be within the expiration date indicated on KI bottles or blister packs. As an alternative, the ORO may produce a letter from a certified private or State laboratory indicating that the KI supply remains potent, in accordance with U.S. Pharmacopoeia standards.

At locations where traffic and access control personnel are deployed, appropriate equipment (for example, vehicles, barriers, traffic cones and signs, etc.) should be available or their availability described.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless noted above or otherwise indicated in the extent of play agreement.

Evaluation Area 2—Protective Action Decision-Making

Sub-Element 2.a—Emergency Worker Exposure Control

Intent

This sub-element derives from NUREG–0654, which provides that Offsite Response Organizations (ORO) have the capability to assess and control the radiation exposure received by emergency workers and have a decision chain in place, as specified in the ORO's plans and procedures, to authorize emergency worker exposure limits to be exceeded for specific missions.

Radiation exposure limits for emergency workers are the recommended accumulated dose limits or exposure rates that emergency workers may be permitted to incur during an emergency. These limits include any pre-established administrative reporting limits (that take into consideration Total Effective Dose Equivalent or organ-specific limits) identified in the ORO's plans and procedures.

Criterion 2.a.1: OROs use a decision-making process, considering relevant factors and appropriate coordination, to ensure that an exposure control system, including the use of KI, is in place for emergency workers including provisions to authorize radiation exposure in excess of administrative limits or protective action guides. (NUREG–0654, K.4, J.10. e, f).

Extent of Play

OROs authorized to send emergency workers into the plume exposure pathway EPZ should demonstrate a capability to meet the criterion based on their emergency plans and procedures.

Responsible OROs should demonstrate the capability to make decisions concerning the authorization of exposure levels in excess of pre-authorized levels and to the number of emergency workers receiving radiation dose above pre-authorized levels.

As appropriate, OROs should demonstrate the capability to make decisions on the distribution and administration of KI as a protective measure, based on the ORO's plan and/or procedures or projected thyroid dose compared with the established Protective Action Guides (PAGs) for KI administration.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless noted above or otherwise indicated in the extent of play agreement.

Sub-Element 2.b.—Radiological Assessment and Protective Action Recommendations and Decisions for the Plume Phase of the Emergency

Intent

This sub-element derives from NUREG–0654, which provides that Offsite Response Organizations (ORO) have the capability to use all available data to independently project integrated dose and compare the estimated dose savings with the protective action guides. OROs have the capability to choose, among a range of protective actions, those most appropriate in a given emergency situation. OROs base these choices on PAGs from the ORO's plans and procedures or EPA 400–R–92–001 and other criteria, such as, plant conditions, licensee protective action recommendations, coordination of protective action decisions with other political jurisdictions (for example, other affected OROs), availability of appropriate in-place shelter, weather conditions, and situations that create higher than normal risk from evacuation.

Criterion 2.b.1: Appropriate protective action recommendations are based on available information on plant conditions, field monitoring data, and licensee and ORO dose projections, as well as knowledge of onsite and offsite environmental conditions. (NUREG–0654, I.8, 10 and Supplement 3).

Extent of Play

During the initial stage of the emergency response, following notification of plant conditions that may warrant offsite protective actions, the

ORO should demonstrate the capability to use appropriate means, described in the plan and/or procedures, to develop protective action recommendations (PAR) for decision-makers based on available information and recommendations from the licensee and field monitoring data, if available.

When the licensee provides release and meteorological data, the ORO also considers these data. The ORO should demonstrate a reliable capability to independently validate dose projections. The types of calculations to be demonstrated depend on the data available and the need for assessments to support the PARs appropriate to the scenario. In all cases, calculation of projected dose should be demonstrated. Projected doses should be related to quantities and units of the PAG to which they will be compared. PARs should be promptly transmitted to decision-makers in a prearranged format.

Differences greater than a factor of 10 between projected doses by the licensee and the ORO should be discussed with the licensee with respect to the input data and assumptions used, the use of different models, or other possible reasons. Resolution of these differences should be incorporated into the PAR if timely and appropriate. The ORO should demonstrate the capability to use any additional data to refine projected doses and exposure rates and revise the associated PARs.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless noted above or otherwise indicated in the extent of play agreement.

Criterion 2.b.2: A decision-making process involving consideration of appropriate factors and necessary coordination is used to make protective action decisions (PAD) for the general public (including the recommendation for the use of KI, if ORO policy). (NUREG–0654, J.9, 10.f, m).

Extent of Play

Offsite Response Organizations (ORO) should have the capability to make both initial and subsequent PADs. They should demonstrate the capability to make initial PADs in a timely manner appropriate to the situation, based on notification from the licensee, assessment of plant status and releases, and PARs from the utility and ORO staff.

The dose assessment personnel may provide additional PARs based on the subsequent dose projections, field monitoring data, or information on plant conditions. The decision-makers should demonstrate the capability to change protective actions as appropriate based on these projections.

If the ORO has determined that KI will be used as a protective measure for the general public under offsite plans, then the ORO should demonstrate the capability to make decisions on the distribution and administration of KI as a protective measure for the general public to supplement sheltering and evacuation. This decision should be based on the ORO's plan and/or procedures or projected thyroid dose compared with the established PAG for KI administration. The KI decision-making process should involve close coordination with appropriate assessment and decision-making staff.

If more than one ORO is involved in decision-making, OROs should communicate and coordinate PADs with affected OROs. OROs should demonstrate the capability to communicate the contents of decisions to the affected jurisdictions.

All decision-making activities by ORO personnel must be performed based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless noted above or otherwise indicated in the extent of play agreement.

Sub-element 2.c—Protective Action Decisions Consideration for the Protection of Special Populations

Intent

This sub-element derives from NUREG–0654, which provides that Offsite Response Organizations (ORO) should have the capability to determine protective action recommendations, including evacuation, sheltering and use of potassium iodide (KI), if applicable, for special population groups (for example, hospitals, nursing homes, correctional facilities, schools, licensed day care centers, mobility impaired individuals, and transportation dependent individuals). Focus is on those special population groups that are (or potentially will be) affected by a radiological release from a nuclear power plant.

Criterion 2.c.1: Protective action decisions are made, as appropriate, for special population groups. (NUREG–0654, J.9, J.10.d, e).

Extent of Play

Usually, it is appropriate to implement evacuation in areas where doses are projected to exceed the lower end of the range of PAGs, except for situations where there is a high-risk environment or where high-risk groups (for example, the immobile or infirm) are involved. In these cases, examples of factors that should be considered are: weather conditions, shelter availability, availability of transportation assets, risk of evacuation versus risk from the avoided dose, and precautionary school evacuations. In situations where an institutionalized population cannot be evacuated, the administration of KI should be considered by the OROs.

Applicable OROs should demonstrate the capability to alert and notify all public school systems/districts of emergency conditions that are expected to or may necessitate protective actions for students. Contacts with public school systems/districts must be actual.

In accordance with plans and/or procedures, OROs and/or officials of public school systems/districts should demonstrate the capability to make prompt decisions on protective actions for students. Officials should demonstrate that the decision making process for protective actions considers (that is, either accepts automatically or gives heavy weight to) protective action recommendations made by ORO personnel, the ECL at which these recommendations are received, preplanned strategies for protective actions for that ECL, and the location of students at the time (for example, whether the students are still at home, en route to the school, or at the school).''

All decision-making activities associated with protective actions, including consideration of available resources, for special population groups must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless noted above or otherwise indicated in the extent of play agreement.

Sub-Element 2.d.—Radiological Assessment and Decision-Making for the Ingestion Exposure Pathway

Intent

This sub-element derives from NUREG–0654, which provides that Offsite Response Organizations (ORO) have the means to assess the radiological consequences for the ingestion exposure pathway, relate them to the appropriate PAGs, and make timely, appropriate protective action decisions to mitigate exposure from the ingestion pathway.

