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Federal Register

8–19–02 Monday
Vol. 67 No. 160 Aug. 19, 2002
Pages 53723–53872

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Presidential Documents

Title 3—

The President

Proclamation 7582 of August 14, 2002

National Airborne Day, 2002

By the President of the United States of America

A Proclamation

The history of Airborne forces began after World War I, when Brigadier General William Mitchell first conceived the idea of parachuting troops into combat. Eventually, under the leadership of Major William Lee at Fort Benning, Georgia, members of the Parachute Test Platoon pioneered methods of combat jumping in 1940. In November 1942, members of the 2nd Battalion, 503rd Parachute Infantry Regiment, conducted America's first combat jump, leaping from a C–47 aircraft behind enemy lines in North Africa. This strategy revolutionized combat and established Airborne forces as a key component of our military.

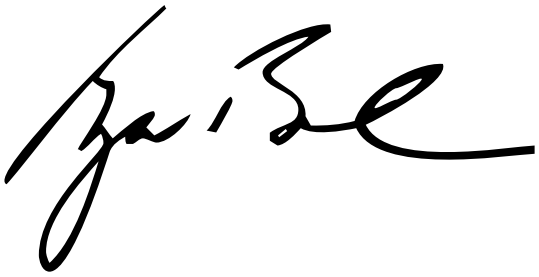
During World War II, Airborne tactics were critical to the success of important missions, including the D-Day invasion at Normandy, the Battle of the Bulge, the invasion of Southern France, and many others. In Korea and Vietnam, Airborne soldiers played a critical combat role, as well as in later conflicts and peacekeeping operations, including Panama, Grenada, Desert Storm, Haiti, Somalia, and the Balkans. Most recently, Airborne forces were vital to liberating the people of Afghanistan from the repressive and violent Taliban regime; and these soldiers continue to serve proudly around the world in the global coalition against terrorism.

The elite Airborne ranks include prestigious groups such as the 82nd Airborne Division, ''America's Guard of Honor,'' and the ''Screaming Eagles'' of the 101st Airborne Division (Air Assault). Airborne forces have also been represented in the former 11th, 13th, and 17th Airborne Divisions and numerous other Airborne, glider and air assault units and regiments. Paratroopers in the Army's XVIII Airborne Corps, the 75th Infantry (Ranger) Regiment and other Special Forces units conduct swift and effective operations in defense of peace and freedom.

Airborne combat continues to be driven by the bravery and daring spirit of sky soldiers. Often called into action with little notice, these forces have earned an enduring reputation for dedication, excellence, and honor. As we face the challenges of a new era, I encourage all people to recognize the contributions of these courageous soldiers to our Nation and the world.

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 August 16, 2002, as National Airborne Day. As we commemorate the first official Army parachute jump on August 16, 1940, I encourage all Americans to join me in honoring the thousands of soldiers, past and present, who have served in an Airborne capacity. I call upon all citizens to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of August, in the year of our Lord two thousand two, and of the Independence of the United States of America the two hundred and twenty-seventh.



[FR Doc. 02–21212
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Presidential Documents

Title 3—

The President

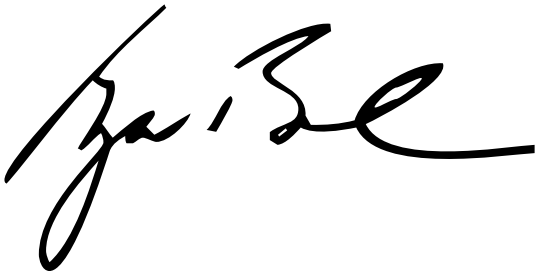
Presidential Determination No. 2002–27 of August 7, 2002

Presidential Determination on Waiver of Restrictions on Assistance to Russia under the Cooperative Threat Reduction Act of 1993 and Title V of the FREEDOM Support Act

Memorandum for the Secretary of State

Pursuant to the authority vested in me by section 302 of the 2002 Supplemental Appropriations Act for Further Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–206), I hereby certify that waiving the restrictions contained in subsection (d) of 22 U.S.C. 5952 and in section 502 of the FREEDOM Support Act (Public Law 102–511) with respect to the Russian Federation is important to the national security interests of the United States.

You are authorized and directed to transmit this certification to the Congress and to arrange for its publication in the **Federal Register**.



THE WHITE HOUSE,
Washington, August 7, 2002.

[FR Doc. 02–21192
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Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 00–042–2]

Importation of Artificially Dwarfed Plants

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations for importing plants and plant products by requiring artificially dwarfed plants that are imported into the United States to have been grown under certain conditions in greenhouses or screenhouses within nurseries registered with the government of the country where the plants were grown. This action is necessary to protect against the introduction of longhorned beetles into the United States.

EFFECTIVE DATE: September 18, 2002.

FOR FURTHER INFORMATION CONTACT: Dr. Inder P. Gadh, Import Specialist, Phytosanitary Issues Management Team, PPQ, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737–1236; (301) 734–6799.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR part 319 prohibit or restrict the importation of certain plants and plant products into the United States to prevent the introduction of plant pests. The regulations contained in ''Subpart—Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products,'' §§ 319.37 through 319.37–14 (referred to below as the regulations), restrict, among other things, the importation of living plants, plant parts, and seeds for propagation.

Under § 319.37–2(b)(2) of the regulations, the importation from all foreign places except Canada of any naturally dwarf or miniature form of tree or shrub exceeding 305 mm (approximately 12 inches) in length from the soil line is prohibited, unless the plants are imported by the U.S. Department of Agriculture for experimental or scientific purposes in accordance with § 319.37–2(c). Because the regulations do not explicitly prohibit the importation of naturally dwarf plants under 305 mm in length or artificially dwarfed plants, and because the regulations do not contain restrictions particular to their importation, such plants may be imported into the United States if they are accompanied by a phytosanitary certificate of inspection. Such plants are also subject to inspection and, if necessary, treatment for plant pests, at the port of first arrival in the United States, and under § 319.37–8, such plants must be free of sand, soil, earth, or other growing media.

On April 20, 2001, we published in the **Federal Register** (66 FR 20208–20211, Docket No. 00–042–1) a proposal to amend the regulations by requiring artificially dwarfed plants that are imported into the United States to have been grown under certain conditions in nurseries registered with the government of the country where the plants were grown. We proposed this action in order to protect against the introduction of longhorned beetles and other plant pests into the United States.

We solicited comments concerning our proposal for 60 days ending June 19, 2001. We received four comments by that date. They were from State agricultural officials, agricultural trade organizations, and an environmental advocacy group. The comments are discussed below.

Comment: The relationship between the proposed rule and another proposed rule involving penjing from China is not clear.

Response: This rule is worldwide in scope and is intended to increase and clarify the Animal and Plant Health Inspection Service's (APHIS's) requirements regarding the importation of all artificially dwarfed plants eligible for importation under current regulations. Current regulations allow the importation of artificially dwarfed plants only if they are bare-rooted and accompanied by a phytosanitary certificate. The requirements contained in this rule are intended to clarify what type of plant may be considered an artificially dwarfed plant for the purposes of the regulations, so as to eliminate the possibility that field-grown plants could be imported into the United States under the requirements for artificially dwarfed plants.

In our proposed rule regarding the importation of penjing from China (See 65 FR 56803–56806, Docket No. 98–103–1), we proposed to allow, under certain conditions, the importation in growing media of five genera of artificially dwarfed plants from China.

Comment: Several experts have questioned whether annual inspection by an exporting country's plant protection agency is sufficient to ensure greenhouses are pest-free. Inspections should take place once every 6 months rather than once every 12 months.

Response: We proposed to require that artificially dwarfed plants be grown in a registered nursery for at least 2 years, and that the nursery where they were grown be inspected for any evidence of pests and found free of pests of quarantine significance to the United States at least once every 12 months by the plant protection service of the country where the plants were grown. Several comments that we received indicated that the commenters assumed that we had proposed to require that the plants be grown in a greenhouse at the nursery. Rather, we had simply proposed to require that the plants be grown in a nursery. Based on the apparent support among commenters for a requirement that plants be grown in a greenhouse for 2 years, we have added a requirement in this final rule based on the comments we received. We believe that requiring artificially dwarfed plants to be grown in a greenhouse or screenhouse, in conjunction with the other requirements described in the proposed rule, will reduce the risk that imported artificially dwarfed plants could become infested with quarantine pests.

Under this change, in addition to the requirements described in the proposed rule, imported artificially dwarfed plants must be grown in a greenhouse or screenhouse. The greenhouse or screenhouse must have screening with openings of not more than 1.6 mm on all vents and openings, and all

entryways must be equipped with automatic closing doors. These screening and entryway requirements will help ensure that pests of concern are excluded from the structures in which the artificially dwarfed plants are grown. The phytosanitary certificate accompanying imported artificially dwarfed plants must state that the above requirements have been met. We are making this change to provide added assurance that longhorned beetles are not able to access and infest foreign-grown artificially dwarfed plants that are intended for export to the United States.

Regarding the timing of inspections, we believe that annual inspections are sufficient to ensure that nurseries are practicing appropriate phytosanitary measures, and to ensure that nurseries meet the conditions described in this document and the proposed rule.

Comment: Why did the proposed rule not address naturally dwarf or miniature forms of tree or shrubs smaller than 305 mm? The pest risk posed by naturally dwarf plants does not differ greatly from risk posed by artificially dwarfed plants, and the scientific rationale for different regulatory treatment of each is not clear.

Response: The current regulations in § 319.37(b)(2) prohibit the importation of naturally dwarf plants that are larger than 305 mm. Naturally dwarf or miniature forms of tree or shrubs smaller than 305 mm are subject to inspection as a condition of entry into the United States, and must be bare-rooted and accompanied by a phytosanitary certificate.

The proposed rule was intended to address the apparently increased pest risk posed by imported plants labeled or manifested as artificially dwarfed plants. As stated in our proposed rule, we believe that many plants that have recently been imported into the United States that have been labeled or manifested as artificially dwarfed plants may in fact be field-collected plants that are produced quickly in their country of origin for mass export. These plants include species that, historically, have not been imported as artificially dwarfed plants and that may not be given the same meticulous care and safeguards as traditional artificially dwarfed plants such as bonsai and penjing.

Essentially, the proposed rule was intended to clarify what type of plant could be considered an artificially dwarfed plant for the purposes of the regulations, so as to eliminate the possibility that field-grown plants could be imported into the United States under the requirements for artificially dwarfed plants. We have not proposed to amend the requirements for naturally dwarf plants because there is no evidence to suggest that the pest risk associated with imported naturally dwarf plants has increased in a manner corresponding to the risk associated with plants following the artificially dwarfed plant pathway. Because naturally dwarf plants must be 305 mm or less in height to be eligible for importation, and since such plants do not have large woody stems into which longhorned beetles could bore, we do not believe such plants serve as suitable hosts for longhorned beetles.

Comment: What height limitation is applied to imported artificially dwarfed plants? It appears that a 305 mm height limitation currently applies to artificially dwarfed plants, and that the proposal would not change that limitation. If under existing regulations there is no height restriction for artificially dwarfed plants, a reasonable height restriction should be considered to facilitate more effective inspection.

Response: The 305 mm height restriction contained in § 319.37(b)(2) applies only to naturally dwarf plants. At present, no height restrictions apply to imported artificially dwarfed plants. Further, the regulations in § 319.37(b)(6) prohibit the importation of any plants (other than stem cuttings, cactus cuttings, artificially dwarfed plants, palms, and plants whose growth habits simulate palms) that are larger than 460 mm.

We agree that there is a need to consider adopting a height restriction to facilitate the effective inspection of artificially dwarfed plants. We intend to address this issue in a subsequent rulemaking.

Comment: Is there any track record for pest interceptions associated with naturally dwarf plants?

Response: APHIS's pest interception records do not distinguish between naturally dwarf and artificially dwarfed plants. However, inspection personnel have not reported detections of the pests addressed by this rule (longhorned beetles, specifically) on naturally dwarf plants. Further, as stated earlier in this document, we do not believe naturally dwarf plants serve as suitable hosts for longhorned beetles.

Comment: How were the mitigation measures selected? There is no discussion of pests under consideration, except to identify them as longhorned beetles and other dangerous plant pests. Will these measures provide adequate assurance that risks are being reduced to an acceptable level? Can an acceptable level of risk be more clearly defined and communicated?

Response: As stated earlier in this document, the proposed mitigation measures were intended to clarify what type of plant could be considered an artificially dwarfed plant for the purposes of the regulations, so as to eliminate the possibility that field-grown plants could be imported into the United States under the requirements for artificially dwarfed plants. We believe these measures are necessary because field-grown plants that are labeled or manifested as artificially dwarfed plants appear to present a higher risk of introducing longhorned beetles into the United States than do traditionally grown artificially dwarfed plants. We believe that the requirements contained in the rule will significantly reduce the risk that imported artificially dwarfed plants could be infested with these longhorned beetles.

Comment: The list of pests considered in the pest risk assessment is not complete and the mitigation measures in the proposed rule are not adequate to exclude pests of economic significance.

Response: Again, the proposed rule was intended to address the risk posed by field-grown plants that are labeled or manifested as artificially dwarfed plants and that have served as pathways for the introduction of longhorned beetles into the United States. We are confident that the mitigation measures contained in this rule will accomplish that goal. We are not aware of any pests of quarantine significance associated with genuine artificially dwarfed plants that pose risks to U.S. agriculture that are not mitigated by existing phytosanitary measures (*i.e.*, that the plants be accompanied by a phytosanitary certificate, that they are bare-rooted upon importation, and that they are subject to inspection upon arrival in the United States).

Comment: Due to the pest risk associated with artificially dwarfed plants, APHIS should not allow imports of field-grown artificially dwarfed plants even when bare-rooted. Furthermore, APHIS should not allow greenhouse-grown plants to be rooted in the field.

Response: As stated in our proposed rule, in the last 3 years, APHIS has detected increasing numbers of longhorned beetles associated with imported plants following the artificially dwarfed plant pathway. We would like to clarify that the requirements contained in this final rule for importing artificially dwarfed plants are designed to address the risk posed by these longhorned beetles, which are wood-boring pests that are difficult to detect by visual inspection. We believe that the proposed regulations address

the increased pest risk posed by longhorned beetles and other wood-boring pests. Further, we are confident that our inspectors are capable of identifying other pests on bare-rooted artificially dwarfed plants by visual inspection at the port of entry.

Also, as stated above, we proposed to require artificially dwarfed plants to be grown in a nursery, but did not specify that the artificially plants be grown in a greenhouse at the nursery. However, in this document, based on public comments, we are requiring imported artificially dwarfed plants to be accompanied by a phytosanitary certificate stating, among other requirements, that the plants have been grown for at least 2 years in a greenhouse or screenhouse in approved nurseries that are inspected annually. We have not prohibited artificially dwarfed plants from being grown in fields prior to their 2-year greenhouse/screenhouse growth period because we believe that the requirements of this rule are sufficient to ensure that plants eligible for importation into the United States are protected against infestation by longhorned beetles.

Comment: The proposed rule is flawed because it allows propagative material that may be infested with pests to be placed in sterile media in a pest-free greenhouse setting. At the instant a field-grown plant is placed in sterile growing media, the media is no longer sterile, and such a requirement does not mitigate the risk posed by soil-borne pests and pathogens. It is absolutely essential to start with clean propagative material. Nematode testing should be included as part of the import requirements for artificially dwarfed plants due to the risk for root nematodes associated with field-grown plants that are moved into greenhouses under the regulations. All field-grown plants should be washed completely free of soil using clean, pressurized water from a known nematode-free source prior to potting in sterile media and containers.

Response: As stated earlier in this document, this rule was intended to address the risk posed by wood-boring pests such as longhorned beetles. If, in the future, we determine that imported artificially dwarfed plants pose a significant risk of introducing soil-borne pests and pathogens into the United States, we will address the issue at that time. At present, we are confident that the requirement that imported artificially dwarfed plants be bare-rooted, coupled with the inspection procedures we use, will enable us to detect nematodes if they are indeed present on imported artificially dwarfed plants.

Comment: APHIS should require that imported plants be defoliated as well as bare-rooted. Such a provision would ensure that additional pests do not hitchhike on the plants.

Response: Pests are capable of hitchhiking on a wide variety of imported plants. To address the risk posed by hitchhiking pests, imported plants are subject to inspection at the port of entry. We are confident that our inspection procedures are adequate to detect such pests on imported commodities, and do not believe that defoliating plants would substantively improve inspections of imported plants.

Comment: Given that the regulations contain an exception for plants from Canada, what safeguards are in place, or could be put in place, to address the risk of transshipment through Canada of plants that would no longer be directly enterable into the United States if the proposed rule is adopted?

Response: Propagative material, whether grown in, or transhipped through Canada must either (1) be accompanied by a phytosanitary certificate of inspection, or (2) in the case of greenhouse-grown plants that meet the applicable conditions of § 319.37–4(c), be accompanied by a certificate of inspection in lieu of a phytosanitary certificate. Both types of certificate include a declaration of the plants' origin.

Comment: Does APHIS have sufficient resources to ensure that imported plants are grown under the conditions specified in the proposed rule? The proposed rule puts an extreme reliance on the infrastructure of foreign regulatory agencies. Many countries simply do not have the infrastructure or resources to provide the kind of regulatory oversight that was envisioned by the proposed rule.

Response: This rule requires the plant protection organization of the exporting country to certify on the phytosanitary certificate accompanying plants imported into the United States that imported artificially dwarfed plants have been grown and inspected according to APHIS requirements. When plants are presented for importation into the United States, we verify that the phytosanitary certificate accompanying the plants contains all the required declarations.

The certification requirements contained in the regulations are in addition to our port of entry inspections, not in lieu of them. Because the United States is a signatory party of international agreements such as the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures and the International Plant Protection Convention, we are obligated to consider foreign certifications as equivalent to our own unless there are documented reasons to consider them otherwise. Under these circumstances, APHIS believes that the proposed requirements will provide adequate protection against the introduction of plant pests into the United States.

One commenter requested additional plant quarantine action to control the spread of *Phythophthora ramorum,* the fungus that causes what has commonly been referred to as Sudden Oak Death. This matter is outside the scope of this rulemaking action, but we have restricted the interstate movement of Sudden Oak Death host articles in an interim rule published in the **Federal Register** on February 14, 2002 (67 FR 6827–6837, Docket No. 01–054–1), and intend to address the importation of Sudden Oak Death host articles from foreign countries in an upcoming rulemaking.

Finally, we have made several nonsubstantive editorial changes for the sake of clarity.

Therefore, for the reasons given in the proposed rule and in this document, we are adopting the proposed rule as a final rule, with the changes discussed in this document.

Executive Order 12866 and Regulatory Flexibility Act

This 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.

In this document, we are amending the regulations for importing plants and plant products by requiring artificially dwarfed plants that are imported into the United States to have been grown under certain conditions in greenhouses or screenhouses within nurseries registered with the government of the country where the plants were grown. This action is necessary to protect against the introduction of longhorned beetles into the United States.

The requirements of this rule are intended to prevent the introduction of longhorned beetles into the United States. A recent APHIS study on the importation of solid wood packing material from China has shown that production losses resulting from a widespread Asian longhorned beetle infestation in the United States could total in excess of $27.4 billion.

The art of miniature (or artificially dwarfed) plant gardening is a recent phenomenon in the United States. Because it is a highly time consuming

and very labor intensive activity, it is practiced by a relatively small number of U.S. nurseries and households. The size of these artificially dwarfed plants range from 4 inches to 60 inches in height, with prices ranging from $10 to more than $10,000. The median price of an artificially dwarfed plant is close to $100, and its value increases with age, regardless of size.

Plants that have been imported from Asia represent approximately 80 percent of the value of the entire artificially dwarfed plant market. Such imports come predominantly from Japan, the People's Republic of China, and the Republic of Korea. The remaining 20 percent of value corresponds to plants that have been domestically produced. With respect to volume, 20 percent of the artificially dwarfed plants available in the U.S. market are imported from Asia, and the rest are domestically produced. Domestically produced artificially dwarfed plants are the smallest, simplest, and most inexpensive ones. Plants produced in and imported from Asian countries are the largest, most elaborate, and most expensive.

In 1997, the U.S. National Arboretum in Washington, DC, surveyed U.S. nurseries that sell artificially dwarfed plants, as well as other businesses related to the growing of artificially dwarfed plants. A summary of the results of the survey was published in the American Nurseryman Magazine in April 1999. According to that survey, in 1997, there were at least 366 artificially dwarfed plant-related businesses in the United States. Based on that survey, artificially dwarfed plant businesses can be divided into two categories: Full-service nurseries and specialty companies focusing on one product.

Full-service nurseries may carry a wide range of artificially dwarfed plants in varying sizes, including some that they have developed themselves and others they have purchased or have imported from Asia. Many of these businesses also sell pots for these plants, as well as related tools and books. On the other hand, specialty companies may produce one product, such as plants, pots, or tools, or may be limited to teaching or publishing.

The survey identified 97 full service artificially dwarfed plant nurseries (see table below). These entities ranged from relatively small family owned and operated enterprises to a few large companies.

Type of company	Number of companies
Full service artificially dwarfed plant nurseries	97
Specialty artificially dwarfed plant related companies:	
Plants (including seeds)	82
Tools, supplies, stands	81
Containers and pots	46
Magazines, books, and newsletters	32
Consultants and teachers	28
Total	366

The 1997 survey found that artificially dwarfed plant-related businesses were fairly well distributed throughout the United States. However, the largest concentrations were in the Southeast (107) and the Southwest (102), including California. The Northeast had 84 artificially dwarfed plant-related businesses. The Midwest had 37 related businesses, and the Northwest had 26.

Effect on Small Entities

According to Small Business Administration (SBA) guidelines, a small business involved in the sale or importation of artificially dwarfed plants or related products is one having less than $6 million of annual receipts from sales (see NAICS codes 444220, ''Nursery and Garden Centers,'' and 453110, ''Florists'').

There are between 20 to 50 importers of artificially dwarfed plants in the United States, with the number varying each year. However, on average, this number is closer to 20. All of them can be considered small entities according to the SBA definition. We do not expect that this final rule will significantly affect the price of imported artificially dwarfed plants or have a significant effect on importers of artificially dwarfed plants.

Most of the businesses engaged in the production and distribution of artificially dwarfed plants and related materials are family owned and operated. Approximately 99 percent of these firms are considered small according to SBA criteria. There is no reason to believe that these entities would be significantly affected by implementation of this rule because the price of imported artificially dwarfed plants is not expected to change significantly.

The requirements that imported artificially dwarfed plants be grown in greenhouses or screenhouses in registered nurseries—and not collected from open fields—could affect the number of artificially dwarfed plants imported during the short term. Plants imported from Asia are predominantly higher valued and nursery-grown, and comprise only 20 percent of U.S. sales by quantity, but 80 percent of sales by value. This rule will not likely have a significant effect on the number of higher-valued plants imported from Asia. However, since artificially dwarfed plants that are not grown in accordance with the conditions in this rule are prohibited importation into the United States, it is possible that some U.S. producers could benefit from decreased competition. Nevertheless, the effect of this final rule on those nurseries is expected to be insignificant, given the small number of affected imports.

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

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this rule have been approved by the Office of Management and Budget (OMB) under OMB control number 0579–0176.

List of Subjects in 7 CFR Part 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, we are amending 7 CFR part 319 as follows:

PART 319—FOREIGN QUARANTINE NOTICES

1. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 166, 450, 7711–7714, 7718, 7731, 7732, and 7751–7754; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

§ 319.37–2 [Amended]

2. Section 319.37–2 is amended as follows:

a. In paragraph (a), in the text before the table, by removing the words

''§ 319.37–2(c) of this subpart'' and adding in their place the words ''paragraph (c) of this section''.

b. In paragraph (b), introductory text, by removing the words ''§ 319.37–2(c) of this subpart'' and adding in their place the words ''paragraph (c) of this section''.

c. In paragraph (b)(1), introductory text, by removing the words ''trees or shrubs'' and adding in their place the words ''plants meeting the conditions in § 319.37–5(q)''.

d. In paragraph (b)(6)(i), by removing the words ''such as bonsai'' and adding in their place the words ''meeting the conditions in § 319.37–5(q)''.

e. In paragraph (b)(7), introductory text, by removing the words ''tree or shrub'' the second time they appear and adding in their place the words ''plant meeting the conditions in § 319.37–5(q)''.

§ 319.37–5 [Amended]

3. Section 319.37–5 is amended as follows:

a. By adding a new paragraph (q) to read as follows.

b. At the end of the section, by revising the OMB control number citation to read as follows.

§ 319.37–5 Special foreign inspection and certification requirements.

* * * * *

(q) Any artificially dwarfed plant imported into the United States must have been grown and handled in accordance with the requirements of this paragraph and must be accompanied by a phytosanitary certificate of inspection that was issued by the government of the country where the plants were grown.

(1) Any growing media, including soil, must be removed from the artificially dwarfed plants prior to shipment to the United States unless the plants are to be imported in accordance with § 319.37–8.

(2) The artificially dwarfed plants must be grown in accordance with the following requirements and the phytosanitary certificate required by this paragraph must contain declarations that those requirements have been met:

(i) The artificially dwarfed plants must be grown for at least 2 years in a greenhouse or screenhouse in a nursery registered with the government of the country where the plants were grown;

(ii) The greenhouse or screenhouse in which the artificially dwarfed plants are grown must have screening with openings of not more than 1.6 mm on all vents and openings, and all entryways must be equipped with automatic closing doors;

(iii) The artificially dwarfed plants must be grown in pots containing only sterile growing media during the 2-year period when they are grown in a greenhouse or screenhouse in a registered nursery;

(iv) The artificially dwarfed plants must be grown on benches at least 50 cm above the ground during the 2-year period when they are grown in a greenhouse or screenhouse in a registered nursery; and

(v) The plants and the greenhouse or screenhouse and nursery where they are grown must be inspected for any evidence of pests and found free of pests of quarantine significance to the United States at least once every 12 months by the plant protection service of the country where the plants are grown.

(Approved by the Office of Management and Budget under control number 0579–0176)

Done in Washington, DC this 14th day of August 2002.

Peter Fernandez,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–20940 Filed 8–16–02; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–318–AD; Amendment 39–12855; AD 2002–16–16]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

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

DATES: Effective September 23, 2002.

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

ADDRESSES: The service information referenced in this AD may be obtained from Fairchild Dornier, Dornier Luftfahrt GmbH, PO Box 1103, D–82230 Wessling, Germany. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Dornier Model 328–100 and –300 series airplanes was published in the **Federal Register** on April 18, 2002 (67 FR 19132). That action proposed to require inspecting the identification plate on the fire extinguisher bottle in the auxiliary power unit (APU) to verify if the correct actuating cartridge has been installed, and replacing the existing actuating cartridge of the fire extinguisher bottle with the correct actuating cartridge, if necessary. That action also proposed to require removing the fire extinguisher bottle equipped with the actuating cartridge from the APU, and reinstalling the fire extinguisher bottle equipped with the correct actuating cartridge into the APU.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal.

Explanation of Change to Final Rule

Since the language in Note 3 of the proposed AD is regulatory in nature, that note has been redesignated as paragraph (b) of this final rule. Additionally, the new paragraph clarifies that the referenced service

bulletin affects Model 328–300 series airplanes.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule with the change described previously. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

The FAA estimates that 88 Model 328–100 and –300 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $5,280, or $60 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2002–16–16 Dornier Luftfahrt GmbH: Amendment 39–12855. Docket 2001–NM–318–AD.

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

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

Compliance: Required as indicated, unless accomplished previously.

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

Removal, Inspection, Corrective Actions, and Reinstallation

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

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

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

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

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

(b) Accomplishment of the actions specified in Dornier Service Bulletin SB–328J–26–049, dated November 2, 2000 (for Model 328–300 series airplanes), is acceptable for compliance with the actions required by paragraph (a) of this AD.

Alternative Methods of Compliance

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

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

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

Incorporation by Reference

(e) Unless otherwise specified in this AD, the actions shall be done per Dornier Service Bulletin SB–328–26–342, dated November 2, 2000; or Dornier Service Bulletin SB–328J–26–049, Revision 1, dated June 11, 2001; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from FAIRCHILD DORNIER, DORNIER Luftfahrt GmbH, PO Box 1103, D–82230 Wessling, Germany. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal

Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in German airworthiness directives 2001–291 and 2001–292, both dated October 18, 2001.

Effective Date

(f) This amendment becomes effective on Sepetmber 23, 2002.

Issued in Renton, Washington, on August 9, 2002.

Vi Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–20707 Filed 8–16–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–348–AD; Amendment 39–12863; AD 2002–16–24]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300 B4–600, B4–600R, and F4–600R (Collectively Called A300–600) Series Airplanes; and Model A310 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A300–600 and A310 series airplanes, that requires replacement of certain symbol generator units (SGUs) in the electronic flight instrument system with new, improved SGUs, and modification of associated equipment and wiring. This action is necessary to ensure that the flightcrew has adequate flight information by preventing temporary loss of data from the primary flight and navigation displays. Inadequate flight information could result in reduced situational awareness for the flightcrew, which could contribute to loss of control or impact with obstacles or terrain. This action is intended to address the identified unsafe condition.

DATES: Effective September 23, 2002.

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

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tom Groves, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1503; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Airbus Model A300–600 and A310 series airplanes was published in the **Federal Register** on April 3, 2002 (67 FR 15762). That action proposed to require replacement of certain symbol generator units (SGUs) in the electronic flight instrument system with new, improved SGUs, and modification of associated equipment and wiring.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Request To Revise Cost Estimate

The Air Transport Association (ATA) of America, on behalf of its members, generally supports the intent of the proposed AD. However, one commenter has suggested revising the cost estimate specified in the proposed AD. These comments and FAA responses are as follows:

• The commenter states that, although the proposed AD specifies a labor rate of $60 per hour, the commenter's labor rate is $98 per hour.

We point out that our estimate of $60 per work hour is the current burdened labor rate established for use by the Office of Aviation Policy, Plans, and Management Analysis. (The burdened labor rate includes the actual labor cost, overhead, administrative expenses, etc.) Because the labor rate used in our calculations accounts for the variations in costs among those in the airline industry, we consider that $60 per work hour is appropriate. No change to the final rule is necessary in this regard.

• The commenter considers that 7 instead of the 4 work hours cited in the proposed AD is needed to accomplish the actions specified in Airbus Service Bulletin A300–34–6132, dated May 17, 2001 (which is referenced in the proposed AD as an appropriate source of service information). The commenter also considers that the cost estimate in the proposed AD of $710 per airplane for labor and parts is significantly underestimated. The commenter also states that Airbus Service Bulletin A300–34–6132 references Thompson-CSF Sextant (also referred to as Thales) Service Bulletin 961266–34–038, which specifies 8 work hours for shop labor per each SGU, or $2,352 per airplane; and shop materials at $2,126 per each SGU, or $6,380 for three SGUs per airplane.

We partially concur with these comments. First, we point out that our estimate of 4 work hours, as specified in the proposed AD, is based on the estimate specified in Airbus Service Bulletin A300–34–6132. However, we agree that it is necessary to include additional costs for the bench modification. Those costs are included in the Thompson-CSF Sextant service bulletin, which specifies 1 work hour per SGU to perform the bench modification, for a total of 3 work hours for each airplane. We do not agree with the commenter's estimate of 8 work hours per SGU for the bench modification because no substantiation was provided for such a figure. The cost analysis in AD rulemaking actions typically does not include incidental costs, such as the time required to gain access and close up; planning time; or time necessitated by other administrative actions. Because incidental costs may vary significantly from operator to operator, they are almost impossible to calculate.

Second, we agree that the cost estimate of $710 per airplane should be increased, based on additional costs for the bench modification. Although we inadvertently failed to include the costs for the bench modification in the proposed AD, that action was part of the modification action required by the proposed AD. We note that the Thompson-CSF Sextant service bulletin is referenced in Airbus Service Bulletins A310–34–2157 (which is referenced in the proposed AD as an appropriate source of service information) and A300–34–6132 as an additional source of service information.

Based on this information, we have revised the cost estimate in the final rule to specify 7 instead of 4 work hours and to include an additional $6,810 for shop materials. In addition, we have added a new Note 2 to the final rule to specify the Thompson-CSF Sextant service bulletin as an additional source of service information, and have renumbered the succeeding notes accordingly.

Request To Revise Paragraph (a) of Proposed AD

One commenter states that the ''Replacement and Modification section,'' paragraph (a) of the proposed AD, is obsolete. The commenter adds that, although paragraph (a) of the proposed AD requires installing SGU part number (P/N) 9612660321, that P/N was recently removed from the Illustrated Parts Catalog and replaced by P/N 9612660420.

We do not agree that the replacement and modification action is obsolete for the airplanes cited in the applicability of the proposed AD. We point out that the airplanes operated by the commenter, United Parcel Service (UPS) Airlines, incorporate Airbus Industrie Modification 12100. As noted in the applicability of the NPRM, airplanes incorporating Airbus Industrie Modification 12100 are not included in the applicability. We also point out that (P/N) 9612660420 is unique to the UPS Airlines airplanes that have incorporated Airbus Modification 12100, and that P/N 9612660420 is specified in their customized Illustrated Parts Catalog. In light of this, no change to the final rule is necessary in this regard.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

The FAA estimates that 142 airplanes of U.S. registry will be affected by this AD. We estimate that it will take approximately 7 work hours per airplane to accomplish the required SGU replacement and modification of associated equipment and wiring (including the bench modification), and that the average labor rate is $60 per work hour. Required parts will cost approximately $7,280 per airplane (including the kit modification). Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $1,093,400, or $7,700 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2002–16–24 Airbus Industrie: Amendment 39–12863. Docket 2001–NM–348–AD.

Applicability: Model A300 B4–600, B4–600R, and F4–600R (collectively called A300–600) series airplanes; and Model A310 series airplanes; certificated in any category; except those on which Airbus Service Bulletin A300–34–6132 or A310–34–2157, both dated May 17, 2001 (Airbus Industrie Modification 12100 or 12291), has been accomplished.

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

Compliance: Required as indicated, unless accomplished previously.

To ensure that the flightcrew has adequate flight information by preventing temporary loss of data from the primary flight and navigation displays, accomplish the following:

Replacement and Modification

(a) Within 3 years after the effective date of this AD, replace all symbol generator units (SGUs), part number (P/N) 9612660319, in the electronic flight instrument system, with new, improved SGUs, P/N 9612660321, and modify associated equipment and wiring, according to Airbus Service Bulletin A300–34–6132 (for Model A300–600 series airplanes) or A310–34–2157 (for Model A310 series airplanes), both dated May 17, 2001, as applicable.

Note 2: Airbus Service Bulletin A300–34–6132 or A310–34–2157, both dated May 17, 2001, references Thompson-CSF Sextant Service Bulletin 961266–34–038 as an additional source of service information for accomplishment of the modification.

Alternative Methods of Compliance

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

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

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

Incorporation by Reference

(d) The actions shall be done in accordance with Airbus Service Bulletin A300–34–6132, dated May 17, 2001; or Airbus Service Bulletin A310–34–2157, dated May 17, 2001; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in French airworthiness directive 2001–467(B), dated October 3, 2001.

Effective Date

(e) This amendment becomes effective on September 23, 2002.

Issued in Renton, Washington, on August 9, 2002.

Vi Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–20708 Filed 8–16–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD11–02–004]

RIN 2115–AE46

Special Local Regulations; San Diego Thunderboat Regatta

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation of regulation.

SUMMARY: The Coast Guard is implementing special local regulations for the Thunderboat Regatta, one of the Southern California annual marine events. The name of this event has formally changed to San Diego Thunderboat Regatta. This action is necessary to control vessel traffic in the regulated areas during the event to ensure the safety of participants and spectators.

EFFECTIVE DATES: The special local regulations for the Thunderboat Regatta (§ 100.1101) will be enforced from 7:30 a.m. on September 20, 2002 until 5:30 p.m. September 22, 2002.

FOR FURTHER INFORMATION CONTACT: Petty Officer Austin Murai, U.S. Coast Guard Marine Safety Office San Diego, San Diego, California; Telephone: (619) 683–6495.

SUPPLEMENTARY INFORMATION: The Coast Guard is implementing a permanent special local regulation in 33 CFR 100.1101, for a marine event. The following special local regulation will be enforced in the month of September:

Thunderboat Regatta. This special local regulation will be enforced from 7:30 a.m. on September 20, 2002 until 5:30 p.m. on September 22, 2002.

These special local regulations permit Coast Guard control of vessel traffic in order to ensure the safety of spectator and participant vessels. In accordance with the regulations in 33 CFR 100.1101, all persons and/or vessels not registered with the sponsor as participants or official patrol vessels are considered spectators. The ''official patrol'' consists of any Coast Guard, public, state or local law enforcement and sponsor-provided vessels assigned or approved, by Commander, Eleventh Coast Guard District to patrol each event. No spectators shall anchor, block, loiter in, or impede the through transit of participants or official patrol vessels in the regulated area during the effective dates and times, unless cleared for such entry by or through an official patrol vessel. When hailed or signaled by an official patrol vessel, a spectator must come to an immediate stop. Vessels must comply with all directions given, failure to do so may result in a citation.

Dated: July 31, 2002.

T.S. Sullivan,

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

[FR Doc. 02–20953 Filed 8–16–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD05–02–058]

Special Local Regulations for Marine Events; Patapsco River, Baltimore, Maryland

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation of regulation.

SUMMARY: The Coast Guard is implementing the special local regulations at 33 CFR 100.515 during the Defender's Day fireworks display to be held September 14, 2002, over the waters of the Patapsco River at Baltimore, Maryland. These special local regulations are necessary to control vessel traffic due to the confined nature of the waterway and expected vessel congestion during the fireworks display. The effect will be to restrict general navigation in the regulated area for the safety of spectators and vessels transiting the event area.

EFFECTIVE DATES: 33 CFR 100.515 is effective from 5:30 p.m. to 11 p.m. on September 14, 2002.

FOR FURTHER INFORMATION CONTACT: Ronald Houck, Marine Information Specialist, Commander, Coast Guard Activities Baltimore, 2401 Hawkins Point Road, Baltimore, MD 21226–1971, at (410) 576–2674.

SUPPLEMENTARY INFORMATION: The City of Baltimore will sponsor the Defender's Day fireworks display on September 14, 2002 over the waters of the Patapsco River, Baltimore, Maryland. The fireworks display will be launched from a barge positioned within the regulated area. A fleet of spectator vessels is expected to gather nearby to view the aerial display. In order to ensure the safety of spectators and transiting vessels, 33 CFR 100.515 will be in effect for the duration of the event. Under provisions of 33 CFR 100.515, a vessel may not enter the regulated area unless it receives permission from the Coast Guard Patrol Commander. Spectator vessels may anchor outside the regulated area but may not block a navigable channel.

In addition to this notice, the maritime community will be provided extensive advance notification via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly.

Dated: August 8, 2002.

A.E. Brooks,

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

[FR Doc. 02–21026 Filed 8–16–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 160

[USCG–2001–8659]

RIN 2115–AG06

Notification of Arrival: Addition of Charterer to Required Information

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard amends its advance notification requirements in the Notification of Arrival regulations for vessels bound for ports or places in the United States. In addition to the

information already required by these regulations, this rule will require the owner, master, operator, agent, or person in charge of the vessel to identify the charterer of their vessel. The addition of the charterer information will allow us to better identify charterers associated with substandard vessels.

DATES: This final rule is effective September 18, 2002, except for §§ 160.T208(c)(15)(iv) and (c)(16) and 160.T212(b)(20), which are effective September 18, 2002, through September 30, 2002.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2001–8659 and are available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at *http://dms.dot.gov*.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call Project Manager Michael Jendrossek, U.S. Coast Guard, Office of Vessel and Facility, Operating and Environmental Standards Division (G-MSO), telephone 202–267–0836. If you have questions on viewing the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–5149.

SUPPLEMENTARY INFORMATION:

Regulatory History

On August 18, 2000, we published a notice of request for comment entitled ''Notification of Arrival: Addition of Charterer or Cargo Owner to Required Information'' (65 FR 50481). The notice sought to enhance the Coast Guard's understanding of the role of charterers and cargo owners in influencing the quality of shipping. We received 16 comments, which were summarized in a notice of proposed rulemaking (NPRM) (66 FR 21710, May 1, 2001). The NPRM proposed including the charterer information, but not the cargo owner information. After publication of the NPRM, we received 10 letters containing 21 comments on the proposed rule. No public hearing was requested and none was held.

Background and Purpose

The Coast Guard initiated the Port State Control program in April 1994 because of concerns raised over the steady increase in the number of substandard non-U.S. flagged vessels visiting U.S. waters. The program's goal is the elimination of substandard vessels from U.S. waters. To meet this goal, we developed a risk-based targeting matrix that evaluated a foreign vessel's Flag State, owner, operator, classification society, vessel type, and its compliance history. The matrix allowed limited Coast Guard resources to be directed to those vessels that posed the greatest risk to safety and the environment. The matrix's basis is derived from information obtained as part of a vessel's notification of arrival, required by 33 CFR part 160, subpart C. The Captain of the Port (COTP) uses the matrix as a tool to score each arriving foreign vessel. The COTP then prioritizes boardings based on each vessel's score. If a vessel is determined to be substandard, it is detained until the deficiencies are corrected. Although the number of detentions of substandard vessels fell from 547 in 1997 to 193 in 2000, there are still too many substandard vessels calling on U.S. ports.

The Coast Guard knows that many companies chartering vessels to move their cargo go to great lengths to ensure that the vessels they charter are sound and pose minimal risks. In other cases, individuals or corporations select a vessel based solely on the cost of chartering the vessel, foregoing any examination of the vessel's condition, safety, and casualty history. It is the Coast Guard's opinion these two scenarios demonstrate the value of collecting the arriving vessel's charterer as one more factor in the Port State Control matrix.

Discussion of Comments and Changes

We received 10 comment letters containing 21 comments in response to the NPRM (66 FR 21710, May 1, 2001) and our proposed amendments to the advance notification requirements in 33 CFR part 160, subpart C.

We received four comments supporting the rule. Of those, two commenters stated publishing a list of substandard vessels could enhance vessel compliance with safety and pollution standards by deterring the chartering of substandard vessels. One indicated the rule would improve the Port State Control initiative by bringing greater transparency to the Coast Guard's ability to target specific vessels for inspections. One stated the rule would allow the Coast Guard to build a database to properly assess if some companies are frequently associated with chartering substandard vessels.

We received four comments addressing ownership differences. One asked if the rule would regulate time charterers, voyage charterers, or both. The commenter said charterers are not normally responsible for, and have no direct control over the condition of vessels that they charter. According to the commenter, changing the regulation will not help the Coast Guard ensure vessels are operated safely. We disagree. The rule will apply to all charterers that are responsible for chartering the majority of a vessel's cargo carrying capacity. When a charterer is contracting for the services of a vessel to carry goods, that individual or organization has the greatest amount of control in selecting a vessel in suitable condition to make a voyage to the United States. For example, if the vessel is substandard, the charterer can opt to not enter into a charterer agreement.

We received three comments addressing the definition of ''charterer'', with two asking for a clarification in defining the term. Of those, one stated the definition could create confusion and uncertainty in determining the type of charterer. One comment said only the ''head charterer'' should be listed because that would identify the most important ''charterer'' and reduce the complication of listing every ''charterer''. We agree with the comment's intent. We have modified the language to alleviate any confusion as to whose identity we are seeking. The Coast Guard is requiring only the identity of the individual or organization that contracts for the majority of a vessel's cargo carrying capacity. The person or organization that contracts for this amount of space has control over vessel selection and, therefore, the condition of the vessel they choose to hire. It is not our intent to capture minor space charterers who are not involved in vessel selection. We also added explicit reference to the ''types'' of charters that are subject to this change.

We received two comments in support of not collecting information on cargo owners, which were included in our August 2000 request for comments. Both agreed that the frequent changes in ownership of given cargo would overly complicate the reporting effort. In response to our request for comments, we received numerous negative comments opposed to the collection of cargo owner information. Based on these responses, we elected not to propose collecting cargo owner information in the NPRM, or in this final rule.

We received two comments that stated the charterer of a vessel is

generally considered confidential and commercial proprietary information. Of those, one stated publishing a list of charterers associated with detentions would not improve compliance, but instead hurt sensitive marketplaces such as the Great Lakes and that the marketplace will detract a charterer from substandard vessel usage instead of forcing better compliance. The Coast Guard disagrees. Anyone involved in the selection and chartering of a vessel to carry cargo to the United States is subject to analysis to determine if their business practices pose an environmental threat. Additionally, the charterer information is being provided to the government, not to the public. Any subsequent release to the public, under the Freedom of Information Act (FOIA), for example, would be analyzed to ensure no actual proprietary information is released.

One commenter addressed applicability involving certain vessel operations. The commenter stated vessels conducting operations, such as drilling or construction on the Outer Continental Shelf (OCS), do not have a ''charterer'' under the rule's definition. The commenter also said each vessel arriving at an OCS facility is contracted for its crew and services by a ''lessee'' or ''permitee'', not for its capacity to transport cargo to a port. In cases involving vessels that do not have charterers in accordance with the definition of this subpart, a vessel need only provide all other pre-arrival notification information.

One commenter asked that bareboat chartering agreements not fall under the definition of ''charterer'' because it is already included in the existing Notification of Arrival requirements. The commenter stated under bareboat agreements, the charterer is the ''legal and de facto operator.'' We agree. Bareboat, or demise charterer agreements are not part of the ''charterer'' definition in this subpart. Bareboat and demise charterers are further discussed in 46 CFR 169.107, amended by final rule, published in the **Federal Register** on May 15, 2002 (67 FR 34756).

One commenter indicated that time and voyage charterers should be considered ''charterers'' as part of the Notification of Arrival requirements because those agreements are comparable to ''single charterer—single vessel—single cargo'' scenarios. We agree with the comment's intent. The purpose of this rulemaking is to identify the single entity responsible for selecting a vessel for a particular voyage. Thus, we are looking to capture charterer information for the type of agreement described by the commenter.

One commenter said the definition is too broad and would create multiple ''charterers'' among liner carriers who are sharing space on the same voyage. The commenter stated the Coast Guard should only be interested in ''the carrier directly responsible for the mechanical operation of the specific vessel arriving in a U.S. port.'' We agree. Our definition of charterer, provided in § 160.203, captures the individual (or corporation) who charters for the majority of a vessel's cargo capacity. Thus, anyone chartering less than the majority would not be included in this rule. If, however, one individual contracts for a majority of the vessel and then subcharters the vessel's available cargo space, the original contractor is the charterer we want to identify.

One commenter indicated adding the charterer's name would be a potential problem and could do more harm than good, but did not go into specifics. Without more information regarding the problem mentioned by the commenter, we are unable to give a specific response. The Coast Guard reiterates its belief that collecting charterer information will increase the effectiveness of the Port State Control matrix.

One commenter asked the Coast Guard to look into the duplication of reporting requirements in regard to mobile offshore drilling units (MODUs). The commenter recommended we add language to the rule to this effect: if your vessel meets the requirements of 33 CFR 146.202, you are also in compliance with 33 CFR part 160. We disagree. The reporting requirements contained in 33 CFR 146.202 are specifically for operations on the Outer Continental Shelf and do not apply to arrival and departure from ports within the United States.

One commenter stated the Coast Guard is seeking information on the majority of a vessel's cargo capacity instead of the individual goods being delivered to a port. The commenter said the rule would not stop charterers from seeking substandard vessels to reduce their transportation cost. We disagree. We are seeking information on the individual or organization that contracts for the majority of a vessel's cargo carrying capacity. It is our contention that this individual or organization has the power of vessel selection in the process and, therefore, can exercise the option of choosing a vessel that is not substandard.

One commenter said the Coast Guard's Port State Control matrix has been successful in identifying substandard vessels and has reduced accidents and pollution, but identifying the charterer for every vessel is unnecessary. We disagree. Collecting charterer information will enhance our ability to utilize limited resources to enforce our Port State Control program more effectively.