During an accident at a nuclear power plant, a release of radioactive material may contaminate water supplies and agricultural products in the surrounding areas. Any such contamination would likely occur during the plume phase of the accident and, depending on the

nature of the release, could impact the ingestion pathway for weeks or years.

Criterion 2.d.1: Radiological consequences for the ingestion pathway are assessed and appropriate protective action decisions are made based on the ORO's planning criteria. (NUREG–0654, J.9, J.11).

Extent of Play

We expect that the Offsite Response Organizations (ORO) will take precautionary actions to protect food and water supplies, or to minimize exposure to potentially contaminated water and food, in accordance with their respective plans and procedures. Often such precautionary actions are initiated by the OROs based on criteria related to the facility's Emergency Classification Levels (ECL). Such actions may include recommendations to place milk animals on stored feed and to use protected water supplies.

The ORO should use its procedures (for example, development of a sampling plan) to assess the radiological consequences of a release on the food and water supplies. The ORO's assessment should include the evaluation of the radiological analyses of representative samples of water, food, and other ingestible substances of local interest from potentially impacted areas, the characterization of the releases from the facility, and the extent of areas potentially impacted by the release. During this assessment, OROs should consider the use of agricultural and watershed data within the 50-mile EPZ. The radiological impacts on the food and water should then be compared to the appropriate ingestion PAGs contained in the ORO's plan and/or procedures. (The plan and/or procedures may contain PAGs based on specific dose commitment criteria or based on criteria as recommended by current Food and Drug Administration guidance.) Timely and appropriate recommendations should be provided to the ORO decision-makers group for implementation decisions. As time permits, the ORO may also include a comparison of taking or not taking a given action on the resultant ingestion pathway dose commitments.

The ORO should demonstrate timely decisions to minimize radiological impacts from the ingestion pathway, based on the given assessments and other information available. Any such decisions should be communicated and, to the extent practical, coordinated with neighboring and local OROs.

OROs should use Federal resources, as identified in the Federal Radiological Emergency Response Plan (FRERP), and other resources (for example, compacts, nuclear insurers, etc.), if available. Evaluation of this criterion will take into consideration the level of Federal and other resources participating.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless noted above or otherwise indicated in the extent of play agreement.

Sub-Element 2.e.—Radiological Assessment and Decision-Making Concerning Relocation, Re-Entry, and Return

Intent

This sub-element derives from NUREG–0654, which provides that Offsite Response Organizations (ORO) have the capability to make decisions on relocation, re-entry, and return of the general public. These decisions are essential for the protection of the public from the direct long-term exposure to deposited radioactive materials from a severe accident at a nuclear power plant.

Criterion 2.e.1: Timely relocation, re-entry, and return decisions are made and coordinated as appropriate, based on assessments of the radiological conditions and criteria in the ORO's plan and/or procedures. (NUREG–0654, I.10; J.9; M.1).

Extent of Play

Relocation: OROs should demonstrate the capability to estimate integrated dose in contaminated areas and to compare these estimates with PAGs, apply decision criteria for relocation of those individuals in the general public who have not been evacuated but where projected doses are in excess of relocation PAGs, and control access to evacuated and restricted areas. Decisions are made for relocating members of the evacuated public who lived in areas that now have residual radiation levels in excess of the PAGs. Determination of areas to be restricted should be based on factors such as the mix of radionuclides in deposited materials, calculated exposure rates versus the PAGs, and field samples of vegetation and soil analyses.

Re-entry: Decisions should be made regarding the location of control points and policies regarding access and exposure control for emergency workers and members of the general public who need to enter the evacuated area temporarily to perform specific tasks or missions.

Examples of control procedures are: the assignment of, or checking for, direct-reading and non-direct-reading dosimetry for emergency workers; questions regarding the individual's objectives and locations expected to be visited and associated time frames; availability of maps and plots of radiation exposure rates; advice on areas to avoid; and procedures for exit including: monitoring of individuals, vehicles, and equipment; decision criteria regarding decontamination; and proper disposition of emergency worker dosimetry and maintenance of emergency worker radiation exposure records.

Responsible OROs should demonstrate the capability to develop a strategy for authorized re-entry of individuals into the restricted zone, based on established decision criteria. OROs should demonstrate the capability to modify those policies for security purposes (for example, police patrols), for maintenance of essential services (for example, fire protection and utilities), and for other critical functions. They should demonstrate the capability to use decisionmaking criteria in allowing access to the restricted zone by the public for various reasons, such as to maintain property (for example, to care for farm animals or secure machinery for storage), or to retrieve important possessions. Coordinated policies for access and exposure control should be developed among all agencies with roles to perform in the restricted zone. OROs should demonstrate the capability to establish policies for provision of dosimetry to all individuals allowed to re-enter the restricted zone. The extent that OROs need to develop policies on re-entry will be determined by scenario events.

Return: Decisions are to be based on environmental data and political boundaries or physical/geological features, which allow identification of the boundaries of areas to which members of the general public may return. Return is permitted to the boundary of the restricted area that is based on the relocation PAG.

Other factors that the ORO should consider are, for example: conditions that permit the cancellation of the Emergency Classification Level and the relaxation of associated restrictive measures; basing return recommendations (that is, permitting populations that were previously evacuated to reoccupy their homes and businesses on an unrestricted basis) on measurements of radiation from ground deposition; and the capability to identify services and facilities that require restoration within a few days and to identify the procedures and resources for their restoration. Examples of these services and facilities are: medical and social services, utilities,

roads, schools, and intermediate term housing for relocated persons.

Evaluation Area 3—Protective Action Implementation

Sub-Element 3.a—Implementation of Emergency Worker Exposure Control

Intent

This sub-element derives from NUREG–0654, which provides that OROs should have the capability to provide for the following: distribution, use, collection, and processing of direct-reading dosimetry and permanent record dosimetry; the reading of direct-reading dosimetry by emergency workers at appropriate frequencies; maintaining a radiation dose record for each emergency worker; and establishing a decision chain or authorization procedure for emergency workers to incur radiation exposures in excess of protective action guides, always applying the ALARA (As Low As is Reasonably Achievable) principle as appropriate.

Criterion 3.a.1: The OROs issue appropriate dosimetry and procedures, and manage radiological exposure to emergency workers in accordance with the plans and procedures. Emergency workers periodically and at the end of each mission read their dosimeters and record the readings on the appropriate exposure record or chart. (NUREG–0654, K.3.a, b).

Extent of Play

OROs should demonstrate the capability to provide appropriate direct-reading and permanent record dosimetry, dosimeter chargers, and instructions on the use of dosimetry to emergency workers. For evaluation purposes, appropriate direct-reading dosimetry is defined as dosimetry that allows individual(s) to read the administrative reporting limits (that are pre-established at a level low enough to consider subsequent calculation of Total Effective Dose Equivalent) and maximum exposure limits (for those emergency workers involved in life saving activities) contained in the ORO's plans and procedures.

Each emergency worker should have the basic knowledge of radiation exposure limits as specified in the ORO's plan and/or procedures. Procedures to monitor and record dosimeter readings and to manage radiological exposure control should be demonstrated.

During a plume phase exercise, emergency workers should demonstrate the procedures to be followed when administrative exposure limits and turn-back values are reached. The emergency worker should report accumulated exposures during the exercise as indicated in the plans and procedures. OROs should demonstrate the actions described in the plan and/or procedures by determining whether to replace the worker, to authorize the worker to incur additional exposures or to take other actions. If scenario events do not require emergency workers to seek authorizations for additional exposure, evaluators should interview at least two emergency workers, to determine their knowledge of whom to contact in the event authorization is needed and at what exposure levels. Emergency workers may use any available resources (for example, written procedures and/or co-workers) in providing responses.

Although it is desirable for all emergency workers to each have a direct-reading dosimeter, there may be situations where team members will be in close proximity to each other during the entire mission and adequate control of exposure can be effected for all members of the team by one dosimeter worn by the team leader. Emergency workers who are assigned to low exposure rate areas, for example, at reception centers, counting laboratories, emergency operations centers, and communications centers, may have individual direct-reading dosimeters or they may be monitored by dosimeters strategically placed in the work area. It should be noted that, even in these situations, each team member must still have their own permanent record dosimetry. Individuals without specific radiological response missions, such as farmers for animal care, essential utility service personnel, or other members of the public who must re-enter an evacuated area following or during the plume passage, should be limited to the lowest radiological exposure commensurate with completing their missions.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless noted above or otherwise indicated in the extent of play agreement.

Sub-Element 3.b—Implementation of KI Decision

Intent

This sub-element derives from NUREG–0654, which provides that Offsite Response Organizations (ORO) should have the capability to provide radioprotective drugs for emergency workers, institutionalized individuals, and, if in the plan and/or procedures, to the general public for whom immediate evacuation may not be feasible, very difficult, or significantly delayed. While it is necessary for OROs to have the capability to provide KI to emergency workers and institutionalized individuals, the provision of KI to the general public is an ORO option and is reflected in ORO's plans and procedures. Provisions should include the availability of adequate quantities, storage, and means of the distribution of radioprotective drugs.

Criterion 3.b.1: KI and appropriate instructions are available should a decision to recommend use of KI be made. Appropriate record keeping of the administration of KI for emergency workers and institutionalized individuals is maintained. (NUREG–0654, J.10.e)

Extent of Play

Offsite Response Organizations (ORO) should demonstrate the capability to make KI available to emergency workers, institutionalized individuals, and, where provided for in the ORO plan and/or procedures, to members of the general public. OROs should demonstrate the capability to accomplish distribution of KI consistent with decisions made. Organizations should have the capability to develop and maintain lists of emergency workers and institutionalized individuals who have ingested KI, including documentation of the date(s) and time(s) they were instructed to ingest KI. The ingestion of KI recommended by the designated ORO health official is voluntary. For evaluation purposes, the actual ingestion of KI is not necessary. OROs should demonstrate the capability to formulate and disseminate appropriate instructions on the use of KI for those advised to take it. If a recommendation is made for the general public to take KI, appropriate information should be provided to the public by the means of notification specified in the ORO's plan and/or procedures.

Emergency workers should demonstrate the basic knowledge of procedures for the use of KI whether or not the scenario drives the use of KI. This can be accomplished by an interview with the evaluator.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless noted above or otherwise indicated in the extent of play agreement.

Sub-Element 3.c—Implementation of Protective Actions for Special Populations

Intent

This sub-element derives from NUREG–0654, which provides that Offsite Response Organizations (ORO) should have the capability to implement protective action decisions, including evacuation and/or sheltering, for all special populations. Focus is on those special populations that are (or potentially will be) affected by a radiological release from a nuclear power plant.

Criterion 3.c.1: Protective action decisions are implemented for special populations other than schools within areas subject to protective actions. (NUREG–0654, J.10.c, d, g).

Extent of Play

Applicable OROs should demonstrate the capability to alert and notify (for example, provide protective action recommendations and emergency information and instructions) special populations (hospitals, nursing homes, correctional facilities, mobility impaired individuals, transportation dependent, etc.). OROs should demonstrate the capability to provide for the needs of special populations in accordance with the ORO's plans and procedures.

Contact with special populations and reception facilities may be actual or simulated, as agreed to in the Extent of Play. Some contacts with transportation providers should be actual, as negotiated in the extent of play. All actual and simulated contacts should be logged.

All implementing activities associated with protective actions for special populations must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless noted above or otherwise indicated in the extent of play agreement.

Criterion 3.c.2: OROs/School officials implement protective actions for schools. (NUREG–0654, J.10.c, d, g).

Extent of Play

Public school systems/districts shall demonstrate the ability to implement protective action decisions for students. The demonstration shall be made as follows: At least one school in each affected school system or district, as appropriate, needs to demonstrate the implementation of protective actions. The implementation of canceling the school day, dismissing early, or sheltering should be simulated by describing to evaluators the procedures that would be followed. If evacuation is the implemented protective action, all activities to coordinate and complete the evacuation of students to reception centers, congregate care centers, or host schools may actually be demonstrated or accomplished through an interview process. If accomplished through an interview process, appropriate school personnel, including decision making officials (for example, superintendent/principal, transportation director/bus dispatcher) and at least one bus driver (and the bus driver's escort, if applicable), should be available to demonstrate knowledge of their role(s) in the evacuation of school children. Communications capabilities between school officials and the buses, if required by the plan and/or procedures, should be verified.

Officials of the school system(s) should demonstrate the capability to develop and provide timely information to OROs for use in messages to parents, the general public, and the media on the status of protective actions for schools.

The provisions of this criterion also apply to any private schools, private kindergartens and day care centers that participate in REP exercises pursuant to the ORO's plans and procedures as negotiated in the Extent of Play Agreement.

All activities must be based on the ORO's plans and procedures and completed, as they would be in an actual emergency, unless noted above or otherwise indicated in the extent of play agreement.

Sub-Element 3.d.—Implementation of Traffic and Access Control

Intent

This sub-element derives from NUREG–0654, which provides that Offsite Response Organizations (ORO) have the capability to implement protective action plans, including relocation and restriction of access to evacuated/sheltered areas. This sub-element focuses on selecting, establishing, and staffing of traffic and access control points and removal of impediments to the flow of evacuation traffic.

Criterion 3.d.1: Appropriate traffic and access control is established. Accurate instructions are provided to traffic and access control personnel. (NUREG–0654, J.10.g, j).

Extent of Play

OROs should demonstrate the capability to select, establish, and staff appropriate traffic and access control points, consistent with protective action decisions (for example, evacuating, sheltering, and relocation), in a timely manner. OROs should demonstrate the capability to provide instructions to traffic and access control staff on actions to take when modifications in protective action strategies necessitate changes in evacuation patterns or in the area(s) where access is controlled.

Traffic and access control staff should demonstrate accurate knowledge of their roles and responsibilities. This capability may be demonstrated by actual deployment or by interview, in accordance with the extent of play agreement.

In instances where OROs lack authority necessary to control access by certain types of traffic (rail, water, and air traffic), they should demonstrate the capability to contact the State or Federal agencies with authority to control access.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless noted above or otherwise indicated in the extent of play agreement.

Criterion 3.d.2: Impediments to evacuation are identified and resolved. (NUREG–0654, J.10.k)

Extent of Play

OROs should demonstrate the capability, as required by the scenario, to identify and take appropriate actions concerning impediments to evacuation. Actual dispatch of resources to deal with impediments, such as wreckers, need not be demonstrated; however, all contacts, actual or simulated, should be logged.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless noted above or otherwise indicated in the extent of play agreement.

Sub-Element 3.e—Implementation of Ingestion Pathway Decisions

Intent

This sub-element derives from NUREG–0654, which provides that OROs should have the capability to implement protective actions, based on criteria recommended by current Food and Drug Administration guidance, for the ingestion pathway zone (IPZ), the area within an approximate 50-mile radius of the nuclear power plant. This sub-element focuses on those actions required for implementation of protective actions.

Criterion 3.e.1: The ORO demonstrates the availability and appropriate use of adequate information regarding water, food supplies, milk, and agricultural production within the

ingestion exposure pathway emergency planning zone for implementation of protective actions. NUREG–0654, J.9, 11).