One commenter supports the temporary collection of charterer information stating the collection should be for at least one year and only for internal use by the Coast Guard. The commenter stated there should be a clear connection between the requirement and the desired result. The commenter also said that the rule would not help the Coast Guard in identifying substandard vessels. We disagree. The object of the program is to identify charterers that continually use substandard vessels to carry cargo. When scored according to their history, charterers that fit into the high-risk category will have their vessels targeted for boarding.

One commenter asked that the Great Lakes be considered separately in regard to this rule. According to the commenter, more than 80 percent of the vessels using the Great Lakes Waterway system are already known by the Marine Safety Office Buffalo and the Saint Lawrence Seaway agencies, who would know what vessels throw up a ''red flag'' because of the vessels' regular use of the Lakes. We disagree. This rule seeks information on charterers, not vessels. The Coast Guard is adding an important element, the charterer, to the targeting matrix. This additional information will allow the Coast Guard to further utilize its limited resources in the most judicious manner.

One commenter stated a charterer should not be responsible or liable for the conditions over which they have no control. The commenter added that voyage charterers, in particular, have little or no role in a vessel's compliance with the international standards. With the Great Lakes being a small system, the commenter indicates enhancing the PSC matrix would be unnecessary. We disagree. When an individual or organization seeks to charter a vessel for the purpose of carrying cargo to the United States, they have the option of ensuring that the vessel they charter is in suitable condition to be in compliance with all U.S. laws and international accords.

Discussion of Final Rule

In our August, 2000, NPRM for this rulemaking, we proposed amending the permanent requirements in 33 CFR part 160. On October 4, 2001, however, the Coast Guard published a temporary final

rule entitled, ''Temporary Requirements for Notification of Arrival in U.S. Ports'' (66 FR 50565). That temporary rule suspended the majority of the sections we had proposed amending and added temporary sections in their place. That temporary rule was amended on November 19, 2001, and January 18, 2002 (66 FR 57877; 67 FR 2571) and on May 30, 2002, was extended until September 30, 2002 (67 FR 37682). On June 19, 2002, the Coast Guard published an NPRM (67 FR 41659) proposing to make permanent changes to the notice of arrival requirements. Then on July 23, 2002, we proposed an additional extension of the temporary rule (67 FR 48073). The temporary rule, therefore, could be effective until the permanent changes are published, perhaps until March 31, 2003. We have decided, therefore, to make the changes to the currently effective ''temporary'' sections in 33 CFR part 160 instead of to the suspended permanent sections, as proposed in our NPRM. The changes made by this rule will then be incorporated into the permanent sections in 33 CFR part 160 when those revisions are completed.

With this final rule allowing the Coast Guard to enforce the new requirement for charterer information, we also recognize that the various names used for different charterer scenarios adds to some of the confusion regarding this requirement. In order to clarify this rulemaking, we added definitions for time and voyage charters into the regulations, and we offer the following explanations of various types of charterers:

- *Time Charterer.* The party who hires a vessel for a specific amount of time. The owner and his crew manage the vessel, but the charterer selects the ports of destination.
- *Voyage Charterer.* The party who hires a vessel for a single voyage. The owner and his crew manage the vessel, but the charterer selects the ports of destination.
- *Demise Charterer.* A legally binding document for a term of one year or more under which, for the period of the charter, the party who leases or charters the vessel, known as the bareboat or demise charterer, assumes legal responsibility for all of the levels of ownership, including insuring, manning, supplying, repairing, fueling, maintaining, and operating the vessel. The term ''bareboat or demise charterer'' is synonymous with ''owner pro hac vice''. This information is captured through the submission of the owner/operator information for the Advance Notice of Arrival.

Regulatory Evaluation

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

The regulatory baseline for this final rule is the existing requirements in 33 CFR part 160. On October 4, 2001, the Coast Guard published a temporary final rule entitled, ''Temporary Requirements for Notification of Arrival in U.S. Ports'' (66 FR 50565). The temporary final rule suspended the sections of which this rulemaking amends until September 30, 2002. Also, on May 30, 2002, the Coast Guard published an NPRM (67 FR 37682) proposing to amend the suspended sections by making permanent the provisions of the temporary final rule.

The population of vessels affected by the final rule will also be modified by a notice of proposed rulemaking (NPRM) entitled ''Notification of Arrival in U.S. Ports'' published in the **Federal Register** on June 19, 2002 (67 FR 41659), which proposes to further amend requirements for the Notification of Arrival. The proposed rule removed reporting exemptions for vessels under the Automated Mutual Assistance Vessel Rescue System (AMVER), certain vessels operating solely on the Great Lakes, and vessels operating on a regularly scheduled route. The evaluation for this final rule considers the cost for submitting the charterer information for this new population of vessels.

The cost of the final rule to industry is presented in Table 1. The estimate of the number of arrivals is based on average annual arrivals for 1998 and 1999. The ''Non-AMVER/Non-Great Lakes'' number of arrivals is for those non-exempt vessels covered by existing Notification of Arrival requirements in 33 CFR part 160 and were included in the evaluation of the proposed rule for charterers. The AMVER and Great Lakes number of arrivals is the new population of vessels that would be required to submit Notifications of Arrival under the proposed rule published on June 19, 2002. These vessels would also be required to complete the information on vessel charterer under this final rule. We estimate that including the information for the charterer will require 1 minute (0.017 hours) to complete on the Notification of Arrival form, at a cost of $43 per hour.

TABLE 1.—ANNUAL COST AND BENEFIT OF THE PROPOSED RULE (2002 DOLLARS)

NOA report	Arrivals	Cost per arrival	Annual cost
Non-AMVER/Non-Great Lakes	63,286	$0.72	$45,566
AMVER	4,040	0.72	2,909
Great Lakes	813	0.72	585
Totals	68,139	.....	$49,060

Detail may not calculate to total due to independent rounding.

As shown, this rule is estimated to cost approximately $50,000 annually. Under the proposed rule for ''Notification of Arrival in U.S. Ports'' published June 19, 2002, vessel owners and operators could now consolidate multiple arrivals in U.S. ports in a single Notification of Arrival (where previously they could not). Consequently, the number of arrivals presented in Table 1 may overstate the actual number of annual arrivals in U.S. ports that will have individual reports. The arrivals in Table 1, therefore, represent the ''worst-case'' scenario and the costs of the final rule are conservative estimates.

Over the next 10 years, the Present Value (PV) cost of the final rule is $367,697 (2002–2011, 7 percent discount rate, 2002 dollars).

The potential benefits of the final rule are not quantifiable, but include the

following: (1) U.S. waters will experience increased safety; (2) U.S. waters will experience a decrease in damage to property and the environment; (3) the Coast Guard will target substandard vessels traveling U.S. waters that pose safety and environmental risks; (4) the Coast Guard will spend less effort on compliant vessels; (5) the Coast Guard will spend more effort examining previously unboarded vessels; (6) the Coast Guard will have more information on foreign vessels traveling U.S. waters; (7) the Coast Guard and vessel owners will have better understanding of the risks posed by foreign vessels; and (8) the degrees of liability would be clarified.

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 final rule does not include any special provisions for small entities. However, the burden required by this rule is so minimal (only 1 minute per Notification of Arrival) that the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 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.

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 a new 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 collections, 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: Notification of Arrival: Addition of Charterer to Required Information.

Summary of the Collection of Information: This rule amends 33 CFR 160.203, 160.T208, and 160.T212 to include the name of the vessel's charterer as part of the information required for vessels bound for ports or places in the United States. This collection of information will add minimal burden to the information collection described in OMB 2115–0557, Advance Notice of Vessel Arrival and Departure. The new collection of information estimate is based on the current collection, which is accounted for in the temporary rule published October 4, 2001, and the NPRM published June 19, 2002.

Use of Information: The Coast Guard will use the information collected to identify those vessels that pose the highest risks to U.S. waterways and ports, and target those vessels for inspection.

Description of the Respondents: The respondents are vessel crews traveling U.S. waterways and hailing U.S. ports that must report an Advance Notification of Arrival.

Number of Respondents: The existing OMB-approved collection number of respondents is 10,367 (respondents are owners/operators of the vessels calling on U.S. ports annually). This final rule will not increase the number of respondents.

Frequency of Response: Owners/operators of vessels making calls in U.S. ports will submit Notification of Arrival reports as necessary. The existing OMB-approved collection number of responses is 68,139. This final rule will not increase the frequency of response.

Burden of Response: The existing OMB-approved collection burden of response is 74 minutes (1.233 hours) (burden of response is the time required to complete the paperwork requirements of the rule for a single response). This final rule will increase the burden of response by 1 minute (0.017 hours) for a net total of 75 minutes (1.250 hours).

Estimate of Total Annual Burden: The existing OMB-approved collection total annual burden is 174,179 hours (total annual burden is the time required to complete the paperwork requirements of the rule for all responses). This final rule will increase the total annual burden by 1,136 hours for a net total of 175,315 hours.

As required by 44 U.S.C. 3507(d), we submitted a copy of this rule to the Office of Management and Budget (OMB) for its review of the collection of information.

Federalism

We analyzed this rule under Executive Order 13132, Federalism. The existing advance notice of arrival regulation in 33 CFR 160.213, which is issued under Title I of the Ports and Waterways Safety Act, is preemptive of any State rule that would also require the vessel to provide the State, or one of its political subdivisions, advance notice of arrival. (*See, U.S.* v. *Locke,* 529 U.S. 89, 120 S.CT 1135 (2000)). However, the Coast Guard has, in numerous instances, through Memoranda of Agreement with an interested State, cooperated with the States and agreed to provide the information contained in the advance notice of arrival to the States. It will continue to do so.

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not

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

Indian Tribal Governments

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

Energy Effects

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

Environment

We considered the environmental impact of this rule and concluded that, under figure 2–1, paragraph (34)(d), of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation. This rule is a procedural regulation that does not have any environmental impact. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 160

Administrative practice and procedure, Harbors, Hazardous materials transportation, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Vessels, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 160, subpart C as follows:

PART 160—PORTS AND WATERWAYS SAFETY—GENERAL

Subpart C—Notifications of Arrivals, Departures, Hazardous Conditions, and Certain Dangerous Cargoes

1. The authority citation for Part 160 continues to read as follows:

Authority: 33 U.S.C. 1223, 1231; 49 CFR 1.46.

2. In § 160.203, add in alphabetical order the definitions for ''Charterer'', ''Time Charterer'' and ''Voyage Charterer'' to read as follows:

§ 160.203 Definitions.

* * * * *

Charterer means the person or organization that contracts for the majority of the carrying capacity of a ship for the transportation of cargo to a stated port for a specified period. This includes ''time charterers'' and ''voyage charterers''.

* * * * *

Time charterer means the party who hires a vessel for a specific amount of time. The owner and his crew manage the vessel, but the charterer selects the ports of destination.

Voyage charterer means the party who hires a vessel for a single voyage. The owner and his crew manage the vessel, but the charterer selects the ports of destination.

3. In § 160.T208, which was added at 66 FR 50565, October 4, 2001, effective October 4, 2001, until June 15, 2002, and amended by 66 FR 57877, November 19, 2001, and by 67 FR 2571, January 18, 2002, and extended in effect until September 30, 2002, by 67 FR 37682, May 30, 2002, revise paragraph (c)(15)(iv) and add new paragraph (c)(16) to read as follows:

§ 160.T208 Notice of arrival: Vessels bound for ports or places in the United States.

* * * * *

(c) * * *

(15) * * *

(iv) Passport number; and

(16) Name of the vessel's charterer.

* * * * *

4. In § 160.T212, which was added at 66 FR 50565, October 4, 2001, effective October 4, 2001, until June 15, 2002, amended by 66 FR 57877, November 19, 2001, and extended in effect until September 30, 2002, by 67 FR 37682, May 30, 2002, add new paragraph (b)(20) to read as follows:

§ 160.T212 Notice of arrival: Vessels carrying certain dangerous cargo.

* * * * *

(b) * * *

(20) Name of the vessel's charterer;

* * * * *

Dated: August 13, 2002.

J.P. Brusseau,

Acting Assistant Commandant for Marine Safety, Security and Environmental Protection.

[FR Doc. 02–20954 Filed 8–16–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 161 and 167

[USCG–2001–10254]

RIN 2115–AG20

Traffic Separation Scheme: In Prince William Sound, AK

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending the existing Traffic Separation Scheme (TSS) in Prince William Sound, Alaska. The amendments were adopted by the International Maritime Organization and validated by a recent Port Access Route Study (PARS). These amendments provide straight traffic lanes between the Bligh Reef Pilot Station and Cape Hinchinbrook and reduce risk for vessels operating in the area.

DATES: This final rule is effective September 18, 2002.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2001–10254 and are available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: If you have questions on this final rule, call LT Keith Ropella, U.S. Coast Guard Marine Safety Office, Valdez, AK, telephone 907–835–7209, e-mail KRopella@cgalaska.uscg.mil; or George Detweiler, Coast Guard, Office of Vessel Traffic Management (G–MWV), telephone 202–267–0574, e-mail *GDetweiler@comdt.uscg.mil.* If you have questions on viewing the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–5149.

SUPPLEMENTARY INFORMATION:

Regulatory History

On February 6, 2001, we published a notice of proposed rulemaking (NPRM) entitled ''Traffic Separation Scheme: In Prince William Sound, Alaska'' in the **Federal Register** (67 FR 5538). We received no letters commenting on the proposed rule. No public hearing was requested and none was held.

Background and Purpose

The Prince William Sound (Alaska) Traffic Separation Scheme (TSS) is an internationally recognized routing measure used to minimize the risk of collision by separating vessels, through traffic lanes, into opposing streams of traffic. The original TSS in Prince William Sound ran from the vicinity of Cape Hinchinbrook through Prince William Sound and into the Valdez Arm (the entrance to Port Valdez). The International Maritime Organization (IMO) adopted this TSS in 1992. It is reflected on National Oceanic and Atmospheric Administration (NOAA) nautical chart 16700 and in ''Ships Routeing,'' Seventh Edition 1999, International Maritime Organization.

On August 26, 1999, we published the results of a study in the **Federal Register** (64 FR 4662), which concluded that modifications to the original TSS were needed to improve vessel traffic management and safety and to reduce the risk of drift groundings.

Discussion of the Rule

This rule amends the original TSS in Prince William Sound by adopting the following amendments, as implemented by IMO on June 1, 2001:

1. Establishing a precautionary area southeast of Cape Hinchinbrook at the entrance to Prince William Sound.
2. Straightening the Prince William Sound portion of the TSS to eliminate a course change.
3. Establishing a precautionary area at the Bligh Reef Pilot Station. This precautionary area divides the present TSS into two separate traffic separation schemes—a Prince William Sound traffic separation scheme and a Valdez Arm traffic separation scheme. The new Valdez Arm TSS is slightly wider than the Valdez Arm portion of the original TSS.

Since IMO has already adopted and implemented the proposed traffic separation schemes and precautionary areas in its ''Ships'' Routeing Guide,'' this rule aligns title 33, part 167, of the Code of Federal Regulations (CFR) with that guide.

Discussion of Changes Since the NPRM

We have made one change, a minor one, to the proposed regulatory text presented in the NPRM. This change should have no impact on the mariner, other than to avoid confusion, and is explained as follows.

In § 160.60(b) of the NPRM, we proposed to enlarge the Valdez Narrows Vessel Traffic Service (VTS) Special Area to include the portion of the TSS located in the Valdez Arm. This would have given the Commanding Officer of the VTS the authority to direct vessels into the separation zone if, for example, the traffic lanes became partially blocked by ice from the Columbia Glacier. Enlarging the Valdez Narrows VTS Special Area as proposed also meant that the existing regulations for the current special area would apply to the newly included geographic area. We re-analyzed this proposal and determined that the regulations for the Valdez Narrows VTS Special Area are not appropriate for the new, enlarged special area. Were we to make the regulations applicable to this new, enlarged area, we might confuse the mariner transiting to and from the Port of Valdez. Therefore, instead of enlarging the existing Valdez Narrows VTS Special Area, we have decided to create a separate Valdez Arm VTS Special Area. (*See* new § 161.60(b) in this final rule.) The geographic area encompassed by the two separate VTS Special Areas is identical to that of the enlarged Valdez Narrows VTS Special Area originally proposed in the NPRM. Mariners who transit to and from the Port of Valdez are very familiar with the Valdez Narrows VTS Special Area as it exists today. Leaving it as it is and creating a new Valdez Arm VTS Special Area will have no substantive effect on the mariner, other than to avoid confusion. In fact, the new regulation will be transparent to the mariners as they transit to and from the Port of Valdez.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The costs and benefits of this rule are summarized below:

Costs

Vessel operators would incur the minimal cost of plotting new coordinates on their existing charts or purchasing updated charts when available.

Benefits

The amendments to the TSS in Prince William Sound, Alaska, will increase the margin of safety for all vessels accessing the Port of Valdez. The new Precautionary Areas and amended traffic lanes will decrease the chance of collisions, allisions, and drift groundings were a vessel to become disabled. Vessels transiting the Prince William Sound TSS should experience cost savings through decreased operational costs, because the new transit lanes in the Sound are shorter.

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.

This rule will have a reduced economic impact on vessels operated by small entities. The rule amends an existing TSS. This action improves safety for commercial vessels using the TSS by reducing the risk of collisions, allisions, and drift groundings. Vessels that tend to use the TSS's are commercial vessels, such as tankers. These vessels are usually large and capable of operating in an offshore environment. Vessels voluntarily transiting the TSS will transit 1.5 to 2.5 nautical miles fewer per trip. The reduced transit distance results in decreased vessel operating costs, which would positively affect the overall cost of the complete voyage.

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

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), 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. If this rule affects your small business, organization, or governmental

jurisdiction and you have questions concerning its provisions or options for compliance, please consult George Detweiler, Coast Guard, Marine Transportation Specialist, at 202–267–0574.

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

Collection of Information

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

Federalism

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

Title I of the Ports and Waterways Safety Act (33 U.S.C. 1221 *et. seq.*) (PWSA) authorizes the Secretary to promulgate regulations to designate and amend traffic separation schemes (TSS's) to protect the marine environment. In enacting PWSA in 1972, Congress found that advance planning and consultation with the affected States and other stakeholders was necessary in the development and implementation of a TSS. Throughout the development of the TSS in Prince William Sound, we consulted with the Valdez Marine Operators Committee (VMOC), the affected State and Federal pilot's associations, vessel operators, users, and all affected stakeholders. The VMOC includes individuals who represent the interests of local commercial shipping and industry, as well as members from the Regional Citizens Advisory Council, and the State of Alaska. The VMOC was an active participant in various meetings with the Coast Guard and has contributed to this rulemaking.

Presently, there are no Alaska State laws or regulations concerning the same subjects as are contained in this proposed rule. We understand that the State does not contemplate issuing any such rules. However, it should be noted, that by virtue of the PWSA authority, the TSS in this rule will preempt any state rule on the same subject.

In order to be applicable to foreign flag vessels on the high seas, TSS's must be submitted to, approved by, and implemented by IMO. The Coast Guard is the principal United States agency responsible for advancing the interests of the United States at IMO. In this role, we work with all interested parties to advance the goals of this TSS to make Prince William Sound more safe and environmentally secure.

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

Taking of Private Property

This 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 would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

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

Energy Effects

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

Environment

We have considered the environmental impact of this rule and concluded that, under figure 2–1, paragraph (34)(i), of Commandant Instruction M16475.lD, this rule is categorically excluded from further environmental documentation. This rule adjusts an existing traffic separation scheme. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES**.

List of Subjects

33 CFR Part 161

Harbors, Navigation (water), Reporting and recordkeeping requirements, Vessels, and Waterways.

33 CFR Part 167

Harbors, Marine safety, Navigation (water), and Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR parts 161 and 167 as follows:

PART 161—VESSEL TRAFFIC MANAGEMENT

1. The authority citation for part 161 continues to read as follows:

Authority: 33 U.S.C. 1221; 33 U.S.C. 1223; 49 CFR 1.46.

2. In § 161.60, redesignate paragraphs (b) through (d) as paragraphs (c) through (e), respectively, and add a new paragraph (b) to read as follows:

§ 161.60 Vessel Traffic Service Prince William Sound.

* * * * *

(b) The Valdez Arm VTS Special Area consists of the waters of the Valdez Arm Traffic Separation Scheme (described in § 167.1703 of this chapter); the waters northeast of a line drawn from shoreline to shoreline through the points 60°58.04′N, 146°46.52′W and

60°58.93′N, 146°48.86′W; and southwest of a line bearing 307° True from Tongue Point at 61°02.10′N, 146°40.00′W.

* * * * *

PART 167—OFFSHORE TRAFFIC SEPARATION SCHEMES

3. The authority citation for part 167 continues to read as follows:

Authority: 33 U.S.C. 1223; 49 CFR 1.46.

4. Add §§ 167.1700 through 167.1703 to read as follows:

§ 167.1700 In Prince William Sound: General.

The Prince William Sound Traffic Separation Scheme consists of four parts: Prince William Sound Traffic Separation Scheme, Valdez Arm Traffic Separation Scheme, and two precautionary areas. These parts are described in §§ 167.1701 through 167.1703. The geographic coordinates in §§ 167.1701 through 167.1703 are defined using North American Datum 1983 (NAD 83).

§ 167.1701 In Prince William Sound: Precautionary areas.

(a) *Cape Hinchinbrook.* A precautionary area is established and is bounded by a line connecting the following geographical positions:

Latitude	Longitude
60°20.59′N	146°48.18′W
60°12.67′N	146°40.43′W
60°11.01′N	146°28.65′W
60°05.47′N	146°00.01′W
60°00.81′N	146°03.53′W
60°05.44′N	146°27.58′W
59°51.80′N	146°37.51′W
59°53.52′N	146°46.84′W
60°07.76′N	146°36.24′W
60°11.51′N	146°46.64′W
60°20.60′N	146°54.31′W

(b) *Bligh Reef.* A precautionary area is established of radius 1.5 miles centered at geographical position 60°49.63′N, 147°01.33′W.

(c) *Pilot boarding area.* A pilot boarding area located near the center of the Bligh Reef precautionary area is established. Regulations for vessels operating in these areas are in § 165.1109(d) of this chapter.

§ 167.1702 In Prince William Sound: Prince William Sound Traffic Separation Scheme.

The Prince William Sound Traffic Separation Scheme consists of the following:

(a) A separation zone bounded by a line connecting the following geographical positions:

Latitude	Longitude
60°20.77′N	146°52.31′W
60°48.12′N	147°01.78′W
60°48.29′N	146°59.77′W
60°20.93′N	146°50.32′W

(b) A traffic lane for northbound traffic between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
60°20.59′N	146°48.18′W
60°49.49′N	146°58.19′W

(c) A traffic lane for southbound traffic between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
60°49.10′N	147°04.19′W
60°20.60′N	146°54.31′W

§ 167.1703 In Prince William Sound: Valdez Arm Traffic Separation Scheme.

The Valdez Arm Traffic Separation Scheme consists of the following:

(a) A separation zone bounded by a line connecting the following geographical positions:

Latitude	Longitude
60°51.08′N	147°00.33′W
60°58.60′N	146°48.10′W
60°58.30′N	146°47.10′W
60°50.45′N	146°58.75′W

(b) A traffic lane for northbound traffic between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
60°49.39′N	146°58.19′W
60°58.04′N	146°46.52′W

(c) A traffic lane for southbound traffic between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
60°58.93′N	146°48.86′W
60°50.61′N	147°03.60′W

Dated: July 26, 2002.

Paul J. Pluta,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety, Security and Environmental Protection.

[FR Doc. 02–21031 Filed 8–16–02; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 19 and 27

[FRL–7261–5]

Civil Monetary Penalty Inflation Adjustment Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Because EPA received adverse comment, we are withdrawing the direct final rule amending the final Civil Monetary Penalty Inflation Adjustment Rule, which was mandated by the Debt Collection Improvement Act of 1996. That legislation required federal agencies to adjust civil monetary penalties for inflation on a periodic basis. EPA published the direct final rule on June 18, 2002 (67 FR 41343). We stated in the direct final rule that if we received adverse comment by July 18, 2002, we would publish a timely notice of withdrawal in the **Federal Register**. We subsequently received one adverse comment on the direct final rule. We will address that comment in a subsequent final action based on the parallel proposal also published on June 18, 2002 (67 FR 41363). As stated in the parallel proposal, we will not institute a second comment period on this action.

DATES: As of August 19, 2002, EPA withdraws the direct final rule published at 67 FR 41343, on June 18, 2002.

FOR FURTHER INFORMATION CONTACT: David Abdalla, Office of Regulatory Enforcement, Multimedia Enforcement Division, Mail Code 2248A, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, (202) 564–2413.

Dated: August 13, 2002.

John Peter Suarez,

Assistant Administrator, Office of Enforcement and Compliance Assurance, Environmental Protection Agency.

[FR Doc. 02–20986 Filed 8–16–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY (EPA)

40 CFR Part 281

[FRL–7261–9]

Nebraska; Final Approval of State Underground Storage Tank Program

AGENCY: Environmental Protection Agency.

ACTION: Final rule; final determination on application of State of Nebraska for final approval.

SUMMARY: The State of Nebraska has applied for final approval of its underground storage tank (UST) program under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Nebraska's application and has reached a final determination that Nebraska's underground storage tank program satisfies all of the requirements necessary to qualify for final approval. Thus, EPA is granting final approval to the State of Nebraska to operate its program.

EFFECTIVE DATE: Final approval for Nebraska shall be effective September 18, 2002.

FOR FURTHER INFORMATION CONTACT: Linda Garwood, EPA Region 7, ARTD/USTB, 901 North 5th Street, Kansas City, Kansas 66101, (913) 551–7268.

SUPPLEMENTARY INFORMATION:

A. Background

Subtitle I of the Resource Conservation and Recovery Act (RCRA), as amended, requires that the EPA develop standards for Underground Storage Tanks (UST) systems as may be necessary to protect human health and the environment, and procedures for approving State programs in lieu of the Federal program. EPA promulgated State program approval procedures at 40 CFR part 281. Program approval may be granted by EPA pursuant to RCRA section 9004(b), if the Agency finds that the State program: is ''no less stringent'' than the Federal program for the seven elements set forth at RCRA section 9004(a)(1) through (7); includes the notification requirements of RCRA section 9004(a)(8); and provides for adequate enforcement of compliance with UST standards of RCRA section 9004(a). Note that RCRA sections 9005 (information-gathering) and 9006 (Federal enforcement) by their terms apply even in states with programs approved by EPA under RCRA section 9004. Thus, the Agency retains its authority under RCRA sections 9005 and 9006, 42 U.S.C. 6991d and 6991e, and other applicable statutory and regulatory provisions to undertake inspections and enforcement actions in approved states. With respect to such an enforcement action, the Agency will rely on Federal sanctions, Federal inspection authorities, and Federal procedures rather than the state authorized analogues to these provisions.

B. State of Nebraska

The UST program in Nebraska is implemented jointly by the Nebraska Department of Environmental Quality (NDEQ) and the Nebraska State Fire Marshal (NSFM). Section 81–15, 118 of the Nebraska Revised Statutes (N.R.S.) designates NDEQ as the lead agency for the UST program, but specifies that NSFM will conduct preventative activities under an interagency agreement with NDEQ.

The State of Nebraska initially submitted a state program approval application to EPA by letter dated December 15, 2000. Additional information was provided by Nebraska on March 21, 2001. EPA evaluated that information as well as other issues and determined the application package met all requirements for a complete program application. On December 5, 2001, EPA notified Nebraska that the application package was complete.

The Nebraska program provides for regulation of both petroleum and hazardous substance tanks. Nebraska also regulates UST systems used to store fuel solely for use by emergency power generators, regulates certain USTs used to store heating oil, regulates any tank used for consumptive on-site purposes and not for resale, requires registration of permanently abandoned systems, regulates above ground storage tanks for those tanks to be eligible for reimbursement from the state cleanup fund, imposes licensing and certification requirements on tank installation and removal contractors, licenses and imposes a remedial action fee on certain refiners and suppliers, and requires any person who deposits regulated substances in a tank to make certain notifications to owners and operators of UST systems, and subjects UST systems previously closed between December 22, 1988 and January 1, 1989 to being directed to close in accordance with the state closure requirements. However, these parts of the Nebraska program are broader in scope than the Federal program and are not included in this final approval. Additionally, the Nebraska program is not as broad as the federal program because Nebraska does not regulate tank systems installed between December 22, 1988 and January 1, 1989 as new tank systems. However, for tank systems installed within this 9-day window, through the Nebraska and EPA Memorandum of Agreement included in the State Program Approval application, EPA has agreed to assume all related enforcement responsibilities.

On March 7, 2002, EPA published a tentative decision announcing its intent to grant Nebraska final approval. Further background on the tentative decision to grant approval is available by contacting Linda Garwood, EPA Region 7, ARTD/USTB, 901 North 5th Street, Kansas City, Kansas 66101, (913) 551–7268.

Along with the tentative determination, EPA announced the opportunity for public comment. Also, EPA provided notice that a public hearing would be provided but only if significant public interest on substantive issues was shown. EPA did not receive any significant comments and no public hearing was held.

C. Decision

I conclude that the State of Nebraska's application for final approval meets all the statutory and regulatory requirements established by Subtitle I of RCRA. Accordingly, Nebraska is granted final approval to operate its UST program. The State of Nebraska now has the responsibility for managing all regulated UST facilities within its borders and carrying out all aspects of the UST program, except with regard to Indian lands, where EPA will retain and otherwise exercise regulatory authority. Nebraska also has primary enforcement responsibility, for the UST's it regulates, although EPA retains the right to conduct inspections under Section 9005 of RCRA, 42 U.S.C. 6991d, and to take enforcement actions under Section 9006 of RCRA, 42 U.S.C. 6991e.

Administrative Requirements

The Office of Management and Budget (OMB) has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993), and therefore this action is not subject to review by OMB. This action authorizes State requirements for the purpose of RCRA 9004 and imposes no additional requirements beyond those imposed by State law. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action authorizes pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). For the same reason, this action does not have tribal implications within the meaning of Executive Order 13175 (65 FR 67249, November 6, 2000). It does not have substantial direct effects on tribal governments, on the relationship

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

Under RCRA 9004, EPA grants approval of a State's program as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State program application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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

List of Subjects in 40 CFR Part 281

Environmental protection, Administrative practice and procedure, Hazardous materials, State program approval, Underground storage tanks.

Authority: This notice is issued under the authority of Section 9004 of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: July 25, 2002.

James B. Gulliford,

Regional Administrator, Region 7.

[FR Doc. 02–20987 Filed 8–16–02; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA–P–7614]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, (FEMA).

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the Base (1-percent-annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

DATES: These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Map(s) in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Administrator for Federal Insurance and Mitigation Administration reconsider the changes. The modified BFEs may be changed during the 90-day period.

ADDRESSES: The modified 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, 500 C Street, SW., Washington, DC 20472, (202) 646–3461 or (e-mail) *matt.miller@fema.gov.*

SUPPLEMENTARY INFORMATION: The modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These 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.

The changes in BFEs are in accordance with 44 CFR 65.4.

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 Administrator for Federal Insurance and Mitigation

Administration certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This interim 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 rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and record keeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for Part 65 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.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arkansas: Pulaski (01–06–1835P).	City of Little Rock.	July 10, 2002; July 17, 2002; *Little Rock Free Press*.	The Honorable Jim Dailey, Mayor, City of Little Rock, 500 West Markham Street, Room 203, Little Rock, Arkansas 72201.	October 16, 2002	050181
Illinois:					
McHenry (01–05–3762P).	Village of Lake In The Hills.	July 2, 2002; July 9, 2002; *The Northwest Herald*.	Mr. Ed Plaza, Village President, 1115 Crystal Lake Road, Lake In The Hills, Illinois 60156.	October 8, 2002	170481
McHenry (01–05–3762P).	Unincorporated Areas.	July 2, 2002; July 9, 2002 *The Northwest Herald*.	Mr. Mike Tryon, Chairperson, McHenry County Board, McHenry County Government Center, 2200 North Seminary Avenue, Woodstock, Illinois 60098.	October 8, 2002	170732
Cook (02–05–2333P).	Village of Palos Park.	July 9, 2002; July 16, 2002; *Daily Southtown*.	The Honorable Jean A. Moran, Mayor, Village of Palos Park, 8999 West 123rd Street, Palos Park, Illinois 60464.	October 15, 2002	170144
Kansas: Sedgwick (00–07–493P).	City of Wichita ...	May 24, 2001; May 31, 2001; *Wichita Eagle*.	The Honorable Bob Knight, Mayor, City of Wichita, 455 North Main Street, 5th Floor, Wichita, Kansas 67202.	August 31, 2001	200328
Ohio:					
Lorain (02–05–0982P).	City of Avon	July 9, 2002; July 16, 2002; *The Morning Journal*.	The Honorable James A. Smith, Mayor, City of Avon, 36080 Chester Road, Avon, Ohio 44011.	June 21, 2002	390348
Franklin (01–05–1827P).	City of Columbus	July 8, 2002; July 15, 2002; *Columbus Dispatch*.	The Honorable Michael B. Coleman, Mayor, City of Columbus, 90 West Broad Street, Columbus, Ohio 43215.	October 14, 2002	390170
Franklin (01–05–1827P).	Unincorporated Areas.	July 8, 2002; July 15, 2002; *Columbus Dispatch*.	The Honorable Arlene Shoemaker, President, Franklin County Board of Commissioners, 373 South High Street, 26th Floor, Columbus, Ohio 43215.	October 14, 2002	390167
Franklin (01–05–1827P).	Village of Groveport.	July 8, 2002; July 15, 2002; *Southwest Messenger*.	Mr. Anthony Bales, Village Administrator, Village of Groveport, Groveport Municipal Building, 655 Blacklick Street, Groveport, Ohio 43125.	October 14, 2002	390174
Butler and Warren (01–05–1645P).	Village of Monroe.	July 3, 2002; July 10, 2002; *Middletown Journal*.	The Honorable Michael P. Morris, Major, Village of Monroe, 233 South Main Street, Monroe, Ohio 45050.	October 9, 2002	390042
Montgomery (02–05–0845P).	Unincorporated Areas.	July 9, 2002; July 16, 2002; *Dayton Daily News*.	Mr. Charles J. Curran, Commissioner, Montgomery County, 451 West Third Street, Dayton, Ohio 45422.	October 15, 2002	390775

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Warren (01–05–1645P).	Unincorporated Areas.	July 3, 2002; July 10, 2002; *The Western Star*.	Mr. C. Michael Kilburn, President, Warren County Board of Commissioners, 406 Justice Drive, Lebanon, Ohio 45036.	October 9, 2002	390757
Oklahoma:					
Oklahoma (02–06–281P).	City of Edmond	July 16, 2002; July 23, 2002; *The Edmond Sun*.	The Honorable Saundra Naifeh, Mayor, City of Edmond, P.O. Box 2970, Edmond, OK 73083.	July 2, 2002	400252
McClain, Oklahoma, Canadian, Cleveland, and Pottawatomie (01–06–1912P).	City of Oklahoma City.	July 24, 2002; July 31, 2002; *The Daily Oklahoman*.	The Honorable Kirk Humphreys, Mayor, City of Oklahoma City, 200 North Walker, Suite 302, Oklahoma City, Oklahoma 73102.	October 30, 2002	405378
Texas:					
Denton (02–06–525P).	Town of Corinth	July 16, 2002; July 23, 2002; *Denton Record Chronicle*.	The Honorable J.B. Troutman, Mayor, Town of Corinth, 2002 South Corinth Street, Corinth, Texas 76210.	October 22, 2002	481143
Tarrant (02–06–453P).	City of Fort Worth.	July 19, 2002; July 26, 2002; *Fort Worth Star-Telegram*.	The Honorable Kenneth Barr, Mayor, City of Fort Worth, City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102–6311.	October 25, 2002	480596
Dallas (02–06–1535P).	City of Garland ..	July 18, 2002; July 25, 2002; *Garland Morning News*.	The Honorable Jim Spence, Mayor, City of Garland, P.O. Box 469002, Garland, Texas 75046.	June 28, 2002	458471
Harrison and Gregg (02–06–1946P).	City of Longview	July 11, 2002; July 18, 2002; *Longview News Journal*.	The Honorable Earl Roberts, Mayor, City of Longview, P.O. Box 1952, Longview, Texas 75606–1952.	October 17, 2002	480264
Bexar (02–06–1320P).	City of San Antonio.	July 11, 2002; July 18, 2002; *San Antonino Express-News*.	The Honorable Ed Garza, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, Texas 78282–3966.	October 17, 2002	480045
Bexar (02–06–252P).	City of San Antonio.	July 19, 2002; July 26, 2002; *San Antonio Express-News*.	The Honorable Ed Garza, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, Texas 78283–3966.	October 25, 2002	480045
Tarrant (02–06–453P).	Unincorporated Areas.	July 19, 2002; July 26, 2002; *Fort Worth Star Telegram*.	The Honorable Tom Vandergriff, Judge, Tarrant County, 100 East Weatherford Street, Fort Worth, Texas 76196–0101.	October 25, 2002	480582
Bexar (01–06–1218P).	City of Universal City.	July 11, 2002; July 18, 2002; *Primetime Newspapers*.	The Honorable Wesley D. Becken, Mayor, City of Universal City, P.O. Box 3008, Universal City, Texas 78148.	October 17, 2002	480049

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

Dated: August 9, 2002.

Anthony S. Lowe,

Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02–20963 Filed 8–16–02; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA–B–7429]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the Base (1-percent-annual-chance) Flood Elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified Base Flood Elevations for new buildings and their contents.

DATES: These modified Base Flood Elevations are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Director, Federal Insurance and Mitigation Administration, reconsider the changes. The modified elevations

may be changed during the 90-day period.

ADDRESSES: The modified Base Flood Elevations 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, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (e-mail) *matt.miller@fema.gov.*

SUPPLEMENTARY INFORMATION: The modified Base Flood Elevations are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified Base Flood Elevation determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to Section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified Base Flood Elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, 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.

The changes in Base Flood Elevations are in accordance with 44 CFR 65.4.

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 Administrator, Federal Insurance and Mitigation Administration certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified Base Flood Elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification. This interim 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 rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for Part 65 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.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arizona:					
Cochise	Cochise County (01–09–019P).	April 25, 2001; May 2, 2001; *Arizona Range News*.	The Honorable Mike Palmer, Chairman, Cochise County, Board of Supervisors, 1415 West Melody Lane, Bisbee, Arizona 85603.	July 31, 2001	040012
Cochise	City of Sierra Vista (01–09–019P).	April 25, 2001; May 2, 2001; *Arizona Range News*.	The Honorable Tom Hessler, Mayor, City of Sierra Vista, 1011 North Coronda Drive, Sierra Vista, Arizona 85635.	July 31, 2001	040017
Cochise	City of Sierra Vista (01–09–492P).	April 18, 2002; April 25, 2002; *Sierra Vista Herald*.	The Honorable Thomas J. Hessler, Mayor, City of Sierra Vista, 1011 North Coronado Drive, Sierra Vista, Arizona 85635.	August 1, 2002	040017
Maricopa	City of Mesa (02–09–260P).	June 13, 2002; June 20, 2002; *Arizona Business Gazette*.	The Honorable Keno Hawker, Mayor, City of Mesa, P.O. Box 1466, Mesa, Arizona 85221–1466.	September 19, 2002 ..	040048
Maricopa	City of Scottsdale (02–09–1084X).	July 18, 2002; July 25, 2002; *Arizona Republic*.	The Honorable Mary Manross, Mayor, City of Scottsdale, 3939 North Drinkwater Boulevard, Scottsdale, Arizona 85251.	October 24, 2002	045012
Pima	Unincorporated Areas (01–09–685P), (02–09–746X).	April 18, 2002; April 25, 2002; *Tucson Citizen*.	The Honorable Raul Grijalva, Chairman, Pima County, Board of Supervisors, 130 West Congress, 11th Floor, Tucson, Arizona 85701.	July 25, 2002	040073

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Pinal	Town of Kearney (01–09–283P).	June 5, 2002; June 12, 2002; *Copper Basin News*.	The Honorable Debra Sommers, Mayor, Town of Kearny, P.O. Box 639, Kearny, Arizona 85237.	September 11, 2002	040085
Pinal	Unincorporated Areas (01–09–283P).	June 5, 2002; June 12, 2002; *Copper Basin News*.	The Honorable Jimmie B. Kerr, Chairman, Pinal County, Board of Supervisors, P.O. Box 827, Florence, Arizona 85232–0827.	September 11, 2002	040077
California:					
Kern	Unincorporated Areas (01–09–764P).	May 22, 2002; May 29, 2002; *News Review*.	The Honorable Steve Perez, Chairman, Kern County, Board of Supervisors, 1115 Truxton Avenue, Fifth Floor, Bakersfield, California 93301.	August 28, 2002	060075
Los Angeles	Unincorporated Areas (01–09–559P).	July 18, 2002; July 25, 2002; *Los Angeles Times*.	The Honorable Zev Yaroslavsky, Chairperson, Los Angeles County, Board of Supervisors, 821 Kenneth Haln Hall of Administration, 500 West Temple Street, Los Angeles, California 90012.	October 24, 2002	065043
Orange	City of Orange (01–09–975P).	June 6, 2002; June 13, 2002; *Orange County Register*.	The Honorable Mark Murphy, Mayor, City of Orange, 300 East Chapman Avenue, Orange, California 92866.	September 12, 2002	060228
Placer	Town of Loomis (02–09–862P).	June 20, 2002; June 27, 2002; *Loomis News*.	The Honorable Rhonda Morillas, Mayor, Town of Loomis, Town Hall, 6140 Horseshoe Bar Road, Suite K, Loomis, California 95650.	September 26, 2002	060721
Riverside	City of Murrieta (01–09–849P).	April 4, 2002; April 11, 2002; *Press-Enterprise*.	The Honorable Dick Ostling, Mayor, City of Murrieta, 26442 Beckman Court, Murrieta, California 92562.	March 18, 2002	060751
Riverside	City of Perris (01–09–524P).	April 25, 2002; May 2, 2002; *Press-Enterprise*.	The Honorable Daryl Busch, Mayor, City of Perris, 101 North D Street, Perris, California 92570.	April 1, 2002	060258
Riverside	Unincorporated Areas (01–09–849P).	April 4, 2002; April 11, 2002; *Press-Enterprise*.	The Honorable Jim Venable, Chairman, Riverside County, Board of Supervisors, 4080 Lemon Street, 14th Floor, Riverside, California 92501.	March 18, 2002	060245
San Diego	City of Carlsbad (02–09–594P).	May 23, 2002; May 30, 2002; *North County Times*.	The Honorable Claude A. Lewis, Mayor, City of Carlsbad, 1200 Carlsbad Village Drive, Carlsbad, California 92008.	August 29, 2002	060285
Santa Clara	City of San Jose (01–09–488P), (02–09–798X).	April 25, 2002; May 2, 2002; *San Jose Mercury News*.	The Honorable Ron Gonzales, Mayor, City of San Jose, 801 North First Street, Room 600, San Jose, California 95110.	August 1, 2002	060349
Santa Clara	Unincorporated Areas (01–09–488P), (02–09–798X).	April 25, 2002; May 2, 2002; *San Jose Mercury News*.	The Honorable Donald P. Gage, Chairman, Santa Clara County, Board of Supervisors, East Wing, 10th Floor, 70 West Hedding Street, San Jose, California 95110.	August 1, 2002	060337
Colorado:					
Arapahoe	City of Cherry Hills Village (02–08–052P).	May 2, 2002; May 9, 2002; *Denver Post*.	The Honorable John Welborn, Mayor, City of Cherry Hills Village, 2450 East Quincy Avenue, Cherry Hills Village, Colorado 80110.	April 12, 2002	080013
Boulder	City of Lafayette (02–08–331P).	May 20, 2002; May 24, 2002; *Daily Camera*.	The Honorable Dale Avery, Mayor, City of Lafayette, 1290 South Public Road, Lafayette, Colorado 80026.	August 23, 2002	080026
Boulder	City of Longmont (02–08–082P).	April 4, 2002; April 11, 2002; *Daily Times Call*.	The Honorable Julia Pirnack, Mayor, City of Longmont, 350 Kimbark Street, Longmont, Colorado 80501.	March 25, 2002	080027

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Boulder	Unincorporated Areas (02–08–082P).	April 4, 2002; April 11, 2002; *Daily Camera*.	The Honorable Jana L. Mendez, Chairperson, Boulder County, Board of Commissioners, P.O. Box 471, Boulder, Colorado 80306–0471.	March 25, 2002	080023
Hawaii: Hawaii	Hawaii County (02–09–633P).	May 23, 2002; May 30, 2002; *Hawaii Tribune Herald*.	The Honorable Harry Kim, Mayor, Hawaii County, 25 Aupuni Street, Hilo, Hawaii 96720.	May 3, 2002	155166
Idaho:					
Bonner	City of Clark Fork (01–10–475P).	May 30, 2002; June 6, 2002; *Bonner County Daily Bee*.	The Honorable Tom Shields, Mayor, City of Clark Fork, P.O. Box 10, Clark Ford, Idaho 83811.	September 5, 2002	160132
Bonner	Unincorporated Areas (01–10–457P).	May 30, 2002; June 6, 2002; *Bonner County Daily Bee*.	The Honorable Tom Suttmeier, Chairman, Bonner County, Board of Commissioners, 215 South First Avenue, Sandpoint, Idaho 83864.	September 5, 2002	160206
North Dakota: Stark.	City of Dickinson (02–08–057P).	May 9, 2002; May 16, 2002; *Dickinson Press*.	The Honorable Dennis W. Johnson, Mayor, City of Dickinson, 99 Second Street East, Dickinson, North Dakota 58601.	August 15, 2002	380117
Utah: Salt Lake	City of Draper (02–08–198P).	June 26, 2002; July 3, 2002; *Salt Lake Tribune*.	The Honorable Darrell H. Smith, Mayor, City of Draper, 12441 South 900 East, Draper, Utah 84020.	October 2, 2002	490244
Wyoming: Teton	Unincorporated Areas (02–08–268P).	July 17, 2002; July 24, 2002; *Jackson Hole News*.	The Honorable Bill Paddleford, Chairperson, Teton County, Board of Commissioners, County Courthouse, P.O. Box 3594, Jackson, Wyoming 83001.	July 8, 2002	560094

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

Dated: August 9, 2002.