Extent of Play

Applicable OROs should demonstrate the capability to secure and use current information on the locations of dairy farms, meat and poultry producers, fisheries, fruit growers, vegetable growers, grain producers, food processing plants, and water supply intake points to implement protective actions within the ingestion pathway EPZ. OROs should use Federal resources as identified in the FRERP, and other resources (for example, compacts, nuclear insurers, etc.), if available. Evaluation of this criterion will take into consideration the level of Federal and other resources participating in the exercise.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless noted above or otherwise indicated in the extent of play agreement.

Criterion 3.e.2: Appropriate measures, strategies, and pre-printed instructional material are developed for implementing protective action decisions for contaminated water, food products, milk, and agricultural production. (NUREG–0654, J.9, 11).

Extent of Play

Development of measures and strategies for implementation of Ingestion Pathway Zone (IPZ) protective actions should be demonstrated by formulation of protective action information for the general public and food producers and processors. This includes either pre-distributed public information material in the IPZ or the capability for the rapid distribution of appropriate pre-printed and/or camera-ready information and instructions to pre-determined individuals and businesses. OROs should demonstrate the capability to control, restrict or prevent distribution of contaminated food by commercial sectors. Exercise play should include demonstration of communications and coordination between organizations to implement protective actions. Actual field play of implementation activities may be simulated. For example, communications and coordination with agencies responsible for enforcing food controls within the IPZ should be demonstrated, but actual communications with food producers and processors may be simulated.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless noted above or otherwise indicated in the extent of play agreement.

Sub-Element 3.f—Implementation of Relocation, Re-Entry, and Return Decisions

Intent

This sub-Element derives from NUREG–0654, which provides that Offsite Response Organizations (ORO) should demonstrate the capability to implement plans, procedures, and decisions for relocation, re-entry, and return. Implementation of these decisions is essential for the protection of the public from the direct long-term exposure to deposited radioactive materials from a severe accident at a commercial nuclear power plant.

Criterion 3.f.1: Decisions regarding controlled re-entry of emergency workers and relocation and return of the public are coordinated with appropriate organizations and implemented. (NUREG–0654, M.1, 3).

Extent of Play

Relocation: OROs should demonstrate the capability to coordinate and implement decisions concerning relocation of individuals, not previously evacuated, to an area where radiological contamination will not expose the general public to doses that exceed the relocation PAGs. OROs should also demonstrate the capability to provide for short-term or long-term relocation of evacuees who lived in areas that have residual radiation levels above the (first-, second-, and fifty-year) PAGs.

Areas of consideration should include the capability to communicate with OROs regarding timing of actions, notification of the population of the procedures for relocation, and the notification of, and advice for, evacuated individuals who will be converted to relocation status in situations where they will not be able to return to their homes due to high levels of contamination. OROs should also demonstrate the capability to communicate instructions to the public regarding relocation decisions.

Re-entry: OROs should demonstrate the capability to control re-entry and exit of individuals who need to temporarily re-enter the restricted area, to protect them from unnecessary radiation exposure and for exit of vehicles and other equipment to control the spread of contamination outside the restricted area. Monitoring and decontamination facilities will be established as appropriate.

Examples of control procedure subjects are: (1) The assignment of, or checking for, direct-reading and non-direct-reading dosimetry for emergency workers; (2) questions regarding the individuals' objectives and locations expected to be visited and associated timeframes; (3) maps and plots of radiation exposure rates; (4) advice on areas to avoid; and procedures for exit, including monitoring of individuals, vehicles, and equipment, decision criteria regarding contamination, proper disposition of emergency worker dosimetry, and maintenance of emergency worker radiation exposure records.

Return: OROs should demonstrate the capability to implement policies concerning return of members of the public to areas that were evacuated during the plume phase. OROs should demonstrate the capability to identify and prioritize services and facilities that require restoration within a few days, and to identify the procedures and resources for their restoration. Examples of these services and facilities are medical and social services, utilities, roads, schools, and intermediate term housing for relocated persons.

Communications among OROs for relocation, re-entry, and return may be simulated; however all simulated or actual contacts should be documented. These discussions may be accomplished in a group setting.

OROs should use Federal resources as identified in the FRERP, and other resources (for example, compacts, nuclear insurers, etc.), if available. Evaluation of this criterion will take into consideration the level of Federal and other resources participating in the exercise.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless noted above or otherwise indicated in the extent of play agreement.

Evaluation Area 4—Field Measurement and Analysis

Sub-Element 4.a—Plume Phase Field Measurements and Analyses

Intent

This sub-element derives from NUREG–0654, which provides that Offsite Response Organizations (ORO) should have the capability to deploy field teams with the equipment, methods, and expertise necessary to determine the location of airborne radiation and particulate deposition on the ground from an airborne plume. In addition, NUREG–0654 indicates that OROs should have the capability to use field teams within the plume emergency planning zone to measure airborne

radioiodine in the presence of noble gases and to detect radioactive particulate material in the airborne plume. In the event of an accident at a nuclear power plant, the possible release of radioactive material may pose a risk to the nearby population and environment. Although accident assessment methods are available to project the extent and magnitude of a release, these methods are subject to large uncertainties. During an accident, it is important to collect field radiological data in order to help characterize any radiological release. Adequate equipment and procedures are essential to such field measurement efforts.

Criterion 4.a.1: The field teams are equipped to perform field measurements of direct radiation exposure (cloud and ground shine) and to sample airborne radioiodine and particulates. (NUREG–0654, H.10; I.7, 8, 9).

Extent of Play

Field teams should be equipped with all instrumentation and supplies necessary to accomplish their mission. This should include instruments capable of measuring gamma exposure rates and detecting the presence of beta radiation. These instruments should be capable of measuring a range of activity and exposure, including radiological protection/exposure control of team members and detection of activity on the air sample collection media, consistent with the intended use of the instrument and the ORO's plans and procedures. An appropriate radioactive check source should be used to verify proper operational response for each low range radiation measurement instrument (less than 1 R/hr) and for high range instruments when available. If a source is not available for a high range instrument, a procedure should exist to operationally test the instrument before entering an area where only a high range instrument can make useful readings.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless noted above or otherwise indicated in the extent of play agreement.

Criterion 4.a.2: Field teams are managed to obtain sufficient information to help characterize the release and to control radiation exposure. (NUREG–0654, H.12; I.8, 11; J.10.a).

Extent of Play

Responsible Offsite Response Organizations (ORO) should demonstrate the capability to brief teams on predicted plume location and direction, travel speed, and exposure control procedures before deployment.

Field measurements are needed to help characterize the release and to support the adequacy of implemented protective actions or to be a factor in modifying protective actions. Teams should be directed to take measurements in such locations, at such times to provide information sufficient to characterize the plume and impacts.

If the responsibility to obtain peak measurements in the plume has been accepted by licensee field monitoring teams, with concurrence from OROs, there is no requirement for these measurements to be repeated by State and local monitoring teams. If the licensee teams do not obtain peak measurements in the plume, it is the ORO's decision as to whether peak measurements are necessary to sufficiently characterize the plume. The sharing and coordination of plume measurement information among all field teams (licensee, Federal, and ORO) is essential. Coordination concerning transfer of samples, including a chain-of-custody form, to a radiological laboratory should be demonstrated.

OROs should use Federal resources as identified in the Federal Radiological Emergency Response Plan (FRERP), and other resources (for example, compacts, utility, etc.), if available. Evaluation of this criterion will take into consideration the level of Federal and other resources participating in the exercise.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless noted above or otherwise indicated in the extent of play agreement.

Criterion 4.a.3: Ambient radiation measurements are made and recorded at appropriate locations, and radioiodine and particulate samples are collected. Teams will move to an appropriate low background location to determine whether any significant (as specified in the plan and/or procedures) amount of radioactivity has been collected on the sampling media. (NUREG–0654, I. 9).

Extent of Play

Field teams should demonstrate the capability to report measurements and field data pertaining to the measurement of airborne radioiodine and particulates and ambient radiation to the field team coordinator, dose assessment, or other appropriate authority. If samples have radioactivity significantly above background, the appropriate authority should consider the need for expedited laboratory analyses of these samples. OROs should share data in a timely manner with all appropriate OROs. All methodology, including contamination control, instrumentation, preparation of samples, and a chain-of-custody form for transfer to a laboratory, will be in accordance with the ORO's plan and/or procedures.

OROs should use Federal resources as identified in the FRERP, and other resources (for example, compacts, utility, nuclear insurers, etc.), if available. Evaluation of this criterion will take into consideration the level of Federal and other resources participating in the exercise.

All activities must be must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless noted above or otherwise indicated in the extent of play agreement.

Sub-Element 4.b—Post Plume Phase Field Measurements and Sampling

Intent

This sub-element derives from NUREG–0654, which provides that OROs should have the capability to assess the actual or potential magnitude and locations of radiological hazards in the IPZ and for relocation, re-entry and return measures. This sub-element focuses on the collection of environmental samples for laboratory analyses that are essential for decisions on protection of the public from contaminated food and water and direct radiation from deposited materials.

Criterion 4.b.1: The field teams demonstrate the capability to make appropriate measurements and to collect appropriate samples (for example, food crops, milk, water, vegetation, and soil) to support adequate assessments and protective action decision-making. (NUREG–0654, I.8; J.11).

Extent of Play

The ORO's field team should demonstrate the capability to take measurements and samples, at such times and locations as directed, to enable an adequate assessment of the ingestion pathway and to support re-entry, relocation, and return decisions. When resources are available, the use of aerial surveys and in-situ gamma measurement is appropriate. All methodology, including contamination control, instrumentation, preparation of samples, and a chain-of-custody form for transfer to a laboratory, will be in accordance with the ORO's plan and/or procedures.

Ingestion pathway samples should be secured from agricultural products and

water. Samples in support of relocation and return should be secured from soil, vegetation, and other surfaces in areas that received radioactive ground deposition.

OROs should use Federal resources as identified in the FRERP, and other resources (for example, compacts, utility, nuclear insurers, etc.), if available. Evaluation of this criterion will take into consideration the level of Federal and other resources participating in the exercise.

All activities must be must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless noted above or otherwise indicated in the extent of play agreement.

Sub-Element 4.c—Laboratory Operations

Intent

This sub-element derives from NUREG–0654, which provides that Offsite Response Organizations (ORO) should have the capability to perform laboratory analyses of radioactivity in air, liquid, and environmental samples to support protective action decision-making.

Criterion 4.c.1: The laboratory is capable of performing required radiological analyses to support protective action decisions. (NUREG–0654, C.3; J.11).

Extent of Play

The laboratory staff should demonstrate the capability to follow appropriate procedures for receiving samples, including logging of information, preventing contamination of the laboratory, preventing buildup of background radiation due to stored samples, preventing cross contamination of samples, preserving samples that may spoil (for example, milk), and keeping track of sample identity. In addition, the laboratory staff should demonstrate the capability to prepare samples for conducting measurements.

The laboratory should be appropriately equipped to provide analyses of media, as requested, on a timely basis, of sufficient quality and sensitivity to support assessments and decisions as anticipated by the ORO's plans and procedures. The laboratory (laboratories) instrument calibrations should be traceable to standards provided by the National Institute of Standards and Technology. Laboratory methods used to analyze typical radionuclides released in a reactor incident should be as described in the plans and procedures. New or revised methods may be used to analyze atypical radionuclide releases (for example, transuranics or as a result of a terrorist event) or if warranted by circumstances of the event. Analysis may require resources beyond those of the ORO.

The laboratory staff should be qualified in radioanalytical techniques and contamination control procedures.

OROs should use Federal resources as identified in the FRERP, and other resources (for example, compacts, utility, nuclear insurers, etc.), if available. Evaluation of this criterion will take into consideration the level of Federal and other resources participating in the exercise.

All activities must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless noted above or otherwise indicated in the extent of play agreement.

Evaluation Area 5—Emergency Notification and Public Information

Sub-Element 5.a—Activation of the Prompt Alert and Notification System

Intent

This sub-element derives from NUREG–0654, which provides that OROs should have the capability to provide prompt instructions to the public within the plume pathway EPZ. Specific provisions addressed in this sub-element are derived from the Nuclear Regulatory Commission (NRC) regulations (10 CFR Part 50, Appendix E.IV.D.), and FEMA–REP–10, ''Guide for the Evaluation of Alert and Notification Systems for Nuclear Power Plants.''

Criterion 5.a.1: Activities associated with primary alerting and notification of the public are completed in a timely manner following the initial decision by authorized offsite emergency officials to notify the public of an emergency situation. The initial instructional message to the public must include as a minimum the elements required by current FEMA REP guidance. (10 CFR part 50, appendix E.IV.D and NUREG–0654, E.5, 6, 7).

Extent of Play

Responsible Offsite Response Organizations (ORO) should demonstrate the capability to sequentially provide an alert signal followed by an initial instructional message to populated areas (permanent resident and transient) throughout the 10-mile plume pathway EPZ. Following the decision to activate the alert and notification system, in accordance with the ORO's plan and/or procedures, completion of system activation should be accomplished in a timely manner (will not be subject to specific time requirements) for primary alerting/notification. The initial message should include the elements required by current FEMA REP guidance.

Offsite Response Organizations (ORO) with route alerting as the primary method of alerting and notifying the public should demonstrate the capability to accomplish the primary route alerting, following the decision to activate the alert and notification system, in a timely manner (will not be subject to specific time requirements) in accordance with the ORO's plan and/or procedures. At least one route needs to be demonstrated and evaluated. The selected route(s) should vary from exercise to exercise. However, the most difficult route should be demonstrated at least once every six years. All alert and notification activities along the route should be simulated (that is, the message that would actually be used is read for the evaluator, but not actually broadcast) as agreed upon in the extent of play. Actual testing of the mobile public address system will be conducted at some agreed upon location. The initial message should include the elements required by current FEMA REP guidance.

For exercise purposes, timely is defined as ''the responsible ORO personnel/representatives demonstrate actions to disseminate the appropriate information/instructions with a sense of urgency and without undue delay.'' If message dissemination is to be identified as not having been accomplished in a timely manner, the evaluator(s) will document a specific delay or cause as to why a message was not considered timely.

Procedures to broadcast the message should be fully demonstrated as they would in an actual emergency up to the point of transmission. Broadcast of the message(s) or test messages *is not* required. The alert signal activation may be simulated. However, the procedures should be demonstrated up to the point of actual activation.

The capability of the primary notification system to broadcast an instructional message on a 24-hour basis should be verified during an interview with appropriate personnel from the primary notification system.

All activities for this criterion must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, except as noted above or otherwise indicated in the extent of play agreement.

Criterion 5.a.2: [Reserved]

Criterion 5.a.3: Activities associated with FEMA approved exception areas (where applicable) are completed within 45 minutes following the initial decision by authorized offsite emergency officials to notify the public of an emergency situation. Backup alert and notification of the public is completed within 45 minutes following the detection by the ORO of a failure of the primary alert and notification system. (NUREG–0654, E.6, Appendix 3.B.2.c).

Extent of Play

Offsite Response Organizations (ORO) with FEMA-approved exception areas (identified in the approved Alert and Notification System Design Report) 5–10 miles from the nuclear power plant should demonstrate the capability to accomplish primary alerting and notification of the exception area(s) within 45 minutes following the initial decision by authorized offsite emergency officials to notify the public of an emergency situation. The 45-minute clock will begin when the OROs make the decision to activate the alert and notification system for the first time for a specific emergency situation. The initial message should, at a minimum, include: a statement that an emergency exists at the plant and where to obtain additional information.