Anthony S. Lowe,

Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02–20962 Filed 8–16–02; 8:45 am]

BILLING CODE 6718–04–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-percent-annual-chance) Flood Elevations and modified Base Flood Elevations (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 base flood elevations 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, 500 C Street, SW., Washington, DC 20472, (202) 646–3461 or (e-mail) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: FEMA makes final determinations listed below of BFEs and modified BFEs for each community listed. The proposed BFEs and proposed modified BFEse 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 Administrator of the Federal Insurance and Mitigation Administration certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified base flood elevations 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 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 of referenced elevation	*Elevation in feet (NGVD) modified	Communities affected
Greenbrier Creek:		
Approximately 200 feet downstream of the confluence of Little Greenbrier Creek.	*288	FEMA Docket No. 7607, Town of Wooster, Faulkner County.
Approximately 7,100 feet upstream of the Town of Wooster corporate limits.	*295	
Greenbrier Creek Tributary No. 2:		
At the mouth of Greenbrier Creek, Tributary No. 2	*288	Town of Wooster, Faulkner County.
Approximately 1,350 feet upstream, of Green Valley Road	*319	
Greenbrier Creek Tributary No. 3:		
At the mouth of Greenbrier Creek Tributary No. 3	*288	FEMA Docket No. 7607, Town of Wooster.
Approximately 50 feet upstream of a private drive about 1,600 feet upstream of Reed Road.	*325	
Skyline Creek:		
At the mouth of Skyline Creek	*292	Town of Wooster, Faulkner County.
Approximately 725 feet upstream of Green Valley Road	*312	
Maps are available for inspection at the City Hall, Town of Wooster, 7 Reed Road, Wooster, Arkansas.		
Maps are available for inspection at the Faulkner County Community Map Repository, 801 Locust Street, Conway, Arkansas.		
Peruque Creek:		
Approximately 260 feet upstream of State Highway 79	*452	FEMA Docket No. 7607, St. Charles County, City of O'Fallon, City of St. Paul, City of Lake St. Louis.
Just downstream of Church Street	*533	
*National Geodetic Vertical Datum		
Maps are available for inspection at the St. Charles County Administration Building, 201 North Second Street, Room 420, St. Charles, Missouri.		
Maps are available for inspection at City Hall, City of O'Fallon, 138 South Main Street, O'Fallon, Missouri.		
Maps are available for inspection at City Hall, City of St. Paul, St. Paul, Missouri.		
Maps are available for inspection at City Hall, City of Lake St. Louis, 1000 Lake St. Louis Boulevard, Lake St. Louis, Missouri.		
Cottonwood Creek:		
Just upstream of SE 14th Street	*467	FEMA Docket No. 7607, City of Dallas, City of Grand Prairie.
Approximately 700 feet upstream of Great Southwest Parkway	*531	
Duck Creek:		
Approximately 600 feet downstream of Collins Road	*458	FEMA Docket No. 7607, City of Dallas, City of Garland, City of Mesquite, Town of Sunnyvale, Dallas County.
Just downstream of Belt-line Road	*592	
South Fork Cottonwood Creek:		
Approximately 150 feet downstream of Carrier Parkway	*486	City of Garland.
Just downstream of Great Southeast Parkway	*547	
Stream 2C2:		
At the mouth of Stream 2C2	*494	City of Grand Prairie.
Approximately 630 feet upstream of Glenbrook Drive	*495	
Stream 8D1:		
At the mouth of Stream 8D1	*467	City of Dallas, City of Grand Prairie.
Approximately 50 feet downstream of Belt Line Road	*489	
Stream 8D3:		
Approximately 300 feet downstream of Southeast 4th Street	*474	City of Grand Prairie.
Approximately 75 feet downstream of South Center Street	*488	
Stream 8D6:		
At the mouth of Stream 8D6	*505	FEMA Docket No. 7607, City of Grand Prairie.
Approximately 2,350 feet upstream of Arkansas Lane	*544	
Stream 8D7:		
Approximately 2,000 feet downstream of Sherman Street	*496	City of Grand Prairie.

Source of flooding and location of referenced elevation	*Elevation in feet (NGVD) modified	Communities affected
Approximately 50 feet downstream of Sherman Street	*512	
Maps are available for inspection at the Dallas County Administration Building, 411 Elm Street, 4th Floor, Dallas, Texas.		
Maps are available for inspection at the City of Dallas, 320 East Jefferson Boulevard, Dallas, Texas.		
Maps are available for inspection at the City of Garland, 200 North 5th Street, Garland, Texas.		
Maps are available for inspection at the City of Grand Prairie, City Development Center, 206 West Church Street, Grand Prairie, Texas.		
Maps are available for inspection at the City of Mesquite, 320 East Jefferson Boulevard, Dallas, Texas.		
Maps are available for inspection at the Town of Sunnyvale, 537 Long Creek Road, Sunnyvale, Texas.		

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

Dated: August 9, 2002.

Anthony S. Lowe,

Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02–20966 Filed 8–16–02; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02–1762; MM Docket No.01–297; RM–10297]

Radio Broadcasting Services; Paragould, AR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 257A to Paragould, Arkansas, in response to a petition filed by Charles Crawford. *See* 66 FR 54191, October 26, 2001. The coordinates for Channel 257A at Paragould are 36–06–55 and 90–26–53. There is a site restriction 7.9 kilometers (4.9 miles) northeast of the community. With this action, this proceeding is terminated. A filing window for Channel 257A at Paragould will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

DATES: Effective September 16, 2002.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 01–297, adopted July 17, 2002, and released August 2, 2002. The full text of this Commission decision is available for inspection and copying during regular business hours in the FCC Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, (202) 863–2893, facsimile (202) 863–2898, or via e-mail *qualexint@aol.com.*

List of Subjects in 47 CFR Part 73

Radio, 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 Arkansas, is amended by adding Channel 257A at Paragould.

Federal Communications Commisssion.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 02–20925 Filed 8–16–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02–1876; MM Docket No. 01–198, RM–10213; MM Docket No. 01–200, RM–10215; MM Docket No. 01–202, RM–10217; MM Docket No 01–203, RM–10218; MM Docket No. 01–204; RM–10219; MM Docket No. 01–236, RM–10242; MM Docket No. 01–237, RM–10243; MM Docket No. 01–238, RM–10244; MM Docket No. 01–239, RM–10245; MM Docket No. 01–240, RM–10246; MM Docket No. 01–270, RM–10277; MM Docket No. 01–272, RM–10279; and MM Docket No. 01–274, RM–10286]

Radio Broadcasting Services; Arnett, OK; Bruni, TX; Dilley, TX; Goree, TX; Hebbronville, TX; Junction, TX; Leakey, TX; Matador, TX; Richland Springs, TX; Rison, AR; Sayre, OK; Sweetwater, TX; and Turkey, TX;

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants 13 proposals that allot new channels to Arnett, OK; Bruni, TX; Dilley, TX; Goree, TX; Hebbronville, TX; Junction, TX; Leakey, TX; Matador, TX; Richland Springs, TX, Rison, AR; Sayre, OK; Sweetwater, TX; and Turkey, TX. The Commission, at the request of Katherine Pyeatt, allots Channel 277C3 at Junction, Texas, as the community's second local FM transmission service. *See* 16 FCC Rcd 15801 (2001). Channel 277C3 can be allotted at Junction in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.3 kilometers (7.6 miles) south to avoid short-spacings to the licensed sites of Station KKCN(FM), Channel 276C1, Ballinger, Texas, and Station KEEP(FM), Channel 276A, Bandera, Texas. The coordinates for Channel 277C3 at Junction are 30–22–51 North Latitude and 99–47–59 West Longitude. Although concurrence has been requested for Channel 277C3 at Junction, notification has not been received. If a construction permit is granted prior to the receipt of formal

concurrence in the allotment by the Mexican government, the construction permit will include the following condition: ''Operation with the facilities specified for Junction herein is subject to modification, suspension or, termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement.'' *See* **SUPPLEMENTARY INFORMATION**, *infra*.

DATES: Effective September 16, 2002. The window period for filing applications for these allotments will not be opened at this time. Instead, the issue of opening these allotments for auction will be addressed by the Commission in a subsequent order.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 01–198, MM Docket No. 01–200, MM Docket No. 01–202, MM Docket No. 01–203; MM Docket No. 01–204, MM Docket No. 01–236, MM Docket No. 01–237, MM Docket No. 01–238, and MM Docket No. 01–239, MM Docket No. 01–240, MM Docket No. 01–270, MM Docket No. 01–272, and MM Docket No. 01–274, adopted July 24, 2002, and released August 2, 2002. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554.

The Commission, at the request of Jeraldine Anderson, allots Channel 264A at Dilley, Texas, as the community's second local FM transmission service. *See* 16 FCC Rcd 15801 (2001). Channel 264A can be allotted at Dilley in compliance with the Commission's minimum distance separation requirements a city reference coordinates. The coordinates for Channel 264A at Dilley are 28–40–02 North Latitude and 99–10–13 West Longitude. Although concurrence has been requested for Channel 264A at Dilley, notification has not been received. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Mexican government, the construction permit will include the following condition: ''Operation with the facilities specified for Dilley herein is subject to modification, suspension or, termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement.''

The Commission, at the request of Jeraldine Anderson, allots Channel 275A at Goree, Texas, as the community's first local aural transmission service. *See* 16 FCC Rcd 15801 (2001). Channel 275A can be allotted at Goree in compliance with the Commission's minimum distance separation requirements with a site restriction of 4.3 kilometers (2.7 miles) northeast to avoid a short-spacing to the licensed and construction permit sites of Station KHXS(FM), Channel 274C1, Merkel, Texas. The coordinates for Channel 275A at Goree are 33–30–00 North Latitude and 99–30–00 West Longitude.

The Commission, at the request of Jeraldine Anderson, allots Channel 299A at Leakey, Texas, as the community's third local FM transmission service. *See* 16 FCC Rcd 15801 (2001). Channel 299A can be allotted at Leakey in compliance with the Commission's minimum distance separation requirements with a site restriction of 13.3 kilometers (8.3 miles) west to avoid short-spacings to the licensed sites of Station KXTN–FM, Channel 298C, San Antonio, Texas, and to the licensed site of Station XHPC–FM, Channel 300B, Piedras, Mexico. The coordinates for Channel 299A at Leakey are 29–41–58 North Latitude and 99–53–41 West Longitude. Although concurrence has been requested for Channel 299A at Leakey, notification has not been received. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Mexican government, the construction permit will include the following condition: ''Operation with the facilities specified for Leakey herein is subject to modification, suspension or, termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement.''

The Commission, at the request of Jeraldine Anderson, allots Channel 221C3 at Sweetwater, Texas, as the community's second local FM transmission service. *See* 16 FCC Rcd 15801 (2001). Channel 221C3 can be allotted at Sweetwater in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 221C3 at Sweetwater are 32–28–15 North Latitude and 100–24–20 West Longitude. Although concurrence has been requested for Channel 221C3 at Sweetwater, notification has not been received. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Mexican government, the construction permit will include the following condition: ''Operation with the facilities specified for Sweetwater herein is subject to modification, suspension or, termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement.''

The Commission, at the request of Katherine Pyeatt, allots Channel 285C2 at Arnett, Oklahoma, as the community's first local aural transmission service. *See* 16 FCC Rcd 16470 (2001). Channel 285C2 can be allotted at Arnett in compliance with the Commission's minimum distance separation requirements with a site restriction of 17.6 (11.1 miles) southwest to avoid a short-spacing to the vacant allotment site for Channel 283C1 at Mooreland, Oklahoma. The coordinates for Channel 285C2 at Arnett are 36–02–45 North Latitude and 99–56–22 West Longitude.

The Commission, at the request of Jeraldine Anderson, allots Channel 269C2 at Sayre, Oklahoma, as the community's first local aural transmission service. *See* 16 FCC Rcd 16470 (2001). Channel 269C2 can be allotted at Sayre in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 269C2 at Sayre are 35–17–28 North Latitude and 99–38–23 West Longitude.

The Commission, at the request of Jeraldine Anderson, allots Channel 254A at Hebbronville, Texas, as the community's second local FM transmission service. *See* 16 FCC Rcd 16470 (2001). Channel 254A can be allotted at Hebbronville in compliance with the Commission's minimum distance separation requirements with a site restriction of 10.6 kilometers (6.6 miles) west to avoid a short-spacing to the licensed site of Station KGBT–FM, Channel 253C, McAllen, Texas. The coordinates for Channel 254A at Hebrronvillle are 27–20–15 North Latitude and 98–46–45 West Longitude. Although concurrence has been requested for Channel 254A at Hebbronville, notification has not been received. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Mexican government, the construction permit will include the following condition: ''Operation with the facilities

specified for Hebbronville herein is subject to modification, suspension or, termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement.''

The Commission, at the request of Jeraldine Anderson, allots Channel 293A at Bruni, Texas, as the community's first local aural transmission service. *See* 16 FCC Rcd 16470 (2001). Channel 293A can be allotted at Bruni in compliance with the Commission's minimum distance separation requirements with a site restriction of 6.8 kilometers (4.2 miles) north to avoid a short-spacing to the licensed site of Station KPSO–FM, Channel 292A, Falfurrias, Texas, the construction permit site of Station KTKY(FM), Channel 293C2, Taft, Texas, and the allotment site for Channel 294A at El Lobo, Mexico. The coordinates for Channel 293A at Bruni are 27–29–12 North Latitude and 98–51–00 West Longitude. Although concurrence has been requested for Channel 293A at Bruni, notification has not been received. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Mexican government, the construction permit will include the following condition: ''Operation with the facilities specified for Bruni herein is subject to modification, suspension or, termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement.''

The Commission, at the request of Charles Crawford, allots Channel 255A at Rison, Arkansas, as the community's first local aural transmission service. *See* 16 FCC Rcd 16470 (2001). Channel 255A can be allotted at Rison in compliance with the Commission's minimum distance separation requirements with a site restriction of 2.2 kilometers (1.4 miles) southwest to avoid a short-spacing to the licensed site of Station KZYP(FM), Channel 257A, Pine Bluff, Arkansas. The coordinates for Channel 255A at Rison are 33–56–30 North Latitude and 92–12–14 West Longitude.

The Commission, at the request of Katherine Pyeatt, allots Channel 221C2 at Matador, Texas, as the community's first local aural transmission service. *See* 16 FCC Rcd 17210 (2001). Channel 221C2 at can be allotted at Matador in compliance with the Commission's minimum distance separation requirements with a site restriction of .3 kilometers (12.6 miles) east to avoid a short-spacing to the application site for Channel 220C1 at Morton, Texas. The coordinates for Channel 221C2 at Matador are 34–03–56 North Latitude and 100–36–43 West Longitude.

The Commission, at the request of Katherine Pyeatt, allots Channel 244C2 at Turkey, Texas, as the community's first local aural transmission service. *See* 16 FCC Rcd 17210 (2001). Channel 244C2 can be allotted at Turkey in compliance with the Commission's minimum distance separation requirements with a site restriction of 27.1 kilometers (16.9 miles) southeast to avoid a short-spacing to the licensed site of Station KMML–FM, Channel 245C1, Amarillo, Texas. The coordinates for Channel 244C2 at Turkey are 34–10–06 North Latitude and 100–46–46 West Longitude.

The Commission, at the request of Linda Crawford, allots Channel 252A at Richland Springs, Texas, as the community's second local FM transmission service. *See* 16 FCC Rcd 17210 (2001). Channel 252A can be allotted at Richland Springs in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 252A at Richland Springs are 31–16–10 North Latitude and 98–56–41 West Longitude. Although concurrence has been requested for Channel 252A at Richland Springs, notification has not been received. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Mexican government, the construction permit will include the following condition: ''Operation with the facilities specified for Richland Springs herein is subject to modification, suspension or, termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement.''

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

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 Arkansas, is amended by adding Rison, Channel 255A.

3. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by adding Arnett, Channel 285C2; and by adding Sayre, Channel 269C2.

4. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Bruni, Channel 293A; by adding Channel 264A at Dilley; by adding Goree, Channel 275A; by adding Channel 254A at Hebbronville; by adding Channel 277C3 at Junction; by adding Channel 299A at Leakey; by adding Matador, Channel 221C2; by adding Richland Springs, Channel 252A; by adding Channel 221C3 at Sweetwater; and by adding Turkey, Channel 244C2.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 02–20924 Filed 8–16–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 74 and 78

[ET Docket No. 95–18; FCC 02–221]

2 GHz Suspension

AGENCY: Federal Communications Commission.

ACTION: Final rule; suspension order.

SUMMARY: This document suspends for one year until September 6, 2003, the expiration date for the initial two-year mandatory negotiation period for Phase I of the 2 GHz band relocation plan between Mobile-Satellite Service and Broadcast Auxiliary Service. The provisions of this initial Phase 1 mandatory negotiation period will remain in effect for the duration of this suspension. The suspension period may be subsequently lengthened or shortened by the Commission as circumstances warrant.

DATES: Effective August 2, 2002.

FOR FURTHER INFORMATION CONTACT: Gary Thayer, Office of Engineering and Technology, (202) 418–2290.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order,* ET Docket No. 95–18, FCC 02–221, adopted July 31, 2002, and released August 2, 2002. The full text of this document is available for inspection and copying during regular business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW, Washington, DC 20554. The complete text of this document also may be purchased from the Commission's copy contractor, Qualex International, 445 12th Street, SW., Room, CY–B402, Washington, DC 20554. The full text may also be downloaded at: *www.fcc.gov.* Alternative formats are available to

persons with disabilities by contacting Brian Millin at (202) 418–7426 or TTY (202) 418–7365.

Summary of the Order

1. This Order immediately suspends for one year, until September 6, 2003, the expiration date for the initial two-year mandatory negotiation period for Phase 1 of the 2 GHz band relocation plan between Mobile-Satellite Service (MSS) and Broadcast Auxiliary Service (BAS), adopted in the *Second Report and Order and Second Memorandum Opinion and Order (Second Report and Order),* 65 FR 48174, August 7, 2000. The provisions of the initial Phase 1 mandatory negotiation period will remain in effect for the duration of this suspension. We retain the option to shorten or lengthen this suspension as circumstances warrant.

2. In the *Memorandum Opinion and Order and Third Notice of Proposed Rule Making and Order,* 63 FR 69606, December 17, 1998, we allocated 70 megahertz of spectrum for MSS in the 2 GHz band. In the *Second Report and Order,* we adopted relocation procedures for incumbent BAS facilities at 1990–2025 MHz and incumbent Fixed Service (FS) facilities at 2165–2200 MHz. This relocation plan was modeled after the Commission's earlier *Emerging Technologies* policies in ET Docket No. 92–9, and requires MSS entrants to provide comparable facilities to BAS and FS incumbents that are relocated prior to the sunset dates specified in the *Second Report and Order.* The BAS relocation plan calls for a two-phase relocation, each phase beginning with a two-year mandatory negotiation period that will clear the lowest BAS channel then in use in the top 30 Nielsen Designated Market Areas. In the event that an agreement for relocation is not reached by the end of a particular negotiation period, the MSS licensee(s) have the option of relocating BAS incumbents involuntarily. The initial, two-year mandatory negotiation period for Phase 1 commenced upon **Federal Register** publication of the *Second Report and Order* on September 6, 2000, and is due to expire on September 6, 2002. As stated in the *Second Report and Order,* it remains a primary goal to ensure that the transition causes the minimum possible disruption to BAS operations.

3. Subsequent to adoption of the *Second Report and Order,* we initiated several major rule makings that propose, or seek comment on, alternative uses and new allocations in portions of the 2 GHz band now allocated for MSS. For example, in IB Docket No. 01–185, 66 FR 47621, September 13, 2001, we are seeking comment on proposals that would allow MSS licensees to provide ancillary terrestrial component (''ATC'') operations in the 2 GHz MSS band. In ET Docket No. 00–258, 66 FR 47618, September 13, 2001, we are seeking comment on proposals to support the introduction of new advanced wireless services, including Third Generation (''3–G'') wireless systems in spectrum below 3 GHz, including some of the MSS spectrum in the 2 GHz band. In WT Docket No. 02–55, 67 FR 16351, April 5, 2002, we are exploring various options to improve public safety communications in the 800 MHz band that could include relocating incumbent 800 MHz services to the current MSS allocation in the 2 GHz band. In each of these dockets, we have sought comment on what changes might be needed to the BAS relocation procedures adopted in the *Second Report and Order* should the proposals affecting the 2 GHz MSS bands be adopted.

4. In the *Second Report and Order,* we concluded that the adopted negotiation period structure would serve our twin goals of maintaining the integrity of the BAS system operation while providing for early access to the spectrum for MSS providers. We found that the BAS and MSS industries had been aware of this proceeding and closely followed its progress since 1995. In addition, we noted that the spectrum became available for MSS on January 1, 2000, and that ICO had represented that it expected to be ready to begin providing service in 2002. Based upon these factors, among others, we decided that the initial BAS negotiation period should commence immediately upon **Federal Register** publication of the *Second Report and Order,* and that a two-year duration for the initial mandatory negotiation period was appropriate.

5. As noted above, subsequent to our establishing the 2 GHz MSS band relocation plans, we specifically sought comment in the *MSS Flexibility, Advanced Wireless/3–G, and 800 MHz Public Safety* rule making notices on whether to revise the *Second Report and Order* relocation plan based on the outcome of the proposals in those rulemakings. Because it does not appear that we will be able to act on the respective issues prior to the Phase 1 BAS mandatory negotiation deadline of September 6, 2002, we find it to be in the public interest to continue the negotiating period until we are able to fully address these relocation issues based on the extensive record that these other proceedings have generated. We further find that it is prudent and in the public interest to suspend the expiration of the initial negotiation period under the present circumstances, rather than prejudice our consideration of the relocation issues presented in the pending proceedings. Therefore, we find that the expiration date for the initial Phase 1, two-year mandatory BAS negotiation period should be suspended, effective immediately upon release of this order, for one year until September 6, 2003. We retain the option, however, to shorten or lengthen this suspension as circumstances warrant while we consider further action on this matter in pending proceedings. We also emphasize that the action taken herein is an interim measure and does not prejudice further action in other proceedings. For the duration of this suspension, all other aspects of the initial mandatory BAS negotiation period will continue in force and, as a consequence, BAS incumbents will not be subject to involuntary relocation by MSS licensees in the interim. We will require MSS and BAS licensees to comply with all negotiation requirements and procedures adopted in the *Second Report and Order* that are applicable to the initial BAS mandatory negotiation period. Because we are not suspending or modifying any other aspect of the BAS or FS relocation plan, MSS and FS licensees in the 2165–2200 MHz band remain free to enter into relocation negotiations under the provisions adopted in the *Second Report and Order.*

6. On October 22, 2001, the National Association of Broadcasters (NAB) and the Association for Maximum Service Television, Inc. (MSTV) filed a pleading styled ''Motion for Stay of Mandatory Negotiation Period.'' The Motion was supported in separate pleadings by the Society of Broadcast Engineers and by Cox Broadcasting, Inc. (jointly with Cosmos Broadcasting Corporation and Media General, Inc.), and was opposed by New ICO Global Communications Ltd., and the Boeing Company.

While NAB's pleading appears to seek a stay of the entire negotiation process delineated in the *Second Report and Order,* a subsequent *ex parte* submission by NAB appears to indicate that NAB is not opposed to the requirement for negotiation. Rather, NAB effectively requests an indefinite suspension of the timetables in the negotiation/relocation process. To the extent that NAB's motion would challenge the imposition of the negotiation/relocation process delineated in the *Second Report and Order,* it must be dismissed as a late-filed Petition for Reconsideration. To the extent that it requests a suspension of the timetables in the negotiation/relocation process, we dismiss it as

moot in light of our action. We note that opponents' substantive arguments in opposing NAB's Motion are considered and disposed of in our determination.

Ordering Clauses

7. Authority for issuance of this Order is contained in sections 4(i), 303(f), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(f), and 303(r), and section 553(d) of the Administrative Procedure Act, 5 U.S.C. 553(d).

8. Pursuant to sections 4(i), 303(f), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(f), and 303(r), and section 553(d) of the Administrative Procedure Act, 5 U.S.C. 553(d), the expiration date of September 6, 2002, for the initial two-year mandatory BAS negotiation period for Phase 1 set forth in the *Second Report and Order* in ET Docket No. 95–18 *is hereby suspended,* effective August 2, 2002, for one year until September 6, 2003.

9. Pursuant to sections 4(i), 303(f), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(f), and 303(r), the Motion for Stay of Mandatory Negotiation Period filed by the National Association of Broadcasters (NAB) and the Association for Maximum Service Television, Inc. (MSTV), is hereby *dismissed.*

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

List of Subjects in 47 CFR Parts 74 and 78

Communications equipment, Radio.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 74 and 78 to read as follows:

PART 74—[AMENDED]

1. The authority citation for part 74 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 307, and 554.

2. Section 74.690 is amended by adding the following note to paragraph (e):

§ 74.690 Transition of the 1990–2025 MHz band from the Broadcast Auxiliary Service to emerging technologies.

* * * * *

(e) * * *

Note to paragraph (e): FCC suspends for one year, until September 6, 2003, the expiration date for the initial two-year mandatory negotiation period in paragraph (e)(1) and the beginning of the involuntary relocation period in paragraph (e)(4).

PART 78—[AMENDED]

3. The authority citation for part 78 continues to read as follows:

Authority: Secs. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085, 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309.

4. Section 78.40 is amended by adding the following note to paragraph (f):

§ 78.40 Transition of the 1990–2025 MHz band from the Cable Television Relay Service to emerging technologies.

* * * * *

(f) * * *

Note to paragraph (f): FCC suspends for one year, until September 6, 2003, the expiration date for the initial two-year mandatory negotiation period in paragraph (e)(1) and the beginning of the involuntary relocation period in paragraph (f)(4).

[FR Doc. 02–20185 Filed 8–16–02; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 541

[Docket No. NHTSA–2002–11443; Notice 02]

RIN 2127–AI73

Final Theft Data; Motor Vehicle Theft Prevention Standard

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Publication of final theft data.

SUMMARY: This document publishes the final data on thefts of model year (MY) 2000 passenger motor vehicles that occurred in calendar year (CY) 2000. The final 2000 theft data indicate that the vehicle theft rate for CY/MY 2000 vehicles (2.89 thefts per thousand vehicles) did not change from the theft rate for CY/MY 1999 (2.89 thefts per thousand vehicles) when compared to the theft rate experienced in CY/MY 1999. Publication of these data fulfills NHTSA's statutory obligation to periodically obtain accurate and timely theft data and publish the information for review and comment.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Mazyck, Office of Planning and Consumer Programs, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Ms. Mazyck's telephone number is (202) 366–0846. Her fax number is (202) 493–2290.

SUPPLEMENTARY INFORMATION: NHTSA administers a program for reducing motor vehicle theft. The central feature of this program is the Federal Motor Vehicle Theft Prevention Standard, 49 CFR part 541. The standard specifies performance requirements for inscribing and affixing vehicle identification numbers (VINs) onto certain major original equipment and replacement parts of high-theft lines of passenger motor vehicles.

The agency is required by 49 U.S.C. 33104(b)(4) to periodically obtain, from the most reliable source, accurate and timely theft data and publish the data for review and comment. To fulfill this statutory mandate, NHTSA has published theft data annually beginning with MYs 1983/84. Continuing to fulfill the ''33104(b)(4) mandate, this document reports the final theft data for CY 2000, the most recent calendar year for which data are available.

In calculating the 2000 theft rates, NHTSA followed the same procedures it used in calculating the MY 1999 theft rates. (For 1999 theft data calculations, see 66 FR 39554, July 31, 2001.) As in all previous reports, NHTSA's data were based on information provided to NHTSA by the National Crime Information Center (NCIC) of the Federal Bureau of Investigation. The NCIC is a government system that receives vehicle theft information from nearly 23,000 criminal justice agencies and other law enforcement authorities throughout the United States. The NCIC data also include reported thefts of self-insured and uninsured vehicles, not all of which are reported to other data sources.

The 2000 theft rate for each vehicle line was calculated by dividing the number of reported thefts of MY 2000 vehicles of that line stolen during calendar year 2000 by the total number of vehicles in that line manufactured for MY 2000, as reported to the Environmental Protection Agency (EPA).

The final 2000 theft data show no change in the vehicle theft rate when compared to the theft rate experienced in CY/MY 1999. The final theft rate for MY 2000 passenger vehicles stolen in calendar year 2000 of 2.89 thefts per thousand vehicles produced, did not change from the rate of 2.89 thefts per thousand vehicles experienced by MY 1999 vehicles in CY 1999. For MY 2000 vehicles, out of a total of 206 vehicle lines, 51 lines had a theft rate higher than 3.5826 per thousand vehicles, the established median theft rate for MYs 1990/1991. (*See* 59 FR 12400, March 16, 1994.) Of the 51 vehicle lines with a theft rate higher than 3.5826, 43 are

passenger car lines, eight are multipurpose passenger vehicle lines, and none are light-duty truck lines.

On Tuesday, March 12, 2002, NHTSA published the preliminary theft rates for CY 2000 passenger motor vehicles in the **Federal Register** (67 FR 11161). The agency tentatively ranked each of the MY 2000 vehicle lines in descending order of theft rate. The public was requested to comment on the accuracy of the data and to provide final production figures for individual vehicle lines. The agency did not receive any written comments from the public. As a result, the final theft rates and rankings of vehicle lines did not change from those published in the March 2002 notice.

Further reanalysis of the theft rate data revealed that the number of vehicle lines reported with a theft rate higher than 3.5826 was incorrect. Preliminary theft data for CY 2000 inadvertently reported that there were 45 passenger car lines with theft rates higher than 3.5826. However, NHTSA is correcting the final theft data to report 43 passenger car lines with a theft rate higher than 3.5826 and eight multipurpose passenger car lines with a theft rate higher than 3.5826.

The following list represents NHTSA's final calculation of theft rates for all 2000 passenger motor vehicle lines. This list is intended to inform the public of calendar year 2000 motor vehicle thefts of model year 2000 vehicles and does not have any effect on the obligations of regulated parties under 49 U.S.C. Chapter 331, Theft Prevention.

THEFT RATES OF MODEL YEAR 2000 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 2000

	Manufacturer	Make/model (line)	Thefts 2000	Production (Mfr's) 2000	2000 theft rate (per 1,000 vehicles produced)
1	DAIMLERCHRYSLER	PLYMOUTH BREEZE	173	15,723	11.0030
2	MITSUBISHI	MONTERO SPORT/NATIVA [1]	509	46,272	11.0002
3	MITSUBISHI	MONTERO	22	2,147	10.2469
4	BMW	X5	12	1,312	9.1463
5	DAIMLERCHRYSLER	CHRYSLER INTREPID [2]	4	449	8.9087
6	DAIMLERCHRYSLER	DODGE STRATUS	1,040	118,845	8.7509
7	DAIMLERCHRYSLER	DODGE INTREPID	1,400	162,279	8.6271
8	MITSUBISHI	MIRAGE	502	61,957	8.1024
9	DAIMLERCHRYSLER	PLYMOUTH NEON	626	89,142	7.0225
10	DAIMLERCHRYSLER	DODGE NEON	1,191	170,098	7.0018
11	GENERAL MOTORS	CHEVROLET METRO	210	30,521	6.8805
12	DAIMLERCHRYSLER	JEEP CHEROKEE	1,040	153,816	6.7613
13	HONDA	ACURA NSX	2	305	6.5574
14	DAIMLERCHRYSLER	CHRYSLER LHS	139	22,944	6.0582
15	ASTON MARTIN	VANTAGE COUPE	1	175	5.7143
16	DAIMLERCHRYSLER	CHRYSLER CIRRUS	267	46,849	5.6992
17	FORD MOTOR CO	FORD CONTOUR	350	61,603	5.6815
18	DAIMLERCHRYSLER	CHRYSLER SEBRING CONVERTIBLE	287	50,940	5.6341
19	GENERAL MOTORS	OLDSMOBILE BRAVADA	186	33,179	5.6060
20	MITSUBISHI	GALANT	520	94,773	5.4868
21	HONDA	CIVIC	1,807	339,223	5.3269
22	GENERAL MOTORS	PONTIAC GRAND AM	1,194	225,321	5.2991
23	GENERAL MOTORS	OLDSMOBILE ALERO	586	118,421	4.9484
24	DAEWOO	LEGANZA	128	25,960	4.9307
25	HONDA	ACURA INTEGRA	136	28,095	4.8407
26	DAEWOO	LANOS	116	24,049	4.8235
27	KIA MOTORS	SEPHIA/SPECTRA	487	101,027	4.8205
28	GENERAL MOTORS	OLDSMOBILE INTRIGUE	352	73,399	4.7957
29	FORD MOTOR CO	MERCURY MYSTIQUE	98	20,839	4.7027
30	DAIMLERCHRYSLER	CHRYSLER CONCORDE	268	59,453	4.5078
31	TOYOTA	COROLLA	839	187,996	4.4629
32	SUZUKI	VITARA/GRAND VITARA	197	46,188	4.2652
33	AUDI	S4	23	5,396	4.2624
34	GENERAL MOTORS	CADILLAC DEVILLE/LIMOUSINE	380	92,619	4.1028
35	FORD MOTOR CO	FORD MUSTANG	832	202,972	4.0991
36	KIA MOTORS	SPORTAGE	271	66,519	4.0740
37	HYUNDAI	ACCENT	232	57,111	4.0623
38	MITSUBISHI	ECLIPSE	185	45,850	4.0349
39	GENERAL MOTORS	CHEVROLET CAMARO	177	43,990	4.0236
40	GENERAL MOTORS	PONTIAC SUNFIRE	366	91,198	4.0132
41	SUZUKI	ESTEEM	78	19,520	3.9959
42	ISUZU	TROOPER	75	19,100	3.9267
43	GENERAL MOTORS	CHEVROLET CAVALIER	975	256,972	3.7942
44	GENERAL MOTORS	CHEVROLET MALIBU	817	215,601	3.7894
45	TOYOTA	LEXUS GS	102	26,952	3.7845
46	GENERAL MOTORS	CHEVROLET LUMINA/MONTE CARLO	368	98,556	3.7339
47	GENERAL MOTORS	PONTIAC FIREBIRD/TRANS AM/FORMULA	115	31,093	3.6986
48	HYUNDAI	SONATA	182	49,340	3.6887
49	FORD MOTOR CO	FORD FOCUS	1,112	304,049	3.6573
50	AUDI	A6	94	26,000	3.6154
51	GENERAL MOTORS	BUICK REGAL	224	62,502	3.5839
52	JAGUAR	S–TYPE	117	32,818	3.5651
53	NISSAN	MAXIMA	604	175,111	3.4492

THEFT RATES OF MODEL YEAR 2000 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 2000—Continued

	Manufacturer	Make/model (line)	Thefts 2000	Production (Mfr's) 2000	2000 theft rate (per 1,000 vehicles produced)
54	FORD MOTOR CO	LINCOLN TOWN CAR	296	89,164	3.3197
55	NISSAN	ALTIMA	484	147,978	3.2708
56	VOLVO	C70	17	5,293	3.2118
57	GENERAL MOTORS	CHEVROLET BLAZER S10/T10	800	249,486	3.2066
58	SUZUKI	SWIFT	9	2,860	3.1469
59	DAIMLERCHRYSLER	CHRYSLER NEON [2]	4	1,303	3.0698
60	NISSAN	PATHFINDER	88	28,983	3.0363
61	GENERAL MOTORS	CHEVROLET PRIZM	116	38,920	2.9805
62	AUDI	TT	21	7,215	2.9106
63	MERCEDES BENZ	220 (S-CLASS)	118	40,612	2.9055
64	HYUNDAI	ELANTRA	354	122,625	2.8869
65	ISUZU	RODEO	155	54,169	2.8614
66	GENERAL MOTORS	GMC JIMMY S–15	251	87,839	2.8575
67	HONDA	PRELUDE	29	10,165	2.8529
68	GENERAL MOTORS	CADILLAC SEVILLE	89	31,414	2.8331
69	MAZDA	MILLENIA	49	17,334	2.8268
70	DAEWOO	NUBIRA	67	23,985	2.7934
71	GENERAL MOTORS	PONTIAC GRAND PRIX	431	156,496	2.7541
72	FORD MOTOR CO	FORD TAURUS	945	350,145	2.6989
73	FORD MOTOR CO	MERCURY MOUNTAINEER	134	50,023	2.6788
74	DAIMLERCHRYSLER	DODGE AVENGER	17	6,376	2.6662
75	MERCEDES BENZ	208 (CLK-CLASS)	47	17,796	2.6410
76	FORD MOTOR CO	FORD EXPLORER	1,001	383,386	2.6109
77	GENERAL MOTORS	CHEVROLET IMPALA	519	199,319	2.6039
78	GENERAL MOTORS	CHEVROLET CORVETTE	81	31,189	2.5971
79	DAIMLERCHRYSLER	CHRYSLER 300 M	138	53,353	2.5865
80	FORD MOTOR CO	MERCURY SABLE	239	93,301	2.5616
81	TOYOTA	CELICA	154	60,368	2.5510
82	MAZDA	626	192	76,444	2.5116
83	ISUZU	VEHICROSS	2	808	2.4752
84	NISSAN	INFINITI Q45	10	4,045	2.4722
85	DAIMLERCHRYSLER	JEEP GRAND CHEROKEE	741	299,988	2.4701
86	BMW	Z3	24	9,857	2.4348
87	TOYOTA	CAMRY/CAMRY SOLARA	1,097	451,343	2.4305
88	FORD MOTOR CO	LINCOLN LS	164	68,527	2.3932
89	JAGUAR	XK8/XK8 CONVERTIBLE	11	4,698	2.3414
90	TOYOTA	RAV4	103	44,645	2.3071
91	TOYOTA	4-RUNNER	302	132,248	2.2836
92	DAIMLERCHRYSLER	DODGE CARAVAN/GRAND	727	333,712	2.1785
93	FORD MOTOR CO	FORD RANGER PICKUP TRUCK	747	346,291	2.1571
94	FORD MOTOR CO	FORD F–150 PICKUP TRUCK	318	151,791	2.0950
95	GENERAL MOTORS	CHEVROLET S–10 PICKUP TRUCK	514	246,662	2.0838
96	DAIMLERCHRYSLER	PLYMOUTH VOYAGER/GRAND	258	123,906	2.0822
97	FORD MOTOR CO	FORD ESCORT	200	96,287	2.0771
98	MAZDA	PROTEGE	166	80,346	2.0661
99	GENERAL MOTORS	SATURN SC	33	16,009	2.0613
100	BMW	7	35	17,141	2.0419
101	TOYOTA	ECHO	114	56,699	2.0106
102	HYUNDAI	TIBURON	32	15,958	2.0053
103	MITSUBISHI	DIAMANTE	17	8,629	1.9701
104	GENERAL MOTORS	SATURN SL	255	130,551	1.9533
105	FORD MOTOR CO	MERCURY COUGAR	87	44,911	1.9372
106	DAIMLERCHRYSLER	CHRYSLER SEBRING COUPE	21	10,910	1.9248
107	DAIMLERCHRYSLER	JEEP WRANGLER	178	92,672	1.9208
108	GENERAL MOTORS	BUICK CENTURY	272	144,495	1.8824
109	NISSAN	XTERRA	200	108,434	1.8444
110	GENERAL MOTORS	GMC SAFARI VAN	54	30,093	1.7944
111	DAIMLERCHRYSLER	DODGE DAKOTA PICKUP TRUCK	322	181,011	1.7789
112	VOLVO	S40/V40	63	35,817	1.7589
113	NISSAN	SENTRA	120	68,587	1.7496
114	BMW	5	80	45,769	1.7479
115	BMW	3	155	89,026	1.7411
116	FORD MOTOR CO	LINCOLN CONTINENTAL	42	24,210	1.7348
117	GENERAL MOTORS	CHEVROLET ASTRO VAN	155	89,660	1.7288
118	GENERAL MOTORS	CHEVROLET TRACKER	77	45,063	1.7087
119	HONDA	PASSPORT	35	20,493	1.7079
120	VOLVO	S70/V70	69	40,581	1.7003
121	NISSAN	INFINITI G20	23	13,635	1.6868
122	MAZDA	B SERIES PICKUP TRUCK	53	31,627	1.6758

THEFT RATES OF MODEL YEAR 2000 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 2000—Continued

	Manufacturer	Make/model (line)	Thefts 2000	Production (Mfr's) 2000	2000 theft rate (per 1,000 vehicles produced)
123	MERCEDES BENZ	203 (C-CLASS)	44	26,439	1.6642
124	VOLVO	XC	24	14,489	1.6564
125	TOYOTA	TACOMA PICKUP TRUCK	236	142,518	1.6559
126	VOLKSWAGEN	JETTA	224	137,940	1.6239
127	GENERAL MOTORS	CADILLAC ELDORADO	22	13,845	1.5890
128	GENERAL MOTORS	PONTIAC BONNEVILLE	94	59,334	1.5843
129	ISUZU	HOMBRE PICKUP TRUCK	7	4,449	1.5734
130	JAGUAR	XJR	2	1,290	1.5504
131	NISSAN	FRONTIER PICKUP TRUCK	217	143,358	1.5137
132	MERCEDES BENZ	215 (CL-CLASS)	2	1,338	1.4948
133	FORD MOTOR CO	MERCURY GRAND MARQUIS	200	135,282	1.4784
134	HONDA	ACCORD	627	430,595	1.4561
135	PORSCHE	911	11	7,578	1.4516
136	GENERAL MOTORS	GMC SONOMA PICKUP TRUCK	86	60,124	1.4304
137	JAGUAR	XJ8	10	7,086	1.4112
138	VOLKSWAGEN	GOLF/GTI	37	26,862	1.3774
139	AUDI	A8	3	2,189	1.3705
140	MERCEDES BENZ	210 (E-CLASS)	64	46,709	1.3702
141	TOYOTA	LEXUS LS	15	11,179	1.3418
142	DAIMLERCHRYSLER	DODGE VIPER	2	1,559	1.2829
143	GENERAL MOTORS	SATURN LS	105	82,956	1.2657
144	TOYOTA	LEXUS RX	113	89,410	1.2638
145	GENERAL MOTORS	BUICK LESABRE	240	190,269	1.2614
146	FORD MOTOR CO	FORD WINDSTAR VAN	291	232,403	1.2521
147	AUDI	A4	24	19,304	1.2433
148	VOLVO	S80	44	35,864	1.2269
149	SUBARU	IMPREZA	21	17,353	1.2102
150	GENERAL MOTORS	PONTIAC MONTANA VAN	75	62,640	1.1973
151	MERCEDES BENZ	170 (SLK-CLASS)	7	5,891	1.1883
152	TOYOTA	LEXUS ES	54	45,885	1.1769
153	DAIMLERCHRYSLER	PLYMOUTH PROWLER	3	2,576	1.1646
154	GENERAL MOTORS	BUICK PARK AVENUE	59	51,365	1.1486
155	VOLKSWAGEN	CABRIO	10	8,836	1.1317
156	NISSAN	INFINITI I30	45	39,815	1.1302
157	JAGUAR	VANDEN PLAS	4	3,596	1.1123
158	NISSAN	QUEST	52	46,834	1.1103
159	HONDA	ACURA TL	74	67,287	1.0998
160	GENERAL MOTORS	CADILLAC CATERA	17	15,629	1.0877
161	GENERAL MOTORS	CHEVROLET VENTURE VAN	107	100,041	1.0696
162	HONDA	CR–V	121	114,387	1.0578
163	TOYOTA	TUNDRA PICKUP TRUCK	11	10,527	1.0449
164	HONDA	ACURA RL	17	16,470	1.0322
165	MERCEDES BENZ	129 (SL–CLASS)	5	4,845	1.0320
166	SUBARU	FORESTER	29	28,950	1.0017
167	DAIMLERCHRYSLER	CHRYSLER TOWN & COUNTRY	93	96,298	0.9658
168	ISUZU	AMIGO	3	3,199	0.9378
169	MAZDA	MPV	47	50,565	0.9295
170	FORD MOTOR CO	MERCURY VILLAGER MPV	29	31,495	0.9208
171	GENERAL MOTORS	CADILLAC FUNERAL COACH	1	1,100	0.9091
172	TOYOTA	AVALON	98	108,025	0.9072
173	VOLKSWAGEN	NEW BEETLE	81	89,819	0.9018
174	NISSAN	INFINITI QX4	25	28,258	0.8847
175	VOLKSWAGEN	PASSAT	59	67,216	0.8778
176	GENERAL MOTORS	OLDSMOBILE SILHOUETTE VAN	34	41,705	0.8152
177	SAAB	9–3	14	17,929	0.7809
178	GENERAL MOTORS	SATURN LW	11	14,418	0.7629
179	SAAB	9–5	13	17,162	0.7575
180	TOYOTA	SIENNA VAN	96	131,405	0.7306
181	TOYOTA	MR2	4	5,597	0.7147
182	SUBARU	LEGACY	65	97,215	0.6686
183	JAGUAR	XKR	1	1,508	0.6631
184	GENERAL MOTORS	SATURN SW	6	9,113	0.6584
185	PORSCHE	BOXSTER/BOXSTER S	8	13,563	0.5898
186	HONDA	S2000	5	9,206	0.5431
187	MAZDA	MX–5 MIATA	8	16,107	0.4967
188	FORD MOTOR CO	FORD CROWN VICTORIA	50	103,784	0.4818
189	HONDA	INSIGHT	2	5,603	0.3570
190	HONDA	ODYSSEY	33	122,131	0.2702
191	ASTON MARTIN	VANTAGE VOLANTE	0	573	0.0000

THEFT RATES OF MODEL YEAR 2000 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 2000—Continued

Manufacturer		Make/model (line)	Thefts 2000	Production (Mfr's) 2000	2000 theft rate (per 1,000 vehicles produced)
192	BMW	Z8	0	2,936	0.0000
193	DAIMLERCHRYSLER	CHRYSLER STRATUS [2]	0	131	0.0000
194	FIAT	FERRARI 360	0	452	0.0000
195	FIAT	FERRARI 456	0	82	0.0000
196	FIAT	FERRARI 550	0	256	0.0000
197	LOTUS	ESPRIT	0	200	0.0000
198	ROLLS-ROYCE	BENTLEY ARNAGE	0	422	0.0000
199	ROLLS-ROYCE	BENTLEY AZURE	0	93	0.0000
200	ROLLS-ROYCE	BENTLEY CONTINENTAL R	0	23	0.0000
201	ROLLS-ROYCE	BENTLEY CONTINENTAL SC	0	3	0.0000
202	ROLLS-ROYCE	BENTLEY CONTINENTAL T	0	2	0.0000
203	ROLLS-ROYCE	BENTLEY CORNICHE	0	97	0.0000
204	ROLLS-ROYCE	SILVER SERAPH	0	154	0.0000
205	TOYOTA	LEXUS SC	0	823	0.0000
206	VOLKSWAGEN	EUROVAN	0	2,791	0.0000

[1] Nativa is the name applied to Montero Sport vehicles that are manufactured for sale only in Puerto Rico.
[2] These vehicles were manufactured for sale in the U.S. territories under the Chrysler nameplate.

Issued on: August 14, 2002.

Roger A. Saul,

Acting Associate Administrator for Safety Performance Standards.

[FR Doc. 02–21027 Filed 8–16–02; 8:45 am]

BILLING CODE 4910–59–P

Proposed Rules

Federal Register
Vol. 67, No. 160
Monday, August 19, 2002

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–CE–08–AD]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Model PC–6 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Pilatus Aircraft Ltd. (Pilatus) Model PC–6 airplanes. This proposed AD would require you to inspect the aileron assembly for correct configuration and modify as necessary. This proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland. The actions specified by this proposed AD are intended to correct improper aileron assembly configuration, which could result in failure of the aileron mass balance weight. Such failure could lead to loss of control of the airplane.

DATES: The Federal Aviation Administration (FAA) must receive any comments on this proposed rule on or before September 13, 2002.

ADDRESSES: Submit comments to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2002–CE–08–AD, 901 Locust, Room 506, Kansas City, Missouri 64106. You may view any comments at this location between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. You may also send comments electronically to the following address: *9-ACE-7-Docket@faa.gov.* Comments sent electronically must contain ''Docket No. 2002–CE–08–AD'' in the subject line. If you send comments electronically as attached electronic files, the files must be formatted in Microsoft Word 97 for Windows or ASCII text.

You may get service information that applies to this proposed AD from Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 63 19; facsimile: +41 41 619 6224; or from Pilatus Business Aircraft Ltd., Product Support Department, 11755 Airport Way, Broomfield, Colorado 80021; telephone: (303) 465–9099; facsimile: (303) 465–6040. You may also view this information at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

How Do I Comment on This Proposed AD?

The FAA invites comments on this proposed rule. You may submit whatever written data, views, or arguments you choose. You need to include the rule's docket number and submit your comments to the address specified under the caption **ADDRESSES.** We will consider all comments received on or before the closing date. We may amend this proposed rule in light of comments received. Factual information that supports your ideas and suggestions is extremely helpful in evaluating the effectiveness of this proposed AD action and determining whether we need to take additional rulemaking action.

Are There Any Specific Portions of This Proposed AD I Should Pay Attention To?

The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this proposed rule that might suggest a need to modify the rule. You may view all comments we receive before and after the closing date of the rule in the Rules Docket. We will file a report in the Rules Docket that summarizes each contact we have with the public that concerns the substantive parts of this proposed AD.

How Can I Be Sure FAA Receives my Comment?

If you want FAA to acknowledge the receipt of your mailed comments, you must include a self-addressed, stamped postcard. On the postcard, write ''Comments to Docket No. 2002–CE–08–AD.'' We will date stamp and mail the postcard back to you.

Discussion

What Events Have Caused This Proposed AD?

The Federal Office for Civil Aviation (FOCA), which is the airworthiness authority for Switzerland, recently notified FAA that an unsafe condition may exist on certain Pilatus Model PC–6 airplanes. The FOCA reported an instance where unapproved mass balance weights and an improper aileron configuration were found on a Model PC–6 airplane. The FOCA determined the cause as improper configuration control and tracking.

What Are the Consequences if the Condition Is Not Corrected?

This condition, if not corrected, could result in failure of the aileron mass balance weights. Such failure could lead to loss of control of the airplane.

Is There Service Information That Applies to This Subject?

Pilatus has issued Service Bulletin No. 62B, dated May 1967, and Pilatus PC–6 Service Bulletin No. 57–001, dated December 20, 2001.

What Are the Provisions of This Service Information?

These service bulletins include procedures for inspecting the aileron assembly for correct configuration and modifying the aileron assembly if necessary.

What Action Did the FOCA Take?

The FOCA classified these service bulletins as mandatory and issued Swiss AD HB 2002–001, dated February 8, 2002, in order to ensure the continued airworthiness of these airplanes in Switzerland.

Was This in Accordance With the Bilateral Airworthiness Agreement?

This airplane model is manufactured in Switzerland and is type certificated for operation in the United States under the provisions of section 21.29 of the

Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement.

Pursuant to this bilateral airworthiness agreement, the FOCA has kept FAA informed of the situation described above.

The FAA's Determination and an Explanation of the Provisions of This Proposed AD

What Has FAA Decided?

The FAA has examined the findings of the FOCA; reviewed all available information, including the service information referenced above; and determined that:

—The unsafe condition referenced in this document exists or could develop on other Pilatus Model PC–6 airplanes of the same type design that are on the U.S. registry;

—the actions specified in the previously-referenced service information should be accomplished on the affected airplanes; and

—AD action should be taken in order to correct this unsafe condition.

What Would This Proposed AD Require?

This proposed AD would require you to incorporate the actions in the previously-referenced service information.

Cost Impact

How Many Airplanes Would This Proposed AD Impact?

We estimate that this proposed AD affected 35 airplanes in the U.S. registry.

What Would be the Cost of This Proposed AD on Owners/Operators of the Affected Airplanes?

We estimate the following costs to accomplish the proposed inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
1 workhour×$60 per hour=$60	No parts required	$60	$60×35=$2,100.

We estimate the following costs to accomplish any necessary modifications that would be required based on the results of the proposed inspection. We have no way of determining the number of airplanes that may need such modification:

Labor cost	Parts cost	Total cost per airplane
16 workhours×$60 = $960	$419	$419+$960 = $1,379.

Compliance Time of This Proposed AD

What Would Be the Compliance Time of This Proposed AD?

The compliance time of this proposed AD is ''within the next 30 days after the effective date of this AD.''

Why Is the Compliance Time Presented in Calendar Time Instead of Hours Time-in-Service (TIS)?

This unsafe condition is not a result of the number of times the airplane is operated. The chance of this situation occurring is the same for an airplane with 10 hours time-in-service (TIS) as it would be for a airplane with 500 hours TIS. For this reason, the FAA has determined that a compliance based on calendar time should be utilized in this AD in order to assure that the unsafe condition is addressed on all airplanes in a reasonable time period.

Regulatory Impact

Would This Proposed AD Impact Various Entities?

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

Would This Proposed AD Involve a Significant Rule or Regulatory Action?

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. FAA amends § 39.13 by adding a new airworthiness directive (AD) to read as follows:

Pilatus Aircraft Ltd.: Docket No. 2002–CE–08–AD

(a) *What airplanes are affected by this AD?* This AD affects Model PC–6 airplanes, all manufacturer serial numbers (MSN) up to and including 939, that are certificated in any category.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the airplanes identified in paragraph (a) of this AD must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to correct improper aileron assembly configuration, which could result in failure of the aileron mass balance weight. Such failure could lead to loss of control of the airplane.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance	Procedures
(1) Inspect the aileron assembly for proper configuration	Within the next 30 days after the effective date of this AD.	In accordance with Pilatus Service Bulletin No. 62B, dated May 1967, as specified in Pilatus PC–6 Service Bulletin No. 57–001, dated December 20, 2001.
(2) If the aileron assembly configuration incorporates aileron part number (P/N) 6106.10.xxx or P/N 6106.0010.xxx, modify the assembly in accordance with Pilatus Service Bulletin No. 62B, dated May 1967, and install a placard.	Prior to further flight after the inspection required in paragraph (d)(1) of this AD.	Modify in accordance with Pilatus Service Bulletin No. 62B, dated paragraph May 1967. Install the placard in accordance with Pilatus PC–6 Service Bulletin No. 57–001, dated December 20, 2001.
(3) If the aileron assembly configuration differs from that specified in Pilatus Service Bulletin No. 62B, dated May 1967, or if the part numbers are missing and cannot be verified: (i) obtain a repair scheme from the manufacturer through the FAA at the address specified in paragraph (f) of this AD; and (ii) incorporate this repair scheme.	Prior to further flight after the inspection required in paragraph (d)(1) of this AD.	In accordance with Pilatus PC–6 Service Bulletin No. 57–001, dated December 20, 2001.
(4) Do not install any aileron assembly unless the inspection, modification, placard, and repair requirements (as applicable) of paragraphs (d)(1), (d)(2), (d)(3), (d)(3)(i), and (d)(3)(ii) of this AD are accomplished.	As of the effective date of this AD.	In accordance with Pilatus PC–6 Service Bulletin No. 57–001, dated December 20, 2001.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Standards Office Manager, Small Airplane Directorate, approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Standards Office Manager.

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

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; facsimile: (816) 329–4090.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *How do I get copies of the documents referenced in this AD?* You may get copies of the documents referenced in this AD from Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 63 19; facsimile: +41 41 619 6224; or from Pilatus Business Aircraft Ltd., Product Support Department, 11755 Airport Way, Broomfield, Colorado 80021; telephone: (303) 465–9099; facsimile: (303) 465–6040. You may view these documents at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106.

Note 2: The subject of this AD is addressed in Swiss AD HB 2002–001, dated February 8, 2002.

Issued in Kansas City, Missouri, on August 2, 2002.

Dorenda D. Baker,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–20933 Filed 8–16–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–90–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–9 Airplanes and Model MD–88 Airplanes

AGENCY: Federal Aviation Administration, DOT.

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

SUMMARY: This document extends the period for public comment on the above-referenced NPRM that would apply to certain McDonnell Douglas Model DC–9 airplanes and Model MD–88 airplanes. The NPRM proposes to require replacement of certain power relays, and subsequent repetitive cleaning, inspecting, repairing, and testing of certain replaced power relays. The NPRM is prompted by reports indicating that the alternating current (AC) cross-tie relay shorted out internally, which caused severe smoke and burn damage to the relay, aircraft wiring, and adjacent panels. This extension of the comment period is necessary to assure that all interested persons have ample opportunity to present their views on the proposed requirements of the NPRM.

DATES: Comments must be received by August 26, 2002.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–90–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov.* Comments sent via fax or the Internet must contain ''Docket No. 99–NM–90–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

FOR FURTHER INFORMATION CONTACT: Elvin Wheeler, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5344; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–90–AD.'' The postcard will be date stamped and returned to the commenter.

Events Leading to This Extension of the Comment Period

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain McDonnell Douglas Model DC–9 airplanes and Model MD–88 airplanes was published as a second supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on July 1, 2002 (67 FR 44119). The second supplemental NPRM proposed to require replacement of certain power relays, and subsequent repetitive cleaning, inspecting, repairing, and testing of certain replaced power relays.

The FAA has received a request from the National Transportation Safety Board (NTSB) to extend the comment period of the second supplemental NPRM by three weeks to allow additional time to prepare comments. The FAA has considered this request and finds it appropriate to extend the comment period to give all interested persons more time to examine the proposed requirements of the second supplemental NPRM and to submit comments. In light of the fact that some of the additional time requested to prepare comments has passed, we have determined that extending the comment period by 7 days after date of publication in the **Federal Register** is appropriate, and that such an extension will not compromise the safety of these airplanes.

The Extension

The comment period for Docket No. 99–NM–90–AD is hereby extended to August 26, 2002.

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

Issued in Renton, Washington, on August 12, 2002.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–20932 Filed 8–16–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 148, 149, and 150

[USCG–1998–3884]

RIN 2115–AF63

Deepwater Ports; Reopening of Comment Period

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking; reopening of comment period.

SUMMARY: In response to public requests, the Coast Guard is reopening the comment period on its notice of proposed rulemaking on deepwater ports published in the **Federal Register** on May 30, 2002, (67 FR 37920). Reopening the comment period gives the public more time to submit comments and recommendations on the issues raised in the proposed rule. This rulemaking is necessary to update the regulations with current technology and industry standards. It will also align them with certain regulations for other fixed offshore facilities.

DATES: Comments on the proposed rule and related material must reach the Docket Management Facility on or before September 18, 2002. Comments sent to the Office of Management and Budget (OMB) on collection of information must reach OMB on or before September 18, 2002.

ADDRESSES: To make sure that your comments and related material are not entered more than once in the docket, please submit them by only one of the following means:

(1) By mail to the Docket Management Facility (USCG–1998–3884), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001.

(2) By delivery to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(3) By fax to the Docket Management Facility at 202–493–2251.

(4) Electronically through the Web site for the Docket Management System at *http://dms.dot.gov.*

You must also mail comments on collection of information to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

The Docket Management Facility maintains the public docket for the rulemaking. Comments and material received from the public, as well as documents mentioned in the preamble to the proposed rule as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL–401, located on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call Commander Mark Prescott, Vessel and Facility Operating Standards Division (G–MSO–2), Coast Guard, telephone 202–267–0225. If you have questions on viewing or submitting material to the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–5149.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in the rulemaking by submitting comments

and related material. If you do so, please include your name and address, identify the docket number for the rulemaking (USCG–1998–3884), indicate the specific section of the proposed rule to which each comment applies, and give the reason for each comment. You may submit your comments and material by mail, hand delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments received during the comment period. We may change the proposed rule in view of them.

Dated: August 12, 2002.

Joseph J. Angelo,

Director of Standards, Marine Safety, Security and Environmental Protection.

[FR Doc. 02–20952 Filed 8–16–02; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[SIP NO. MT–001–0043; FRL–7261–4]

Approval and Promulgation of Air Quality Implementation Plans for the State of Montana; Revision to the Administrative Rules of Montana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the Governor of Montana on April 30, 2001. The April 30, 2001 submittal revises the State's Administrative Rules of Montana (ARM) by adding a Credible Evidence Rule. The intended effect of this action is to make the Credible Evidence Rule Federally enforceable. Finally, the Governor's April 30, 2001 submittal contains other SIP revisions which will be addressed separately. This action is being taken under section 110 of the Clean Air Act (CAA).

DATES: Written comments must be received on or before September 18, 2002.

ADDRESSES: Written comments may be mailed to Richard R. Long, Director, Air and Radiation Program, Mailcode 8P–AR, Environmental Protection Agency (EPA), Region 8, 999 18th Street, Suite 300, Denver, Colorado, 80202. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air and Radiation Program, Environmental Protection Agency, Region 8, 999 18th Street, Suite 300, Denver, Colorado, 80202. Copies of the State documents relevant to this action are available for public inspection at the Montana Department of Environmental Quality, Air and Waste Management Bureau, 1520 E. 6th Avenue, Helena, Montana 59620.

FOR FURTHER INFORMATION CONTACT: Laurel Dygowski, EPA, Region 8, (303) 312–6144.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we'' or ''our'' is used means EPA.

I. Analysis of the State Submittal

A. Procedural Background

The Act requires States to observe certain procedural requirements in developing implementation plans and plan revisions for submission to EPA. Section 110(a)(2) of the Act provides that each implementation plan admitted by a State must be adopted after reasonable notice and public hearing. Section 110(1) of the Act similarly provides that each revision to an implementation plan submitted by a State under the Act must be adopted by such State after reasonable notice and public hearing.

EPA also must determine whether a submittal is complete and therefore warrants further EPA review and action (*see* section 110(k)(1) and 57 FR 13565). EPA's completeness criteria are set out at 40 CFR part 51, appendix V. EPA attempts to make completeness determinations within 60 days of receiving a submission. However, a submittal is deemed complete by operation of law if a completeness determination is not made by EPA six months after receipt of submission.

To entertain public comment, the State of Montana, after providing adequate public notice, held several public hearings to address the revisions to the SIP. Following the public hearings and public comment period, the Montana Board of Environmental Review adopted the revisions. Revisions to ARM 17.8.132 were adopted on November 17, 2000.

The Governor of Montana submitted the revisions to the SIP with a letter dated April 30, 2001. The SIP revisions were reviewed by EPA to determine completeness in accordance with the completeness criteria set out at 40 CFR part 51, appendix V. In a June 29, 2001 letter, the EPA informed the State that the submittal was found to be complete.

B. Summary of SIP Revisions

ARM 17.8.132—Credible Evidence

Montana has adopted a credible evidence rule (ARM 17.8.132) to comply with the EPA's final rule concerning credible evidence. On February 24, 1997, EPA promulgated regulations under section 113(a) and 113(e)(1) of the CAA that gave EPA authority to use all available data to prove CAA violations (*see* 62 FR 8314–8328). The final rule requires states to include provisions in their SIPs to allow for the use of credible evidence for the purposes of submitting compliance certifications and for establishing whether or not a person has violated a standard in a SIP.

In accordance with section 110(k)(5) of the CAAA SIP Call was issued to the State of Montana on July 7, 1994 which was later superceded by another SIP Call on October 20, 1999. In a letter from William P. Yellowtail, EPA Regional Administrator, to Marc Racicot, Governor of Montana, EPA notified the State of Montana that their SIP was inadequate to comply with sections 110(a)(2)(A) and (C) of the CAA because the SIP could be interpreted to limit the types of credible evidence or information that may be used for determining compliance and establishing violations. In response to the SIP Call, the State of Montana adopted and submitted a new credible evidence rule, ARM 17.8.132. EPA believes the State's new credible evidence rule meets the requirements of 40 CFR 51.212(c) and is proposing approval of it into the SIP.

Section 110(l) of the Clean Air Act states that a SIP revision cannot be approved if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress towards attainment of the NAAQS or any other applicable requirements of the Act. The Montana SIP revisions that are the subject of this document do not interfere with the maintenance of the NAAQS or any other applicable requirement of the Act because the State of Montana's new credible evidence rule meets the federal requirements in 40 CFR 51.212(c) and this rule will enhance the State's efforts in implementing the Clean Air Act. Therefore, section 110(l) requirements are satisfied.

II. Proposed Action

EPA is proposing to approve Montana's Credible Evidence Rule

(ARM 17.8.132) submitted on April 30, 2001. EPA is soliciting public comments on the issues discussed in this document or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this document.

III. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This proposed action merely proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule proposes to approve pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4).

This proposed rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely proposes to approve a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: August 13, 2002.

Robert E. Roberts,

Regional Administrator, Region 8.

[FR Doc. 02–20988 Filed 8–16–02; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–P–7613]

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 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 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 Administrator for 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 record keeping 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 [Amended]

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	•(NAVD) Modified
Illinois	Bradley, Village of (Kankakee County).	Kankakee River	The southwest corner of the Village of Bradley.	None	*599
		North Branch Soldier Creek.	Just upstream of Conrail bridge	*627	*628
		Soldier Creek	At the confluence of North Branch Soldier Creek.	*624	*627
			Approximately 400 feet upstream of North Street.	*634	*634
Maps are available for inspection at the Department of Building Standards, Village of Bradley, 147 S. Michigan Avenue, Bradley, Illinois. Send comments to The Honorable Jerry Balthazor, Village President, Village of Bradley, 147 S. Michigan Avenue, Bradley, Illinois 60915.					
Illinois	Kankakee, City of (Kankakee County).	Kankakee River	Approximately 7,600 feet downstream of Conrail.	*597	*598
			Approximately 3,600 feet upstream of I–57.	*612	*606
		Soldier Creek	Just upstream of Illinois Central Railroad	*628	*627
			Approximately 4,300 feet upstream of State Route 50 (Kinzie Avenue).	*632	*631
Maps are available for inspection at the City of Kankakee Planning Department, 165 N. Schuyler Avenue, Kankakee, Illinois. Send comments to The Honorable Donald E. Green, Mayor, City of Kankakee, 385 E. Oak Street, Kankakee, Illinois 60901.					

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

Dated: August 8, 2002.

Anthony S. Lowe,

Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02–20965 Filed 8–16–02; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–P–7611]

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 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 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 Administrator for 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 record keeping 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 [Amended]

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

Source of flooding and location of referenced elevation	*Elevation in feet (NGVD)		Communities affected
	Existing	Modified	
Big Cabin Creek:			
Just upstream of the confluence with Neosho River	None	*639	Mayes County (Unincorporated Areas).
Approximately 550 feet upstream of Abandoned County Road	None	*642	
*National Geodetic Vertical Datum			
Lake Hudson: Entire shoreline	None	*637	Mayes County, Town of Salina.
Neosho River:			
Approximately 2,500 feet downstream of Strang Road	None	*637	Mayes County, Town of Langley, Town of Disney.
Just downstream of Pensacola Dam	None	*649	
Summerfield Creek:			
At the confluence with Neosho River	None	*648	Mayes County, Town of Disney.
Approximately 6,200 feet upstream of N4475 Road	None	*658	
Salt Branch Creek:			
Just upstream of Maple Street	None	*611	Mayes County, City of Pryor Creek.
Approximately 100 feet downstream of N4330 Road	None	*633	
*National Geodetic Vertical Datum			

Maps are available for inspection at the Mayes County Courthouse, Pryor Creek, Oklahoma.
Send comments to Mr. Jim Montgomery, County Commissioner, Mayes County Courthouse, PO Box 9, Pryor Creek, Oklahoma 74362.

Maps are available for inspection at City Hall, City of Pryor, 6 North Adair Street, Pryor Creek, Oklahoma.
Send comments to The Honorable H. W. Jordan, Mayor, City of Pryor Creek, PO Box 1167, Pryor Creek, Oklahoma 74362.

Maps are available for inspection at the Town Hall, Town of Disney, 101 Main Street, Disney, Oklahoma.
Send comments to The Honorable Lewis Perrault, Mayor, Town of Disney, PO Box 318, Disney, Oklahoma 74340.

Maps are available for inspection at City Hall, Town of Langley, 3rd Street and Osage Avenue, Langley, Oklahoma.
Send comments to The Honorable Dick Lay, Mayor, Town of Langley, PO Box 760, Langley, Oklahoma 74350.

Maps are available for inspection at the Town Hall, Town of Salina, Salina Oklahoma.
Send comments to The Honorable Darrell Blaylock, Mayor, Town of Salina, PO Box 276, Salina, Oklahoma 74365.

For further information please contact the Map Assistance Center toll free at 1–877–FEMA–MAP (1–877–336–2627).

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

Dated: August 12, 2002.

Anthony S. Lowe,

Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02–20964 Filed 8–16–02; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02–1812: MB Docket Nos. 02–198, 02–199; RM–10513, RM–10514]

Radio Broadcasting Services; Magnolia, AR and Oil City, LA; Hilton Head Island, Hollywood and Port Royal, SC.

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission seeks comment on proposals in two separate docketed proceedings in a multiple docket *Notice of Proposed Rule Making.* The first, jointly filed by Apex Broadcasting, Inc., and Monterey Licenses, LLC, proposes to reallot Channel 259C from Port Royal to Hollywood, South Carolina, as the community's first local aural transmission service and modify the license of Station WJZX(FM) to reflect the new community, and reallot Channel 300C2 from Hilton Head Island to Port Royal to retain Port Royal's sole local aural transmission service and modify the license of Station WLOW(FM) to reflect the new community. Channel 259C can be reallotted from Port Royal to Hollywood at Station WJZX(FM)'s current transmitter site 41.2 km (25.6 miles) southwest of the community at coordinates 32–25–10 NL and 80–28–30 WL. Channel 300C2 can be reallotted from Hilton Head Island to Port Royal at Station WLOW(FM)'s current transmitter site 22.3 km (13.9 miles) southwest of the community at coordinates 32–13–36 NL and 80–50–53 WL. The second, filed by Columbia Broadcasting Company, Inc., Substitute Channel 300C2 for 300C1 at Magnolia, Arkansas and reallot Channel 300C2 from Magnolia to Oil City, Louisiana, as the community's first local transmission service, and modify Station KVMA's authorization to specify Oil City as the community of license. Channel 300C2 can be reallotted from Magnolia to Oil City at petitioner's proposed site 27.6 kilometers (17.1 miles) northeast of the community at coordinates 32–54–06 NL and 93–44–01 WL. *See Supplementary Information.*

DATES: Comments must be filed on or before September 23, 2002, and reply comments must be filed on or before October 8, 2002.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: Columbia Broadcasting Company, Inc. c/o Mark N. Lipp, J. Thomas Nolan, Shook, Hardy & Bacon, 600 14th Street, NW., Suite 800, Washington, DC 20005; Apex Broadcasting, Inc., c/o Erwin G. Krasnow, Mark N. Lipp, J. Thomas Nolan, Shook, Hardy & Bacon, 600 14th Street, NW., Suite 800, Washington, DC 20005; and Monterey Licenses, LLC, David D. Oxenford, Shaw Pittman LLP, 2300 N Street, NW., Washington, DC 20037.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket Nos. 02–198, and 02–199, adopted July 17, 2002, and released August 2, 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.* 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, 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 Arkansas, is amended by removing Magnolia, Channel 300C1.

3. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by adding Oil City, Channel 300C2.

4. Section 73.202(b), the Table of FM Allotments under South Carolina is amended by adding Hollywood, Channel 259C, by removing Channel 300C2 at Hilton Head Island, and by removing Channel 259C and adding Channel 300C2 at Port Royal.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 02–20923 Filed 8–16–02; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 080502E]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Proposed Amendment 13 to the Fishery Management Plan (FMP) for the Shrimp Fishery of the Gulf of Mexico; Scoping Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of intent to prepare a draft supplemental environmental impact statement (DSEIS) and notice of scoping meetings; request for comments.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) intends to prepare a DSEIS to describe and analyze management alternatives associated with proposed Amendment 13 to the FMP for the Shrimp Fishery of the Gulf of Mexico.

Amendment 13 would establish stock status determination criteria for managed shrimp stocks in the Gulf. The Amendment may also include, but would not be limited to, alternatives

related to adding rock shrimp to the management unit of the shrimp FMP, requiring endorsements for vessels harvesting rock shrimp and royal red shrimp in the exclusive economic zone (EEZ) of the Gulf of Mexico, requiring vessel monitoring systems (VMS) aboard shrimp trawl vessels fishing in or transiting all or some portions of the Gulf of Mexico EEZ, improving bycatch reporting, and further reducing bycatch in the shrimp fishery.

The purpose of this notice of intent is to solicit public comments on the scope of issues to be addressed in the DSEIS, which will be submitted to NMFS for filing with the Environmental Protection Agency (EPA) for publication of a notice of availability for public comment.

DATES: Written comments on the scope of issues to be addressed in the DSEIS must be received by the Council by September 18, 2002. A series of scoping meetings will be held late August through early October 2002. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: Written comments on the scope of the DSEIS and requests for additional information on proposed Amendment 13 should be sent to the Gulf of Mexico Fishery Management Council, The Commons at Rivergate, 3018 U.S. Highway 301 North, Suite 1000, Tampa, Florida 33619; telephone: 813–228–2815; fax: 813–225–7015. Comments may also be sent by e-mail to *Rick.Leard@gulfcouncil.org*.

Eight scoping meetings will be held throughout the Gulf, in the states of Texas, Louisiana, Mississippi, Alabama and Florida. See **SUPPLEMENTARY INFORMATION** for the specific locations, dates, and times of those meetings.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Leard; phone: 813–228–2815; fax: 813–225–7015; e-mail: *Rick.Leard@gulfcouncil.org* or Dr. Steve Branstetter; phone: 727–570–5305; fax: 727–570–5583; e-mail: *Steve.Branstetter@noaa.gov*.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires the Council to establish stock status determination criteria for all managed stocks. The Council submitted proxy definitions for these parameters as part of its Generic Sustainable Fisheries Act Amendment in 1999. However, NMFS approved only the definitions of the overfished conditions. Consequently, through proposed Amendment 13, the Council would revise the remaining stock status determination criteria for managed shrimp stocks in the Gulf of Mexico.

The Council has established some relatively large permanently and seasonally closed areas to shrimp trawling, namely the Tortugas Shrimp Sanctuary and the cooperative Texas Closure. To enhance enforcement of these closures and with the intent to collect better effort data from the shrimp fishery, the Council may also consider through Amendment 13, requiring the use of VMS on shrimp vessels in at least some portion of the EEZ during some closure period.

Section 303 (a)(11) of the Magnuson-Stevens Act requires the Council to establish a standardized bycatch reporting methodology to determine the type and amount of bycatch occurring in the shrimp fishery. The Council has proposed such a methodology under Amendment 10 to the FMP for the Shrimp Fishery of the Gulf of Mexico. However, through Amendment 13, the Council may consider ways to improve that reporting methodology. Amendment 13 may also consider additional measures to reduce bycatch in the shrimp fishery to the extent practicable and to reduce the mortality of bycatch that cannot be avoided, as required by Section 303 (a)(11) of the Magnuson-Stevens Act.

Other management alternatives that may be considered in Amendment 13 include adding rock shrimp to the management unit of the shrimp FMP, and requiring endorsements for vessels harvesting rock shrimp and royal red shrimp in the EEZ of the Gulf of Mexico.

The Council will develop a DSEIS to describe and analyze management alternatives considered in proposed Amendment 13. In addition to the management measures described above, the DSEIS will evaluate, as needed, additional management measures to address problems or issues that are identified during the scoping process.

Written comments on the range of alternatives and scope of issues to be addressed in the DSEIS may be sent to the Council (see **ADDRESSES**). The Council has scheduled the following eight scoping meetings to provide the opportunity for additional public input:

1. Monday, August 26, 2002: Four Points Sheraton, 3777 North Expressway, Brownsville, TX; telephone: 956–547–1500;
2. Tuesday, August 27, 2002: Palacios Recreation Center, 2401 Perryman, Palacios, TX; telephone: 361–972–2387;
3. Wednesday, August 28, 2002: San Luis Resort, 5222 Seawall Boulevard, Galveston Island, TX; telephone: 409–744–1500;
4. Monday, September 23, 2002: New Orleans Airport Hilton, 901 Airline Highway, Kenner, LA; telephone: 504–469–5000;
5. Tuesday, September 24, 2002: Isle of Capri Casino Hotel, 151 Beach Boulevard, Biloxi, MS; telephone: 228–436–8720;
6. Wednesday, September 25, 2002: Adams Mark Hotel, 64 South Water Street, Mobile, AL; telephone: 251–438–4000;
7. Tuesday, October 1, 2002: Franklin County Courthouse, 33 Market Street, Apalachicola, FL; telephone: 850–653–8861; and
8. Wednesday, October 2, 2002: Tampa Airport Hilton, 2225 Lois Avenue, Tampa, FL; telephone: 813–877–6688.

All scoping meetings will begin at 6 pm. The first portion of each meeting will be allocated to taking public comments on proposed Amendment 13. Immediately following the conclusion of public comments on Amendment 13, the Council will take public comments on the DSEIS being developed to support the Draft Red Snapper Rebuilding Amendment. The notice of intent for that action can be found at Notice I.D. 080502D published in the Notices section of this issue of the **Federal Register**, and contains information on the scope of issues and alternatives that will be considered in the Draft Red Snapper Rebuilding Amendment, which will establish a red snapper rebuilding plan based on biomass-based stock rebuilding targets and thresholds.

All meetings will be physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Dr. Richard Leard at the Council (see **ADDRESSES**).

Once the Council completes the DSEIS associated with Amendment 13, it will submit the document to NMFS for filing with the EPA. The EPA will publish a notice of availability of the DSEIS for public comment in the **Federal Register**. The DSEIS will have a 45–day comment period. This procedure is pursuant to regulations issued by the Council on Environmental Quality (CEQ) for implementing the procedural provisions of the National Environmental Policy Act (NEPA; 40 CFR parts 1500–1508) and to NOAA's Administrative Order 216–6 regarding NOAA's compliance with NEPA and the CEQ regulations.

The Council will consider public comments received on the DSEIS in developing the final supplemental environmental impact statement (FSEIS) and before adopting final management measures for Amendment 13. The Council will submit both the final

Amendment and the supporting FSEIS to NMFS for Secretarial review, approval, and implementation under the Magnuson-Stevens Act.

NMFS will announce, through a notice published in the **Federal Register**, the availability of the final Amendment 13 for public review during the Secretarial review period. During Secretarial review, the NMFS will also file the FSEIS with the EPA for a final 30–day public comment period. This comment period will be concurrent with the Secretarial review period and will end prior to final agency action to approve, disapprove, or partially approve Amendment 13.

NMFS will announce, through a notice published in the **Federal Register**, all public comment periods on the final Amendment 13, its proposed implementing regulations, and its associated FSEIS. NMFS will consider all public comments received during the Secretarial review period, whether they are on the final Amendment, the proposed regulations, or the FSEIS, prior to final agency action.

Dated: August 14, 2002.

Virginia M. Fay,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 02–21023 Filed 8–16–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 080502D]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Resources of the Gulf of Mexico; Draft Amendment to the Fishery Management Plan (FMP) for the Reef Fish Resources of the Gulf of Mexico to Establish a Red Snapper Rebuilding Plan (Draft Red Snapper Rebuilding Amendment); Scoping Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of intent to prepare a draft supplemental environmental impact statement (DSEIS); notice of scoping meetings; request for comments.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) intends to prepare a DSEIS to describe and analyze management alternatives associated with establishing a red snapper rebuilding plan based on biomass-based stock rebuilding targets and thresholds. The red snapper rebuilding plan will be implemented through an amendment to the FMP for the Reef Fish Resources of the Gulf of Mexico. The purpose of this notice of intent is to solicit public comments on the scope of issues to be addressed in the DSEIS, which will be submitted to NMFS for filing with the Environmental Protection Agency (EPA) for publication of a notice of availability for public comment.

DATES: Written comments on the scope of issues to be addressed in the DSEIS must be received by the Council by September 18, 2002. A series of scoping meetings will be held late August through early October 2002. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: Written comments on the scope of the DSEIS and requests for additional information on the Draft Red Snapper Rebuilding Amendment should be sent to the Gulf of Mexico Fishery Management Council, The Commons at Rivergate, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619; telephone: 813–228–2815; fax: 813–225–7015. Comments may also be sent by e-mail to *Peter.Hood@gulfcouncil.org*.

Eight scoping meetings will be held throughout the Gulf, in the states of Texas, Louisiana, Mississippi, Alabama and Florida. See **SUPPLEMENTARY INFORMATION** for the specific locations, dates, and times of those meetings.

FOR FURTHER INFORMATION CONTACT: Peter Hood; phone: 813–228–2815; fax: 813–225–7015; e-mail: *Peter.Hood@gulfcouncil.org* or Phil Steele; phone: 727–570–5305; fax: 727–570–5583; e-mail: *Phil.Steele@noaa.gov*.

SUPPLEMENTARY INFORMATION: The Council is preparing to amend the FMP for the Reef Fish Resources of the Gulf of Mexico to establish a red snapper rebuilding plan that is based on biomass-based stock rebuilding targets and thresholds. The Council will develop a DSEIS to describe and analyze management alternatives considered in the Draft Red Snapper Rebuilding Amendment.

The DSEIS will evaluate biomass-based stock rebuilding targets and thresholds, and will consider various rebuilding schedules, consistent with the legal mandate provided by Section 304(e)(4) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to rebuild overfished stocks in as short a time period as possible, taking into account other factors, including the status and biology of the overfished stock and the needs of fishing communities. The DSEIS will also consider various alternatives to achieve the rebuilding goal based on a constant catch scenario and/or a constant fishing mortality rate scenario.

In an earlier version of the Draft Red Snapper Rebuilding Amendment (Draft Regulatory Amendment to the Reef Fish FMP to Set a Red Snapper Rebuilding Plan through 2032), the Council proposed a 31–year stepwise rebuilding strategy based on a combination of the constant catch and constant fishing mortality rate scenarios. That rebuilding strategy would maintain the current total allowable catch (TAC) quota set at 9.12 million lb (4.14 kg) under a constant catch scenario for years 2001–2005, with a minimum 40–percent bycatch reduction requirement. Thereafter, the rebuilding plan would shift to a constant fishing mortality rate strategy. In addition to annual monitoring to ensure quota compliance, the status of the stock would be reviewed every 5 years to evaluate the need for additional management measures. That strategy will be considered in the Draft Red Snapper Rebuilding Amendment, as will other strategies that may require immediate adjustments to existing management measures.

Management alternatives considered by the Council could include, but would not be limited to, adjustments to red snapper TAC quotas, minimum size limits, and bag limits, and changes to existing bycatch reduction requirements in the Gulf of Mexico shrimp fishery.

Written comments on the range of alternatives and scope of issues to be addressed in the DSEIS may be sent to the Council (see **ADDRESSES**). The Council has scheduled the following eight scoping meetings to provide the opportunity for additional public input:

1. Monday, August 26, 2002: Four Points Sheraton, 3777 North Expressway, Brownsville, TX (956–547–1500);

2. Tuesday, August 27, 2002: Palacios Recreation Center, 2401 Perryman, Palacios, TX (361–972–2387);

3. Wednesday, August 28, 2002: San Luis Resort, 5222 Seawall Boulevard, Galveston Island, TX (409–744–1500);

4. Monday, September 23, 2002: New Orleans Airport Hilton, 901 Airline Highway, Kenner, LA (504–469–5000);

5. Tuesday, September 24, 2002: Isle of Capri Casino Hotel, 151 Beach Boulevard, Biloxi, MS (228–436–8720);

6. Wednesday, September 25, 2002: Adams Mark Hotel, 64 South Water Street, Mobile, AL (251–438–4000);

7. Tuesday, October 1, 2002: Franklin County Courthouse, 33 Market Street, Apalachicola, FL (850–653–8861); and

8. Wednesday, October 2, 2002: Tampa Airport Hilton, 2225 Lois Avenue, Tampa, FL (813–877–6688).

At these scoping meetings, the Council will also take public comments on the DSEIS being developed to support proposed Amendment 13 to the FMP for the Shrimp Fishery of the Gulf of Mexico (Amendment 13). The notice of intent for that action can be found at Notice I.D. 080502E published in the Notices section of this issue of the **Federal Register**, and contains more information on the purpose and scope of Amendment 13, which would establish stock status determination criteria for managed shrimp stocks in the Gulf. Amendment 13 may also include, but would not be limited to, alternatives related to: (1) adding rock shrimp to the management unit of the shrimp FMP, (2) requiring endorsements for vessels harvesting rock shrimp and royal red shrimp in the exclusive economic zone (EEZ) of the Gulf of Mexico, (3) requiring vessel monitoring systems aboard shrimp trawl vessels fishing in or transiting all or some portions of the Gulf of Mexico EEZ, (4) improving bycatch reporting, and (5) further reducing bycatch in the shrimp fishery.

All scoping meetings will begin at 6 p.m. The first portion of each meeting will be allocated to taking public comments on proposed Amendment 13. Scoping for the Draft Red Snapper Rebuilding Amendment will commence immediately following the conclusion of public comments on Amendment 13. The meetings will be physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Peter Hood at the Council (see **ADDRESSES**).

Once the Council completes the DSEIS associated with the Draft Red Snapper Rebuilding Amendment, it will submit the document to NMFS for filing with the EPA. The EPA will publish a notice of availability of the DSEIS for public comment in the **Federal Register**. The DSEIS will have a 45–day comment period. This procedure is pursuant to regulations issued by the Council on Environmental Quality (CEQ) for implementing the procedural provisions of the National Environmental Policy Act (NEPA; 40 CFR parts 1500–1508) and to NOAA's Administrative Order 216–6 regarding NOAA's compliance with NEPA and the CEQ regulations.

The Council will consider public comments received on the DSEIS in developing the final supplemental environmental impact statement (FSEIS) and before adopting final management measures for the Red Snapper Rebuilding Amendment. The Council will submit both the final Amendment and the supporting FSEIS to NMFS for Secretary of Commerce review, approval, and implementation under the Magnuson-Stevens Act.

NMFS will announce, through a notice published in the **Federal Register**, the availability of the final Red Snapper Rebuilding Amendment for public review during the Secretarial review period. During Secretarial review, NMFS will also file the FSEIS with the EPA for a final 30–day public comment period. This comment period will be concurrent with the Secretarial review period and will end prior to final agency action to approve, disapprove, or partially approve the final Red Snapper Rebuilding Amendment.

NMFS will announce, through a notice published in the **Federal Register**, all public comment periods on the final Red Snapper Rebuilding Amendment, its proposed implementing regulations, and its associated FSEIS. NMFS will consider all public comments received during the public comment periods, whether they are on the final Amendment, the proposed regulations, or the FSEIS, prior to final agency action.

Dated: August 14, 2002.

Virginia M. Fay,

Acting Director, Office of Sustainable Fisheries, NationalMarine Fisheries Service.

[FR Doc. 02–21024 Filed 8–16–02; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register
Vol. 67, No. 160
Monday, August 19, 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

Middle Fork John Day Range Planning on the Blue Mountain and Prairie City Ranger Districts; Malheur National Forest; Grant Count, OR

AGENCY: Forest Service, USDA.

ACTION: Revised notice of intent to prepare an environmental impact statement.

SUMMARY: On February 25, 1999, the USDA Forest Service published a Notice of Intent (NOI) in the **Federal Register** (64 FR 9305) to prepare an environmental impact statement (EIS) to update range management planning on 8 livestock grazing allotments which will result in the development of new Allotment Management Plans (AMPs). The Forest Service is revising the name of the analysis, the proposed action, the dates the EIS is expected to be available for public review and comment, and the release of the final EIS.

The revised NOI changes the name of this project to reflect an official change in Ranger District names. The new project name replaces Long Creek/Bear Valley Ranger District with Blue Mountain Ranger District. The revised proposed action includes constructing or reconstructing 12 additional water developments and 31 additional miles of fence across the project area. It also added repairing an irrigation ditch and relocating unit fences in Camp Creek allotment. The revised proposed action would adjust three allotments in the following ways—the number of units in the Lower Middle Fork allotment would be increased from five to seven units; the Austin allotment would be incorporated into the Upper Middle Fork Allotment and used as a holding/gathering pasture (rather than eliminated and fences removed); in addition, 80 acres of the Austin Allotment within the Middle Fork John Day River riparian zone would be excluded from livestock grazing (to reduce potential effects to aquatic species). The revised proposed action no longer involves eradication of noxious weeds. This activity will be analyzed in a Region 6 EIS and has been analyzed in a Malheur National Forest Environmental Assessment. Additionally, 5,m000 acres of prescribed burning to improve forage production and some fence and cattleguard construction has already been completed and will no longer be included in the revised proposed action.

Management actions are planned to be implemented beginning in the year 2004. The revised date of filing the draft EIS is January 2003, and the revised date of filing the final EIS is June 2003.

DATES: Comments concerning the scope of this revised analysis should be received in writing by September 16, 2002.

ADDRESSES: Send written comments to the Forest Supervisor, Malheur National Forest, 431 Patterson Bridge Road, PO Box 909, John Day, Oregon 97845.

FOR FURTHER INFORMATION CONTACT: Ken Scheutz, Interdisciplinary Team Leader, Malheur National Forest, 431 Patterson Bridge Road, PO Box 909, John Day, Oregon 97845, phone: (541) 575–3000, or TTD: (541) 575–3089.

Dated: August 12, 2002.

Robert W. Williams,

Acting Forest Supervisor.

[FR Doc. 02–20946 Filed 8–16–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Chalk Creek Timber Sales, Willamette National Forest, Lane County, OR

AGENCY: Forest Service, USDA.

ACTION: Cancellation notice.

SUMMARY: On July 28, 1999, a Notice of Intent (NOI) to prepare an environmental impact statement for the Chalk Creek Timber Sales on the Middle Fork Ranger District of the Willamette National Forest, was published in the **Federal Register** (64 FR 40813). The 1999 NOI is hereby rescinded.

FOR FURTHER INFORMATION CONTACT: Kristie Miller, Planning Resource Management Assistant, Middle Fork Ranger District, PO Box 1410, Oakridge, Oregon 97463, phone 541–782–2283.

Dated: July 26, 2002.

Rick Scott,

District Ranger.

[FR Doc. 02–20943 Filed 8–16–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

TwoBee Landscape Management Project, Willamette National Forest, Linn County, OR

AGENCY: Forest Service, USDA.

ACTION: Cancellation notice.

SUMMARY: June 29, 1999, a Notice of Intent (NOI) to prepare an environmental impact statement for the TwoBee Landscape Management Project on the McKenzie River Ranger District of the Willamette National Forest was published in the **Federal Register** (64 FR 34769). The 1999 NOI is hereby rescinded.

FOR FURTHER INFORMATION CONTACT: Al Brown, TwoBee Project Leader, McKenzie River Ranger District, 57600 McKenzie Highway, McKenzie Bridge, Oregon 97413, phone 541–822–3381.

Dated: July 29, 2002.

John Allen,

District Ranger.

[FR Doc. 02–20944 Filed 8–16–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Wolfmann Projects, Willamette National Forest, Lane County, OR

AGENCY: Forest Service, USDA.

ACTION: Cancellation notice.

SUMMARY: October 14, 1998, a Notice of Intent (NOI) to prepare an environmental impact statement for the Wolfmann Projects on the Blue River Ranger District of the Willamette National Forest, was published in the **Federal Register** (63 FR 55085). The 1998 NOI is hereby rescinded.

FOR FURTHER INFORMATION CONTACT: Cheryl Friesen, Project Leader, McKenzie River Ranger District (formerly Blue River Ranger District),

McKenzie Bridge, Oregon 97413, phone 541–822–3381.

Dated: July 29, 2002.

John Allen,

District Ranger, McKenzie River Ranger District.

[FR Doc. 02–20945 Filed 8–16–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Deschutes and Ochoco National Forests Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Deschutes and Ochoco National Forests Resource Advisory Committee will meet on Monday, September 23, 2002 at the Central Oregon Intergovernmental Council building, main conference room, 2363 SW Glacier Place, Redmond, Oregon. The meeting will begin at 9 a.m. and continue until 5 p.m. Committee members will review projects proposed and make recommendations under Resource Advisory Committee consideration under Title II of the Secure Rural Schools and Community Self-Determination Act of 2000. All Deschutes and Ochoco National Forests Resource Advisory Committee meetings are open to the public. Interested citizens are welcome to attend.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Leslie Weldon, Designated Federal Official, USDA, Deschutes National Forest, 1645 Highway 20 East, Bend, Oregon 97701, 541–383–5512.

Dated: August 13, 2002.

Leslie A.C. Weldon,

Forest Supervisor, Deschutes National Forest.

[FR Doc. 02–20942 Filed 8–16–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Housing Vacancy Survey.

Form Number(s): CPS–263, HVS–600.

Agency Approval Number: 0607–0179.

Type of Request: Revision of a currently approved collection.

Burden: 3,456 hours.

Number of Respondents: 69,120.

Avg Hours Per Response: 3 minutes.

Needs and Uses: The purpose of this request for review is to obtain clearance for the collection of demographic information in the Housing Vacancy Survey (HVS) beginning in December 2002. The current clearance expires November 30, 2002.

We collect the HVS data for a sample of vacant housing units identified in the monthly Current Population Survey (CPS) sample and provide the only quarterly and annual statistics on rental vacancy rates, home ownership rates for the United States, the four census regions, inside vs. outside metropolitan areas (MAs), the 50 States, the District of Columbia, and the 75 largest Mas. Information is collected from homeowners, realtors, landlords, rental agents, neighbors or other knowledgeable persons. Private and public sector organizations use these rates extensively to gauge and analyze the housing market with regard to supply, cost, and afford ability at various points in time. In addition, the rental vacancy rate is a component of the leading economic indicators, published by the Department of Commerce.

Affected Public: Individuals or households.

Frequency: Monthly.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C., Section 182.

OMB Desk Officer: Susan Schechter, (202) 395–5103.

Copies of the above information collection proposal can be obtained by calling or writing Madeleine Clayton, Departmental Paperwork Clearance Officer, (202) 482–3129, Department of Commerce, room 6608, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *mclayton@doc.gov).*

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Susan Schechter, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: August 13, 2002.

Madeleine Clayton,

Departmental Paperwork Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 02–20927 Filed 8–16–02; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–803]

Heavy Forged Hand Tools from the People's Republic of China: Extension of Time Limit for Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: August 19, 2002.

FOR FURTHER INFORMATION CONTACT: Thomas Martin at (202) 482–3936, AD/CVD Enforcement, Office 4, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

TIME LIMITS:

Background

On March 16, 2001, the Department published a notice of initiation of administrative reviews of the antidumping duty orders on heavy forged hand tools from the People's Republic of China, covering the period February 1, 2000 through January 31, 2001 (66 FR 16037). The preliminary results were published on March 6, 2002, and in those preliminary results we extended the time limit for the final results until no later than August 27, 2002, 174 days after the date of publication of the preliminary results.

Extension of Time Limit for Final Results of Review

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to complete its final results within 120 days after the date on which the preliminary results were published. However, the Department may extend the deadline for completion of an administrative review if it determines that it is not practicable to complete the review within the statutory time limit. Section 751(a)(3)(A) of the Act allows the Department to extend the deadline for completion of the final results to 180 days from the date of publication of the preliminary results. As a result of the complex issues involved, it is not practicable to complete these reviews by August 27, 2002, and we are extending the time limit to 180 days after the publication of the preliminary results. *See* Decision Memorandum from Holly Kuga to Bernard T. Carreau, dated concurrently with this notice, which is on file in the

Central Records Unit, Room B–099 of the main Commerce building.

Dated: August 13, 2002.

Holly A. Kuga,

Acting Deputy Assistant Secretary Import Administration, Group II.

[FR Doc. 02–21013 Filed 8–16–02; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–810]

Stainless Steel Bar from India: Preliminary Results of New Shipper Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of New Shipper Antidumping Duty Administrative Review: Stainless Steel Bar from India.

SUMMARY: In response to a request from Uday Engineering Works, the Department of Commerce is conducting a new shipper administrative review of the antidumping duty order on stainless steel bar from India. This review covers sales of the subject merchandise to the United States during the period February 1 through July 31, 2001.

In these preliminary results, we find that Uday Engineering Works made sales of subject merchandise below normal value. The dumping margin is shown in the ''Preliminary Results of Review'' section of this notice. If these preliminary results are adopted in our final results, we will instruct the Customs Service to assess antidumping duties.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: August 19, 2002.

FOR FURTHER INFORMATION CONTACT: Cole Kyle, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482–1503.

SUPPLEMENTARY INFORMATION:

Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (''the Act''), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, all references to the Department of Commerce's (''the Department's'') regulations are to 19 CFR Part 351 (April 2001).

Background

On July 25, 2001, the Department received a request from Uday Engineering Works (''Uday'') to conduct a new shipper administrative review of the antidumping duty order on stainless steel bar from India. On August 13, 2001, the Department requested that Uday remedy certain deficiencies in its request for a new shipper review. On August 21, 2001, Uday submitted a revised request for a new shipper review. On August 31, 2001, the Department rejected Uday's new shipper request because of certain remaining deficiencies. Uday appropriately amended its request for a new shipper review on September 20, 2001. The Department published in the **Federal Register**, on October 23, 2001, a notice of initiation of a new shipper administrative review of Uday covering the period February 1 through July 31, 2001 (66 FR 53585). *See* 19 CFR 351.214(g)(1)(A).

On November 5, 2001, the Department issued an antidumping questionnaire to Uday. We received a response on January 9, 2002. On February 5, 2002, the petitioners submitted an allegation that Uday made sales below the cost of production (''COP'').

On April 2, 2002, the Department found that because of the complexity of the issues involved in this case it was not practicable to complete the review in the time allotted, and we published an extension of time limit for the completion of the preliminary results of this review to no later than August 13, 2002, in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214(h)(2). *See Stainless Steel Bar from India; Notice of Extension of Time Limit for Preliminary Results of Antidumping Duty New Shipper Review*, 67 FR 16717 (April 8, 2002).