For exception area alerting, at least one route needs to be demonstrated and evaluated. The selected route(s) should vary from exercise to exercise. However, the most difficult route should be demonstrated at least once every six years. All alert and notification activities along the route should be simulated (that is, the message that would actually be used is read for the evaluator, but not actually broadcast) as agreed upon in the extent of play. Actual testing of the mobile public address system will be conducted at some agreed-upon location.

Backup alert and notification of the public should be completed within 45 minutes following the detection by the ORO of a failure of the primary alert and notification system. Backup route alerting only needs to be demonstrated and evaluated, in accordance with the ORO's plan and/or procedures and the extent of play agreement, if the exercise scenario calls for failure of any portion of the primary system(s), or if any portion of the primary system(s) actually fails to function. If demonstrated, only one route needs to be selected and demonstrated. All alert and notification activities along the route should be simulated (that is, the message that would actually be used is read for the evaluator, but not actually broadcast) as agreed upon in the extent of play. Actual testing of the mobile public address system will be conducted at some agreed-upon location.

All activities for this criterion must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, except as noted above or otherwise indicated in the extent of play agreement.

Sub-Element 5.b—Emergency Information and Instructions for the Public and the Media

Intent

This sub-element derives from NUREG–0654, which provides that Offsite Response Organizations (ORO) should have the capability to disseminate to the public appropriate emergency information and instructions, including any recommended protective actions. In addition, NUREG–0654 provides that OROs should ensure that the capability exists for providing information to the media. This includes the availability of a physical location for use by the media during an emergency. NUREG–0654 also provides that a system should be available for dealing with rumors. This system will hereafter be known as the public inquiry hotline.

Criterion 5.b.1: OROs provide accurate emergency information and instructions to the public and the news media in a timely manner. (NUREG–0654, E. 5, 7; G.3.a, G.4.c).

Extent of Play

Subsequent emergency information and instructions should be provided to the public and the media in a timely manner (will not be subject to specific time requirements). For exercise purposes, timely is defined as ''the responsible ORO personnel/representatives demonstrate actions to disseminate the appropriate information/instructions with a sense of urgency and without undue delay.'' If message dissemination is to be identified as not having been accomplished in a timely manner, the evaluator(s) will document a specific delay or cause as to why a message was not considered timely.

The ORO should ensure that emergency information and instructions are consistent with protective action decisions made by appropriate officials. The emergency information should contain all necessary and applicable instructions (for example, evacuation instructions, evacuation routes, reception center locations, what to take when evacuating, information concerning pets, shelter-in-place instructions, information concerning protective actions for schools and special populations, public inquiry telephone number, etc.) to assist the public in carrying out protective action decisions provided to them. The ORO should also be prepared to disclose and explain the Emergency Classification Level (ECL) of the incident. At a minimum, this information must be included in media briefings and/or media releases. OROs should demonstrate the capability to use language that is clear and understandable to the public within both the plume and ingestion pathway EPZs. This includes demonstration of the capability to use familiar landmarks and boundaries to describe protective action areas.

The emergency information should be all-inclusive by including previously identified protective action areas that are still valid, as well as new areas. The OROs should demonstrate the capability to ensure that emergency information that is no longer valid is rescinded and not repeated by broadcast media. In addition, the OROs should demonstrate the capability to ensure that current emergency information is repeated at pre-established intervals in accordance with the plan and/or procedures.

OROs should demonstrate the capability to develop emergency information in a non-English language when required by the plan and/or procedures.

If ingestion pathway measures are exercised, OROs should demonstrate that a system exists for rapid dissemination of ingestion pathway information to pre-determined individuals and businesses in accordance with the ORO's plan and/or procedures.

OROs should demonstrate the capability to provide timely, accurate, concise, and coordinated information to the news media for subsequent dissemination to the public. This would include demonstration of the capability to conduct timely and pertinent media briefings and distribute media releases as the situation warrants. The OROs should demonstrate the capability to respond appropriately to inquiries from the news media. All information presented in media briefings and media releases should be consistent with protective action decisions and other emergency information provided to the public. Copies of pertinent emergency information (for example, EAS messages and media releases) and media information kits should be available for dissemination to the media.

OROs should demonstrate that an effective system is in place for dealing with calls to the public inquiry hotline. Hotline staff should demonstrate the capability to provide or obtain accurate information for callers or refer them to an appropriate information source. Information from the hotline staff, including information that corrects false or inaccurate information when trends are noted, should be included, as appropriate, in emergency information provided to the public, media briefings, and/or media releases.

All activities for this criterion must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless noted above or otherwise indicated in the extent of play agreement.

Evaluation Area 6—Support Operation/ Facilities

Sub-Element 6.a—Monitoring and Decontamination of Evacuees and Emergency Workers and Registration of Evacuees

Intent

This sub-element derives from NUREG–0654, which provides that Offsite Response Organizations (ORO) have the capability to implement radiological monitoring and decontamination of evacuees and emergency workers, while minimizing contamination of the facility, and registration of evacuees at reception centers.

Criterion 6.a.1: The reception center/ emergency worker facility has appropriate space, adequate resources, and trained personnel to provide monitoring, decontamination, and registration of evacuees and/or emergency workers. (NUREG–0654, J.10.h; J.12; K.5.a).

Extent of Play

Radiological monitoring, decontamination, and registration facilities for evacuees/emergency workers should be set up and demonstrated as they would be in an actual emergency or as indicated in the extent of play agreement. This would include adequate space for evacuees' vehicles. Expected demonstration should include ⅓ of the monitoring teams/portal monitors required to monitor 20% of the population allocated to the facility within 12 hours. Before using monitoring instrument(s), the monitor(s) should demonstrate the process of checking the instrument(s) for proper operation.

Staff responsible for the radiological monitoring of evacuees should demonstrate the capability to attain and sustain a monitoring productivity rate per hour needed to monitor the 20% emergency planning zone (EPZ) population planning base within about 12 hours. This monitoring productivity rate per hour is the number of evacuees that can be monitored per hour by the total complement of monitors using an appropriate monitoring procedure. A minimum of six individuals per monitoring station should be monitored, using equipment and procedures specified in the plan and/or procedures, to allow demonstration of monitoring, decontamination, and registration capabilities. The monitoring sequences for the first six simulated evacuees per monitoring team will be timed by the evaluators in order to determine whether the twelve-hour requirement can be meet. Monitoring of emergency workers does not have to meet the twelve-hour requirement. However, appropriate monitoring procedures should be demonstrated for a minimum of two emergency workers.

Decontamination of evacuees/ emergency workers may be simulated and conducted by interview. The availability of provisions for separately showering should be demonstrated or explained. The staff should demonstrate provisions for limiting the spread of contamination. Provisions could include floor coverings, signs and appropriate means (for example, partitions, roped-off areas) to separate clean from potentially contaminated areas. Provisions should also exist to separate contaminated and uncontaminated individuals, provide changes of clothing for individuals whose clothing is contaminated, and store contaminated clothing and personal belongings to prevent further contamination of evacuees or facilities. In addition, for any individual found to be contaminated, procedures should be discussed concerning the handling of potential contamination of vehicles and personal belongings.

Monitoring personnel should explain the use of action levels for determining the need for decontamination. They should also explain the procedures for referring evacuees who cannot be adequately decontaminated for assessment and follow up in accordance with the ORO's plans and procedures. Contamination of the individual will be determined by controller inject and not simulated with any low-level radiation source.