We found that the petitioners' allegation provided a reasonable basis to believe or suspect that sales by Uday in the home market had been made at prices below the cost of production and initiated a sales below cost investigation accordingly on April 16, 2002 (*see* memorandum from Team to Susan Kuhbach, Director, AD/CVD Enforcement Office 1, ''Allegation of Sales Below the Cost of Production for Uday Engineering Works,'' dated April 16, 2002 (''*Sales Below Cost Memorandum*'')). Also, on April 16, 2002, we requested that Uday respond to the Section D cost of production section of the Department's original questionnaire. Uday filed its response to Section D on May 1, 2002.

We issued supplemental questionnaires to Uday and received responses in June and July 2002.

Scope of Review

Imports covered by this review are shipments of stainless steel bar (''SSB''). SSB means articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons, or other convex polygons. SSB includes cold-finished SSBs that are turned or ground in straight lengths, whether produced from hot-rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi-finished products, cut length flat-rolled products (*i.e.*, cut length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), wire (*i.e.*, cold-formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat-rolled products), and angles, shapes and sections.

The SSB subject to these orders is currently classifiable under subheadings 7222.10.0005, 7222.10.0050, 7222.20.0005, 7222.20.0045, 7222.20.0075, and 7222.30.0000 of the *Harmonized Tariff Schedule of the United States* (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this order is dispositive.

Export Price

In calculating the price to the United States, we used export price (''EP''), in accordance with section 772(a) of the Act, because the subject merchandise was sold directly to the first unaffiliated purchaser in the United States prior to importation into the United States. We calculated EP based on the C&F price to the United States. In accordance with section 772(c)(2) of the Act, we made deductions, as appropriate, for foreign inland freight and international freight.

In calculating the export price, we relied upon the data submitted by Uday, except as noted below:

a. We revised the reported gross unit price to reflect the currency in which the sale was made.

b. We recalculated entered value based on the revised gross unit price.

c. We made an adjustment for bank charges not reported by Uday.

d. We revised Uday's reported credit expenses to include a portion of the credit period that was unaccounted for in Uday's calculation.

e. We did not grant the duty drawback adjustment claimed by Uday. The Department grants a duty drawback adjustment when the respondent can demonstrate that there is ''(1) a sufficient link between the import duty and the rebate, and (2) a sufficient amount of raw materials imported and used in the production of the final exported product'' (*see Certain Welded Carbon Standard Steel Pipes and Tubes from India*, (62 FR 47632 at 47635) (September 10, 1997). In this instance, Uday has failed to demonstrate that it meets the criteria for a duty drawback adjustment.

For further discussion of the above-mentioned changes, see Memorandum to Case File ''Uday Engineering Works Preliminary Results Calculation Memorandum'' (''Calculation Memorandum'') dated August 13, 2002, which is on file in the Central Records Unit (''CRU'') in room B–099 of the main Department building.

Normal Value:

1. Home Market Viability

In order to determine whether there is a sufficient volume of sales in the home market to serve as a viable basis for calculating NV (*i.e.*, whether the aggregate volume of home market sales of the foreign like product is equal to or greater than five percent of the aggregate volume of U.S. sales), we compared Uday's volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with 773(a)(1)(C) of the Act. Because Uday's aggregate volume of home market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales for the subject merchandise, we determined that the home market was viable.

2. Calculation of COP

In accordance with section 773(b)(3) of the Act, we calculated COP based on the sum of Uday's cost of materials and fabrication for the foreign like product, plus amounts for general and administrative expenses (G&A), and interest expenses, where appropriate. We relied on the COP information provided by Uday in its questionnaire and supplemental responses except that we revised Uday's G&A and financial expense rates to exclude packing and selling expenses from the cost of goods sold denominator (see Memorandum to Neal M. Halper ''Cost of Production and Constructed Value Adjustments for Preliminary Determination'' dated August 13, 2002).

3. Test of Home Market Prices

On a product-specific basis, we compared the weighted-average COPs to home market sales of the foreign like product during the period of review (''POR''), as required under section 773(b) of the Act, in order to determine whether sales had been made at prices below the COP. The prices were exclusive of commissions and indirect selling expenses, where appropriate. In determining whether to disregard home market sales made at prices below the COP, we examined, in accordance with sections 773(b)(1)(A) and (B) of the Act, whether such sales were made (1) within an extended period of time in substantial quantities, and (2) at prices which did not permit the recovery of costs within a reasonable period of time.

4. Results of the COP Test

Pursuant to section 773(b)(1) of the Act, where less than 20 percent of a respondent's sales of a given product are made at prices below the COP, we do not disregard any below-cost sales of that product because we determine that in such instances the below-cost sales were not made in ''substantial quantities.'' Where 20 percent or more of a respondent's sales of a given product are at prices less than the COP, we determine that in such instances the below-cost sales represent ''substantial quantities'' within an extended period of time in accordance with section 773(b)(1)(A) of the Act. In such cases, we also determine whether such sales are made at prices which would not permit recovery of all costs within a reasonable period of time, in accordance with section 773(b)(1)(B) of the Act. If so, we disregard the below-cost sales.

We found that, for certain specific products, more than 20 percent of Uday's home market sales within an extended period of time were at prices less than the COP and did not provide for the recovery of costs. We therefore excluded these sales and used the remaining above-cost sales, if any, as the basis for determining NV, in accordance with section 773(b)(1).

For Uday's sales of subject merchandise for which there were no comparable home market sales in the ordinary course of trade (*e.g.*, sales that passed the cost test), we compared those sales to constructed value (''CV''), in accordance with section 773(a)(4) of the Act.

5. Calculation of Constructed Value

Section 773(a)(4) of the Act provides that where NV cannot be based on home market sales, NV may be based on CV. Accordingly, for Uday, when sales of comparison products could not be found, either because there were no sales of a comparable product or all sales of the comparable products failed the COP test, we based NV on CV.

In accordance with section 773(e)(1) and (e)(2)(A) of the Act, we calculated CV based on the sum of the cost of materials and fabrication for the subject merchandise, plus amounts for selling expenses, G&A, including interest, profit and U.S. packing costs. We made the same adjustments to CV as described in the ''Calculation of COP'' section of this notice. In accordance with section 773(e)(2)(A) of the Act, we based selling expenses, G&A and profit on the amounts incurred and realized by the respondent in connection with the production and sale of the foreign like product in the ordinary course of trade for consumption in the foreign country.

6. Calculation of Normal Value Based on Home Market Prices

We calculated NV based on ex-factory prices to unaffiliated customers in the home market. We made adjustments for differences in costs attributable to differences in the physical characteristics of the merchandise in accordance with section 773(a)(6)(C)(ii) of the Act. We also deducted home market packing costs and added U.S. packing costs in accordance with sections 773(a)(6)(A) and (B) of the Act. In addition, we made adjustments under section 773(a)(6)(C)(iii) of the Act for differences in circumstances of sale for imputed credit expenses, where appropriate. We calculated imputed credit expenses where Uday did not report them based on the time from when the merchandise was shipped to the receipt of payment (*see Calculation Memorandum*).

7. Calculation of Normal Value Based on Constructed Value

For price-to-CV comparisons, we made adjustments to CV in accordance with section 773(a)(8) of the Act. We made adjustments to CV for differences in circumstances of sale in accordance with section 773(a)(6)(C)(iii) of the Act and 19 CFR 351.410. In addition, we added U.S. packing costs.

Preliminary Results of Review

We preliminarily find the following weighted-average dumping margin:

Manufacturer/Exporter	Period of Review	Margin
Uday Engineering Works	2/1/01 - 7/31/01	20.36 %

Upon completion of this new shipper administrative review, the Department will instruct the Customs Service to assess antidumping duties on all appropriate entries covered by this review if any importer-specific assessment rate calculated in the final results of this review is above *de minimis* (*i.e.*, 0.50 percent or greater). Accordingly, we have calculated importer-specific duty assessment rates for the merchandise in question. The assessment rate will be assessed uniformly on all entries of that particular importer made during the POR. The Department will issue assesment instructions directly to the Customs Service within 15 calendar days of the publication of the final results of review in the **Federal Register**.

Cash Deposit Rates

The following deposit requirements will be effective upon publication of the final results of this new shipper administrative review for all shipments of stainless steel bar from India entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company will be the rate established in the final results of this review; (2) if the exporter is not a firm covered in this review, but was covered in a previous review or the original less than fair value (''LTFV'') investigation, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a previous review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers and/or exporters of this merchandise, shall be 12.45 percent, the ''all others'' rate established in the LTFV investigation. (*See* 59 FR 66915, December 28, 1994).

These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Public Comment

Interested parties may request a hearing within 30 days of the date of publication of this notice. Any hearing, if requested, will be held two days after the scheduled date for submission of rebuttal briefs (*see* below). Interested parties may submit written arguments in case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, limited to issues raised in case briefs, may be filed no later than five days after the date of filing the case briefs. Parties who submit briefs in these proceedings should provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 351.303(f)(3).

The Department will issue the final results of this administrative review within 90 days from the issuance of these preliminary results.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This new shipper review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: August 13, 2002.

Richard Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 02–21014 Filed 8–16–02; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–702]

Notice of Rescission of Changed Circumstances Antidumping Duty Administrative Review: Certain Stainless Steel Butt-Weld Pipe and Tube Fittings from Japan

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Rescission of Changed Circumstances Antidumping Duty Administrative Review.

DATES: EFFECTIVE DATE: August 19, 2002.

FOR FURTHER INFORMATION CONTACT: Jack K. Dulberger or Tom F. Futtner, AD/CVD Enforcement, Group II, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–5505 or (202) 482–3814, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations at 19 CFR Part 351 (2002).

Background

On March 25, 1988, the Department published in the **Federal Register** an antidumping order on Certain Stainless Steel Butt-Weld Pipe and Tube Fittings (SSPF) from Japan. *See Antidumping Duty Order of Sales at Less Than Fair Value: Certain Stainless Steel Butt-Weld Pipe and Tube Fittings from Japan*, 53 FR 9787. On April 19, 2002, Benex submitted a letter requesting that the Department conduct an expedited changed circumstances review, pursuant to 19 CFR 351.216(e). On June 3, 2002, the Department initiated a

changed circumstances review on Certain Stainless Steel Butt-Weld Pipe and Tube Fittings (SSPF) from Japan. *See Notice of Initiation of Changed Circumstances Antidumping Duty Administrative Review: Certain Stainless Steel Butt-Weld Pipe and Tube Fittings from Japan*, 67 FR 39676. On July 24, 2002, Benex requested the Department's permission to withdraw without prejudice its request for a changed circumstances review.

Rescission of Changed Circumstances Review

19 CFR 351.213(d)(1) of the Department's regulations provides that the Department will rescind an administrative review if a party that requested a review withdraws the request within ninety days of the date of publication of the notice of initiation of the requested review. The Department's rules regarding review withdrawals do not specifically reference changed circumstances administrative reviews. In this case, Benex requested withdrawal of its changed circumstances review within ninety days of the review being initiated, the time period the Department generally considers reasonable for requesting the withdrawal of administrative reviews. Therefore, the Department has accepted Benex's withdrawal request in this case as timely.

The Department is now rescinding this changed circumstances antidumping duty administrative review. The U.S. Customs Service will continue to suspend entries of subject merchandise at the appropriate cash deposit rate for all entries of certain stainless steel butt-weld pipe and tube fittings from Japan.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended.

Dated: August 13, 2002.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 02–21015 Filed 8–16–02; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–807]

Certain Steel Concrete Reinforcing Bars from Turkey; Notice of Extension of Time Limits for Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce is extending the time limits for the final results in the antidumping duty administrative review of certain steel concrete reinforcing bars from Turkey. The review covers three producers/exporters of the subject merchandise to the United States. The period of review is April 1, 2000, through March 31, 2001.

EFFECTIVE DATE: August 19, 2002.

FOR FURTHER INFORMATION CONTACT: Irina Itkin or Elizabeth Eastwood, Office of AD/CVD Enforcement, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–0656 and (202) 482–3874, respectively.

SUPPLEMENTARY INFORMATION:

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act) requires the Department of Commerce (the Department) to make a final determination within 120 days after the date on which the preliminary determination is published. However, if it is not practicable to complete the review within this time period, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the final results to 180 days (or 300 days if the Department does not extend the time limit for the preliminary results) from the date of publication of the preliminary results.

Postponement of Final Results of Administrative Review

The Department issued the preliminary results of this administrative review of the antidumping duty order on certain steel concrete reinforcing bars from Turkey on May 1, 2002 (67 FR 21634). The current deadline for the final results in this review is August 29, 2002. In accordance with section 751(a)(3)(A) of the Act, and 19 CFR 351.213(h)(2), the Department finds that it is not practicable to complete the review within the original time frame due to the complexity of certain issues raised in the case briefs.

Because it is not practicable to complete this administrative review within the time limits mandated by section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), the Department is extending the time limits for completion of the final results of this administrative review until October 28, 2002.

Dated: August 13, 2002.

Richard W. Moreland,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 02–21016 Filed 8–16–02; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

Environmental Technologies Trade Advisory Committee (ETTAC)

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of open meeting.

Date: September 20, 2002.

Time: 9 a.m. to 3:30 p.m.

Place: U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, Room 3407.

SUMMARY: The Environmental Technologies Trade Advisory Committee (ETTAC) will hold a plenary meeting on September 20, 2002 at the U.S. Department of Commerce.

The ETTAC will discuss administrative and trade issues and subcommittee work plans. Also, the ETTAC will be briefed by the Department's Office of General Counsel on ethics issues. Time will be permitted for public comment. The meeting is open to the public.

Written comments concerning ETTAC affairs are welcome anytime before or after the meeting. Minutes will be available within 30 days of this meeting.

The ETTAC is mandated by Public Law 103–392. It was created to advise the U.S. government on environmental trade policies and programs, and to help it to focus its resources on increasing the exports of the U.S. environmental industry. ETTAC operates as an

advisory committee to the Secretary of Commerce and the interagency Environmental Trade Working Group (ETWG) of the Trade Promotion Coordinating Committee (TPCC). ETTAC was originally chartered in May of 1994. It was most recently rechartered until May 30, 2004.

For further information phone Corey Wright, Office of Environmental Technologies Industries (ETI), International Trade Administration, U.S. Department of Commerce at (202) 482–5225. This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to ETI.

Dated: July 26, 2002.

Carlos F. Montoulieu,

Director, Office of Environmental Technologies Industries.

[FR Doc. 02–20958 Filed 8–16–02; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

Overseas Trade Missions

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce invites U.S. companies to participate in the below listed overseas trade missions. For a more complete description of each trade mission, obtain a copy of the mission statement from the Project Officer indicated for each mission below. Recruitment and selection of private sector participants for these missions will be conducted according to the Statement of Policy Governing Department of Commerce Overseas Trade Missions dated March 3, 1997.

Automation and Energy Management Trade Mission to Belgium and Germany

October 21–25, 2002.

Recruitment closes on October 1, 2002.

For further information contact: Mr. Tony von der Muhll, U.S. Department of Commerce, telephone 202–482–2390, e-mail *Tony_von-der-Muhll@ita.doc.gov*.

Automotive Parts and Services Trade Mission to Poland, Hungary and Slovakia

March 17–21, 2003.

Recruitment closes on January 31, 2003.

For further information contact: Ms. Monica McFarlane, U.S. Department of Commerce, telephone 202–482–3364, e-mail *Monica.McFarlane@mail.doc.gov*.

Health Care Technologies Trade Mission to Sweden, Denmark and Norway

March 17–21, 2003.

Recruitment closes on January 31, 2003.

For further information contact: Mr. Bill Kutson, U.S. Department of Commerce, telephone 202–482–2839, e-mail *William.Kutson@mail.doc.gov*.

Automotive Parts and Service Equipment Mission to Costa Rica, Guatemala and Panama

June 1–7, 2003.

Recruitment closes on April 18, 2003.

For further information contact: Ms. Jayne Woodward, U.S. Department of Commerce, telephone 803–253–3612, e-mail *Jayne.Woodward@mail.doc.gov*.

For further information contact: Mr. Thomas Nisbet, U.S. Department of Commerce, telephone 202–482–5657, or e-mail *Tom_Nisbet@ita.doc.gov*.

Dated: August 13, 2002.

Thomas H. Nisbet,

Director, Export Promotion Coordination, Office of Planning, Coordination and Management.

[FR Doc. 02–20922 Filed 8–16–02; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Visiting Committee on Advanced Technology

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of partially closed meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the Visiting Committee on Advanced Technology, National Institute of Standards and Technology (NIST), will meet Tuesday, September 10, 2002, from 8:25 a.m. to 5:15 p.m. and Wednesday, September 11, 2002, from 8:25 a.m. to Noon. The Visiting Committee on Advanced Technology is composed of twelve members appointed by the Director of NIST; who are eminent in such fields as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations. The purpose of this meeting is to review and make recommendations regarding general policy for the Institute, its organization, its budget, and its programs within the framework of applicable national policies as set forth by the President and the Congress. The agenda will include a NIST Update, an Overview of NRC Board on Assessment FY 2002 Evaluation of NIST Labs, an Overview of JILA and Tours of NIST technical programs at JILA. Discussions scheduled to begin at 10:45 a.m. and to end at 11:45 a.m. and to begin at 2:30 p.m. and end at 4 p.m., on September 10, 2002, and to begin at 8:25 a.m. and to end at Noon on September 11, 2002, on strategic implications of near-term budget, programmatic issues and facilities, responses to near-term strategic environment for NIST, near-term strategic environment for peoples issues, and feedback sessions will be closed. All visitors to the National Institute of Standards and Technology site will have to pre-register to be admitted. Please submit your name, time of arrival, email address and phone number to Carolyn Peters no later than Thursday, September 5, 2002, and she will provide you with instructions for admittance. Ms. Peter's e-mail address is *carolyn.peters@nist.gov* and her phone number is 301/975–5607.

DATES: The meeting will convene September 10, 2002 at 8:25 a.m. and will adjourn at Noon on September 11, 2002.

ADDRESSES: The meeting will be held in the Radio Building, Room 1107 (seating capacity 60, includes 35 participants), at NIST, Boulder, Colorado. Please note admittance instructions under **SUMMARY** paragraph.

FOR FURTHER INFORMATION CONTACT: Carolyn J. Peters, Visiting Committee on Advanced Technology, National Institute of Standards and Technology, Gaithersburg, Maryland 20899–1004, telephone number (301) 975–5607.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on January 16, 2002, that portions of the meeting of the Visiting Committee on Advanced Technology which involve discussion of proposed funding levels of the Advanced Technology Program and the Manufacturing Extension Partnership Program may be closed in accordance with 5 U.S.C. 552b(c)(9)(B), because those portions of the meetings will divulge matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency actions; and that portions of meetings which involve discussion of the staffing issues of

management and other positions at NIST may be closed in accordance with 5 U.S.C. 552b(c)(6), because divulging information discussed in those portions of the meetings is likely to reveal information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Dated: August 13, 2002.

Arden L. Bement, Jr.,

Director.

[FR Doc. 02–21020 Filed 8–16–02; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 080602F]

Marine Mammals; File No. 1021–1658

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that Jenifer A. Hurley, Ph.D., Moss Landing Marine Laboratories, 8272 Moss Landing Road, Moss Landing, CA 95039, has been issued a permit to take California sea lions (Zalophus californianus) and harbor seals (Phoca vitulina) for purposes of scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)713–0376;

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213; phone (562)980–4001; fax (562)980–4018.

FOR FURTHER INFORMATION CONTACT: Amy Sloan or Ruth Johnson, (301)713–2289.

SUPPLEMENTARY INFORMATION: On February 27, 2002, notice was published in the **Federal Register** (67 FR 8941) that a request for a scientific research permit to take California sea lions and harbor seals had been submitted by the above-named individual. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The permit authorizes the Holder to obtain up to ten sea lions and five seals, and maintain up to eight animals at Moss Landing Marine Laboratories for purposes of scientific research. Animals may be obtained from rehabilitation centers, Naval facilities, or aquaria. All research occurs through the cooperative assistance of trained animals. Physiology studies will be performed in captivity and free release settings in the open ocean, off the California coast. Aspects of diving, swimming, and resting physiology will be studied, including metabolism, heart rate, respiratory rate, body temperature, and substrate utilization. Veterinary medicine studies will investigate if marine mammals have *Helicobacter* present in stomach mucous and explore possible antibiotic treatments.

Dated: August 13, 2002.

Eugene T. Nitta,

Acting Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 02–21021 Filed 8–16–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 070202A]

Marine Mammals; File No. 455–1445

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of permit amendment.

SUMMARY: Notice is hereby given that the Waikiki Aquarium (Dr. Cindy Hunter, PI) has been issued an amendment to scientific research and enhancement Permit No. 455–1445–02.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)713–0376;

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213; phone (562)980–4001; fax (562)980–4018;

Protected Species Coordinator, Pacific Area Office, NMFS, 1601 Kapiolani Blvd., Rm, 1110, Honolulu, HI 96814–4700; phone (808)973–2935; fax (808)973–2941;

FOR FURTHER INFORMATION CONTACT: Amy Sloan or Ruth Johnson, (301)713–2289.

SUPPLEMENTARY INFORMATION: On August 23, 2001, notice was published in the **Federal Register** (66 FR 44333) that an amendment of Permit No. 455–1445, issued on May 26, 1998 (63 FR 30201), had been requested by the above-named organization. The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (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.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

Permit No. 455–1445–02, which authorized the Waikiki Aquarium to hold Hawaiian monk seals (*Monachus schauinslandi*) for the purpose of enhancing the survival and recovery of the species, has been amended to extend the scientific research portion of the permit to the expiration date of June 30, 2003. The research involves studies on the efficiency with which the monk seals assimilate and metabolize amino acids and fatty acids from common prey types, and the elucidation and monitoring of how reproductive and metabolic activities are related in male monk seals. Research will involve the following types of takes: feeding a controlled diet; monthly blood sampling; weekly saliva sampling; weekly morphometric measurements; and quarterly deuterium oxide administration with pre- and post-administration blood sampling.

Issuance of this amendment, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: August 13, 2002.

Eugene T. Nitta,

Acting Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 02–21022 Filed 8–16–02; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Wool Textile Products Produced or Manufactured in Ukraine

August 14, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of customs adjusting limits.

EFFECTIVE DATE: August 21, 2002.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted for carryover.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 66 FR 65178, published on December 18, 2001). Also see 66 FR 63225, published on December 5, 2001.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

August 14, 2002.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 29, 2001, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain wool textile products, produced or manufactured in Ukraine and exported during the twelve-month period which began on January 1, 2002 and extends through December 31, 2002.

Effective on August 21, 2002, you are directed to adjust the limits for the following categories, as provided for under the terms of the current bilateral textile agreement between the Governments of the United States and Ukraine:

Category	Adjusted twelve-month limit [1]
435	108,255 dozen.
442	17,860 dozen.
444	77,395 numbers.
448	77,395 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2001.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 02–21012 Filed 8–16–02; 8:45 am]

BILLING CODE 3510–DR–S

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11 a.m., Friday, September 6, 2002.

PLACE: 1155 21st St., NW., Washington, DC., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 02–21142 Filed 8–15–02; 12:08 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11 a.m., Friday, September 13, 2002.

PLACE: 1155 21st St., NW, Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 02–21143 Filed 8–15–02; 12:08 p.m.]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11 a.m., Friday, September 20, 2002.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 02–21144 Filed 8–16–02; 12:08 p.m.]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11 a.m., Friday, September 27, 2002.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 02–21145 Filed 8–15–02; 12:08 pm]

BILLING CODE 6351–01–M

DELAWARE RIVER BASIN COMMISSION

Notice of Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold an informal conference followed by a public hearing on Wednesday,

August 28, 2002. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission offices at 25 State Police Drive, West Trenton, New Jersey.

The conference among the Commissioners and staff will begin at 9:30 a.m. Topics of discussion include: a presentation on the performance of DRBC investments through Valley Forge Private Asset Management and Mellon Asset Management; a report on the status of the campaign to restore federal funding in the federal fiscal year 2003 budget and the implications for DRBC's budget; an update on the Comprehensive Plan; a report on the PCB Expert Panel Meeting of August 21 and the TAC-Expert Panel Meeting of August 22; a presentation by the Marasco Newton Group on its Convening Report for the TMDL Implementation Advisory Committee; a presentation by the New York City Department of Environmental Protection on the Draft New York City Filtration Avoidance Determination for the Catskill-Delaware Water Supply System; and, time permitting, a preview of the 305(b) (water quality) report on the Main Stem and Delaware Bay.

The subjects of the public hearing to be held during the 1 p.m. business meeting include, in addition to the dockets listed below, a resolution to revise Docket D–96–50 CP, issued to United Water Delaware, by the addition of a new condition ''m;'' and a resolution amending the Comprehensive Plan and Water Code relating to the operation of Lake Wallenpaupack during drought, drought warning and drought watch conditions. The DRBC meeting and public hearing notice posted on the Commission's Web site, *http://www.drbc.net,* contains a link to the text of the proposed Lake Wallenpaupack resolution.

The dockets scheduled for public hearing are as follows:

1. *Holdover Project: Bidermann Golf Club D–2002–13.* A ground water withdrawal project to supply up to 0.864 million gallons (mg)/30 days of water to the applicant's golf course from new Well No. 5 in the Wissahickon Formation, and to increase the existing withdrawal from all sources to 15.8 mg/30 days. The project is located in the Brandywine Creek Watershed in the City of Wilmington, New Castle County, Delaware.

2. *Mount Laurel Township Municipal Authority D–85–9 CP RENEWAL.* Renewal of a ground water withdrawal project to continue withdrawal of 120 mg/30 days to supply the applicant's public water distribution system from existing Wells Nos. 3, 4, 6 and 7 in the Lower Potomac-Raritan-Magothy Formation. The project is located in Mount Laurel Township, Burlington County, New Jersey.

3. *Coastal Eagle Point Oil Company and Eagle Point Cogeneration Partnership D–86–15 RENEWAL 2.* Renewal of a ground water withdrawal project to continue withdrawal of 232 mg/30 days to supply the applicant's industrial processes from existing Production Wells Nos. 1, 3, 4A, 5 and 6A and Recovery Wells in the Raritan-Magothy Formation. The project is located in West Deptford Township, Gloucester County, New Jersey.

4. *Kimble Glass, Inc. D–99–23.* A ground water withdrawal project to supply up to 50 mg/30 days of water to the applicant's glass manufacturing facility from Wells Nos. 5, 6 and 7 in the Cohansey Aquifer. The project is located in Vineland City, Cumberland County, New Jersey.

5. *Artesian Water Company, Inc. D–2000–47 CP.* A ground water withdrawal project to supply up to 8.0 mg/30 days of water to the applicant's public water distribution system from new Well No. 1 in the Cheswold Aquifer, and new Well No. 2 in the Frederica Aquifer, and to limit the withdrawal from all wells to 8.0 mg/30 days. The project is located in the St. Jones River Watershed near the City of Magnolia, Kent County, Delaware.

6. *Artesian Water Company, Inc. D–2001–25 CP.* A ground water withdrawal project to supply up to 19.44 mg/30 days of water to the applicant's public water supply system from new Wells Nos. 1 and 2 in the Rancocas Formation, and to limit the existing withdrawal from all wells to 19.44 mg/30 days. The project is located in the Smyrna River Watershed outside of Smyrna City, Kent County, Delaware.

7. *The Upper Hanover Authority D–2002–10 CP.* A ground water withdrawal project to supply up to 9.72 mg/30 days of water to the applicant's public water distribution system from new Well No. TUHA–4 in the Brunswick Formation and to increase the existing withdrawal from all wells from 22.4 to 32.12 mg/30 days. The project is located in the Perkiomen Creek Watershed in Upper Hanover Township, Montgomery County, in the Southeastern Pennsylvania Ground Water Protected Area.

8. *Upper Makefield Township D–2002–17 CP.* An upgrade and expansion of a 0.1 million gallons per day (mgd) secondary sewage treatment plant (STP) to provide tertiary treatment of 0.173 mgd. The STP will continue to serve only Upper Makefield Township, Bucks County, Pennsylvania, but a proposed development known as The Arbours at Washington Crossing will be connected. Up to 122,544 gallons per day (gpd) of STP effluent will be discharged to 18 detention/recharge basins and ponds at the proposed development, which is located on a 72-acre tract at the intersection of Taylorsville and Washington Crossing Roads. The remaining STP effluent will be discharged to the Delaware River in Water Quality Zone 1E through the existing outfall. The STP is located west of Taylorsville Road, approximately one-half mile northwest of its intersection with State Route 532.

9. *Delaware Racing Association D–2002–19.* An increase in a surface water withdrawal from White Clay Creek in the Christina River Watershed, from 0.4 mgd to 2.45 mgd. The proposed increase is needed to irrigate a new adjacent golf course, to be owned and operated by Parkside III, LLC. In order to meet existing bypass streamflow requirements of 40.3 cfs (26.4 mgd), two large storage ponds will be provided to contain water skimmed during higher streamflow conditions. During prolonged dry weather periods when the applicant is not permitted to withdraw surface water, pond storage supply may be supplemented under an agreement with a local water purveyor. The proposed total maximum 30-day surface water withdrawal is 22.6 mg and the maximum annual withdrawal is expected to be 71 mg for irrigation, plus 35 mg for pond storage. The project is located one mile west of the intersection of State Route 7 and the Amtrak rail lines in New Castle County, Delaware.

10. *Morgan Hill Golf Club D–2002–24.* A ground water withdrawal project to supply up to 6.8 mg/30 days of water to the applicant's golf course from new Well No. IW–1 in the Leithsville Dolomite Formation. The project is located in the Delaware River Watershed in Williams Township, Northampton County, Pennsylvania.

11. *Village of Andes D–2002–25 CP.* Construction of an STP to replace individual septic systems serving Village of Andes residents in the Town of Andes, Delaware County, New York. The proposed 0.062 mgd STP is designed to provide tertiary treatment via sequencing batch reactor and microfiltration processes. STP effluent will be discharged to Tremper Kill, a tributary of the East Branch Delaware River upstream of the Pepacton Reservoir, within the drainage area to the Delaware River Basin Commission's Special Protection Waters. The STP will be constructed between Cabin Hill and

Tremper Kill Roads, just within the village border.

12. *Moyer Packing Company D–2002–26.* A ground water withdrawal project to supply up to 8.29 mg/30 days of water to the applicant's beef processing facility from new Wells Nos. PW–9 and PW–10 in the Brunswick Formation, and to increase the existing withdrawal from all wells to 24.0 mg/30 days. The project is located in the Skippack Creek Watershed in Franconia Township, Montgomery County, in the Southeastern Pennsylvania Ground Water Protected Area.

In addition to the public hearing items, the Commission will address the following at its 1 p.m. business meeting: Minutes of the July 17, 2002 business meeting; announcements; a report on Basin hydrologic conditions; a report by the Executive Director; a report by the Commission's General Counsel, including consideration of a timely request by Exelon Business Services Company (formerly PECO) for a hearing under Article 6 of the Commission's Rules of Practice and Procedure; a resolution extending the drought emergency declared by Resolution No. 2001–32; a resolution authorizing the Executive Director to execute an agreement with the State of New Jersey, through its Marine Sciences Consortium, to receive and expend funds not to exceed $5,000 for sampling in the Delaware Bay, Delaware Estuary and tributaries for the ''Coastal 2001–2005'' Project; and a resolution authorizing the Executive Director to execute an agreement with the State of New Jersey for a Section 319H Non-Point Source Pollution Control and Management Implementation Program Grant in the amount of $73,000 to provide fluvial geomorphology technical assistance for stream assessment and restoration. The meeting will end with an opportunity for public dialogue.

Documents relating to the dockets and other items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact Thomas L. Brand at 609–883–9500 ext. 221 with any docket-related questions. Persons wishing to testify at this hearing are requested to register in advance with the Commission Secretary at 609–883–9500 ext. 203.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the hearing should contact the Commission Secretary directly at 609–883–9500 ext. 203 or through the New Jersey Relay Service at 1–800–852–7899 (TTY), to discuss how the Commission may accommodate your needs.

Dated: August 13, 2002.

Pamela M. Bush,

Commission Secretary and Assistant General Counsel.

[FR Doc. 02–20951 Filed 8–16–02; 8:45 am]

BILLING CODE 6360–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before September 18, 2002.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the Internet address Lauren_Wittenberg@omb.eop.gov.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the 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: August 13, 2002.

John D. Tressler,

Leader, Regulatory Information Management Group, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: Reinstatement.

Title: Annual Performance Report for the Student Support Services Program.

Frequency: Annually.

Affected Public: Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden: Responses: 944. *Burden Hours:* 5,664.

Abstract: Student Support Services grantees must submit the report annually. The reports are used to evaluate the performance of grantees and to award prior experience points at the end of each project (budget) period. The Department also aggregates the data to provide descriptive information on the programs and to analyze the impact of the program on the academic progess of participating students.

Requests for copies of the submission for OMB review; comment request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 2057. When you access the information collection, click on ''Download Attachments '' to view. Written requests for information should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651 or to the e-mail address *vivan.reese@ed.gov.* Requests may also be electronically mailed to the Internet address *OCIO_RIMG@ed.gov* or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Joseph Schubart at her e-mail address *Joe.Schubart@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 02–20949 Filed 8–16–02; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Educational Research Policy and Priorities Board; Meeting

AGENCY: National Educational Research Policy and Priorities Board; Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for a forthcoming meeting of the National Educational Research Policy and Priorities Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend the meeting. Individuals who will need accommodations for a disability in order to attend the meeting (*i.e.,* interpreting services, assistive listening devices, materials in alternative format) should notify Mary Grace Lucier at (202) 219–2253 by August 27. We will attempt to meet requests after this date, but cannot guarantee availability of the requested accommodation. The meeting site is accessible to individuals with disabilities.

Date: September 6, 2002.

Time: 12:30 (approximately) to 4 p.m.

Location: Room 100, 80 F St., NW., Washington, DC, 20208–7564.

FOR FURTHER INFORMATION CONTACT: Mary Grace Lucier, Designated Federal Official, National Educational Research Policy and Priorities Board, Washington, DC 20208–7564. Tel: (202 219–2353; fax: (202) 219–1528; e-mail: *Mary.Grace.Lucier@ed.gov,* or *nerppb@ed.gov.* The main telephone number for the Board is (202) 208–0692.

SUPPLEMENTARY INFORMATION: The National Educational Research Policy and Priorities Board is authorized by Section 921 of the Educational Research, Development Dissemination and Improvement Act of 1994. The Board works collaboratively with the Assistant Secretary for the Office of Educational Research and Improvement (OERI) to forge a national consensus with respect to along-term agenda for educational research, development, and dissemination, and to provide advice and assistance to the Assistant Secretary in administering the duties of the Office. The Board will conduct outstanding business, hear a report from the Assistant Secretary, and review ongoing initiatives in OERI. A find agenda will be available from the Board Office on August 27, and will be posted on the Board's web site, *http://www.ed.gov/offices/OERI/NERPPB/.*

Records are keep of all Board proceedings and are available for public inspection at the office of the National Research Policy and Priorities Board, Suite 100, 80 F ST., NW., Washington, DC 20208–7564.

Dated: August 12, 2002.

Rafael Valdivieso,

Executive Director.

[FR Doc. 02–20929 Filed 8–16–02; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Savannah River Site High-Level Waste Tank Closure

AGENCY: Department of Energy (DOE).

ACTION: Record of decision.

SUMMARY: In the Savannah River Site (SRS) High-Level Waste Tank Closure Environmental Impact Statement (Tank Closure EIS, DOE/EIS–0303) DOE considered alternatives for closure of 49 high-level radioactive waste (HLW) tanks and associated equipment such as evaporator systems, transfer pipelines, diversion boxes, and pump pits. DOE needs to close these tanks to reduce human health and safety risks at and near the HLW tanks, and to reduce the eventual introduction of contaminants into the environment. Moreover, DOE must comply with the provisions of the Wastewater Systems Operating Permit issued by the South Carolina Department of Health and Environmental Control (SCDHEC) for HLW tank operations, and with the closure schedule and provisions contained in the *Industrial Wastewater Closure Plan for F- and H-Area High-Level Waste Tank Systems* (the General Closure Plan) approved by SCDHEC. DOE evaluated three alternatives for closure of the tank systems: Stabilize Tanks, Clean and Remove Tanks, and No Action. The Stabilize Tanks alternative has three options—Fill with Grout (preferred alternative), Fill with Sand, and Fill with Saltstone.

DOE has selected the preferred alternative identified in the Final EIS, Stabilize Tanks—Fill with Grout, to guide development and implementation of closure of the high-level waste tanks and associated equipment at the SRS. Following bulk waste removal, DOE will clean the tanks if associated equipment at the SRS. Following bulk waste removal, DOE will clean the tanks if necessary to meet the performance objectives contained in the General Closure Plan and the tank-specific Closure Module, and then fill the tanks with grout.

In parallel with tank closures, DOE will evaluate and consult with SCDHEC on closure methods and regulatory compliance revisions that will allow accelerated closure and reduction of risk associated with the HLW tanks. DOE remains committed to closure of the HLW tanks in accordance with the approved General Closure Plan.

ADDRESSES: Copies of the Tank Closure EIS and this Record of Decision may be obtained by calling a toll-free number (800–881–7292), by sending an e-mail request to *nepa@srs.gov,* or by mailing a request to: Andrew Grainger, National Environmental Policy Act (NEPA) Compliance Officer, Savannah River Operations Office, Department of Energy, Building 742A, Room 185, Aiken, SC 29808. This Record of Decision will be available on the Department of Energy NEPA Web site, *tis.eh.doe.gov/nepa/whatsnew.htm.*

FOR FURTHER INFORMATION CONTACT: Questions concerning the SRS tank closure program can be submitted by calling 800–881–7292, mailing them to Mr. Andrew Grainger at the above address, or sending them electronically to the Savannah River Operations Office e-mail address, *nepa@srs.gov.*

For general information on the DOE NEPA process, please contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, 202–586–4600 or leave a message at 800–472–2756.

SUPPLEMENTARY INFORMATION:

Background

Nuclear materials production at the SRS resulted in the generation of large quantities of HLW that is stored onsite in large underground tanks. The HLW resulted from the dissolution of spent reactor fuel and nuclear targets to recover the valuable radioactive isotopes. DOE has stored the HLW in 51 large underground storage tanks located in the F- and H-Area Tank Farms at SRS. DOE has emptied and closed two of those tanks. Approximately 37 million gallons of HLW is stored in the remaining 49 HLW tanks.

The HLW tank systems at SRS are operated under the authority of the Atomic Energy Act of 1954 (AEA) and DOE Orders issued pursuant to the AEA. The HLW tank systems also are operated in accordance with a permit issued by SCDHEC under the authority of the South Carolina Pollution Control Act for industrial wastewater treatment facilities. DOE is required to close the tank systems in accordance with AEA requirements and South Carolina Regulation R.61–82, ''Proper Closeout of Wastewater Treatment Facilities.'' This regulation requires that closures be carried out according to site-specific guidelines established by SCDHEC to prevent health hazards and to promote safety in and around the tank systems.

DOE has adopted a general strategy for HLW tank system closure, set forth in DOE's *Industrial Wastewater Closure Plan for the F- and H-Area High-Level Waste Tank Systems (March 2000),* known as the General Closure Plan.[1] The General Closure Plan has been approved by SCDHEC and DOE must gain SCDHEC's approval on any revisions to the General Closure Plan. Also, DOE has entered into an agreement, the SRS Federal Facility Agreement, with the U.S. Environmental Protection Agency (EPA) and SCDHEC to remove from service and close 24 HLW tanks that do not meet Resource Conservation and Recovery Act secondary containment requirements. The remaining 27 tanks will also be closed when they are no longer required for service. Closure of the HLW tanks will comply with DOE's responsibilities under the AEA and the General Closure Plan, and be carried out under a schedule agreed to by DOE, EPA, and SCDHEC.

The General Closure Plan identifies the resources (*e.g.,* groundwater, air) potentially affected by contaminants remaining in the tanks after waste removal and closure; describes how the tanks will be cleaned and how the tank systems and residual wastes will be stabilized; and identifies Federal and State regulations and guidance that apply to the closures. The Plan describes the use of fate and transport models to calculate potential environmental exposure concentrations or radiological dose rates from the residual waste left in the tank systems. The General Closure Plan describes the method DOE will use to make sure the impacts of closure of individual tank systems do not exceed the environmental standards that apply to the entire F- and H-Area Tank Farms.

Several issues related to the HLW tank closure program will be resolved as DOE implements this Record of Decision. These issues will be addressed during tank-by-tank closure and include: (1) Performance objectives for each tank that allow the cumulative closure to meet the overall performance standard; (2) the regulatory status of residual waste in the tanks, through a determination whether they are ''waste incidental to reprocessing;'' and (3) use of cleaning methods such as spray water washing or oxalic acid cleaning, if needed to meet tank-specific performance objectives.

[1] Although the Final Environmental Impact Statement reflected the 2000 Closure Plan, the Statement incorrectly cited the 1996 Closure Plan.

Performance Objectives

In implementing this Record of Decision, DOE will establish performance objectives for closure of each HLW tank. Each performance objective will correspond to an overall performance standard identified in the General Closure Plan and will ensure that the overall performance standard can be met. For example, if the performance standard for drinking water in the receiving stream is 4 millirem per year, the combined contribution from contaminants from all tanks will not exceed the 4 millirem-per-year limit. DOE will evaluate closure for specific tanks to determine whether use of a specific closure option will allow DOE to meet the overall performance standard. Based on this analysis, DOE will develop a Closure Module (a tank-specific closure plan) for each HLW tank such that the performance objectives for the tank can be met. The Closure Module must be approved by SCDHEC before tank closure can begin.

Waste Incidental to Reprocessing

Before bulk waste removal, the content of the tanks is HLW. The goal of the bulk waste removal and, if needed, subsequent cleaning of the tanks, is to meet DOE's criteria for Waste Incidental to Reprocessing. DOE Manual 435.1–1, which implements DOE Order 435.1, *Radioactive Waste Management,* describes two processes, citation and evaluation, for determining that HLW can be considered ''waste incidental to reprocessing'' and can therefore be managed under DOE's regulatory authority in accordance with requirements for transuranic waste or low-level waste. In implementing this Record of Decision, DOE will perform a waste incidental to reprocessing determination by evaluation on each HLW tank as part of the analysis used to prepare the Closure Module.

HLW Tank Cleaning

Following bulk waste removal, DOE will clean the tanks, if necessary, to meet the performance objectives contained in the General Closure Plan and in the tank-specific Closure Module, which includes DOE's criteria for Waste Incidental to Reprocessing. In accordance with the General Closure Plan, the need for and the extent of any tank cleaning will be determined based on the analysis presented in the tank-specific Closure Module.

If necessary tank cleaning by spray water washing will initially be performed. If performance objectives could not be met using spray water washing, other cleaning techniques would be employed. These techniques include mechanical methods, oxalic acid cleaning, or other chemical cleaning methods. Potential criticality safety concerns and interference with downstream waste processing activities such as Defense Waste Processing Facility glass quality could arise with the use of chemical cleaning methods and would have to be addressed.

Alternatives Considered

In the EIS DOE evaluated three alternatives for tank closure, each of which begins when bulk waste removal from the tank has been completed. Under each alternative except No Action, DOE would close 49 HLW tanks and associated waste handling equipment including evaporators, pumps, diversion boxes, and transfer lines.

Stabilize Tanks Alternative

Following bulk waste removal and any required cleaning, DOE would fill the tanks with a material that would bind up remaining residual waste and prevent future collapse of the tanks. In the EIS DOE considered three options for tank stabilization under this alternative: Fill with Grout (preferred alternative), Fill with Sand, and Fill with Saltstone. Each tank system or group of tank systems would be evaluated to determine the inventory of radiological and nonradiological contaminants remaining after bulk waste removal. This information would be used to conduct a performance evaluation as part of the preparation of a Closure Module. In the evaluation DOE would consider (1) the types of contamination in the tank and the configuration of the tank system, and (2) the hydrogeologic conditions at and near the tank location, such as distance from the water table and distance to nearby streams. The performance evaluation would include modeling the projected contamination pathways for selected closure methods, and comparing the modeling results with the performance objectives developed in the General Closure Plan. If the modeling shows that performance objectives would be met, the Closure Module would be submitted to SCDHEC for approval. If the modeling shows that the performance objectives would not be met, then tank cleaning steps would be taken until sufficient waste had been removed that the objectives could be met. Therefore the closure configuration for each tank or group of tanks would be determined on a case-by-case basis through development of the Closure Module.

Following approval of a Closure Module by SCDHEC, the tank stabilization process would begin. DOE's preferred option is to use grout, a concrete-like material, as backfill. The fill material would be high enough in pH to be compatible with the carbon steel walls of the tank. The grout would be formulated with chemical properties that would retard the movement of radionuclides in the residual waste in the closed tank. The grout would be poured in three distinct layers. The bottom-most layer would be specially formulated reducing grout to retard the migration of important contaminants. The middle layer would be a low-strength material designed to fill most of the volume of the tank interior. The final layer would be a high-strength grout to deter inadvertent intrusion from drilling. DOE is also considering an all-in-one grout that would provide the same performance as the three separate layers of grout. If this all-in-one grout would provide the same performance and protection at a lesser cost, DOE would use it.

Other fill options that DOE considered in the EIS are sand and saltstone. For these options, all other aspects of the closure process, including the determination that performance objectives could be met and approval of the Closure Module by SCDHEC, would be the same as described for the Fill with Grout option. Sand is readily available and inexpensive. However, it would be more difficult to completely fill void spaces with sand than with grout, and sand could not be formulated to retard the migration of radionuclides. Expected contamination levels in groundwater and surface water resulting from migration of residual contaminants would be higher than the levels for the preferred option. Saltstone, which is the low-radioactivity fraction of HLW mixed with cement, flyash, and slag, could also be used as fill material. Saltstone is normally disposed of as low-level waste in the SRS Saltstone Disposal Facility. This alternative would have the advantage of reducing the amount of Saltstone Disposal Facility area that would be required. Filling the tank with a grout mixture that is contaminated with radionuclides, like saltstone, would considerably complicate the project and increase worker radiation exposure. In addition, the saltstone would contain large quantities of nitrate that would not be present in the tank residual waste. Because nitrates are very mobile in the environment, these large quantities of nitrate would adversely impact the groundwater near the tank farms over the long term.

Following the use of any of the stabilization options, four tanks in F-Area and four tanks in H-Area would require backfill soil to be placed over the top of the tanks to bring the ground surface at these tanks up to the surrounding surface elevation. The action would prevent ponding conditions that could accelerate degradation of the tank structure.

Clean and Remove Tanks Alternative

The Clean and Remove Tanks alternative would involve cleaning the tanks, cutting them up in situ, removing them from the ground, and transporting tank components for disposal in an engineered disposal facility at another location on the SRS. For this alternative DOE would have to clean the tanks until they were clean enough to be safely removed and could meet waste acceptance criteria at SRS low-level waste disposal facilities. Cleaning techniques such as oxalic acid cleaning, mechanical cleaning and additional steps as yet undefined might be required. Worker exposure would have to be As Low As Reasonably Achievable to ensure protection of the individual workers required to perform the tank removal operations.

Following bulk waste removal and tank cleaning, the steel components of the tank would be cut up, removed, placed in radioactive waste transport containers, (approximately 3,900 SRS low-level waste disposal boxes per tank), and transported to SRS radioactive waste disposal facilities for disposal. This alternative would require the construction of approximately 16 new low-activity waste vaults at SRS for disposal of the tank components. With removal of the tanks, backfilling of the excavations left after the removal would be required.

No Action Alternative

The No Action alternative would involve leaving the tank systems in place after bulk waste removal has been accomplished. After bulk waste removal, each tank would contain residual waste, and, in those tanks that reside in the water table, ballast water. The tanks would not be backfilled.