The capability to register individuals upon completion of the monitoring and decontamination activities should be demonstrated. The registration activities demonstrated should include the establishment of a registration record for each individual, consisting of the individual's name, address, results of monitoring, and time of decontamination, if any, or as otherwise designated in the plan. Audio recorders, camcorders, or written records are all acceptable means for registration.

All activities associated with this criterion must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless otherwise indicated in the extent of play agreement.

Sub-Element 6.b—Monitoring and Decontamination of Emergency Worker Equipment

Intent

This sub-element derives from NUREG–0654, which provides that Offsite Response Organizations (ORO) have the capability to implement radiological monitoring and decontamination of emergency worker equipment, including vehicles.

Criterion 6.b.1: The facility/ORO has adequate procedures and resources for the accomplishment of monitoring and decontamination of emergency worker equipment, including vehicles. (NUREG–0654, K.5.b).

Extent of Play

The monitoring staff should demonstrate the capability to monitor equipment, including vehicles, for contamination in accordance with the Offsite Response Organizations (ORO) plans and procedures. Specific attention should be given to equipment, including vehicles, that was in contact with individuals found to be contaminated. The monitoring staff should demonstrate the capability to make decisions on the need for decontamination of equipment, including vehicles, based on guidance levels and procedures stated in the plan and/or procedures.

The area to be used for monitoring and decontamination should be set up as it would be in an actual emergency, with all route markings, instrumentation, record keeping and contamination control measures in place. Monitoring procedures should be demonstrated for a minimum of one vehicle. It is generally not necessary to monitor the entire surface of vehicles. However, the capability to monitor areas such as radiator grills, bumpers, wheel wells, tires, and door handles should be demonstrated. Interior surfaces of vehicles that were in contact with individuals found to be contaminated should also be checked.

Decontamination capabilities, and provisions for vehicles and equipment

that cannot be decontaminated, may be simulated and conducted by interview.

All activities associated with this criterion must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless noted above or otherwise indicated in the extent of play agreement.

Sub-Element 6.c—Temporary Care of Evacuees

Intent

This sub-element derives from NUREG–0654, which provides that Offsite Response Organizations (ORO) demonstrate the capability to establish relocation centers in host areas. The American Red Cross (ARC) normally provides congregate care in support of OROs under existing letters of agreement.

Criterion 6.c.1: Managers of congregate care facilities demonstrate that the centers have resources to provide services and accommodations consistent with American Red Cross planning guidelines. (Found in MASS CARE—Preparedness Operations, ARC 3031). Managers demonstrate the procedures to assure that evacuees have been monitored for contamination and have been decontaminated as appropriate before entering congregate care facilities. (NUREG–0654, J.10.h, J.12).

Extent of Play

Under this criterion, demonstration of congregate care centers may be conducted out of sequence with the exercise scenario. The evaluator should conduct a walk-through of the center to determine, through observation and inquiries, that the services and accommodations are consistent with ARC 3031. In this simulation, it is not necessary to set up operations as they would be in an actual emergency. Alternatively, capabilities may be demonstrated by setting up stations for various services and providing those services to simulated evacuees. Given the substantial differences between demonstration and simulation of this objective, exercise demonstration expectations should be clearly specified in extent-of-play agreements.

Congregate care staff should also demonstrate the capability to ensure that evacuees have been monitored for contamination, have been decontaminated as appropriate, and have been registered before entering the facility. This capability may be determined through an interview process.

If operations at the center are demonstrated, material that would be difficult or expensive to transport (for example, cots, blankets, sundries, and large-scale food supplies) need not be physically available at the facility (facilities). However, availability of such items should be verified by providing the evaluator a list of sources with locations and estimates of quantities.

All activities associated with this criterion must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless noted above or otherwise indicated in the extent of play agreement.

Sub-Element 6.d—Transportation and Treatment of Contaminated Injured Individuals

Intent

This sub-element derives from NUREG–0654, which provides that Offsite Response Organizations (ORO) should have the capability to transport contaminated injured individuals to medical facilities with the capability to provide medical services.

Criterion 6.d.1: The facility/ORO has the appropriate space, adequate resources, and trained personnel to provide transport, monitoring, decontamination, and medical services to contaminated injured individuals. (NUREG–0654, F.2; H.10; K.5.a, b; L.1, 4).

Extent of Play

Monitoring, decontamination, and contamination control efforts will not delay urgent medical care for the victim.

Offsite Response Organizations (ORO) should demonstrate the capability to transport contaminated injured individuals to medical facilities. An ambulance should be used for the response to the victim. However, to avoid taking an ambulance out of service for an extended time, any vehicle (for example, car, truck, or van) may be used to transport the victim to the medical facility. Normal communications between the ambulance/dispatcher and the receiving medical facility should be demonstrated. If a substitute vehicle is used for transport to the medical facility, this communication must occur before releasing the ambulance from the drill. This communication would include reporting radiation monitoring results, if available. Additionally, the ambulance crew should demonstrate, by interview, knowledge of where the ambulance and crew would be monitored and decontaminated, if required, or whom to contact for such information.

Monitoring of the victim may be performed before transport, done en route, or deferred to the medical facility. Before using a monitoring instrument(s), the monitor(s) should demonstrate the process of checking the instrument(s) for proper operation. All monitoring activities should be completed as they would be in an actual emergency. Appropriate contamination control measures should be demonstrated before and during transport and at the receiving medical facility.

The medical facility should demonstrate the capability to activate and set up a radiological emergency area for treatment. Equipment and supplies should be available for the treatment of contaminated injured individuals.

The medical facility should demonstrate the capability to make decisions on the need for decontamination of the individual, to follow appropriate decontamination procedures, and to maintain records of all survey measurements and samples taken. All procedures for the collection and analysis of samples and the decontamination of the individual should be demonstrated or described to the evaluator.

All activities associated with this criterion must be based on the ORO's plans and procedures and completed as they would be in an actual emergency, unless noted above or otherwise indicated in the extent of play agreement.

Frequency for Evaluation of New Criteria

The REP–14 objectives are currently evaluated at the frequency described on Pages C–2.3 and C–2.4 of REP–14. Adoption of the new Exercise Evaluation Areas renders these pages obsolete. Table 2 establishes the minimum frequency with each of the Exercise Evaluation Areas would be exercised. FEMA is open to ORO proposals to voluntarily exercise certain criteria more frequently than the minimums listed below.

TABLE 2.—FEDERAL EVALUATION PROCESS MATRIX [1]

Evaluation area and sub-elements	Consolidates REP–14 objective(s)	Minimum frequency [2]
1. Emergency Operations Management	1, 2, 3, 4, 5, 14, 17, 30.	
a. Mobilization		Every Exercise.
b. Facilities		Every Exercise.
c. Direction and Control		Every Exercise.
d. Communications Equipment		Every Exercise.
e. Equipment and Supplies to Support Operations		Every Exercise.
2. Protective Action Decisionmaking	5, 7, 9, 14, 15, 16, 17, 26, 28.	
a. Emergency Worker Exposure Control		Every Exercise.
b. Radiological Assessment & Protective Action Recommendations & Decisions for the Plume Phase of the Emergency.		Every Exercise
c. Protective Action Decisions for the Protection of Special Populations.		Every Exercise.
d. Radiological Assessment and Decisionmaking for the Ingestion Exposure Pathway [3].		Once in 6 yrs.
e. Radiological Assessment & Decisionmaking Concerning Relocation, Re-entry, and Return [3].		Once in 6 yrs.
3. Protective Action Implementation	5, 14, 15, 16, 17, 27, 29.	
a. Implementation of Emergency Worker Exposure Control		Every Exercise.
b. Implementation of KI Decision		Once in 6 yrs.[4]
c. Implementation of Protective Actions for Special Populations.		Once in 6 yrs.[5]
d. Implementation of Traffic and Access Control [6]		Every Exercise.
e. Implementation of Ingestion Pathway Decisions		Once in 6 yrs.
f. Implementation of Relocation, Re-entry, and Return Decisions.		Once in 6 yrs.
4. Field Measurement and Analysis	6, 8, 24, 25.	
a. Plume Phase Field Measurements and Analysis		Every Full Participation Exercise.[2]
b. Post Plume Phase Field Measurements and Sampling		Once in 6 yrs.
c. Laboratory Operations		Once in 6 yrs.
5. Emergency Notification and Public Information	10, 11, 12, 13.	
a.1 Activation of the Prompt Alert and Notification System		Every exercise.
a.3 Notification of Exception Areas and/or Backup Alert and Notification System within 45 Minutes.		Every exercise-as needed.
b. Emergency Information and Instructions for the Public and the Media.		Every exercise.
6. Support Operations/Facilities	18, 19, 20, 21, 22.	
a. Monitoring and Decontamination of Evacuees and Emergency Workers and Registration of Evacuees.		Once in 6 yrs.[5]
b. Monitoring and Decontamination of Emergency Worker Equipment.		Once in 6 yrs.[5]
c. Temporary Care of Evacuees		Once in 6 yrs.[7]
d. Transportation and Treatment of Contaminated Individuals.		Every exercise.

[1] See Evaluation Criteria for specific requirements.

[2] Each State within the 10-mile EPZ of a commercial nuclear power site shall fully participate in an exercise jointly with the licensee and appropriate local governments at least every two years. Each State with multiple sites within its boundaries shall fully participate in a joint exercise at some site on a rotational basis at least every two years. When not fully participating in an exercise at a site, the State shall partially participate at that site to support the full participation of the local governments.

[3] The plume phase and the post-plume phase (ingestion, relocation, re-entry and return) can be demonstrated separately.

[4] Should be demonstrated in every biennial exercise by some organizations and should be demonstrated at least once every six years by every ORO with responsibility for implementation of KI decision.

[5] All facilities must be evaluated once during the six-year exercise cycle.

[6] Physical deployment of resources is not necessary.

[7] Facilities managed by the American Red Cross (ARC), under the ARC/FEMA Memorandum of Understanding, will be evaluated once when designated or when substantial changes occur; all other facilities not managed by the ARC must be evaluated once in the six-year exercise cycle.

[FR Doc. 02–10222 Filed 4–24–02; 8:45 am]

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Federal Register

Thursday,
April 25, 2002

Part III

The President

Proclamation 7546—National Park Week, 2002

Federal Register
Vol. 67, No. 80
Thursday, April 25, 2002

Presidential Documents

Title 3—

The President

Proclamation 7546 of April 23, 2002

National Park Week, 2002

By the President of the United States of America

A Proclamation

Our national park system helps preserve our history, heritage, and the natural beauty of our Nation for the enjoyment of all our citizens and many international visitors. Thanks to our park system, many of these treasures retain their original beauty and grandeur. The parks are places for recreation, education, and reflection, and we must take care of them in a way that preserves them for posterity.

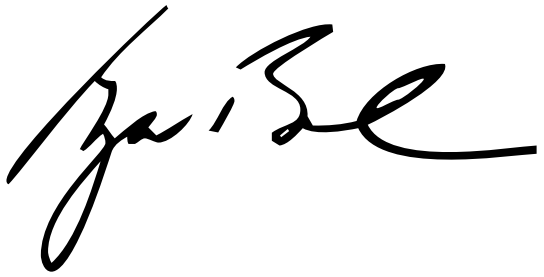
In 1872, the Congress established in the Territories of Montana and Wyoming what we all know now as Yellowstone National Park. This beautiful area later became the first to be designated as a national park. Our national park system was established in 1916 to protect and maintain our natural resources and historic sites. Today, there are 385 national parks on 84 million acres, visited annually by 280 million people from around the world.

My Administration's ''National Parks Legacy Project'' was initiated to ensure proper care for our national park system. Through thoughtful and diligent efforts, the National Parks Legacy Project will enhance the parks' ecosystems, improve outdoor opportunities, address infrastructure needs, and establish accountability through performance goals. The National Parks Legacy Project and other actions such as our support for the Everglades Restoration Plan and our request to fully fund the Land and Water Conservation Fund are important steps to support existing and future parks, vital habitats, and threatened ecosystems. I have asked the Secretary of the Interior to prepare an annual report on the conditions of our national parks and to offer specific recommendations for improvements.

We must also pay tribute to the role that the dedicated 20,000 men and women of the National Park Service play in preserving our parks. Each day these professionals and more than 120,000 volunteers work to make national parks accessible, safe, educational, and well maintained. Their job is critical to the future of our parks and national treasures, and America is grateful.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 22 through April 28, 2002, as National Park Week. I call upon all the people of the United States to join me in recognizing the importance of national parks and to learn more about these areas of beauty and their historical importance.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of April, in the year of our Lord two thousand two, and of the Independence of the United States of America the two hundred and twenty-sixth.



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Federal Register

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CFR PARTS AFFECTED DURING APRIL

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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Cotton Board Rules and Regulations; amendment; comments due by 5-2-02; published 4-2-02 [FR 02-07919]

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Gulf of Mexico and South Atlantic coastal migratory pelagic resources and Gulf of Mexico reef fish; comments due by 4-29-02; published 2-27-02 [FR 02-04672]

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Pacific Coast groundfish; comments due by 4-30-02; published 4-10-02 [FR 02-08691]

Pacific Coast groundfish; comments due by 4-30-02; published 4-10-02 [FR 02-08690]

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Nitrogen oxides; State implementation plan call, technical amendments, and Section 126 rules; response to court decisions; comments due by 4-29-02; published 4-12-02 [FR 02-08929]

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ENVIRONMENTAL PROTECTION AGENCY

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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*.

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H.R. 1432/P.L. 107–160

To designate the facility of the United States Postal Service located at 3698 Inner Perimeter Road in Valdosta, Georgia, as the ''Major Lyn McIntosh Post Office Building''. (Apr. 18, 2002; 116 Stat. 123)

H.R. 1748/P.L. 107–161

To designate the facility of the United States Postal Service located at 805 Glen Burnie Road in Richmond, Virginia, as the ''Tom Bliley Post Office Building''. (Apr. 18, 2002; 116 Stat. 124)

H.R. 1749/P.L. 107–162

To designate the facility of the United States Postal Service located at 685 Turnberry Road in Newport News, Virginia, as the ''Herbert H. Bateman Post Office Building''. (Apr. 18, 2002; 116 Stat. 125)

H.R. 2577/P.L. 107–163

To designate the facility of the United States Postal Service located at 310 South State Street in St. Ignace, Michigan, as the ''Bob Davis Post Office Building''. (Apr. 18, 2002; 116 Stat. 126)

H.R. 2876/P.L. 107–164

To designate the facility of the United States Postal Service located in Harlem, Montana, as the ''Francis Bardanouve United States Post Office Building''. (Apr. 18, 2002; 116 Stat. 127)

H.R. 2910/P.L. 107–165

To designate the facility of the United States Postal Service located at 3131 South Crater Road in Petersburg, Virginia, as the ''Norman Sisisky Post Office Building''. (Apr. 18, 2002; 116 Stat. 128)

H.R. 3072/P.L. 107–166

To designate the facility of the United States Postal Service located at 125 Main Street in Forest City, North Carolina, as the ''Vernon Tarlton Post Office Building''. (Apr. 18, 2002; 116 Stat. 129)

H.R. 3379/P.L. 107–167

To designate the facility of the United States Postal Service located at 375 Carlls Path in Deer Park, New York, as the ''Raymond M. Downey Post Office Building''. (Apr. 18, 2002; 116 Stat. 130)

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