After some period of time (probably hundreds of years), the reinforcing bar in the roof of the tank would rust and the roof would fail, causing the structural integrity of the tank to degrade. Similarly, the floor and walls of the tank would degrade over time. Rainwater would enter the exposed tank, flushing contaminants from the residual waste in the tanks and eventually carrying these contaminants into the groundwater. Contamination of the groundwater would be much greater and occur much more quickly than it would if the tank were backfilled and the residual waste bound with the backfill material.

Environmentally Preferable Alternative

Overall, the Stabilize Tanks—Fill with Grout alternative is the environmentally preferable alternative. Review of the data presented in the Tank Closure EIS shows that in the near term the impacts of the Stabilize Tanks—Fill with Grout alternative are similar to or less than those of the Stabilize Tanks—Fill with Sand and the Stabilize Tanks—Fill with Saltstone alternatives.

Waste removal and, if necessary, cleaning activities would be similar for each of these alternatives, although worker exposures and resultant latent cancer fatalities would be slightly higher for the Stabilize Tanks—Fill with Saltstone alternative due to the radionuclide content of the saltstone. In the short term the Clean and Remove Tanks alternative would have substantially greater impacts than any of the Stabilize Tanks options, as a result of the worker exposures that would be required to clean and remove the tanks and tank systems. The No Action alternative has the least short-term impacts.

In the long term, the impacts of the Clean and Remove Tanks alternative would be the least of all the alternatives, because the groundwater contaminant source term would have been removed. Some small long-term impacts would result from release of contaminants from the disposal facility that would receive the tank systems after removal. Long-term impacts of the preferred alternative, Stabilize Tanks—Fill with Grout, would be greater than those of the Clean and Remove Tanks Alternative, although very small; no latent cancer fatalities would result from implementation of the Stabilize Tanks—Fill with Grout alternative. The No Action alternative has the greatest long-term impacts.

Decision

DOE has selected the preferred alternative identified in the Final EIS, Stabilize Tanks—Fill with Grout, to guide development and implementation of closure of the high-level waste tanks and associated equipment at SRS. Following bulk waste removal, DOE will clean the tanks if necessary to meet the performance objectives contained in the General Closure Plan and the tank-

specific Closure Module and then fill the tanks with grout.

In parallel with tank closures, DOE will evaluate and consult with SCDHEC on closure methods and regulatory revisions that will allow accelerated closure and reduction of risk associated with the HLW tanks. DOE remains committed to closure of the HLW tanks in accordance with the approved General Closure Plan.

DOE has selected the Stabilize Tanks—Fill with Grout alternative for several reasons. First, DOE has confidence in the method due to the demonstrated performance of the reducing grout and the successful waste removal and closure process employed for Tanks 17 and 20. On the basis of the analysis in the EIS, the selected alternative is superior to the Fill with Sand and Fill with Saltstone options in terms of binding residual waste in the tanks and thereby preventing future environmental contamination. This alternative would likely require the least tank cleaning of any alternative and would therefore minimize worker exposures and waste management concerns while meeting the performance objectives. In addition, this alternative was found to be the environmentally preferable alternative.

As described in the EIS, bulk waste removal has been demonstrated to remove about 97 percent of the radioactive material content, measured in curies, from a HLW tank. Spray water washing has been shown to remove slightly less than an additional one percent and generates additional wastewater that requires processing. DOE will employ spray water washing or an enhanced cleaning method only if it is necessary to meet the performance objectives.

In accordance with the General Closure Plan, DOE must demonstrate whether residual waste (that is, waste that will remain in the tank following any necessary cleaning, and that will be immobilized in the grout used to stabilize the tank) is low-level or transuranic waste in accordance with the Waste Incidental to Reprocessing provision in DOE Order 435.1. However, because DOE must meet overall performance standards in any case, the regulatory status of the residual waste does not affect the assessment of environmental impacts.

Mitigation

DOE is committed to environmental stewardship and to operating the SRS in compliance with all applicable laws, regulations, DOE Orders, permits, and compliance agreements. In addition to good engineering practice, closure of the HLW tanks will follow the approved Industrial Wastewater Closure Plan for the F- and H-Area High-Level Waste Tank Systems, known as the General Closure Plan, and the individual Tank Closure Modules required by the General Closure Plan. This process will serve to ensure that risks are minimized and the environmental and health and safety impacts of tank closure are within the bounds described in the Final EIS. DOE considers this process to be standard operating procedures that do not require a mitigation action plan under 10 CFR 1021.331(a).

Issued at Washington, DC, August 9th, 2002.

Paul M. Golan,

Acting Assistant Secretary for Environmental Management.

[FR Doc. 02–20968 Filed 8–16–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Rocky Flats

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), Rocky Flats. 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: Thursday, September 5, 2002, 6 p.m. to 9:30 p.m.

ADDRESSES: Jefferson County Airport Terminal Building, Mount Evans Room, 11755 Airport Way, Broomfield, CO.

FOR FURTHER INFORMATION CONTACT: Ken Korkia, Board/Staff Coordinator, Rocky Flats Citizens Advisory Board, 9035 North Wadsworth Parkway, Suite 2250, Westminster, CO, 80021; telephone (303) 420–7855; fax (303) 420–7579.

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1. Annual work plan development.
2. End-state discussion, specifically addressing proposal to set suface soil cleanup level at 50 pCi/g.
3. Begin to draft recommendation on proposed end-state strategy.
4. Other Board business may be conducted as necessary.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Ken Korkia at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provisions 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.

Minutes: The minutes of this meeting will be available for public review and copying at the Public Reading Room located at the Office of the Rocky Flats Citizens Advisory Board, 9035 North Wadsworth Parkway, Suite 2250, Westminister, CO 80021; telephone (303) 420–7855. Hours of operations for the Public Reading Room are 8:30 a.m. to 4:30 p.m., Monday-Friday, except Federal holidays. Minutes will also be made available by writing or calling Deb Thompson at the address or telephone number listed above. Board meeting minutes are posted on RFCAB's Web site within one month following each meeting at: *http://www.rfcab.org/Minutes.HTML.*

Issued at Washington, DC, on August 14, 2002.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 02–20969 Filed 8–16–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Science; Fusion Energy Sciences Advisory Committee

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Fusion Energy Sciences Advisory Committee. The Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday, September 11, 2002, 9 a.m. to 6 p.m.; Thursday, September 12, 2002, 9 a.m. to 12 noon.

ADDRESSES: The Marriott Gaithersburg Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, Maryland 20878, USA.

FOR FURTHER INFORMATION CONTACT: Albert L. Opdenaker, Office of Fusion

Energy Sciences; U.S. Department of Energy; 19901 Germantown Road; Germantown, MD 20874–1290; Telephone: 301–903–4927.

SUPPLEMENTARY INFORMATION: *Purpose of the Meeting:* The major purpose of this meeting is to finalize the Fusion Energy Sciences Advisory Committee recommendations on a strategy for burning plasma physics experiments.

Tentative Agenda

Wednesday, September 11, 2002

- Office of Science Perspective
- Office of Fusion Energy Sciences Update
- Status Report from Simulation Sub Panel
- Status Report from Non-Electric Applications Sub Panel
- Final Report from the Burning Plasma Sub Panel

Thursday, September 12, 2002

- Discussion of New Charges
- Public Comments

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Albert L. Opdenaker at 301–903–8584 (fax) or *albert.opdenaker@science.doe.gov* (e-mail). You must make your request for an oral statement at least 5 business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: We will make the minutes of this meeting available for public review and copying within 30 days at the Freedom of Information Public Reading Room; IE–190; Forrestal Building; 1000 Independence Avenue, SW.; Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on August 14, 2002.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 02–20971 Filed 8–16–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Electricity Advisory Board; Notice of Publication of Draft Transmission Grid Solutions Subcommittee Report

AGENCY: Department of Energy.

ACTION: Notice of publication of draft report and request for comments.

SUMMARY: The Office of the Secretary of Energy Advisory Board (AB–1) on behalf of the Electricity Advisory Board (EAB) requests comments on the Electricity Advisory Board's ''Draft Report'' by the Transmission Grid Solutions Subcommittee. The Draft Report provides a series of recommendations to the Electricity Advisory Board and the Secretary of Energy on ways to improve the physical and financial state of our nation's transmission electric transmission grid infrastructure to ensure the most reliable, economically efficient and environmentally sound delivery of electric power to consumers and businesses at affordable prices. The Draft Report was organized around the EAB Transmission Grid Solutions Subcommittee's independent external review of the Department of Energy's study of the nation's electricity transmission system entitled *National Transmission Grid Study* (May 2002). The views and recommendations offered in this Draft Report reflect the consensus of the Subcommittee members only. As with any consensus product, the views of any individual member of the subcommittee may differ slightly from the specific detailed recommendation contained in the Draft Report. This Draft Report is not a Department of Energy or Administration document and will not be transmitted officially to the Secretary of Energy without the consideration of any public comments received and the approval of the Electricity Advisory Board.

The EAB's Transmission Grid Solutions Subcommittee has posted its Draft Report on its Web site, located at *http://www.eab.energy.gov.*

DATES: To ensure the consideration of your comments by the Department of Energy's Electricity Advisory Board before the Board considers this Draft Report for approval and submission to the Secretary of Energy, comments must be submitted in writing and received by the Office of the Secretary of Energy Advisory Board (AB–1) no later than 5 p.m. Eastern Daylight Savings Time August 30, 2002. The date and location of the next open meeting of the Electricity Advisory Board, where the Transmission Grid Solutions Subcommittee Draft Report will be reviewed, will be announced in a separate **Federal Register** Notice.

ADDRESSES: Comments on this Draft Report should be addressed to: Dr. Craig R. Reed, Designated Federal Official, Electricity Advisory Board, AB–1/ Forrestal Building, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

You may also submit comments by facsimile to (202) 586–6279 or by e-mail to *lisa.epifani@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Craig R. Reed, Executive Director, or Ms. Lisa Epifani, EAB Staff Director, Secretary of Energy Advisory Board (AB–1), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–7092 or (202) 586–6279 (fax).

SUPPLEMENTARY INFORMATION: The Electricity Advisory Board (EAB) was chartered to provide the Secretary of Energy with essential independent advice and recommendations on electricity policy issues of importance to the Department of Energy. The Electricity Advisory Board is to provide timely, balanced, and authoritative advice to the Secretary of Energy on the Department's electricity programs; current and future capacity of the electricity system; issues related to production, reliability and utility restructuring; and coordination between the Department of Energy and state and regional officials and the private sector on matters affecting electricity supply and reliability.

Public Participation

The Electricity Advisory Board welcomes public comment on the Draft Report of the EAB's Transmission Grid Solutions Subcommittee. The Draft Report is being circulated for public review and comment in advance of its final review by the full Board in an effort to provide members of the public and interested parties with an opportunity to submit meaningful comment to the Board in advance of their review of the Draft Report's findings and recommendations. Members of the public and interested parties will also have an opportunity to comment on this Draft Report during the public comment period of the next meeting of the Electricity Advisory Board.

Issued at Washington, DC, on August 14, 2002.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 02–20970 Filed 8–16–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL02–118–000]

GenPower Anderson, LLC, FPL Energy Anderson, LLC, and Mountain Creek 2001 Trust, Complainants, v. Duke Energy Corporation and Duke Electric Transmission, Respondents; Notice of Complaint

August 13, 2002.

Take notice that on August 12, 2002, Gen Power Anderson, LLC, FPL Energy Anderson, LLC and Mountain Creek 2001 Trust (together, Complainants) submitted a Complaint against Duke Energy Corporation and Duke Electric Transmission (together, Duke) as transmission provider.

In the Complaint, Complainants allege that Duke has violated Section 205 of the Federal Power Act (FPA) by attempting to collect payments under an interconnection Letter Agreement that Duke has not filed with the Federal Energy Regulatory Commission, by continuing to assess new and additional charges under the unfiled Letter Agreement after a stop work request by GenPower Anderson, LLC and expiration of the unfiled Letter Agreement, and by attempting to collect payments greater than the maximum allowed by the unfiled Letter Agreement. Complainants request that the Commission direct Duke to cease and desist attempting to collect payments under the unfiled Letter Agreement and direct Duke to refund payments obtained by Duke that are not authorized by the unfiled Letter Agreement together with time-value refunds.

Copies of the Complaint were served via e-mail, facsimile and overnight mail on Duke and via e-mail and messenger on counsel for Duke.

Any person desiring to be heard 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. The answer to the complaint and all comments, interventions or protests must be filed on or before August 22, 2002. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, call (202) 502–8222 or for TTY, (202) 208–1659. The answer to the complaint, 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. The Commission strongly encourages electronic filings.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–20981 Filed 8–16–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER02–2437–000]

Virginia Electric and Power Company; Notice of Filing

August 13, 2002.

Take notice that on July 29, 2002, Virginia Electric and Power Company d/b/a/ Dominion Virginia Power tendered for filing to revise a job title set forth in Attachment N to Virginia Electric and Power Company's FERC Electric Tariff, Second Revised Volume No. 5 (OATT) addressing Dominion Virginia Power's Generator Interconnection Procedures.

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 ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number filed to access the document. For assistance, call (202) 508–8222. 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. The Commission strongly encourages electronic filings.

Comment Date: August 23, 2002.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–20982 Filed 8–16–02; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[OPPT–2002–0036; FRL–7188–2]

Reporting and Recordkeeping Requirements under EPA's Hospitals for a Healthy Environment (H2E) Program; Request for Comment on New Information Collection Activity

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), EPA is seeking public comment on the following Information Collection Request (ICR): Reporting and Recordkeeping Requirements under EPA's Hospitals for a Healthy Environment (H2E) Program (EPA ICR No. TBD; OMB Control No. 2070–TBD). This ICR involves a new collection activity not currently approved by OMB. The information collected under this ICR relates to recordkeeping and reporting as part of a voluntary program to help hospitals enhance work place safety, reduce waste and waste disposal costs, and become better environmental stewards and neighbors. Before submitting this ICR to the Office of Management and Budget (OMB) for review and approval under the PRA, EPA is soliciting comments on specific aspects of the collection.

DATES: Written comments, identified by the docket ID number OPPT–2002–0036, must be received on or before October 18, 2002.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit III. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket ID number OPPT–2002–0036 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Barbara

Cunningham, Acting Director, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Laura Nazef, Pollution Prevention Division (7409M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564–7523; fax number: (202) 564–8899; e-mail address: nazef.laura@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

You may be potentially affected by this action if you are an establishment or organization engaged in furnishing medical, surgical, or other health services to individuals. Potentially affected categories and entities may include, but are not limited to:

Type of business	NAICS codes
Offices of physicians	6211
Offices of dentists	6212
Outpatient care centers	6214
Medical and diagnostic laboratories	6215
Home health care services	6216
General medical and surgical hospitals	6221
Psychiatric and substance abuse hospitals	6222
Nursing care facilities	6231
Residential mental retardation, mental health, and substance abuse facilities	6232
Community care facilities for the elderly	6233
Grantmaking and giving services	8132
Social advocacy organizations	8133
Civic and social organizations	8134

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this table could also be affected. The North American Industrial Classification System (NAICS) codes are provided to assist you and others in determining whether or not this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

II. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

A. Electronically

You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. 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/.

B. Fax-on-Demand

Using a faxphone call (202) 564–3119 and select item 4097 for a copy of the ICR.

C. In Person

The Agency has established an official record for this action under docket ID number OPPT–2002–0036. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Center is (202) 260–7099.

III. How Can I Respond to this Action?

A. How and to Whom Do I Submit the Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket ID number OPPT–2002–0036 on the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: OPPT Document Control Office (DCO) in EPA East Building Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930.

3. *Electronically*. Submit your comments and/or data electronically by e-mail to: oppt.ncic@epa.gov, or mail your computer disk to the address identified in Units III.A.1. and 2. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard disks in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket ID number OPPT–2002–0036. Electronic comments may also be filed online at many Federal Depository Libraries.

B. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

C. What Should I Consider when I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the collection activity.

7. Make sure to submit your comments by the deadline in this notice.

8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

D. What Information is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

1. Evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility.

2. Evaluate the accuracy of the Agency's estimates of the burdens of the proposed collections of information.

3. Enhance the quality, utility, and clarity of the information to be collected.

4. Minimize the burden of the collections of information on those who are to respond, including through the use of appropriate automated or electronic collection technologies or other forms of information technology, e.g., permitting electronic submission of responses.

IV. What Information Collection Activity or ICR Does this Action Apply to?

EPA is seeking comments on the following ICR:

Title: Reporting and Recordkeeping Requirements under EPA's Hospitals for a Healthy Environment (H2E) Program.

ICR numbers: EPA ICR No. TBD, OMB No. 2070–TBD.

ICR status: This ICR is a new proposed information collection that has not been approved by OMB. An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information that is subject to approval under PRA, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's information collections appear on the collection instruments or instructions, in the **Federal Register** notices for related rulemakings and ICR notices, and, if the collection is contained in a regulation, in a table of OMB approval numbers in 40 CFR part 9.

Abstract: The Hospitals for a Healthy Environment (H2E) program is a voluntary partnership program jointly administered by EPA and the American Hospital Association (AHA) that helps hospitals enhance work place safety, reduce waste and waste disposal costs, and become better environmental stewards and neighbors. The program is based on a 1998 Memorandum of Understanding signed by AHA and EPA to provide health care professionals with the tools and information necessary to reduce mercury waste, reduce the overall volume of waste, and identify pollution prevention opportunities.

The H2E program has two elements, the Partners for Change Program and the Champions for Change Program. The Partners for Change Program recognizes health care facilities that pledge support to the H2E mission and develop goals for reducing waste and mercury in their own facilities. The Champions for Change Program recognizes organizations that encourage and aid health care facilities to participate as H2E partners, provide on-going promotional or technical assistance information, or make changes that support the goals of the H2E program in their own institutions. An organization's decision to participate in the H2E program is completely voluntary.

This information collection addresses reporting and recordkeeping activities that support the administration of the H2E program. Responses to the collection of information are voluntary. Respondents may claim all or part of a notice confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

V. What are EPA's Burden and Cost Estimates for this ICR?

Under the PRA, ''burden'' means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal Agency. For this collection it includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of this estimate, which is only briefly summarized in this notice. The annual public burden for this collection of information is estimated to range between 0.5 and 20 hours per response, depending upon the type of information the respondent provides. The following is a summary of the estimates taken from the ICR:

Respondents/affected entities: 550.

Frequency of response: Annually.

Estimated average number of responses for each respondent: 1.

Estimated total annual burden hours: 10,110.

Estimated total annual burden costs: $343,765.

VI. Are There Changes in the Estimates from the Last Approval?

No. This is a new proposed ICR.

VII. What is the Next Step in the Process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects

Environmental protection, Reporting and recordkeeping requirements.

Dated: August 8, 2002.

Susan B. Hazen,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 02–20992 Filed 8–16–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPPT–2002–0048; FRL–7192–7]

Notification of Chemical Exports - TSCA Section 12(b); Request for Comment on Renewal of Information Collection Activities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), EPA is seeking public comment on the following Information Collection Request (ICR): Notification of Chemical Exports - TSCA Section 12(b) (EPA ICR No. 0795.11, OMB Control No. 2070–0030). This ICR involves a collection activity that is currently approved and scheduled to expire on January 31, 2003. The information collected under this ICR relates to reporting requirements found at 40 CFR part 707, subpart D, with respect to companies exporting certain chemicals from the United States to foreign countries. Before submitting this ICR to the Office of Management and Budget (OMB) for review and approval under the PRA, EPA is soliciting comments on specific aspects of the collection.

DATES: Written comments, identified by the docket ID number OPPT–2002–0048, must be received on or before October 18, 2002.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit III. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket ID number OPPT–2002–0048 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Barbara Cunningham, Acting Director, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Keith Cronin, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564–8102; fax number: (202) 564–4775; e-mail address: cronin.keith@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

You may be potentially affected by this action if you are a company that exports or engages in wholesale sales of chemical substances or mixtures. Potentially affected categories and entities may include, but are not limited to:

Type of business	NAICS codes
Chemical manufacturing	325
Petroleum refineries	32411

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this table could also be affected. The North American Industrial Classification System (NAICS) codes are provided to assist you and others in determining whether or not this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

II. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

A. Electronically

You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. 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/.

B. Fax-on-Demand

Using a faxphone call (202) 564–3119 and select item 4098 for a copy of the ICR.

C. In Person

The Agency has established an official record for this action under docket ID number OPPT–2002–0048. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Center is (202) 260–7099.

III. How Can I Respond to this Action?

A. How and to Whom Do I Submit the Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket ID number OPPT–2002–0048 on the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: OPPT Document Control Office (DCO) in EPA East Building Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930.

3. *Electronically.* Submit your comments and/or data electronically by e-mail to: oppt.ncic@epa.gov, or mail your computer disk to the address identified in Units III.A.1. and 2. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard disks in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket ID number OPPT–2002–0048. Electronic comments may also be filed online at many Federal Depository Libraries.

B. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that

you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

C. What Should I Consider when I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the collection activity.
7. Make sure to submit your comments by the deadline in this notice.
8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

D. What Information is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

1. Evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility.
2. Evaluate the accuracy of the Agency's estimates of the burdens of the proposed collections of information.
3. Enhance the quality, utility, and clarity of the information to be collected.
4. Minimize the burden of the collections of information on those who are to respond, including through the use of appropriate automated or electronic collection technologies or other forms of information technology, e.g., permitting electronic submission of responses.

IV. What Information Collection Activity or ICR Does this Action Apply to?

EPA is seeking comments on the following ICR:

Title: Notification of Chemical Exports - TSCA Section 12(b).

ICR numbers: EPA ICR No. 0795.11, OMB Control No. 2070–0030.

ICR status: This ICR is currently scheduled to expire on January 31, 2003. An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information that is subject to approval under PRA, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's information collections appear on the collection instruments or instructions, in the **Federal Register** notices for related rulemakings and ICR notices, and, if the collection is contained in a regulation, in a table of OMB approval numbers in 40 CFR part 9.

Abstract: Section 12(b)(2) of the Toxic Substances Control Act (TSCA) requires that any person who exports or intends to export to a foreign country a chemical substance or mixture that is regulated under TSCA sections 4, 5, 6, and/or 7 submit to EPA notification of such export or intent to export. Upon receipt of notification, EPA will advise the government of the importing country of the United States regulatory action with respect to that substance. EPA uses the information obtained from the submitter via this collection to advise the government of the importing country.

Responses to the collection of information are mandatory (see 40 CFR part 707). Respondents may claim all or part of a document confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

V. What are EPA's Burden and Cost Estimates for this ICR?

Under the PRA, ''burden'' means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal Agency. For this collection it includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of this estimate, which is only briefly summarized in this notice. The annual public burden for this collection of information is estimated to average 0.993 hours per response. The following is a summary of the estimates taken from the ICR:

Respondents/affected entities: Respondents or affected entities are expected to include companies that export from the United States to foreign countries, or that engage in wholesale sales of, chemical substances or mixtures.

Estimated total number of potential respondents: 500.

Frequency of response: Annually.

Estimated average number of responses for each respondent: 15.

Estimated total annual burden hours: 7,450.

Estimated total annual burden costs: $452,055.

VI. Are There Changes in the Estimates from the Last Approval?

There is a decrease of 2,950 hours (from 10,400 hours to 7,450 hours) in the total estimated respondent burden compared with that identified in the information collection request most recently approved by OMB. This change reflects EPA's experience over the past 3 years, in which there has been an increase in the number of reporting firms but a decrease in the number of notices per firm than anticipated at the time of the last approval of this information collection. The net result is a decrease in burden hours (adjustment).

VII. What is the Next Step in the Process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any

questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects

Environmental protection, Reporting and recordkeeping requirements.

Dated: August 8, 2002.

Susan B. Hazen,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 02–20993 Filed 8–16–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPPT–2002–0050; FRL–7195–6]

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from July 8, 2002 to July 22, 2002, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. The ''S'' and ''G'' that precede the chemical names denote whether the chemical idenity is specific or generic.

DATES: Comments identified by the docket ID number OPPT–2002–0050 and the specific PMN number, must be received on or before September 18, 2002.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket ID number OPPT–2002–0050 and the specific PMN number in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Barbara Cunningham, Director, Office of Program Management and Evaluation, Office of Pollution Prevention and Toxics (7401), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the premanufacture notices addressed in the 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 copies of this document and certain other available documents from the EPA Internet Home Page at http://www.epa.gov/. On the Home Page select ''Laws and Regulations'','' Regulations and Proposed Rules, and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket ID number OPPT–2002–0050. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, any test data submitted by the Manufacturer/Importer is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B– 607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260–7099.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket ID number OPPT–2002–0050 and the specific PMN number in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Document Control Office (7407), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: OPPT Document Control Office (DCO) in EPA East Building Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930.

3. *Electronically*. You may submit your comments electronically by e-mail to: ''oppt.ncic@epa.gov,'' or mail your computer disk to the address identified in this unit. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard disks in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket ID number OPPT–2002–0050 and the specific PMN number. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be

submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the notice or collection activity.

7. Make sure to submit your comments by the deadline in this document.

8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Why is EPA Taking this Action?

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a PMN or an application for a TME and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from July 8, 2002 to July 22, 2002, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. Receipt and Status Report for PMNs

This status report identifies the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. If you are interested in information that is not included in the following tables, you may contact EPA as described in Unit II. to access additional non-CBI information that may be available. The ''S'' and ''G'' that precede the chemical names denote whether the chemical idenity is specific or generic.

In table I, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: the EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer; the potential uses identified by the manufacturer in the PMN; and the chemical identity.

I. 22 PREMANUFACTURE NOTICES RECEIVED FROM: 07/08/02 TO 07/22/02

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–02–0822	07/09/02	10/07/02	Reichhold, Inc.	(G) Coating resin	(G) Modified polyester of terephthalic acid, ethylene glycol and neopentyl glycol
P–02–0823	07/09/02	10/07/02	CBI	(S) Urethane foam catalyst	(G) Tertiary amine carboxylic acid salt
P–02–0824	07/09/02	10/07/02	Reichhold, Inc.	(G) Coating resin	(G) Modified polyester of terephthalic acid, ethylene glycol and neopentyl glycol
P–02–0825	07/09/02	10/07/02	CBI	(G) Catalyst	(G) Tertiary amine
P–02–0826	07/12/02	10/10/02	Apex Advanced Technologies, LLC	(G) Lubricant and surface agent for metal forming and injection molding.	(S) Octadecanoic acid, compd. with guanidine (1:1)
P–02–0827	07/12/02	10/10/02	CIBA Specialty Chemicals Corporation	(S) Light stabilizer for coatings and adhesives	(G) Bisacylphosphinoxide
P–02–0828	07/12/02	10/10/02	NA Industries, Inc.	(G) Concrete admixture	(G) Polyether derivative
P–02–0829	07/15/02	10/13/02	Nagase America Corporation	(G) Additive for lubricants	(G) Molybdenum dithio carbamate
P–02–0830	07/16/02	10/14/02	Cognis Corporation	(G) Synthetic fiber additive	(S) Oxirane, methyl-, polymer with oxirane, didodecanoate
P–02–0831	07/16/02	10/14/02	GE silicones	(S) Intermediate	(G) Crosslinked alkyl silicone
P–02–0832	07/16/02	10/14/02	Jowat Corp.	(G) Wood bonding	(G) Polyurethane prepolymers
P–02–0833	07/17/02	10/15/02	CIBA Specialty Chemicals Corporation	(S) Polymerization initiator and regulator for thermoplastics and elastomers	(G) Aromatic ether derivative
P–02–0834	07/17/02	10/15/02	CBI	(G) Open, non-dispersive (resin)	(G) Blocked cycloaliphatic polyisocyanate
P–02–0835	07/17/02	10/15/02	CBI	(S) Resin for spray applied coatings	(G) Polyester modified polyurethane amine salted
P–02–0836	07/17/02	10/15/02	U.S. Paint Corporation	(G) Resin for coating	(G) Polymer of: butyl methacrylate, ethylene glycol dimethacrylate, 2-hydroxypropyl methacrylate, divinylbenzene, ethylvinylbenzene
P–02–0837	07/17/02	10/15/02	U.s. paint corporation	(G) Resin for coating	(G) Polymer of: 2,3-epoxypropyl neodecanoate, cyclohexyl methacrylate, acrylic acid

I. 22 PREMANUFACTURE NOTICES RECEIVED FROM: 07/08/02 TO 07/22/02—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–02–0838	07/17/02	10/15/02	CBI	(G) Synthetic industrial lubricant for contained use	(G) Dipentaerythritol ester of branched and linear fatty acids
P–02–0839	07/18/02	10/16/02	CBI	(G) Open non-dispersive	(G) Modified acrylic polymer
P–02–0840	07/19/02	10/17/02	Cook Composites and Polymers Co.	(G) Additive for plastic resins	(G) 2-propenoic acid, 2-methyl-[2-ethyl-2[[2-hydroxy-3-[(2-methyl-1-oxo]propoxy]methyl]-1,3-alkanediyl]bis[oxy(2-hydroxy-3,1-alkanediyl) ester
P–02–0841	07/18/02	10/16/02	CBI	(S) Brominated epoxy resin prereact for making resins for impregnating fiber reinforcement; fabrication processing aid	(G) Brominated epoxy resin
P–02–0842	07/19/02	10/17/02	The Dow Chemical Company	(S) Uv curable binder for coatings	(G) Solid uv-curable resin
P–02–0843	07/19/02	10/17/02	The Dow Chemical Company	(S) Uv curable binder for coatings	(G) Solid uv-curable resin

In table II, EPA provides the following information (to the extent that such information is not claimed as CBI) on the Notices of Commencement to manufacture received:

II. 21 NOTICES OF COMMENCEMENT FROM: 07/08/02 TO 07/22/02

Case No.	Received Date	Commencement/ Import Date	Chemical
P–01–0332	07/11/02	06/17/02	(G) Cathodic epoxy dispersion resin
P–01–0333	07/11/02	06/17/02	(G) Cathodic epoxy dispersion resin
P–01–0820	07/12/02	07/05/02	(G) Urethane acrylate
P–02–0124	07/15/02	06/25/02	(G) Aminoacrylic polymer
P–02–0125	07/15/02	06/25/02	(G) Dialkylamine hydrochloride salt
P–02–0247	07/10/02	06/26/02	(G) Modified polyurethane resin
P–02–0248	07/16/02	06/02/02	(S) 1-hexanol, 3-mercapto, 1-acetate
P–02–0250	07/10/02	06/04/02	(G) Acrylic copolymer
P–02–0266	07/09/02	06/19/02	(G) Phenol, 4,4'-(1-methylethylidene)bis, polymer with (chloromethyl)oxirane, reaction products with an epoxy resin and octahydro-4,7-methano-1h-indenedimethanamine
P–02–0329	07/17/02	06/28/02	(G) Fatty acid polyethyleneimine condensate polymer
P–02–0331	07/18/02	06/06/02	(S) 1,3-benzenedicarboxylic acid, polymer with 5-amino-1,3,3-trimethylcyclohexanemethanamine, hexanedioic acid, 1,6-hexanediol, 3-hydroxy-2-(hydroxymethyl)-2-methylpropanoic acid and 1,1'-methylenebis [4-isocyanatocyclohexane], compd. with n,n-diethylethanamine
P–02–0334	07/10/02	06/10/02	(G) Modified phenolic resin
P–02–0335	07/17/02	07/08/02	(S) 2-propenoic acid, 2-methyl-, polymer with n-(1,1-dimethyl-3-oxobutyl)-2-propenamide, ethyl 2-propenoate and methyl 2-methyl-2-propenoate, ammonium salt
P–02–0342	07/10/02	06/04/02	(G) Polyester resin
P–02–0392	07/19/02	06/24/02	(S) Poly[oxy(methyl-1,2-ethanediyl)],alpha-[[[3-(trimethoxysilyl)propyl]amino]carbonyl]-omega-[[[[3-(trimethoxysilyl)propyl]amino]carbonyl]oxy]-
P–02–0412	07/10/02	06/21/02	(G) Epoxy resin ester
P–02–0490	07/17/02	06/23/02	(G) C14-18 fatty acids, calcium salts
P–02–0503	07/18/02	06/26/02	(G) Aromatic urethane
P–02–0504	07/18/02	07/09/02	(G) Aromatic aminoether
P–02–0514	07/05/02	07/05/02	(G) Diethoxybenzenamine derivative, diazotized, coupled with aminonaphthalenesulfonic acid derivative, ammonium salt
P–93–0401	07/16/02	06/26/02	(G) Polyurethane polyacrylate polymethacrylate

List of Subjects

Environmental protection, Chemicals, Premanufacturer notices.

Dated: August 12, 2002.

Sandra R. Wilkins,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 02–20991 Filed 8–16–02; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2568]

Petitions for Reconsideration of Action in Rulemaking Proceeding

August 9, 2002.

Petitions for Reconsideration have been filed in the Commission's rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of this document is available for viewing and copying in Room CY–A257, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, Qualex International (202) 863–2893. Oppositions to these petitions must be filed by September 3, 2002. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: In the Matter of Amendment of Parts of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency With GSO and Terrestrial Systems in the KU-Band Frequency Range (ET Docket No. 98–206, RM–9147, RM–9245).

Number of Petitions Filed: 7.

Marlene H. Dortch,

Secretary.

[FR Doc. 02–20926 Filed 8–16–02; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1430–DR]

Northern Mariana Islands; 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 the Northern Mariana Islands (FEMA–1430–DR), dated August 6, 2002, and related determinations.

EFFECTIVE DATE: August 6, 2002.

FOR FURTHER INFORMATION CONTACT: Rich Robuck, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705 or *Rich.Robuck@fema.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated August 6, 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 the Northern Mariana Islands, resulting from Typhoon Chata'an on July 4–5, 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 the Northern Mariana Islands.

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 Public 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 Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs. If Individual Assistance is later requested and warranted, Federal funds provided under that program will also be limited to 75 percent of the total eligible costs. You are authorized to make adjustments as warranted to the non-Federal cost shares as provided under the Insular Areas Act, 48 U.S.C. 1469a(d).

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

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 William L. Carwile, III of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following area within the Commonwealth of the Northern Mariana Islands to have been affected adversely by this declared major disaster: Island of Rota for Public Assistance.

All areas within the Commonwealth of the Northern Mariana Islands 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. 02–20960 Filed 8–16–02; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Board of Governors of the Federal Reserve System

ACTION: Notice

SUMMARY: Background. On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act, as per 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320 Appendix A.1. Board–approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83–I's and supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Request for comment on information collection proposals. The following information collections, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collections, along with an analysis of comments and recommendations received, will be

submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. whether the proposed collections of information are necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. the accuracy of the Federal Reserve's estimate of the burden of the proposed information collections, including the validity of the methodology and assumptions used;

c. ways to enhance the quality, utility, and clarity of the information to be collected; and

d. ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments must be submitted on or before October 18, 2002.

ADDRESSES: Comments should be mailed to Ms. Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551, or mailed electronically to regs.comments@federalreserve.gov. Comments addressed to Ms. Johnson may also be delivered to the Board's mail facility in the West Courtyard between 8:45 a.m. and 5:15 p.m., located on 21st Street between Constitution Avenue and C Street, N.W. Members of the public may inspect comments in Room MP–500 of the Martin Building between 9:00 a.m. and 5:00 p.m. on weekdays pursuant to § 261.12, except as provided in § 261.14, of the Board's Rules Regarding Availability of Information, 12 CFR 261.12 and 261.14.

A copy of the comments may also be submitted to the OMB desk officer for the Board: Joseph F. Lackey, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form and instructions, the Paperwork Reduction Act Submission (OMB 83–I), supporting statement, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below. Mary M. West, Federal Reserve Board Clearance Officer (202–452–3829), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact Capria Mitchell (202) 872–4984, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Proposal to Approve Under OMB Delegated Authority the Extension For Three Years, With Revision, the Following Reports:

1. Report title: Reports of Foreign Banking Organizations

Agency form number: FR Y–7 (and proposed FR Y–7N, FR Y–7NS, and FR Y–7Q)

OMB control number: 7100–0125

Frequency: Quarterly and annually

Reporters: Foreign banking organizations (FBO's)

Annual reporting hours: 5,920 hours

Estimated average hours per response:
FR Y–7: 3.25 hours,
FR Y–7N (quarterly): 6 hours,
FR Y–7N (annual): 6 hours,
FR Y–7NS: 1 hour,
FR Y–7Q (annual): 1 hour,
FR Y–7Q (quarterly): 1.25 hours

Number of respondents:
FR Y–7: 327,
FR Y–7N (quarterly): 128,
FR Y–7N (annual): 195,
FR Y–7NS: 184,
FR Y–7Q (annual):301,
FR Y–7Q (quarterly): 26
Small businesses are affected.

General description of report: This information collection is mandatory (12 U.S.C. §§ 601–604a, 611–631, 1844(c), 3106, and 3108(a)). Confidential treatment is not routinely given to the data in these reports. However, confidential treatment for the reporting information, in whole or in part, can be requested in accordance with the instructions to the form, pursuant to sections (b)(4) and (b)(6) of the Freedom of Information Act [5 U.S.C. §§ 522(b)(4) and (b)(6)].

Abstract: The FR Y–7 is an annual report filed by all FBO's that engage in banking in the United States, either directly or indirectly, to update their financial and organizational information. The Federal Reserve uses information to assess an FBO's ability to be a continuing source of strength to its U.S. banking operations and to determine compliance with U.S. laws and regulations.

Current actions: The Federal Reserve proposes the following revisions to the FR Y–7:

(1) Remove the risk–based capital reporting, Report Item 1.B., from the FR Y–7 report and require FBO's to report risk–based capital information on the new Capital and Asset Report for FBO's (FR Y–7Q).

(2) Remove the Nonbank Financial Information Summary (NFIS) report, which includes data from U.S. nonbank subsidiaries held directly by a foreign parent (i.e., not through a U.S. bank holding company (BHC) or financial holding company (FHC)), from the FR Y–7 and require these entities to file the new FR Y–7N or FR Y–7NS);

(3) Update the eligibility requirements for qualifying foreign banking organizations (QFBO's) in accordance with recent revisions to Regulation K;

(4) Remove Report Items 6 and 7 from the FR Y–7 pertaining to Financial Statements of Unconsolidated Majority–Owned Related Subsidiaries and Financial Data on Unconsolidated Minority–Owned Related Companies, respectively; and

(5) Provide other technical revisions to the FR Y–7 form and instructions to ensure consistency with other reporting forms, and reorder the sequence of the form to facilitate reporting.

In addition, the Federal Reserve proposes to implement the following information collections:

(1) Capital and Asset Report for Foreign Banking Organizations (FR Y–7Q) – This report would collect consolidated regulatory capital information from all FBO's either quarterly or annually. FBO's that have effectively elected to become financial holding companies (FHC's) will be required to file the FR Y–7Q on a quarterly basis. All other FBO's (those that have not elected to become FHCs) would file the FR Y–7Q annually.

(2) Financial Statements of U.S. Nonbank Subsidiaries Held by Foreign Banking Organizations (FR Y–7N) and Abbreviated Financial Statements of U.S. Nonbank Subsidiaries Held by Foreign Banking Organizations (FR Y–7NS) – The FR Y–7N report would collect nonbank financial information similar to information currently collected from U.S. BHC's for their nonbank activities. The FR Y–7N would be collected from significant nonbank subsidiaries and would be filed quarterly or annually based on total assets and other reporting criteria. Other, smaller respondents would file the FR Y–7NS, an abbreviated report with only four items.

In a change from current NFIS reporting, consolidation of reporters would not be permitted on the Y–7N and the Y–7NS. In the past, the Federal Reserve has found that the consolidation rules contribute to inaccurate data collection and raise processing issues. However, since a majority of reporters in the current panel would be exempt from reporting altogether, the removal of the consolidation option should not pose a material burden on reporters.

Also, functionally regulated[1] subsidiaries and merchant banking investments would be exempt from reporting on the FR Y–7N and FR Y–7NS. Provisions of the Gramm–Leach–Bliley Act direct that the Federal Reserve must first rely on reports and information provided by the primary functional regulators for functionally regulated subsidiaries.

The proposed implementation date for all of the FR Y–7 changes is December 31, 2002.

2. Report title: Financial Statements of U.S. Nonbank Subsidiaries of U.S. Bank Holding Companies

Agency form number: FR Y–11Q and FR Y–11I (proposed FR Y–11, FR Y–11S)

OMB control number: 7100–0244

Frequency: Quarterly and annually

Reporters: Bank holding companies (BHC's)

Annual reporting hours: 23,809 hours

Estimated average hours per response:
FR Y–11 (quarterly): 6 hours,
FR Y–11 (annual): 6 hours,
FR Y–11S (annual): 1 hour

Number of respondents:
FR Y–11 (quarterly): 843,
FR Y–11 (annual): 488,
FR Y–11S (annual): 649

Small businesses are affected.

General description of report: This information collection is mandatory (12 U.S.C. §§ 1844(b) and (c) and 12 CFR 225.5(b)). Confidential treatment is not routinely given to the data in these reports. However, confidential treatment for the reporting information, in whole or in part, can be requested in accordance with the instructions to the form, pursuant to sections (b)(4) and (b)(6) of the Freedom of Information Act [5 U.S.C. §§ 522(b)(4) and (b)(6)].

Abstract: The FR Y–11Q is filed quarterly by top–tier bank holding companies for each nonbank subsidiary of a bank holding company with total consolidated assets of $150 million or more in which the nonbank subsidiary has total assets of 5 percent or more of the top–tier bank holding company's consolidated Tier 1 capital, or where the nonbank subsidiary's total operating revenue equals 5 percent or more of the top–tier bank holding company's consolidated total operating revenue. The report consists of a balance sheet, income statement, off–balance–sheet items, information on changes in equity capital, and a memoranda section. The FR Y–11I is filed annually by top–tier bank holding companies for each of their nonbank subsidiaries that are not required to file a quarterly FR Y–11Q. The FR Y–11I report consists of similar balance sheet, income statement, off–balance–sheet, and change in equity capital information that is included on the FR Y–11Q. However, some of the items on the FR Y–11I are collected in a less detailed manner. In addition, the FR Y–11I also includes a loan schedule to be submitted only by respondents engaged in extending credit.

Current actions: The Federal Reserve proposes to revise the FR Y–11Q and retitle the report as the Financial Statements of U.S. Nonbank Subsidiaries of U.S. Bank Holding Companies (FR Y–11). The Federal Reserve also proposes to eliminate the Annual Financial Statements of Nonbank Subsidiaries of Bank Holding Companies (FR Y–11I) and replace it with a new abbreviated annual report, the Abbreviated Financial Statements of U.S. Nonbank Subsidiaries of U.S. Bank Holding Companies (FR Y–11S).

The Federal Reserve proposes to streamline the existing nonbank subsidiary reporting framework for all non–functionally–regulated[2] nonbank subsidiaries. The revised framework would both provide essential information to supervise and regulate non–functionally–regulated subsidiaries and reduce the burden on the industry. The proposed framework affects U.S. nonbank subsidiaries held by a U.S. bank holding company. Proposed revisions include:

(1) Implementing a uniform reporting form for all nonbank subsidiary filers;

(2) Reducing the burden by increasing or establishing consistent filing thresholds for all nonbank subsidiary filers;

(3) Establishing filing thresholds for reporters, consistent with risk–focused supervision, based on asset size and off–balance–sheet activity (absolute measures), plus operating revenues and equity capital (relative measures); and

(4) Eliminating reporting for the smallest filers.

The FR Y–11Q would be retitled as the Financial Statements of U.S. Nonbank Subsidiaries of U.S. Bank Holding Companies (FR Y–11). This proposed form would collect nonbank subsidiary financial information and would be filed by the top–tier BHC for more significant nonbank subsidiaries quarterly or annually based on total assets and other reporting criteria. The new Abbreviated Financial Statements of U.S. Nonbank Subsidiaries of U.S. Bank Holding Companies (FR Y–11S) report would comprise only four financial data items: net income, total assets, total equity capital, and total off–balance–sheet items. This report would be filed by the top–tier BHC for smaller nonbank subsidiaries.

The proposed reporting changes would introduce more uniformity to several aspects of reporting requirements for nonbank subsidiaries and reduce regulatory burden. The proposed implementation date for all of the FR Y–11 changes is December 31, 2002.

Also, functionally regulated subsidiaries and merchant banking investments would be exempt from reporting on the FR Y–11 and FR Y–11S. Provisions of the Gramm–Leach–Bliley Act direct that the Federal Reserve must first rely on reports and information provided by the primary functional regulators for functionally regulated subsidiaries.

3. Report title: Financial Statements of Foreign Subsidiaries of U.S. Banking Organizations

Agency form number: FR 2314 a, b, and c (proposed FR 2314 and FR 2314S)

OMB control number: 7100–0073

Frequency: Quarterly and annually

Reporters: Foreign subsidiaries of U.S. state member banks, bank holding companies, and Edge or agreement corporations

Annual reporting hours: 5,087 hours

Estimated average hours per response:
FR Y–2314 (quarterly): 6 hours,
FR Y–2314 (annual): 6 hours,
FR Y–2314S (annual): 1 hour

Number of respondents:
FR Y–2314 (quarterly): 123,
FR Y–2314 (annual): 300,
FR Y–2314S (annual): 335

Small businesses are not affected.

General description of report: This information collection is mandatory (12 U.S.C. §§ 324, 602, 625, and 1844). FR 2314 data are exempt from disclosure pursuant to Sections (b)(4) and (b)(8) of the Freedom of Information Act (5 U.S.C. §552(b)(4) and (8)).[3]

Abstract: The FR 2314 reports are collected from U.S. member banks, Edge and agreement corporations, and BHC's for their direct or indirect foreign subsidiaries. Separate reports are

[1] The term ''functionally regulated'' nonbank subsidiaries are entities where the primary regulator is an organization other than the Federal Reserve, namely the Securities and Exchange Commission, Commodity Futures Trading Commission, state insurance commissioners, or state securities departments.

[2] As distinguished from the term ''functionally regulated'' nonbank subsidiaries, which are entities in which the primary regulator is an organization other than the Federal Reserve, namely the Securities and Exchange Commission, Commodity Futures Trading Commission, state insurance commissioners, or state securities departments.

[3] Please see the FR 2314 ''Current actions'' section for the proposed change to confidentiality treatment.

required for most subsidiaries, although they may consolidate affiliates that are principally engaged in a similar line of business and that are located in the same country. Newly established or acquired foreign subsidiaries are added to the reporting panel on a flow basis. The parent organization files the FR 2314a for their significant foreign subsidiaries (those with at least $2 billion in total assets or $5 billion in off–balance–sheet activity) quarterly and file the FR 2314a, b, or c annually for their other foreign subsidiaries as of December 31. Subsidiaries with total assets exceeding $250 million must be reported on the FR 2314a. Subsidiaries with total assets between $50 million and $250 million must be reported the FR 2314b. Subsidiaries with total assets less than $50 million must be reported on the FR 2314c. For nominee and inactive companies with total assets less than $1 million, the parent must provide only the name, location, and total assets of the company; the FR 2314c may be used for this purpose, or the information may be transmitted in letter format.

The FR 2314a collects information on assets and liabilities and includes several memoranda items on contingent liabilities and twelve supporting schedules. The supporting schedules provide detail on cash and balances due from depository institutions, securities, loans and lease financing receivables, other assets, claims on related organizations, deposits, other liabilities, liabilities to related organizations, changes in capital and reserve accounts, income and expenses, assets held in trading accounts, and past due and nonaccrual loans and leases. The FR 2314b collects somewhat less information on assets and liabilities, off–balance–sheet items, income and expenses, and securities. The FR 2314c is a brief, one–page report that collects information on total assets, equity capital, net income, and off–balance–sheet items.

Current actions: The Federal Reserve proposes to revise and retitle the FR 2314a as the Financial Statements of Foreign Subsidiaries of U.S. Banking Organizations (FR 2314).

The FR 2314c would be revised and retitled as the Abbreviated Financial Statements of Foreign Subsidiaries of U.S. Banking Organizations (FR 2314S). The FR 2314b the Report of Condition for Foreign Subsidiaries of U. S. Banking Organizations would be eliminated.

The Federal Reserve's proposal to streamline the existing nonbank subsidiary reporting framework for all non–functionally–regulated[4] nonbank subsidiaries[5] will also have an effect on existing FR 2314 reporters (not just those that are nonbanks). The revised framework would both provide essential information to supervise and regulate non–functionally–regulated subsidiaries and reduce the burden on the industry. The proposed framework affects foreign subsidiaries held by a U.S. bank holding company or U.S. bank (FR 2314 a, b, and c). Proposed revisions include:

(1) Implementing a reporting form that is consistent with the proposed form for domestic nonbank subsidiary filers;

(2) Reducing the burden by increasing or establishing filing thresholds that are consistent with those proposed for domestic nonbank subsidiary filers;

(3) Establishing filing thresholds for reporters, consistent with risk–focused supervision, based on asset size and off–balance–sheet activity (absolute measures), plus operating revenues and equity capital (relative measures);

(4) Allowing no consolidation among filers; and

(5) Eliminating reporting for the smallest filers.

The FR 2314a would be retitled as the Financial Statements of Foreign Subsidiaries of U.S. Banking Organizations (FR 2314). This proposed form would collect financial information and would be filed by more significant subsidiaries quarterly or annually based on total assets and other reporting criteria. The Abbreviated Financial Statements of Foreign Subsidiaries of U.S. Banking Organizations (FR 2314S) report would comprise only four financial data items: net income, total assets, total equity capital, and total off–balance–sheet items. These are the same four financial data items currently collected as part of the current FR 2314c. This report would be filed by the top–tier BHC or parent organization of smaller subsidiaries.

The proposed reporting changes would introduce more uniformity to several aspects of reporting requirements for subsidiaries and reduce regulatory burden. The proposed implementation date for all of the FR 2314 changes is December 31, 2002.

Also, functionally regulated subsidiaries and merchant banking investments would be exempt from reporting on the FR 2314 and FR 2314S. Provisions of the Gramm–Leach–Bliley Act direct that the Federal Reserve must first rely on reports and information provided by the primary functional regulators for functionally regulated subsidiaries.

In a change from current FR 2314 reporting, consolidation of reporters would not be permitted on the FR 2314 and the FR 2314S. In the past, the Federal Reserve has found that the consolidation rules contribute to inaccurate data collection and raise processing issues. However, since a majority of reporters in the current panel would be exempt from reporting altogether, the removal of the consolidation option should not pose a material burden on reporters.

Also, in accord with the accounting basis for all other regulatory reports filed with the Federal Reserve, the reporting basis for the FR 2314 would be revised to specifically instruct respondents to follow U.S. generally accepted accounting principles (GAAP).

The Federal Reserve proposes that data collected on the FR 2314 reports no longer be given confidential treatment and made available to the public. The Federal Reserve proposes this change in treatment for consistency with public disclosure requirements of other financial reports and believes that the concern of competitive disadvantage relative to their foreign corporate counterparts is no longer a prevalent issue. However, the Federal Reserve may grant confidential treatment for the reporting information, in whole or in part, on a case–by–case basis if justified by the respondent. The Federal Reserve requests specific comment on this proposed change.

Board of Governors of the Federal Reserve System, August 14, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–21017 Filed 8–16–02; 8:45 am]

BILLING CODE 6210–01–S

[4] As distinguished from the term ''functionally regulated'' nonbank subsidiaries, which are entities in which the primary regulator is an organization other than the Federal Reserve, namely the Securities and Exchange Commission, Commodity Futures Trading Commission, state insurance commissioners, or state securities departments. Provisions of the Gramm–Leach–Bliley Act direct that the Federal Reserve must first rely on reports and information provided by the primary regulator for functionally regulated subsidiaries.

[5] The use of the term nonbank subsidiaries includes foreign bank subsidiaries of U.S. BHC's that file the FR 2314 report.

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are

set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than September 3, 2002.

A. Federal Reserve Bank of Kansas City (Susan Zubradt, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. James Michael McAuley and Charlie Edward Blankenship; both of Norman, Oklahoma, as trustees for the Cynthia Ann Mayes Blankenship QSST; the Catherine Suzanne Mayes McAuley QSST; and the Mava Geraldine Mayes Trust, to retain control of Consolidated Equity Corporation, Purcell, Oklahoma, and thereby indirectly acquire control of First American Bank and Trust Company, Purcell, Oklahoma.

Board of Governors of the Federal Reserve System, August 14, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–21018 Filed 8–16–02; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Information Collection Activities; Proposed Collections; Comment Request

The Department of Health and Human Services, Office of the Secretary will periodically publish summaries of proposed information collections projects and solicit public comments in compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995. To request more information on the project or to obtain a copy of the information collection plans and instruments, call the OS Reports Clearance Office at (202) 619–2118 or e-mail *Geerie.Jones@HHS.gov.*

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: 1. Decisions, Choices and Care Management Among an Admissions Cohort of Privately Insured Disabled Elders (Long Term Care)—New—The Department's Office of the Assistant Secretary for Planning and Evaluation proposes to conduct a study to better understand the circumstances or factors that motivate elders who have purchased private long-term care insurance policies to use services and file claims for benefits. The purpose is to obtain a comprehensive demographic, health and attitudinal profile of individuals with private LTC insurance policies.

Respondents: Individual.

Number of Respondents Baseline Surveys: 1,650.

Estimated burden per Response: 1.36 hours.

Burden for Baseline Surveys: 2,251 hours.

Number of Responses for Follow-up Interview: 5,105.

Estimated Burden per Response: 288 minutes.

Burden for Follow-up Interviews: 1,469.

Total Number of Responses: 6,755.

Total Burden: 3,720 hours.

Send comments via e-mail to *Geerie.Jones@HHS.gov* or mail to OS Reports Clearance Office, Room 503H, Huber H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201. Comments should be received within 60 days of this notice.

Dated: August 9, 2002.

Kerry Weems,

Deputy Assistant Secretary, Budget.

[FR Doc. 02–20937 Filed 8–16–02; 8:45 am]

BILLING CODE 4154–05–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Preliminary Measure Set for the National Healthcare Quality Report

Request for Comments

The Agency for Healthcare Research and Quality (AHRQ) announces a request for public comment on the Preliminary Measure Set to be used in preparing the first National Healthcare Quality Report (NHQR). The NHQR is a congressionally mandated report (*see* 42 U.S.C. 299b–2(b)(2)) on national trends with respect to health care quality. The legislation mandated that the Agency for Healthcare Research and Quality (AHRQ) submit this report on an annual basis beginning in 2003. The Preliminary Measure Set for the NHQR was generated through a call for measures to Federal agencies and private organizations. AHRQ issued a call for measures to Federal agencies, through the Quality Interagency Coordination Task Force (QuIC), from October 2000–February 2001. The Institute of Medicine issued the call to private organizations from June–July 2000. An interagency Department of Health and Human Services (DHHS) working group then reviewed and revised the candidate measures. AHRQ and the interagency working group are seeking comments on (1) the extent to which the proposed measures meet the criteria of importance, scientific soundness, and feasibility; (2) the balance, comprehensiveness, and robustness of the overall measure set; and (3) the appropriateness of the data sources.

Comments Deadline

Written comments will be accepted by September 18, 2002. For submission of written comments and additional information: Ed Kelley, Ph.D., Senior Service Fellow, National Healthcare Quality Report, Center for Quality Improvement and Patient Safety, Agency for Healthcare Research and Quality, 6011 Executive Boulevard, Suite 200, Rockville, MD 20852, Fax: (301) 594–2155, E-mail: *ekelley@ahrg.gov.*

Availability of Preliminary Measure Set

Copies of the Preliminary Measure Set are available from the AHRQ Web site at: *http://www.ahrg.gov/qual/measurix.htm.* For organizations without access to the Internet, AHRQ will make a paper version available either through overnight mail or by fax upon written request. Requests for paper versions of the preliminary measure set should be faxed to the above number.

Public Review of Comments

Comments and responses received will be available for public inspection at AHRQ's Information Resource Center (IRC) public reading room between the hours of 8:30 a.m. and 5 p.m. on regular business days at 2101 East Jefferson Street, Suite 500, Rockville, MD 20852. Arrangements for viewing public comments may be made by calling (301) 594–6349. Responses may also be accessed through AHRQ's Electronic Freedom of Information Reading Room

on AHRQ's Web site at *http://www.ahrq.gov/news/foiaindx.htm.*

Dated: August 9, 2002.

Carolyn M. Clancy,

Acting Director.

[FR Doc. 02–20920 Filed 8–6–02; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30DAY–43–02]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 498–1210. Send written comments to CDC, Desk Officer, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Project: Evaluation of Worker Notification Program—New—The National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC). The mission of NIOSH is to promote safety and health at work for all people through research and prevention. NIOSH routinely notifies subjects about the results of epidemiologic studies and the implications of the results. The overall purpose of the proposed project is to gain insight into the effectiveness of NIOSH worker notification, in order to improve the quality and usefulness of the Institute's worker notification activities. Researchers from the NIOSH Division of Surveillance, Hazard Evaluations and Field Studies (DSHEFS) propose to provide notified workers with a Reader Response Form as an evaluation instrument for routinely assessing individual letter notification materials sent to them by NIOSH.

The results of this ongoing evaluation activity will be used to refine notification activities by standardizing and streamlining written notification materials, and to develop materials which are more readable, understandable, and informative to notified workers, their families, and other stakeholders. The findings from these evaluations may also allow the NIOSH worker notification program to help alleviate any negative impacts and enhance any positive impacts of risk communications.

The objective of the Reader Response Form, therefore, is to provide a structured reporting form which will capture the recipients' responses concerning the effectiveness of the NIOSH notification efforts and their impact on workers and other stakeholders.

The average number of letter-type notifications is estimated at 8,000 per year. Each form is estimated to take less than 10 minutes to complete. The annual burden for this data collection is 1,333 hours.

Respondents	Number of respondents	Number of responses/respondent	Avg. burden per response (in hours)
Reader Response Form	8000	1	10/60

Dated: August 9, 2002.

Nancy E. Cheal,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 02–20930 Filed 8–16–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 02158]

University of Georgia Center for Leadership in Education and Applied Research in Mass Destruction Defense; Notice of Award of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the award of fiscal year (FY) 2002 funds for a cooperative agreement program for the University of Georgia Center for Leadership in Education and Applied Research in Mass Destruction Defense (CLEARMADD).

The purpose of the program is to facilitate the development of an integrated national system of Centers for Public Health Preparedness focused on improving the capacity of the front-line public health worker to respond to current, new and emerging public health threats. This program addresses the ''Healthy People 2010'' focus areas of Public Health Infrastructure.

B. Eligible Applicant

Assistance is provided only to the University of Georgia Center for Leadership in Education and Applied Research in Mass Destruction Defense. No other applications were solicited. The House of Representatives Conference Report accompanying the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Bill ending September 30, 2002, and For Other Purposes (H.R. 3061, 107th Congress), recognized the University of Georgia's unique qualifications for carrying out the activities specified in this grant (H.R. Rep. 107–342).

C. Funds

Approximately $642,842 is being awarded in FY 2002. The award will begin on or about August 1, 2002 and will be made for a 12-month budget period within a one year project period.

D. Where To Obtain Additional Information

Business management technical assistance may be obtained from: Sharon Robertson, Grants Management Specialist, Acquisition and Assistance, Branch B, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Room 3000, Atlanta, GA 30341–4146, Telephone number: 770–488–2748, e-mail address: *SRobertson@cdc.gov*.

For program technical assistance, contact: Gail Williams, MPH, CHES, Public Health Practice Program Office, Centers for Disease Control and Prevention (CDC), 4770 Buford Hwy., NE., Mailstop K–38, Atlanta, GA 30341–3717, Telephone: (770) 488–8166.

Dated: August 12, 2002.

Sandra R. Manning,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 02–20947 Filed 8–16–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Proposed Projects

Title: National Survey of Child and Adolescent Well-Being.

OMB No.: 0970–0202.

Description: This longitudinal survey provides national estimates on the characteristics related to children and fami8lies who enter the child welfare system. It has collected data from a cohort of 6,100 children who entered the child welfare system as a result of a CPS investigation between October 1999 and April 2001. Data were collected from the children themselves, their caregivers, their teachers, and their caseworkers at baseline, with follow-ups at 12 and 18 months post-baseline. The current request is to pursue a 36-month follow-up, essentially replicating the measure that were used at baseline and at the 18-month follow-up.

Respondents: Children who are clients of the child welfare system, their primary caregivers, caseworkers, and teachers.

Annual Burden Estimates:

Instrument	Responses	Number of responses per respondent	Average burden hours per respondent	Total burden hours
Child interview	5,491	1	1.63	8,950
Caregiver interview	5,491	1	1.50	8,237
Caseworker Interview	2,366	1	0.80	1,893
Caseworker Interview	2,491	1	0.75	1,868

Estimated Total Annual Burden Hours: 20,948.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 650 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Act, 725 17th Street, NW., Washington, DC 20503, Attn: Desk Officer for ACF.

Dated: August 13, 2002.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 02–20936 Filed 8–16–02; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 02N–0355]

Agency Information Collection Activities; Proposed Collection; Comment Request; Medical Device Recall Authority

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information including each proposed extension of an existing information collection, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection requirements for medical device recall authority.

DATES: Submit written or electronic comments on the collection of information by October 18, 2002.

ADDRESSES: Submit electronic comments on the collection of information to http://www.accessdata.fda.gov/scripts/oc/dockets/edockethome.cfm. Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary

for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Medical Device Recall Authority—21 CFR Part 810 (OMB Control Number 0910–0432—Extension)

This collection implements medical device recall authority provisions under section 518(e) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360h) and part 810 (21 CFR part 810). Section 518(e) of the act gives FDA the authority to issue an order requiring the appropriate person, including manufacturers, importers, distributors, and retailers of a device to immediately cease distribution of such device, to immediately notify health professionals and device-user facilities of the order, and to instruct such professionals and facilities to cease use of such device, if FDA finds that there is reasonable probability that the device intended for human use would cause serious adverse health consequences or death.

Section 518(e) of the act sets out a three-step procedure for issuance of a mandatory device recall order. First, if there is a reasonable probability that a device intended for human use would cause serious, adverse health consequences or death, FDA may issue a cease distribution and notification order requiring the appropriate person to immediately: (a) Cease distribution of the device, (b) notify health professionals and device user facilities of the order, and (c) instruct those professionals and facilities to cease use of the device. Second, FDA will provide the person named in the cease distribution and notification order with the opportunity for an informal hearing on whether the order should be modified, vacated, or amended to require a mandatory recall of the device. Third, after providing the opportunity for an informal hearing, FDA may issue a mandatory recall order if the agency determines that such an order is necessary.

The information collected under the recall authority will be used by FDA to ensure that all devices entering the market are safe and effective, to accurately and immediately detect serious problems with medical devices, and to remove dangerous and defective devices from the market.

The respondents to this proposed collection of information are manufacturers, importers, distributors, and retailers of medical devices.

FDA estimates the burden of this collection as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
810.10(d)	2	1	2	8	16
810.11(a)	1	1	1	8	8
810.12(a) through (b)	1	1	1	8	8
810.14	2	1	2	16	32
810.15(a) through (d)	2	1	2	16	32
810.15(e)	10	1	10	1	10
810.16	2	12	24	40	960
810.17	2	1	2	8	16
Totals					1,082

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Explanation of Report Burden Estimate:

The following estimates are based on FDA's experience with voluntary recalls under 21 CFR part 7. FDA expects no more than two mandatory recalls per year, as most recalls are done voluntary.

21 CFR 810.10(d)—FDA estimates that it will take approximately 8 hours for the person named in a cease distribution and notification order to gather and submit the information required by this section. The total annual burden is 16 hours.

21 CFR 810.11(a)—Based on its experience in similar situations, FDA expects that there will be only one request for a regulatory hearing per year and that it will take approximately one staff day (8 hours) to prepare this request.

21 CFR 810.12(a) through (b)—Based on its experience in similar situations, FDA expects that there will be only one written request for a review of cease distribution and notification order per year and that it will take approximately one staff day (8 hours) to prepare this request.

21 CFR 810.14——Based on its experience with voluntary recalls, FDA estimates that it will take approximately two staff days (16 hours) to develop a strategy for complying with this order.

21 CFR 810.15 (a) through (d)—Based on its experience with voluntary recalls, FDA estimates that it will take approximately 2 staff days (16 hours) to notify each health professional, user facility, or individual of the order.

21 CFR 810.15 (e)—Based on its experience with voluntary recalls, FDA estimates that there will be approximately five consignees per recall (10 per year) who will be required to notify their consignees of the order. FDA estimates it will take them about 1 hour to do so.

21 CFR 810.16—FDA estimates that it would take no more than one staff week (40 hours) to assemble and prepare a written status report required by a recall (§ 810.16). The status reports are prepared by manufacturers 6 to 12 times each year. Therefore, each manufacturer would spend no more than 480 hours each year preparing status reports (40 x

12). If there were two FDA invoked recalls each year, the total burden hours would be estimated at 960 hours each year (480 x 2).

21 CFR 810.17—Based on its experience with similar procedures, FDA estimates it would take one staff day (8 hours) to draft a written request for termination of a cease distribution and notification or mandatory recall order.

Dated: August 13, 2002.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 02–20916 Filed 8–16–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 02N–0052]

Agency Information Collection Activities; Announcement of OMB Approval; Temporary Marketing Permit Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Temporary Marketing Permit Applications'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 30, 2002 (67 37835), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0133. The approval expires on July 31, 2005. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: August 13, 2002.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 02–20914 Filed 8–16–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 02N–0054]

Agency Information Collection Activities; Announcement of OMB Approval; Labeling Requirements for Color Additives (Other Than Hair Dyes) and Petitions

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Labeling Requirements for Color Additives (Other Than Hair Dyes) and Petitions'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 14, 2002 (67 40947), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0185. The approval expires on July 31, 2005. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: August 13, 2002.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 02–20918 Filed 8–16–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 02N–0354]

Agency Emergency Processing under OMB Review; The Evaluation of Long-Term Antibiotic Drug Therapy for Persons Involved in Anthrax Remediation Activities

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for emergency processing under the Paperwork Reduction Act of 1995 (the PRA). The proposed collection of information concerns the evaluation of approximately 1,200 people involved in the decontamination/cleanup (''remediation'') of various facilities contaminated with anthrax spores during a terrorist event in the fall of 2001. The 1,200 decontamination workers have been on continuous prophylactic antibiotics for greater than 60 days and FDA wants to evaluate these workers for adverse events that may have occurred in light of this prolonged drug exposure.

DATES: Submit written comments on the collection of information by September 3, 2002.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Stuart Shapiro, Desk Officer for FDA. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: FDA has requested emergency processing of this proposed collection of information under section 3507(j) of the PRA (44 U.S.C. 3507(j) and 5 CFR 1320.13). The information is critical to the agency's mission in protecting the public health and is needed prior to the expiration of the normal time periods for OMB clearance under the PRA regulations (5 CFR part 1320). As a result of recent terrorist events, a number of individuals

were potentially exposed to anthrax at various facilities. The Federal Government contracted to have the subject facilities decontaminated of residual anthrax spores. This cleanup work has been ongoing, at the affected sites, since late 2001. The workers employed in the decontamination effort were placed on long-term prophylactic antibiotics. Although FDA is interested in collecting data regarding adverse events on all 1,200 decontamination workers; there are approximately 400 decontamination workers at the Brentwood Post Office facility in Washington, DC, who continue to receive antibiotics. These 400 workers are scheduled for a final medical examination 10 days after the final antibiotic is taken. FDA needs to have OMB authorization in place in time to administer the survey to these workers when they present for their final medical examination. It is estimated that most of the cleanup work will be completed by the end of September 2002. FDA will also be administering the same survey to the remaining 800 decontamination workers who were not offered final medical examinations. Many of these workers have already left the decontamination site. FDA is requesting that emergency OMB approval to administer the survey be granted because the longer the timespan between a worker's having stopped taking an antibiotic and the time the questionnaire is administered, the less reliable the answers provided become and the more difficult it is to locate a former worker.

FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

The Evaluation of Long-Term Antibiotic Drug Therapy for Persons Involved in Anthrax Remediation Activities

Due to a terrorist event during the fall of 2001, approximately 1,200 decontamination workers were placed on long-term antibiotic therapy to protect them from environmental anthrax spores. Through the services of a contractor FDA plans to administer a survey to all 1,200 decontamination workers. For those decontamination workers that are still on site at the Brentwood Postal Facility, the contractor shall work with the medical service subcontractor to establish a toll free 800 telephone number that a worker can call as part of their post-antibiotic followup visit. The Government estimates that approximately 400 decontamination workers will place calls to an 800 number. The contractor shall have a qualified interviewer available to administer the assessment tool to these individuals during the telephone calls. Whereas approximately 20 percent of the decontamination workers are Spanish speaking, the contractor shall be able to conduct interviews in both English and Spanish. For those decontamination workers that have left the Brentwood Postal Facility, and for all other sites (about 800 total), the contractor shall administer the same survey via the telephone, but the contractor shall initiate these calls. If the contractor is not able to contact the decontamination worker on the initial telephone call or the worker is nonresponsive, the contractor shall attempt to followup with these workers up to three additional times.

Failure of FDA to adequately followup on these workers will reduce the agency's ability to apply lessons learned from the current situation to provide guidance during future public health emergencies should they occur. This could result, not only, in the loss of time and dollars but also in the loss of human life if patients stop taking their medicines because they think the drug therapy is responsible for a health problem when in fact it is not. Because the stress of exposure from a terrorist act can in itself cause many symptoms that are similar to adverse events that might be caused by various therapies, it is extremely important that FDA obtain information on individuals who took these antibiotics but were not subjected to the anxiety and stress associated with a terrorist event. This type of population is likely to never be available for assessment again until a future terrorist event occurs. It would be unacceptable for FDA not to obtain drug experience information from this group to assist in any future public health response to a terrorist attack.

FDA estimates the burden of this collection of information as follows:

TABLE 1.— ESTIMATED ANNUAL REPORTING BURDEN[1]

Type of Survey	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
Telephone	1,200	1	1,200	.25	300
Total					300

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

The estimated annual reporting burden is based on CDC's administration, in 2001 and 2002, of a similar questionnaire to individuals who were exposed to anthrax spores dispersed during a terrorist event.

Dated: June 13, 2002.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 02–20915 Filed 8–16–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 02N–0116]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Veterinary Feed Directive

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (the PRA).

DATES: Submit written comments on the collection of information by September 18, 2002.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm 10235, Washington, DC 20503, Attn: Stuart Shapiro, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Denver Presley, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1472.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Veterinary Feed Directive—21 CFR Part 558 (OMB Control Number 0910–0363)—Extension

The veterinary feed directive (VFD) drugs section of the Animal Drug Availability Act of 1996 (ADAA) (Public Law 104–250) established a new class of restricted feed use drugs that may be distributed without invoking State pharmacy laws. In order to implement the VFD drugs section of the ADAA, FDA issued regulations (65 FR 76924, December 8, 2000) that impose reporting and recordkeeping requirements on veterinarians, distributors of animal feeds containing VFD drugs, and clients using medicated feeds containing VFD drugs. All distributors of animal feed containing VFD drugs must notify FDA of their intent to distribute animal feed containing a VFD drug, and must maintain records of the distribution of all animal feeds containing VFD drugs (21 CFR 558.6).

In the **Federal Register** of April 30, 2002 (67 FR 21252), the agency requested comments on the proposed collection of information. FDA received one comment.

The comment asked if the proposed collection of information was necessary for the proper performance of FDA functions and whether the information will have practical utility. The answer is yes. As detailed, the VFD regulation ensures protection of public health while enabling animal producers to obtain and use needed drugs as efficiently and cost-effectively as possible.

Respondents to this collection of information are veterinarians, distributors of animal feeds containing VFD drugs, and clients using medicated feeds containing VFD drugs.

FDA estimates the burden for this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
558.6(a)(3) through (a)(5)	15,000	25	375,000	0.25	93,750
558.6(d)(1)(i) through (d)(1)(iii)	1,500	1	500	0.25	125
558.6(d)(1)(iv)	20	1	20	0.25	5
558.6(d)(2)	1,000	5	5,000	0.25	1,250
514.1(b)(9)	1	1	1	3.00	3
Total					95,133

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeper	Total Annual Records	Hours per Record	Total Hours
558.6(c)(1) through (c)(4)	112,500	10	1,125,000	.0167	18,788
558.6(e)(1) through (e)(3)	5,000	75	375,000	.0167	6,263
Total					25,051

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

These estimates are based on agency communication with industry. Other information needed to calculate the total burden hours are derived from agency records and experience.

Dated: August 13, 2002.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 02–20917 Filed 8–16–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Toxicology Program; Notice of a Meeting of the NTP Board of Scientific Counselors

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the National Toxicology Program (NTP) Board of Scientific Counselors on September 17–18, 2002, at the Radisson Governors Inn, 1–40 at Davis Drive, Exit 280, Research Triangle Park, North Carolina.

The NTP Board of Scientific Counselors (the Board) is composed of scientists from the public and private sector and provides primary scientific oversight to the NTP.

Agenda

The meeting being held on September 17–18, 2002, is open to the public from 8:30 a.m. to adjournment each day with attendance limited only by the space available. Persons needing special assistance should contact the NTP Executive Secretary (contact information below). A draft agenda with tentative schedule is provided below. Primary agenda topics include: (1) A draft format for the NTP brief that will be part of the NTP–CERHR Monograph prepared on each chemical reviewed by the NTP Center for the Evaluation of Risks to Human Reproduction (CERHR); (2) a discussion of the proposed NTP

strategy for using genetically altered animals in carcinogen identification, (3) an overview of the NIEHS National Center for Toxicogenomics and its links with the NTP, and (4) recommendations of the NTP Interagency Committee for Chemical Evaluation and Coordination (ICCEC) for substances nominated to the NTP for study. There will also be an update about current NTP testing initiatives, the NTP Board of Scientific Counselors Technical Reports Review Subcommittee meeting on the September 5–6, 2002, and the status of the 10th and 11th Editions of the Report on Carcinogens. The Board will review a concept proposal for the continued use of a contract mechanism to investigate potential genetic toxicity of substances under study by the NTP. Time is allotted during the meeting for the public to present comments to the Board and NTP staff on agenda topics.

NTP–CERHR Monograph

The NTP Center for the Evaluation of Risks to Human Reproduction (CERHR) serves as an environmental health resource to the public and to regulatory and health agencies for scientifically based, uniform assessments of the potential for adverse effects on reproduction and development caused by agents to which humans are exposed. Additional information about the CERHR is available at *http://cerhr.niehs.nih.gov.*

As a final step in its evaluation of a chemical, the CERHR will prepare an NTP–CERHR Monograph. The monograph will include an NTP brief, the expert panel's report on the chemical, and all public comments received on the expert panel report. The NTP brief provides the NTP's interpretation of the potential for exposure to the chemical to adversely affect reproduction and/or development in humans. NTP–CERHR monographs will be made publicly available.

As a prototype for the NTP–CERHR Monograph, the CERHR has available the draft NTP–CERHR Monograph on Di-n-butyl Phthalate (DBP) and will request comment from the Board on the proposed format for the NTP brief. The CERHR is interested in obtaining input about the brief's layout and presentation of information, it clarity, and its utility for the public. The draft monograph is available on the NTP–CERHR Web site (*http://cerhr.niehs.nih.gov*) or by contacting the NTP Executive Secretary.

NTP Draft Strategy for Using Genetically Altered Animals in Carcinogen Identification

The NTP has developed a proposed draft strategy for the routine use of genetically altered animals in carcinogen identification. The NTP is seeking broad external input on this strategy and will present it to the Board for review and comment. This meeting also provides an opportunity for the public to offer comment to the Board and NTP staff on the proposed draft strategy. The draft strategy is available on the NTP Web site (*http://ntp-server.niehs.nih.gov,* see What's New, Meeting of the NTP Board of Scientific Counselors) or by contacting the NTP Executive Secretary (contact information below).

Toxicogenomics

With the advent of novel molecular technologies, the NTP is moving into the arena of toxicogenomics, a new scientific field that examines how the entire genome is involved in biological responses of organisms exposed to environmental toxicants. Toxicogenomics studies the effect of toxicants on gene activity and specific proteins produced by genes in response to those toxicants.

In an effort toward centralizing activities in toxicogenomics, the NIEHS/NIH established the National Center for Toxicogenomics (NCT) in September 2000. The NCT's mission is to coordinate a nationwide research effort for the development of a toxicogenomics knowledge base. Additional information about the NCT is available on the NIEHS Web site at *http://www.niehs.nih.gov/nct* or by contacting the NTP Executive Secretary (contact information below). The NTP will describe some of its current efforts to incorporate toxicogenomics into its testing strategies through interactions with the NCT.

NTP Testing Program

Overview of Current Initiatives

The NTP seeks to maintain a balanced research and testing program that provides data addressing a wide variety of issues of importance to public health. Currently the NTP is focusing on several areas that have received inadequate attention in the past: for example, photoactive chemicals, contaminants of finished drinking water, endocrine-disrupting agents, and certain occupational exposures. The NTP is addressing potential safety issues associated with herbal medicines, radiofrequency radiation emissions from cellular telephones, hexavalent chromium, and DNA-based therapies. In general, these initiatives are broad-based and include the investigation of various health-related endpoints. Additional information about some current initiatives is available in the NTP Booklet, Current Directions and Evolving Strategies, available on the NTP Web site (*http://ntp-server.niehs.nih.gov,* select Publications).

ICCEC Recommendations for Substances Nominated for Future NTP Studies

Information about substances nominated to the NTP for toxicology and carcinogenesis studies and the ICCEC's recommendations was published in the **Federal Register** on June 12, 2002 (Vol. 67, No. 113, p. 40329–33). This notice is available on the Web (*http://ntp-server.niehs.nih.gov/htdocs/Liason/ICCECFinal02JuneFR.html*) along with supporting documents for each nomination (*http://ntp-server.niehs.nih.gov/htdocs/liason/BkgrSum02June.html*) or by contacting the NTP Executive Secretary (contact information below). This meeting provides an additional opportunity for the public to provide comment on these nominations and study recommendations to the Board and NTP staff. Comments submitted to the NTP in response to the June 2002 **Federal Register** notice are under consideration and do not need to be resubmitted or readdressed.

Substances recommended for study:

- Abrasive blasting agents—5 different industrial materials used as alternatives to sand.
- 5-Amino-o-cresol—permanent hair dye ingredient.
- tert-Butyl hydroperoxide—high production volume industrial catalyst.
- Chloramine-T and p-Toluenesulfonamide—active ingredient and metabolite of therapeutant used in aquaculture to control bacterial infections.
- Cobalt metal dust—important industrial material linked to lung problems in workers.
- Ephedrine alkaloid dietary supplements—widely used in herbal dietary supplements with numerous reports of adverse effects.
- Ethanone, 1-(1,2,3,4,5,6,7,8-octahydro-2,3,8,8-tetramethyl-2-naphthalenyl)-(Iso-E-Super)—high-production-volume fragrance material.
- Hexafluorosilicic acid and Sodium hexafluorosilicate—primary agents used to fluoridate public drinking water system.
- Ketamine hydrochloride—approved anesthetic drug that causes brain lesions in developing rats.
- Mercury, ((o-carboxyphenyl)thio)ethyl-, sodium salt (Thimerosal)—organomercuryl-based

preservative used in vaccines and other biological products.

- Nitrogen trifluoride—cleaning and etching agent in the semiconductor industry.
- Sodium metasilicate—industrial cleaning agent.
- Turpentine—high-production-volume industrial solvent and raw material.
- Welding fumes—variable composition mixture responsible for respiratory and other adverse effects in exposed workers.

Nominations for which no studies are recommended at this time:

- Hexachloro-1,3-butadiene—industrial by-product and persistent environmental contaminant.
- Infrasound—low frequency acoustic energy present at low levels in community and occupational settings.
- Magnesium oxide—high-production-volume chemical with numerous industrial uses.
- Methylolurea—starting material for and impurity in urea-formaldehyde resins.
- 4-Methylquinoline—environmental pollutant structurally related to the rodent carcinogen quinoline.

Public Comment Encouraged

Public input at this meeting is invited and time is set aside for the presentation of public comments on any agenda topic. At least 7 minutes will be allotted to each speaker, and if time permits, may be extended to 10 minutes. Persons registering to make oral comments are asked to provide their name, affiliation, mailing address, phone, fax, e-mail, and sponsoring organization (if any). Each organization is allowed one time slot per agenda topic. To facilitate planning for the meeting, persons interested in providing formal oral comments are asked to notify Dr. Mary Wolfe, NTP Board Executive Secretary, NIEHS, P.O. Box 12233, MD A3–07, Research Triangle Park, NC 27709; telephone: 919–541–0530; and e-mail: (*wolfe@niehs.nih.gov*) by September 10, 2002. Persons registering to make oral comments are asked, if possible, to provide a copy of their statement to the Executive Secretary by September 10th, to enable review by the Board and NTP staff prior to the meeting. Written statements can supplement and may expand the oral presentation. Individuals will also be able to register to give oral public comments on-site at the meeting. However, if registering on-site and reading from written text, please bring 25 copies of the statement for distribution to the Board and NTP staff and to supplement the record.

Persons may also submit written comments in lieu of making oral comments. Written comments should be sent to the Executive Secretary and must be received by September 10th to enable review by the Board and NTP staff prior to the meeting. Persons submitting written comments should include their name, affiliation, mailing address, phone, fax, e-mail, and sponsoring organization (if any) with the document.

Registration

The NTP Board of Scientific Counselors meeting is open to the public. Attendance at this meeting is limited only by the space available. Due to changes in security policies at the NIEHS, individuals who plan to attend are asked to register with the NTP Executive Secretary (*see* contact information above). The names of those registered will be given to the NIEHS Security Office in order to gain access to the campus. Persons attending who have not pre-registered may be asked to provide pertinent information about the meeting, *i.e.,* title or host of meeting before gaining access to the campus. All visitors (whether or not you are pre-registered) will need to be prepared to show 2 forms of identification (ID), *i.e.,* driver's license and one of the following: company ID, government ID, or university ID. Also, those planning to attend who need special assistance are asked to notify the NTP Executive Secretary in advance of the meeting (*see* contact information above).

Additional Information About Meeting

Prior to the meeting, a copy of the agenda and a roster of the Board's members will be available on the NTP Web site at *http://ntp-server.niehs.nih.gov* and upon request to the Executive Secretary (contact information provided above). Following the meeting, summary minutes will be prepared and available through the NTP Web site and upon request to Central Data Management, NIEHS, P.O. Box 12233, MD E1–02, Research Triangle Park, NC 27709; telephone 919–541–3419; fax 919–541–3687; and email *CDM@niehs.nih.gov.*

NTP Board of Scientific Counselors

The Board is a technical advisory body comprised of scientists from the public and private sectors who provide primary scientific oversight to the overall Program and to the NTP Center for the Evaluation of Risks to Human Reproduction. Specifically, the Board advises the NTP on matters of scientific program content, both present and future, and conducts periodic review of the Program for the purposes of determining and advising on the scientific merit of its activities and their overall scientific quality. Its members are selected from recognized authorities knowledgeable in fields such as toxicology, pharmacology, pathology, biochemistry, epidemiology, risk assessment, carcinogenesis, mutagenesis, molecular biology, behavioral and neurotoxicology, immunotoxicology, reproductive toxicology or teratology, and biostatistics. The NTP strives for equitable geographic distribution and minority and female representation on the Board. Its members are invited to serve overlapping terms of up to four years and meetings are held once or twice annually for the Board and its two subcommittees (the Report on Carcinogens Subcommittee and the Technical Reports Review Subcommittee).

Dated: August 12, 2002.

Samuel Wilson,

Deputy Director, National Toxicology Program.

Preliminary Agenda—National Toxicology Program (NTP) Board of Scientific Counselors, September 17–18, 2002

Radisson Governors Inn, 1–40 at Davis Drive, Exit 280, Research Triangle Park, North Carolina

September 17, 2002

8:30 a.m. Welcome and Opening Comments

NTP Update

NTP–CERHR Monograph: Format of Draft NTP Brief

- Public Comments

NTP Draft Strategy for Using Genetically Altered Animals in Carcinogen Identification

- Evaluation of Transgenic Models for Use in Carcinogen Identification
- NTP Draft Strategy
- Agency Comments
- Public Comments

11:30 a.m.—Lunch

1 p.m. —NTP Draft Strategy (continued)

Toxicogenomics

- Overview of the National Center for Toxicogenomics (NCT)
- Links between the NCT and NTP
- Public Comments

5 p.m.—Adjourn

September 18, 2002

8:30 a.m.—Welcome and Introductions

NTP Testing Program

- Overview of Current Initiatives
- Testing Recommendations from the Interagency Committee for Chemical Evaluation
- Public Comments

Concept Review

Update on the NTP Technical Reports Review Subcommittee Meeting

Update on the Report on Carcinogens

Public Comments

Noon—Adjourn

[FR Doc. 02–20921 Filed 8–16–02; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4456–N–21]

Privacy Act of 1974, Deletion of a Privacy Act System of Records

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notification of the deletion of a Privacy Act system of records.

SUMMARY: The Department proposes to delete one system of records from its inventory of records system subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: *Effective Date:* This proposal shall become effective without further notice September 18, 2002, unless comments are received on or before that date which would result in a contrary determination.

Comments Due Date: September 18, 2002.

ADDRESSES: Interested persons are invited to submit comments regarding this notice to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410–0500. Communications should refer to the above docket number and title. Comments submitted by facsimile (FAX) will not be accepted. A copy of each communication submitted will be available for public inspection and copying between 7:30 and 5:30 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: Jeanette Smith, Departmental Privacy Act Officer, Telephone Number (202) 708–2374. (This is not a toll-free number). A telecommunications device for hearing and speech-impaired persons (TTY) is available at 1–800–877–8339 (Federal Information Relay Services). (This is a toll-free number).

SUPPLEMENTARY INFORMATION: Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a) as amended, notice is given that HUD proposes to delete a system of records identified as Single Family Casualty Damage Files, HUD/DEPT–9. The Department has determined that this system is no longer necessary. Accordingly, HUD/DEPT–9 is deleted from HUD's inventory of records subject to the Privacy Act.

Authority: 5 U.S.C. 552a: 88 Stat. 1896; 342 U.S.C. 3535(d).

Dated: August 13, 2002.

Gloria R. Parker,

Chief Technology Officer.

[FR Doc. 02–20938 Filed 8–16–02; 8:45 am]

BILLING CODE 4210–72–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–030–1020–PG; G 02–0348]

Meeting Notice for the Southeast Oregon Resource Advisory Council

AGENCY: Bureau of Land Management (BLM), Vale District, Interior.

SUMMARY: The Southeast Oregon Resource Advisory Council (SEORAC) will meet in the conference room at the Comfort Inn, 504 N. Highway 20, Hines, OR 97641, 541–573–3370 from 8 a.m. to 5 p.m., Pacific Time (PT), on Friday, October 18, 2002.

The meeting topics that may be discussed by the Council may include a discussion of issues within southeast Oregon related to Steens Mountain Resource Advisory Council, North Lake Recreation Plan, Burns Steens/Andrews Resource Management Plan, Birch Creek Management Plan, Wildland Fire Board, OHV, Rangeland Assessment, Federal officials' updates, and other matters as may reasonably come before the Council. The entire meeting is open to the public. Information to be distributed to the Council members is requested in written format 10 days prior to the start of the Council meeting. Public comment is scheduled for 11:15 a.m. to 11:45 a.m., Pacific Time on Friday, October 18, 2002.

FOR FURTHER INFORMATION CONTACT: Additional information concerning the SEORAC may be obtained from Peggy Diegan, Management Assistant/Webmaster, Vale District Office, 100 Oregon Street, Vale, OR 97918 (541) 473–3144, or *Peggy_Diegan@or.blm.gov* and/or from the following web site: *<http://www.or.blm.gov/SEOR–RAC>.*

Dated: August 12, 2002.

David R. Henderson,

District Manager.

[FR Doc. 02–20935 Filed 8–16–02; 8:45 am]

BILLING CODE 4310–33–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–130–1020–PH; GP02–0339]

Notice of Public Meeting, Eastern Washington Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Eastern Washington Resource Advisory Council (RAC), will meet as indicated below.

DATES: The Eastern Washington Resource Advisory Council (EWRAC) will meet on September 17, 2002, at the Spokane District Office, Bureau of Land Management, 1103 North Fancher Road, Spokane, Washington, 99212–1275.

SUPPLEMENTARY INFORMATION: The meeting will start at 9 a.m. and adjourn about 4 p.m.. Topics on the meeting agenda include: Update on Columbia Basin Shrub-Steppe Land Exchange; Development of ground rules for Public Input Process; Review of Proposed Resolution on Energy & Minerals; Status of Incoming RAC members; Future RAC meeting dates.

The entire meeting is open to the public. Information to be distributed to Council members is requested in written format 10 days prior to the Council meeting date. Public comment is scheduled for 11 a.m. to 12 noon.

FOR FURTHER INFORMATION CONTACT: Sandra Gourdin or Kathy Helm, Bureau of Land Management, Spokane District Office, 1103 N. Fancher Road, Spokane, Washington, 99212, or call (509) 536–1200.

Dated: August 12, 2002.

Gary J. Yeager,

Acting District Manager.

[FR Doc. 02–20948 Filed 8–16–02; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importation of Controlled Substances; Notice of Application

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(I)), the Attorney General shall, prior to issuing a registration under this Section to a

bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with section 1301.34 to Title 21, Code of Federal Regulations (CFR), notice is hereby given that on May 23, 2002, Abbott Laboratories, 1776 North Centennial Drive, McPherson, Kansas 67460–1247, made application by renewal to the Drug Enforcement Administration to be registered as an importer of remifentanil (9739), a basic class of controlled substance listed in Schedule II.

The firm plans to import the remifentanil to manufacture Ultiva for the U.S. market.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of this basic class of controlled substance may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.43 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than September 18, 2002.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice at 40 F.R. 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1301.34(a), (b), (c), (d), (e), and (f) are satisfied.

Dated: July 29, 2002.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 02–20999 Filed 8–16–02; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated March 7, 2002, and published in the **Federal Register** on March 18, 2002, (67 FR 12049), Chemic Laboratories, Inc., 480 Neponset Street, Building 7C, Canton, Massachusetts 02021, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of cocaine (9041), a basic class of controlled substance listed in Schedule II.

The firm plans to bulk manufacture small quantities of cocaine derivative for a customer.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, section 823(a) and determined that the registration of Chemic Laboratories, Inc. to manufacture is consistent with the public interest at this time. DEA has investigated Chemic Laboratories, Inc. to ensure that the company's registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: July 29, 2002.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 02–20995 Filed 8–16–02; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated February 19, 2002, and published in the **Federal Register** on March 12, 2002, (67 FR 11141), Chiragene, Inc., Technology Center of New Jersey, 661 Highway One, North Brunswick, New Jersey 08902, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
N-Ethylamphetamine (1475)	I
2,5-Dimethoxyamphetamine (7396).	I
3,4-Methylenedioxyamphetamine (7400).	I
4-Methoxyamphetamine (7411)	I
Amphetamine (1100)	II
Methylphenidate (1724)	II
Morphine (9300)	II
Fentanyl (9801)	II

The firm plans to manufacture the listed controlled substances to supply their customers.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, section 823(a) and determined that the registration of Chiragene, Inc. to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated Chiragene, Inc. on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: July 29, 2002.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 02–20996 Filed 8–16–02; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated March 27, 2002, and published in the **Federal Register** on April 10, 2002, (67 FR 17470), Organix Inc., 240 Salem Street, Woburn, Massachusetts 01801, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as

a bulk manufacturer of cocaine (9041), a basic class of controlled substance listed in Schedule II.

The firm plans to manufacture a derivative of cocaine in gram quantities for validation of synthetic procedures.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Organix, Inc. to manufacture is consistent with the public interest at this time. DEA has investigated Organix, Inc. to ensure that the company's registration is consistent with the public interest. This investigation included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: July 29, 2002.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 02–20998 Filed 8–16–02; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated March 29, 2001, and published in the **Federal Register** on April 6, 2001, (66 FR 18309) Ganes Chemicals Inc., which has changed its name to Siegfried (USA), Inc., Industrial Park Road, Pennsville, New Jersey 08070, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Amphetamine (1100)	II
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Glutethimide (2250)	II
Methadone (9250)	II
Methadone-intermediate (9254)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II

The firm plans to manufacture the listed controlled substances for distribution as bulk products to its customers.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, section 823(a) and determined that the registration of Siegfried (USA), Inc. to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated Siegfried (USA), on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: July 29, 2002.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 02–20997 Filed 8–16–02; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: 30-day notice of information collection under review: reinstatement, with change, of a previously approved collection for which approval has expired, survey of inmates in State and Federal correctional facilities, 2003.

The Department of Justice (DOJ), Office of Justice Programs, has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 67, Number 106, page 38295 on June 3, 2002, allowing for a 60-day public comment period.

The purpose of this notice is to allow an additional 30 days for public comment until September 18, 2002. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285.

Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.* permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Reinstatement, with Change, of a Previously Approved Collection for which Approval has Expired.

(2) *Title of the Form/Collection:* Survey of Inmates in State and Federal Correctional Facilities, 2003.

(3) *Agency Form Number and the applicable component of the Department sponsoring the collection:* Form: NPS–25 CAPI Instrument; NPS–13 Sampling Questionnaire; and NPS–27, Inmate letter. Corrections Unit, Bureau of Justice Statistics, Office of

Justice Programs, United States Department of Justice.

(4) *Affected Public who will be asked to respond, as well as a brief abstract:* Primary: Individuals. Others: State and Federal governments. The national survey will include an estimated 20,000 personal interviews with inmates held in State and Federal prisons. The survey will be conducted using a CAPI questionnaire, automated data control systems, and sample selection instruments. This is a national survey that will profile State and Federal prison inmates to determine trends in inmate composition, criminal history, drug/alcohol use and treatment, mental health and medical conditions, gun use and crime, and victims of crime. The Bureau of Justice Statistics uses this information in published reports and for the U.S. Congress, Executive Office of the President, practitioners, researchers, students, the media, and others interested in criminal justice statistics. No other collection series provides these data.

(5) *An estimate of the total number of responses and the amount of time estimated for an average response:* There will be an estimated 295 responses at 1 hour each for the NPS–13; 4,950 hours of prison staff time to escort inmates to/from interview sites; and 20,100 inmate responses at an average of 1 hour each for the NPS–25.

(6) An estimate of the total public burden (in hours) associated with the collection: The estimated total public burden is 25,345 hours.

IF ADDITIONAL INFORMATION IS REQUIRED, CONTACT: Ms. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Room 1600, Patrick Henry Building, 601 D Street, NW., Washington, DC 20530.

Dated: August 12, 2002.

Brenda E. Dyer,

Department Deputy Clearance Officer, Department of Justice.

[FR Doc. 02–20950 Filed 8–16–02; 8:45 am]

BILLING CODE 4410–18–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (02–098)]

NASA Advisory Council, Biological and Physical Research Advisory Committee Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Biological and Physical Research Advisory Committee.

DATES: Thursday, August 29, 2002, 10 a.m. to 6 p.m.; and Friday, August 30, 2002, 8 a.m. to 12 Noon.

ADDRESSES: National Aeronautics and Space Administration, 300 E Street SW., Washington, DC 20546, Room 9H40.

FOR FURTHER INFORMATION CONTACT: Dr. Bradley Carpenter, Code UG, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–0826.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Review Recommendations
—Program Overview
—Division Reports
—Status of International Space Station
—Research Prioritization Task Force
—Education and Outreach Policy
—Review of Committee Findings and Recommendations

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: August 14, 2002.

Sylvia K. Kraemer,

Acting Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 02–21011 Filed 8–16–02; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (02–097)]

NASA Advisory Council, Biological and Physical Research Advisory Committee Meeting, NASA–NIH Advisory Subcommittee and Life Sciences Advisory Subcommittee; Joint Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Biological and Physical Research Advisory Committee, NASA–NIH Advisory Subcommittee and Life Sciences Advisory Subcommittee; Joint Meeting.

DATES: Wednesday, August 28, 2002, 8 a.m. to 5 p.m.

ADDRESSES: NASA Headquarters, 300 E St., SW., Rm. 9H40, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. David Tomko, Code UB, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–0220.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Action Status
—NASA Update from the Chief Scientist
—OBPR Associate Administrator Report
—Bioastronautics Research Division Update
—Discussion
—Working Lunch—Science Talk—TBD
—Fundamental Biology Research Division Update
—Flight Programs Report
—STS–107 Science Update
—STS–107 Education and Public Outreach
—Preparation of Committee Findings and Recommendations
—Review of Committee Findings and Recommendations

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: August 14, 2002.

Sylvia K. Kraemer,

Acting Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 02–21019 Filed 8–16–02; 8:45 am]

BILLING CODE 7510–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–339]

Virginia Electric and Power Company, North Anna Power Station, Unit 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from the requirements of Title 10 of the Code of Federal Regulations (10 CFR) Part 50, Sections 50.44 and 50.46, and Appendix K for Facility Operating License No. NPF–7, issued to Virginia Electric and Power Company (the licensee), for operation of the North Anna Power Station, Unit 2, located in Louisa County, Virginia. As required by 10 CFR 51.21, the NRC is issuing this

environmental assessment and finding of no significant impact.

Environmental Assessment

Identification of the Proposed Action

The proposed action would enable the licensee to use one lead test assembly that contains zirconium-based alloys as cladding material for the fuel rods instead of Zircaloy or ZIRLO. This lead test assembly will be used at North Anna, Unit 2 during Cycle 16, subject to the following constraints:

(1) The lead test assembly is not to be irradiated for more than one full operating cycle, and

(1) The lead test assembly shall not exceed the lead rod burnup limit of 75,000 MWD/MTU.

The proposed action is in accordance with the licensee's application for exemption dated February 11, 2002, as supplemented by letter dated May 16, 2002.

The Need for the Proposed Action

The proposed exemption to 10 CFR 50.44, 10 CFR 50.46, and Appendix K to 10 CFR Part 50 is needed because these regulations specifically refer to light-water reactors containing fuel consisting of uranium oxide pellets enclosed in Zircaloy or ZIRLO tubes. Zircaloy and ZIRLO are zirconium-based alloys currently in use as cladding for fuel pellets. The proposed zirconium-based cladding is not the same chemical composition as Zircaloy or ZIRLO, and the licensee wants to test this composition in reactor operation. Since 10 CFR 50.46 and 10 CFR Part 50, Appendix K limit Emergency Core Cooling System (ECCS) calculations to Zircaloy, and 10 CFR 50.44 relates to the generation of hydrogen gas from a metal-water reaction with Zircaloy or ZIRLO, an exemption is required in order to place a lead test assembly in the reactor core.

Environmental Impacts of the Proposed Action

The use of the lead test assembly with the zirconium-based cladding would not affect the ECCS calculations and would have no significant effect on the previous assessment of hydrogen gas generation following a loss-of-coolant accident. The lead test assembly meets the same design bases as the fuel currently used in the reactors. No safety limits would be changed or setpoints altered as a result of the use of these assemblies. The Updated Final Safety Analysis Report analyses are bounding for the lead test assembly as well as the remainder of the core. The advanced zirconium-based cladding alloys have operated at North Anna Power Station through three previous cycles of operation and have performed satisfactorily under these conditions. In addition, the relatively small number of fuel rods involved does not represent a significant increase in the inventory of radioactive material that could be released into the reactor coolant in the event of cladding failure. The only credible consequence of this change would be a failure of the lead test assembly cladding. Even in the case of gross fuel failure, the number of rods involved is less than 1 percent of the core, and thus sufficiently small so that the additional environmental impact would be negligible and bounded by previous assessments. With regard to the potential environmental impacts associated with the transportation of the lead test assembly, the zirconium-based claddings have no impact on previous assessments determined in accordance with the staff assessment entitled, ''NRC Assessment of the Environmental Effects of Transportation Resulting from Extended Fuel Enrichment and Irradiation,'' published in the **Federal Register** on August 11, 1988 (53 FR 30355), as corrected on August 24, 1988 (53 FR 32322). Thus, the proposed action would not significantly increase the probability or consequences of accidents, no changes would be made in the types or amounts of effluents that may be released off-site, and there would be no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not have a potential to affect any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.,* the ''no-action'' alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

The action does not involve the use of any different resource than those previously considered in the Final Environmental Statement related to the operation of North Anna Power Station, Unit 2, issued by the Commission in April 1973.

Agencies and Persons Consulted

On July 29, 2002, the staff consulted with Mr. Les Foldesi of the Virginia Department of Radiological Health, regarding the environmental impact of the proposed action. Mr. Foldesi had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated February 11, 2002, and supplemental letter dated May 16, 2002. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically 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 PDR Reference staff by telephone at 1–800–397–4209 or 301–415–4737, or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 13th day of August 2002.

For the Nuclear Regulatory Commission.

John A. Nakoski,

Chief, Section 1, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 02–20972 Filed 8–16–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Solicitation of Comments on Draft NRC Inspection Manual Chapter 2600; Fuel Cycle Facility Operational Safety and Safeguards Inspection Program

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) 2600, ''Fuel Cycle Facility Operational Safety and Safeguards Inspection Program'' for stakeholder review and comment.

The purpose of the revision is to provide updated program administrative guidance for the staff, incorporate current practices and activities into the oversight program while deleting closed or out-of-date procedures, and increase emphases on risk-significant, performance-based inspection activities.

The availability of this document is the latest step in an NRC effort to improve effectiveness of the fuel cycle oversight program and facilitate open communications with stakeholders.

Opportunity to Comment: To provide NRC with stakeholder views on the proposed changes to the oversight program used to evaluate the safety and safeguards performance of NRC fuel cycle licensees.

DATES: Submit written comments by September 18, 2002. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: In accordance with 10 CFR 2.790 of NRC's ''Rules of Practice,'' a copy of this draft MC 2600 is available electronically (accession number ML022200374) for public inspection in the NRC's Agency-Wide Document Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html.* A free single copy of the draft revision to MC 2600 may be obtained by writing to the Inspection Section, Special Projects and Inspection Branch (MS T8H9) Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, 11545 Rockville Pike, Rockville, Maryland 20852. Comments on this document should be sent to the Chief, Rules Review and Directives Branch, ADM, U.S. NRC, Washington, DC 20555, or may be hand delivered to 11545 Rockville Pike, Rockville, Maryland 20852, between 7:45 a.m.–4:15 p.m. on Federal work days. Comments should be legible and reproducible, and include the name, affiliation (if any) and address of the submitter. All comments received by the Commission will be made available for public inspection at the Commission's public document room (PDR). Draft NRC IMC 2600 is available for inspection and copying for a fee at the NRC PDR, room 1 F21 at 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: William M. Troskoski, Inspection Section, Special Projects and Inspection Branch (MS T8H9) Division of Fuel Cycle Safety and Safeguards, (301) 415–8076 or by electronic mail, *WMT@NRC.gov.*

Dated at Rockville, Maryland, this 12th day of August 2002.

For the Nuclear Regulatory Commission.

Eric J. Leeds,

Deputy Director, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 02–20973 Filed 8–16–02; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF MANAGEMENT AND BUDGET

Performance Measurement Advisory Council

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Notice of Federal Advisory Committee meeting.

OPEN MEETING NOTICE: The Performance Measurement Advisory Council (''PMAC'') will meet on Friday, September 13, 2002 from 9:00 a.m. to 3:00 p.m. Eastern Time. Location for the meeting will be the Truman Room of the White House Conference Center, 726 Jackson Place, Washington, DC. The meeting is open to the public and written statements may be filed with the advisory committee. It is recommended that members of the public wishing to attend bring photo identification. Due to limited availability of seating, members of the public will be admitted on a first-come, first-served basis.

The purpose of the meeting is to provide independent expert advice and recommendations to the Office of Management and Budget regarding measures of program performance and the use of such measures in making management and budget decisions. The agenda and topics to be discussed include a review of options for the presentation of program performance information in the budget, and review of the application of the Program Assessment Ratings Tool. An agenda may be obtained prior to the meeting at *http://www.whitehouse.gov/omb/budintegration/index.html.* Additional information, including information for members of the public with disabilities, may be obtained by calling Mr. Thomas M. Reilly, PMAC Designated Federal Officer, (202) 395–4926.

Dated: August 13, 2002.

Thomas M. Reilly,

PMAC Designated Federal Officer.

[FR Doc. 02–21001 Filed 8–16–02; 8:45 am]

BILLING CODE 3110–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–25697; File No. 812–12765]

Preferred Life Insurance Company of New York, et al; Notice of Application

August 12, 2002.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of Application for an order under Section 6(c) of the Investment Company Act of 1940 (the ''Act'') granting exemptions from the provisions of Sections 2(a)(32) and 27(i)(2)(A) of the Act and Rule 22c–1 thereunder to permit the recapture of a bonus credit made under certain deferred variable annuity contracts.

APPLICANTS: Preferred Life Insurance Company of New York (''Preferred Life'' or the ''Company''), Preferred Life Variable Account C (''Account''), and USAllianz Investor Services, LLC (''USAZ'') (collectively, ''Applicants'').

SUMMARY OF APPLICATION: Applicants seek an order of the Commission exempting them with respect to the support of the variable annuity contracts issued by the Account described herein (''Contracts''), or and also variable annuity contracts issued in the future (''Future Contracts'') that are similar in all material respects to the Contracts and are issued by the Account (''Future Account Contracts''), or by any other separate account of the Company and its successors in interest (''Future Accounts''), and certain National Association of Securities Dealers, Inc. (''NASD'') member broker-dealers which may, in the future, act as principal underwriter of such Contracts or Future Contracts from the provisions of Sections 2(a)(32), 22(c), and 27(i)(2)(A) of the Act and Rule 22c–1 thereunder, pursuant to Section 6(c) of the Act, to

the extent necessary to permit the recapture of a bonus credit where the owner exercises his or her free look option.

FILING DATE: The application was filed on January 22, 2002 and amended on August 6, 2002.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving the Applicants with a copy of the request, personally or by mail. Hearing requests must be received by the Commission by 5:30 p.m. on September 5, 2002, and should be accompanied by proof of service on the Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Applicants, c/o Stewart D. Gregg, Esq., Allianz Life Insurance Company of North America, 5701 Golden Hills Drive, Minneapolis, MN 55416.

FOR FURTHER INFORMATION CONTACT: Harry Eisenstein, Senior Counsel, at (202) 942–0552, or Zandra Y. Bailes, Branch Chief, at (202) 942–0670, Office of Insurance Products, Division of Investment Management.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the SEC's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549–0102 ((202) 942–8090).

Applicants' Representations

1. Preferred Life is a stock life insurance company that is principally engaged in the sale of life insurance and annuity products, and is licensed in six states, including the State of New York. Preferred Life is a wholly-owned subsidiary of Allianz Life Insurance Company of North America (''Allianz Life''), a Minnesota stock life insurance company which both issues life insurance and annuity products and acts as a holding company for various financial services companies. All of the stock of Allianz Life is indirectly owned by Allianz Versicherungs-AG Holding, a German holding company.

2. The Account is comprised of subaccounts established to receive and invest net purchase payments under variable annuity contracts issued by the Company and the Account (the ''Subaccounts''). The income, gains and losses, realized or unrealized, from the assets allocated to each Subaccount will be credited to or charged against those assets without regard to the income, gains or losses of the Company or the other Subaccounts. Applicants represent that the Account meets the definition of a ''separate account'' in Rule 0–1(e) under the Act.

3. The Board of Directors of Preferred Life established the Account on February 26, 1988. The Account is registered under the Act as a unit investment trust (File No. 811–05716). The assets of the Account support flexible premium variable annuity contracts issued by the Company and the Account, and interests in the Account offered through such contracts have been registered under the Securities Act of 1933 (''1933 Act'') on Form N–4 (File No. 333–19699). In addition, a Form N–4 registration statement has been filed to register the interests in the Account offered through the Contracts (File No. 333–75718).

4. USAZ, an affiliate of the Company, is the principal underwriter and the distributor of the variable annuity contracts issued by the Company and the Account. USAZ is registered with the Commission as a broker-dealer under the Securities Exchange Act of 1934, as amended, (the ''1934 Act''), and is a member of the NASD. USAZ may enter into written sales agreements with various broker-dealers to aid in the distribution of the Contracts for the Account.

5. Each Subaccount will invest exclusively in a designated series of shares, representing an interest in a particular portfolio of one or more designated management investment companies of the series type (''Funds''). Applicants reserve the right to designate the shares of another portfolio of the Funds or of other management investment companies of the series type (''Other Funds'') as the exclusive investment vehicle for each new Subaccount that may be created in the future. Subject to Commission approval under Section 26(c) of the Act, Applicants also reserve the right to substitute the shares of another portfolio of the Funds or of Other Funds for the portfolio previously designated as the exclusive investment vehicle for each Subaccount.

6. The Contracts are flexible premium variable annuity contracts issued by the Company through its separate account. The Contracts provide for accumulation of values on a variable basis, fixed basis, or both during the accumulation period, and may provide settlement or annuity payment options on a variable basis, fixed basis, or both. The Contracts may be purchased on a non-qualified tax basis. The Contracts may also be purchased and used in connection with plans qualifying for favorable Federal income tax treatment.

7. The owner determines in the application or transmittal form for a Contract how the net premium payments will be allocated among the Subaccounts and the Fixed Account. The value of a contract (''Contract Value'') will vary with the investment performance of the Subaccounts selected, and the owner bears the entire risk for amounts allocated to a Subaccount.

8. An owner may return his or her Contract for a refund during the free look period. An owner will generally have 10 days to return his or her Contract. Preferred Life will generally return the Contract value (minus any bonus credit) to the owner (the ''free look right'') in the event of the exercise of the free look right.

9. An owner may surrender the Contract or make a partial withdrawal from the Contract value during the Accumulation Period. If an owner surrenders a Contract or takes a partial withdrawal, the Company may deduct a withdrawal charge. An owner generally may be permitted to withdraw certain limited amounts free of withdrawal charge.

10. For each premium payment an owner makes, the Company may add a bonus credit equal to six percent of the premium payment (less prior partial withdrawals) to the owner's Contract value. The Company does not assess a specific charge for the bonus credit. The Company expects to use a portion of the mortality and expense risk charge, and/or the surrender charge to pay for the bonus credit.

11. The owner may surrender the Contract or make a partial withdrawal from the Contract value during the accumulation period. If an owner surrenders a Contract or takes partial withdrawal, the Company may deduct a withdrawal charge to compensate it for expenses relating to sales, including commissions to registered representatives and other promotional expenses. An owner generally may be permitted to withdraw certain limited amounts free of withdrawal charge. The following chart shows the withdrawal charges that apply to the Contracts:

WITHDRAWAL CHARGE

[As a percentage of premium payments]

Completed years since receipt of premium	Withdrawal charge (%)
0–2	8.5
3	8
4	7
5	6
6	5
7	4
8	3
9+	0

12. The Company deducts various fees and charges, which may include a daily mortality and expense risk fee of 1.90% of the average daily Contract Value, which is increased to 2.10% if the Enhanced Death Benefit is selected; an annual contract maintenance charge equal to $30, which is currently waived if the Contract Value of a contract is at least $100,000; premium taxes; and withdrawal charges, which start at 8.5% and decline to 0% for a purchase payment after nine years from the date of receipt of the purchase payment. Asset-based charges are assessed against the entire amounts held in the Account, including the bonus credit amount, during the time the bonus credit has not vested. During such period, the aggregate asset-based charges assessed against an owner's Contract Value will be higher than those that would be charged if the owner's Contract Value did not include the bonus credit.

13. Applicants seek exemption pursuant to Section 6(c) from Sections 2(a)(32), 22(c), and 27(i)(2)(A) of the Act and Rule 22c–1 thereunder to the extend necessary to permit Preferred Life to issue Contracts that permit recapture of bonus credits when an owner exercises the ''free-look'' option available under the Contract.

Legal Analysis

1. Section 6(c) authorizes the Commission, by order upon application, to conditionally or unconditionally grant an exemption from any provision, rule or regulation of the Act to the extent that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Because the provisions described below may be inconsistent with a recapture of a bonus credit, Applicant requests exemptions for the Contracts described herein, and for Future Contracts that are substantially similar in all material respects to the Contracts described herein, from Sections 2(a)(32), 22(c) and 27(i)(2)(A) of the Act, and Rule 22c–1 thereunder, pursuant to Section 6(c), to the extent necessary to recapture the bonus credit applied to a premium payment in the instance described above. Applicants seek exemptions therefrom in order to avoid any questions concerning the Contracts' compliance with the Act and rules thereunder. Applicants assert that the recapture of the bonus credit is necessary or appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the contract and provisions of the Act.

2. Section 27(i) provides that Section 27 does not apply to any registered separate account funding variable insurance contracts, nor to the sponsoring insurance company and principal underwriter of such account, except as provided for in Section 27(i)(2)(A). Section 27(i)(2)(A) of the Act, in pertinent part, makes it unlawful for any registered separate account funding variable insurance contracts, or for the sponsoring insurance company of such account, to sell any such contract unless such contract is a redeemable security. Section 2(a)(32) of the Act defines ''redeemable security'' as any security under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof.

3. To the extent that the bonus credit recapture might be seen as a discount from the net asset value, or might be viewed as resulting in the payment to an owner of less than the proportionate share of the issuer's net assets, the bonus credit recapture would trigger the need for relief absent some exemption from the Act. Rule 6c–8 provides, in relevant part, that a registered separate account and any depositor of such account, shall be exempt from Section 2(a)(32), 22(c), 27(c)(1), 27(c)(2), and 27(d) of the Act and Rule 22c–1 thereunder to the extent necessary to permit them to impose a deferred sales load on any variable annuity contract participating in such account. However, the bonus credit recapture is not a sales load, but a recapture of a bonus credit the Company previously applied to an owner's premium payments.

4. Applicants submit that the recapture of a bonus credit does not violate Section 2(a)(32) of the Act. Applicants submit that the bonus recapture provisions in the Contracts do not deprive the owner of his or her proportionate share of the issuer's current net assets. An owner's right to the bonus credit will vest after the free look period. Until that time, the Company retains the right and interest in the dollar amount of any unvested bonus credit amount. Applicants argue that when the Company recaptures a bonus credit that is not vested, such owner would not be deprived of a proportionate share of the Account's assets (the issuer's current net assets) in violation of Section 2(a)(32). Therefore, according to Applicants, such recapture does not reduce the amount of each Account's current net assets an owner would otherwise be entitled to receive. To avoid uncertainty as to full compliance with the Act, Applicants request an exemption from the provisions of Sections 2(a)(32) and 27(i)(2)(A) to the extent deemed necessary to permit them to recapture the bonus credit under the Contracts and Future Contracts.

5. Section 22(c) of the Act states that the Commission may make rules and regulations applicable to registered investment companies and to principal underwriters of, and dealers in, the redeemable securities of any registered investment company to accomplish the same ends as contemplated by Section 22(a). Rule 22c–1, promulgated under Section 22(c) of the Act, in pertinent part, prohibits a registered investment company issuing a redeemable security (and a person designated in such issuer's prospectus as authorized to consummate transactions in such security, and a principal underwriter of, or dealer in, any such security) from selling, redeeming, or repurchasing any such security except at a price based on the current net asset value of such security.

6. The Company's addition of the bonus credit might arguably be viewed as resulting in an owner purchasing a redeemable security for a price below the current net asset value. Further, by recapturing the bonus credit, the Company might arguably be redeeming a redeemable security for a price other than one based on the current net asset value of the Account. Applicants contend that these are not correct interpretations or applications of these statutory and regulatory provisions. Applicants contend that the bonus credit does not violate Section 22(c) and Rule 22c–1. In support of this contention, Applicants note that an owner's interest in his or her Contract value or in an Account would always be offered at a price next determined on the basis of net asset value and that the granting of a bonus credit does not reflect a reduction of that price. Instead, the Company will purchase with its own general account assets an interest in an Account equal to the bonus credit. Because the bonus credit will be paid out of Company assets, not Account

assets, Applicants assert that no dilution will occur as a result of the credit.

7. Applicants contend that the recapture of the bonus credit does not involve either of the problems that the Commission intended to eliminate or reduce with Rule 22c–1. The Commission's stated purpose in adopting Rule 22c–1 was to avoid or minimize (1) dilution of the interests of other security holders and (2) speculative trading practices that are unfair to such holders. Applicants claim that the proposed recapture of the bonus credit does not pose such threat of dilution and that the bonus credit recapture will not alter an owner's net asset value. The Company will determine an owner's net cash surrender value under the Contract in accordance with Rule 22c–1 on a basis next computed after receipt of an owner's request for surrender (likewise, the calculation of death benefits and annuity payment amounts will be in full compliance with the forward pricing requirement of Rule 22c–1). The amount recaptured will equal the amount of the bonus credit that the Company paid out of its general account assets.[1] Although an owner will retain any investment gain attributable to the bonus credit, the Company will determine the amount of such gain on the basis of the current net asset value of the Subaccount. Thus, Applicants argue, no dilution will occur upon the recapture of the bonus credit. In addition, Applicants assert that the credit recapture does not create the opportunity for speculative trading.

8. Applicants contend that Rule 22c–1 and Section 22(c) should have no application to the bonus credit, as neither of the harms that Rule 22c–1 was designed to address are found in the recapture of the bonus credit. However, to avoid uncertainty as to full compliance with the Act, Applicants request an exemption from the provisions of Section 22(c) and Rule 22c–1 to the extent deemed necessary to permit them to recapture the bonus credit under the Contracts and Future Contracts.

9. Applicants submit that the Commission should grant the exemptions requested in this Application, even if the bonus credit described herein conflicts with Sections 2(a)(32), 22(c), or 27(i)(2)(A) of the Act or Rule 22c–1 thereunder. According to Applicants, the bonus credit provision is generally very favorable to the owners. While there may be a downside in a declining market where an owner would incur losses attributable to the credit, any earnings on the bonus credit in an appreciating market would vest immediately with an owner. Applicants assert that the bonus credit recapture provisions do not diminish the overall value of the bonus credit.

10. Applicants state that the Company's recapture of the bonus credit is designed to prevent anti-selection against the Company. The risk of anti-selection would be that an owner could make significant premium payments into the Contract solely in order to receive a quick profit from the credit. The Company generally protects itself from this kind of anti-selection, and recovers its costs in situations where an owner withdraws his or her money early in the life of a Contract, by imposing a withdrawal charge of up to 8.5%. However, where an owner withdraws his money pursuant to a ''free-look'' provision, the Company generally does not apply this charge. Applicants state that the Company seeks to recapture the bonus credit (which is less than the withdrawal charge under the Contract) only in the circumstance where it does not apply the withdrawal charge.

11. The Applicants also contend that it would be inherently unfair to allow an owner exercising the free-look privilege in the Contract to retain the bonus credit when returning the Contract for a refund after a period of only a few days (usually 10 or less). If the Company could not recapture the bonus credit, individuals might purchase a Contract with no intention of retaining it, and simply return it for a quick profit. By recapturing the bonus credit, the Company will prevent such individuals from doing so.

12. The Applicants submit that the bonus credit involves none of the abuses to which provisions of the Act and the rules thereunder are directed. The owner will always retain the investment experience attributable to the bonus credit, and will retain the principal amount in all cases except under the one circumstance described herein. Further, the Company should be able to recapture such bonus credit to protect itself from investors wishing to use the Contract as a vehicle for a quick profit at the Company's expense, and to enable the Company to limit potential losses associated with such bonus credit.

13. Applicants request exemptions from Sections 2(a)(32), 22(c), and 27(i)(2)(A) of the Act and Rule 22c–1 thereunder, to the extent necessary to permit the Applicant to recapture the bonus credit applied to a premium payment under the Contracts and Future Contracts in the circumstance described above.

14. Applicants also seek class relief with respect to Future Underwriters, Future Accounts and Future Contracts. Applicants assert that additional requests for exemptive relief would present no issues under the Act not already addressed herein. Applicants state that if the Applicant were to repeatedly seek exemptive relief on behalf of Future Underwriters, Future Accounts and/or Future Contracts with respect to the same issues addressed herein, investors would not receive additional protection or benefit, and investors and the Applicants could be disadvantaged by increased costs from preparing such additional requests for relief. Applicants argue that the requested class relief is appropriate in the public interest because the relief will promote competitiveness in the variable annuity market by eliminating the need for the Company or its affiliates to file redundant exemptive applications, thereby reducing administrative expenses and maximizing efficient use of resources. Elimination of the delay and the expense of repeatedly seeking exemptive relief would, Applicants opine, enhance each Applicant's ability to effectively take advantage of business opportunities as such opportunities arise.

For the reasons set forth above, Applicants believe that the exemptions requested are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, and consistent with and supported by Commission precedent.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–20974 Filed 8–16–02; 8:45 am]

BILLING CODE 8010–01–P

[1] As noted above, asset-based charges applicable to the Account will be assessed against the entire amounts held in the Account, including the bonus credit amount. Applicants state that this is because it is not administratively feasible to track the bonus credit in the Account after the Company applies the credit.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–46340; File No. SR–DTC–2002–10]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to an Enhancement to the New York Window Service Allowing Participants To Custody Promissory Notes at DTC

August 12, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on July 16, 2002, The Depository Trust Company (''DTC'') 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 DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change provides an enhancement to the New York Window service[2] of DTC, which is part of DTC's Custody service.[3] The enhancement allows DTC participants to custody promissory notes at DTC.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC 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. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[4]

(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 enhance DTC's New York Window service, which is part of DTC's Custody service. Earlier this year, DTC filed a rule change that permitted the deposit of certain instruments with DTC's Custody service in sealed envelopes (''Sealed Envelope Service'').[5]

DTC has been informed by some of its participants that it is customary in the industry to safekeep promissory notes outside of sealed envelopes and that there is a high volume of promissory notes kept in participants' vaults. These participants would like to have the option of depositing promissory notes either in sealed envelopes or outside of sealed envelopes in the New York Window service. This will expand participants' use of the Custody service, which supports the industry's goal of immobilization of instruments. DTC will apply the liability and indemnity standard applicable to the Sealed Envelope Service to promissory notes deposited outside of sealed envelopes.

DTC will apply its current Custody fees to deposits of promissory notes. Those fees are a long position fee of $.56 per month per item, a deposit fee of $4.86 per item, and a withdrawal fee of $16.91 per item.

The proposed rule change is consistent with the requirements of section 17A of the Act and the rules and regulations thereunder because it supports the securities industry goal of immobilization. The proposed rule change will be implemented consistently with the safeguarding of securities and funds in DTC's custody or control or for which it is responsible because the operation of the New York Window service, which is part of the Custody service as modified by the proposed rule change, will be similar to the current operation of the New York Window and Custody services.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC perceives no adverse impact on competition by reason of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments from DTC's participants have not been solicited nor received on the proposed rule change.

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)(iii) of the Act[6] and Rule 19b–4(f)(4)[7] promulgated thereunder because the proposal effects a change in an existing service of DTC that (A) does not adversely affect the safeguarding of securities or funds in the custody or control of DTC or for which it is responsible and (B) does not significantly affect the respective rights or obligations of DTC or persons using the service. At any time within sixty 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 section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the DTC. All submissions should refer to the File No. SR–DTC–2002–10 and should be submitted by September 9, 2002.

[1] 15 U.S.C. 78s(b)(1).

[2] For additional information on DTC's New York Window service, see Securities Exchange Act Release No. 40179 (July 8, 1998), 63 FR 30543 [File No. SR–DTC–98–9].

[3] For additional information on DTC's Custody service, see Securities Exchange Act Release No. 37314 (June 14, 1996), 61 FR 29158 [File No. SR–DTC–96–8].

[4] The Commission has modified parts of these statements.

[5] Securities Exchange Act Release No. 34–46018 (June 3, 2002), 67 FR 39454 [File No. DTC–2002–03]

[6] 15 U.S.C. 78s(b)(3)(A)(iii).

[7] 17 CFR 240.19b–4(f)(4).

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–20978 Filed 8–16–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–46338; File No. SR–DTC–2002–09]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Revising the Fee Schedule

August 12, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on July 1, 2002, The Depository Trust Company (''DTC'') 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 DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of revisions to the fee schedule of DTC for certain of its existing services.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC 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. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of this rule filing is to revise the fee schedules for some of DTC's services. DTC expects to implement the fee changes described in (1) and (2) below as of July 1, 2002, and the fee changes described in (3) below as of November 1, 2002. Services affected and changes in fees are as follows:

(1) *DTC Custody Service:* This service enables participants of DTC to outsource the safekeeping and processing physical securities not eligible for regular depository services due to transfer restrictions or other factors.

DTC is reducing the Custody Reorganization/Redemption deposit fee from a current fee of $101.50 to $65.00. The Custody Reorganization research fee, used when DTC staff is reviewing the reorganization activity for the first time, is also being lowered from $125.61 to $85.00. Custody Reorganization/Redemption Deposits that are rejected by DTC staff prior to their submission to the transfer agent will now be assessed the standard reject fee of $37.93. Previously, no fee had been assessed.

(2) *Draft Shipment Control List (''SCL'') Payments:* These payments represent the fees paid to transfer agents to effect the reregistration of a select number of securities (generally referred to as fee-bearing issues). Historically, participants have paid fixed ''blended'' rates based upon an actual fee threshold for standard deposit or withdrawal-by-transfer.[3]

DTC is replacing the ''blended'' rate algorithm with a direct charge back for the actual expense as incurred for standard deposit and withdrawal activity. DTC will also be instituting a new $1.00 transaction fee to fully recover the expense associated with the draft processing, bank charges, and handling costs for all reregistration activities in these securities.

(3) *Government Securities:* This process has been redesigned to accommodate the changes directed by the Federal Reserve Bank of New York (''FRBNY'') for fail tracking, repo tracking, and interim accounting. DTC maintains a free-of-payment interface with the Federal Reserve's book-entry system that enables participants to hold securities positions of U.S. government securities in their DTC accounts. Recently DTC has replaced the manual deposit and withdrawal process with an automated securities link with FRBNY via a new Fed Book-Entry Deliver Order process.

To recover the development, implementation, and processing costs, as well as the Fed fees associated with each transaction, DTC is revising these fees. The deliver order fee for government securities will be set at $2.25. In addition to the transaction charge, this fee recovers the $0.70 fee surcharged by the Fed. Present fees for deliver orders are $0.44 to the deliverer and $0.26 to the receiver. Monthly long position fees for government securities will be set at $1.00, helping to offset a $0.45 Fed imposed fee. Present long position fees are $0.35.

DTC believes that the proposed rule change is consistent with the requirements of section 17A of the Act and the rules and regulations thereunder because it is consistent with DTC's longstanding policy to set service fees at a level of full cost recovery along its different product lines.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will have any impact or impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change have not yet been solicited or received. DTC will notify the Commission of any written comments received by DTC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change establishes or changes fees to be imposed by DTC, it has become effective pursuant to section 19(b)(3)(A)(ii) of the Act[4] and rule 19b–4(f)(2).[5] At any time within sixty 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.

VI. 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

[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified parts of these statements.

[3] For deposits, when a transfer agent fee was $20.00 or less, DTC would bill participants $13.00; if the fee was greater than $20.00, DTC would charge the participant $22.00. For withdrawals, when a transfer agent fee was $20.00 or less, DTC would bill $22.00; if the fee was greater than $22.00, DTC would charge the participant $33.00.

[4] 15 U.S.C. 78s(b)(3)(A)(ii).

[5] 17 CFR 240.19b–4(f)(2).

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 Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of DTC. All submissions should refer to the File No. SR–DTC–2002–09 and should be submitted by September 9, 2002.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–20980 Filed 8–16–02; 8:45 am]

BILLING CODE 8010–01–P

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–46345; File No. SR–NASD–2002–105]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers, Inc. to Increase the Term of Office for Members of the Nasdaq Listing and Hearing Review Council From Two to Three Years, and to Increase the Number of Nasdaq Listing and Hearing Review Council Classes

August 13, 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 August 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 (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq. Nasdaq filed the proposal pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(3) thereunder[4] as being concerned solely with the administration of the self-regulatory organization, which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(3).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to increase the term of office for members of the Nasdaq Listing and Hearing Review Council (''Listing Council'') from two to three years, and to increase the number of Listing Council classes from two to three. The text of the proposed rule change is below. Proposed new language is in italics. Proposed deleted text is in brackets.

BY–LAWS OF THE NASDAQ STOCK MARKET, INC.

* * * * *

ARTICLE V

NASDAQ LISTING AND HEARING REVIEW COUNCIL

* * * * *

Term of Office

Sec. 5.4 (a) *Beginning in January 2003*, [E]except as otherwise provided in this Article, each Nasdaq Listing and Hearing Review Council member shall hold office for a term of *three* [two] years or until a successor is duly appointed and qualified, except in the event of earlier termination from office by reason of death, resignation, removal, disqualification, or other reason. *Prior to January 2003, the term of office for each Nasdaq Listing and Hearing Review Council member shall be two years.*

(b) The Nasdaq Listing and Hearing Review Council shall be divided into *three* [two] classes. The term of office of those of the first class shall expire in January *2004* [1999], [and] the term of office of those of the second class shall expire *in January 2005*, [one year thereafter] *and the term of office of those of the third class shall expire in January 2006*. Beginning in January *2003* [1999], members shall be appointed for a term of *three* [two] years to replace those whose terms expire.

(c) [Beginning in 1999,] [n]*No* member may serve more than two consecutive terms, except that if a member is appointed to fill a term of less than one year, such member may serve up to two consecutive terms following the expiration of such member's initial term.

* * * * *

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

Nasdaq proposes to increase the term of office for members of the Listing Council, and to increase the number of Listing Council classes. The Listing Council, which consists of between eight and 18 members, considers and makes recommendations to the Nasdaq Board on policy and rule changes relating to issuer listings. In addition, the Listing Council, to the extent of its delegated authority, functions as the appellate forum for staff adjudicated determinations related to compliance with applicable listing requirements.

Currently, members of the Listing Council hold office for a term of two years and may serve no more than two consecutive terms. Nasdaq proposes to extend members' terms to three years in order to provide greater continuity to the Listing Council. Specifically, the increase in the length of members' terms will allow the Listing Council to be divided into three classes rather than the current two classes. By dividing the Listing Council into three classes, the number of members that must be selected and trained each time a new class is appointed will be significantly reduced.

Nasdaq proposes to implement the proposed rule change by extending the second term of most current Listing Council members from two to three years. Currently, the Listing Council consists of 18 members. The first class is composed of eight members. Five of these members are currently serving their second consecutive term, which is scheduled to expire in January 2003 (''Group 1''). The remaining three members of the first class are currently

serving their first term and their second term is scheduled to expire in January 2005 (''Group 2''). The second class is also composed of eight members. All of the members of the second class are serving their second consecutive term, which is scheduled to expire in January 2004 (''Group 3''). The remaining two members of the Listing Council were appointed by the Board of Directors of Nasdaq earlier this year, one in May 2002 and the other in July 2002. Pursuant to Section 5.4(c) of the By-Laws of The Nasdaq Stock Market, these members' initial term will expire in January 2003 and they will then be eligible to serve two consecutive terms.

By extending the second term of most current members to three years, Nasdaq will be able to efficiently divide the Listing Council into three classes. Under this plan, the new first class will be composed of Group 1 and the second term of the members in this class will expire in January 2004. The new second class will be composed of Group 3 and the second term of the members in this class will expire in January 2005. Lastly, the new third class will be composed of Group 2 and the second term of the members in this class will expire in January 2006. The two remaining Listing Council members that were appointed earlier this year will be part of the new third class and they will be eligible to serve two three-year terms. Thus, these members' first term will expire in January 2006 and their second term will expire in January 2009.[5]

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 15A of the Act,[6] in general and with Section 15A(b)(6) of the Act,[7] in particular, in that the proposal is designed to prevent fraudulent and manipulative acts and practices, and, in general, to protect investors and the public interest. Specifically, Nasdaq believes the proposed rule change will provide greater continuity to the Listing Council, thereby allowing it to more efficiently address listing and policy matters that often involve investor protection issues.

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, 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) of the Act[8] and subparagraph (f)(3) of Rule 19b-4 thereunder,[9] because it is concerned solely with the administration of the Association. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Association. All submissions should refer to file number SR–NASD–2002–105 and should be submitted by September 9, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–20975 Filed 8–16–02; 8:45 am]

BILLING CODE 8010–01–P

[5] Nasdaq considers these two members to be part of the new third class as their service on the Listing Council will end at the expiration of their first term in January 2006 unless they are reappointed for a second term.

[6] 15 U.S.C. 78*o*–3.

[7] 15 U.S.C. 78*o*–3(b)(6).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(3).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–46343; File No. SR–NASD–2002–91]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Voluntary Participation by National Securities Exchanges in the Nasdaq Order Collection Facility, Commonly Known as ''SuperMontage''

August 13, 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 July 1, 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'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq. The proposed rule change, which Nasdaq filed pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] would clarify the terms and conditions upon which Nasdaq will grant access to SuperMontage to national securities exchanges that trade Nasdaq-listed securities on an unlisted trading privileges basis (''UTP Exchanges''). Nasdaq will make these rule changes effective upon the launch of SuperMontage.

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

Nasdaq is filing a proposed rule change to NASD Rule 4710 regarding voluntary participation by national securities exchanges in the Nasdaq

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

Order Collection Facility, commonly known as ''SuperMontage.'' The proposed rule change would clarify the terms and conditions upon which Nasdaq will grant access to SuperMontage to UTP Exchanges.

Below is the text of the proposed rule change to the SuperMontage rules. Proposed new language is italicized; proposed deletions are in brackets.

* * * * *

4710. Participant Obligations in NNMS

(a) No Change.

(b) Non-Directed Orders.

(1) General Provisions—A Quoting Market Participant in an NNMS Security shall be subject to the following requirements for Non-Directed Orders:

(A) No Change.

(B) Processing of Non-Directed Orders—Upon entry of a Non-Directed Order into the system, the NNMS will ascertain who the next Quoting Market Participant in queue to receive an order is (based on the algorithm selected by the entering participant, as described in subparagraph (b)(B)(i)–(iii) of this rule), and shall deliver an execution to Quoting Market Participants that participate in the automatic-execution functionality of the system, or shall deliver a Liability Order to Quoting Market Participants that participate in the order-delivery functionality of the system[; provided however, that the system always shall deliver an order (in lieu of an execution) to the Quoting Market Participant next in queue when the participant that entered the Non-Directed Order into the system is a UTP Exchange that does not provide automatic execution against its Quotes/Orders for Nasdaq Quoting Market Participants and NNMS Order Entry Firms]. Non-Directed Orders entered into the NNMS system shall be delivered to or automatically executed against Quoting Market Participants' Displayed Quotes/Orders and Reserve Size in strict price/time priority, as described in the algorithm contained in subparagraph (b)(B)(i) of this rule. Alternatively, an NNMS Market Participant can designate that its Non-Directed Orders be executed based on a price/time priority that considers ECN quote-access fees, as described in subparagraphs (b)(B)(ii) of this rule, or executed based on price/size/time priority, as described in subparagraph (b)(B)(iii) of this rule.

(i)–(iv) No Change.

(C) No Change.

(D) No Change.

(2) No Change.

(c)–(e) No Change.

(f) UTP Exchanges.

[Participation in the NNMS by UTP Exchanges is voluntary. If a UTP Exchange elects to participate in the system, Nasdaq shall endeavor to provide fair and equivalent access to the Nasdaq market for UTP Exchanges, as a UTP Exchange provides to its market for Nasdaq Quoting Market Participants and NNMS Order Entry Firms. The following provisions shall apply to UTP Exchanges that choose to participate in the NNMS:]

Participation in the NNMS by UTP Exchanges is voluntary. If a UTP Exchange does not participate in the NNMS System, the UTP Exchange's quote will not be accessed through the NNMS, and the NNMS will not include the UTP Exchange's quotation for order processing and execution purposes.

A UTP Exchange may voluntarily participate in the NNMS System if it executes a Nasdaq Workstation Subscriber Agreement, as amended, for UTP Exchanges, and complies with the terms of this subparagraph (f) of this rule. The terms and conditions of such access and participation, including available functionality and applicable rules and fees, shall be set forth in and governed by the Nasdaq Workstation Subscriber Agreement, as amended for UTP Exchanges. The Nasdaq Workstation Subscriber Agreement, as amended for UTP Exchanges may expand but shall not contract the rights and obligations set forth in these rules. Access to UTP Exchanges may be made available on terms that differ from the terms applicable to members but may not unreasonably discriminate among similarly-situated UTP Exchanges. The following provisions shall apply to UTP Exchanges that choose to participate in the NNMS

(1) Order Entry—UTP Exchanges that elect to participate in the system shall be permitted to enter Directed and Non-Directed Orders into the system subject to the conditions and requirements of Rules 4706. Directed and Non-Directed Orders entered by UTP Exchanges shall be processed (unless otherwise specified) as described subparagraphs (b) and (c) of this rule.

(2) Display of UTP Exchange Quotes/Orders in Nasdaq.

(A) UTP Exchange Principal Orders/Quotes—UTP Exchanges that elect to participate in the system shall [be permitted to] transmit to the NNMS a single bid Quote/Order and a single offer Quote/Order. Upon transmission of the Quote/Order to Nasdaq, the system shall time stamp the Quote/Order, which time stamp shall determine the ranking of the Quote/Order for purposes of processing Non-Directed Orders. The NNMS shall display the best bid and best offer Quote/Order transmitted to Nasdaq by a UTP Exchange in the Nasdaq Quotation Montage under the MMID for the UTP Exchange, and shall also display such Quote/Order in the Nasdaq Order Display Facility as part of the aggregate trading interest when the UTP Exchange's best bid/best offer Quote/Order falls within the best five price levels in Nasdaq on either side of the market.

(B) UTP Exchange Agency Quotes/Orders.

(i) A UTP Exchange that elects to participate in the system may transmit to the NNMS Quotes/Orders at a single as well as multiple price levels that meet the following requirements: are not for the benefit of a broker and/or dealer that is with respect to the UTP Exchange a registered or designated market maker, dealer or specialist in the security at issue; and are designated as Non-Attributable Quotes/Orders (''UTP Agency Order/Quote'').

(ii) Upon transmission of a UTP Agency Quote/Order to Nasdaq, the system shall time stamp the order, which time stamp shall determine the ranking of these Quote/Order for purposes of processing Non-Directed Orders, as described in subparagraph (b) of this rule. A UTP Agency Quote/Order shall not be displayed in the Nasdaq Quotation Montage under the MMID for the UTP Exchange. Rather, UTP Agency Quotes/Orders shall be reflected in the Nasdaq Order Display Facility and Nasdaq Quotation Montage in the same manner in which Non-Attributable Quotes/Orders from Nasdaq Quoting Market Participants are reflected in Nasdaq, as described in Rule 4707(b)(2).

(3) Non-Directed Order Processing—[(a)] UTP Exchanges that elect to participate in the system [and that agree to] *shall be required to* provide automatic execution against their Quotes/Orders for Nasdaq Quoting Market Participants and NNMS Order Entry Firms, shall accept an execution of an order up to the size of the UTP Exchange's displayed Quote/Order, and shall have Non-Directed Orders they enter into the system processed as described in subparagraph (b) of this rule.

[(b) UTP Exchanges that elect to participate in the system but that do not provide automatic execution against their Quotes/Orders for Nasdaq Quoting Market Participants and NNMS Order Entry Firms, shall accept the delivery of an order up to the size of the UTP Exchange's Displayed Quote/Order, and shall have Non-Directed Orders they enter into the system processed as described in subparagraph (b) of this rule. If such a UTP Exchange declines

or partially fills a Non-Directed Order without immediately transmitting to Nasdaq a revised Quote/Order that is at a price inferior to the previous price, or if such a UTP Exchange fails to respond in any manner within 30 seconds of order delivery, the NNMS will send the order (or remaining portion thereof) back into the system for delivery to the next Quoting Market Participant in queue. The system will then move the side of such UTP Exchange's Quote/Order to which the declined or partially-filled order was delivered, to the lowest bid or highest offer price in Nasdaq, at a size of 100 shares.]

(4) Directed Order Processing—UTP Exchanges that elect to participate in the system shall participate in the Directed Order processing as described in subparagraph (c) of this rule.

(5) Decrementation—UTP Exchanges shall be subject to the decrementation procedures described in subparagraph (b) of this rule.

(6) Scope of Rules—Nothing in these rules shall apply to UTP Exchanges that elect not to participate in the system.

* * * * *

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

Nasdaq currently anticipates that on July 29, 2002 it will begin operating SuperMontage, a proprietary automatic execution and order delivery system that will serve as a single point of entry into the Nasdaq market. As an independent market, Nasdaq is not obligated to provide UTP Exchanges with access to any of Nasdaq's proprietary systems. Therefore, subject to SEC approval where necessary, Nasdaq is entitled to condition the manner in which it will voluntarily make its proprietary systems, including SuperMontage, available to UTP Exchanges that choose to use them. Likewise, participation in SuperMontage by an independent UTP Exchange is a voluntary action by that exchange. Therefore, each UTP Exchange can effectively negotiate at arms-length the terms, if any, according to which it will voluntarily participate in SuperMontage. Based upon these precepts, Nasdaq is modifying three aspects of its approved rules governing UTP Exchanges' voluntary participation in SuperMontage.

1. SuperMontage Will Not Access the Quotations of UTP Exchanges That Choose Not To Participate in SuperMontage

Nasdaq is permanently extending to SuperMontage a pilot rule, which specifies that if a UTP Exchange elects not to participate in SuperSOES,[5] SuperSOES will not include the UTP Exchange's quotation for order processing and execution purposes. The pilot rule first became effective, on October 31, 2001, and the pilot rule was extended on March 1, 2002 and May 31, 2002.[6] The language implementing this restriction is set forth in NASD Rule 4710(f) above, and it is identical to the current rule.

Establishing SuperMontage as the primary platform for trading Nasdaq-listed securities is a critical step in Nasdaq's long-standing goal to improve the quality of its market. Nasdaq believes that SuperMontage will dramatically increase the speed and efficiency of trading in the Nasdaq market, resulting in extremely fast executions and corresponding benefits to investors. If, however, a UTP Exchange chose to access Nasdaq but was not accessible for automatic executions through SuperMontage, there would be a potential for queuing in the system that could disrupt and slow the market. To improve the trading environment for all of Nasdaq's valued market participants, and to avoid potential significant market disruptions, we are amending SuperMontage rules to remove non-participating UTP Exchanges from the SuperMontage execution and order processing function.

UTP Exchanges that choose this option would submit their quotes directly to the securities information processor (''SIP''), not Nasdaq's market systems, and would be accessible by telephone as contemplated in the Nasdaq UTP Plan[7] or via a mutually agreed-upon alternative bilateral link created by the UTP Exchange.[8] Nasdaq welcomes the opportunity to explore the possibility of bilateral linkages, which Nasdaq anticipates could be formed via separate agreement between Nasdaq and the exchange(s).

2. UTP Exchanges That Wish To Participate in SuperMontage Must Do So Via Automatic Execution

Nasdaq will also continue in a SuperMontage environment the requirement that UTP Exchanges that wish to participate in Nasdaq execution systems do so via automatic execution. The Commission approved this requirement with respect to Nasdaq's current execution systems, SuperSOES and the SelectNet Service.[9] This language implementing this requirement is contained in NASD Rule 4710(b)(1)(B) and 4710(f)(3). This language differs from the current rule, but the requirement will operate in SuperMontage precisely as it does today in SuperSOES and SelectNet.

Nasdaq favors this rule for a number of reasons. The volume and speed at which trading occurs in Nasdaq demands that all participants' quotes/orders be available for automated execution. Market participants demand and require the ability to access liquidity at the best prices virtually instantaneously. Nasdaq believes that SuperMontage will be a significant improvement over prior Nasdaq execution systems, and that it will provide market participants faster executions and higher fill rates. Although order delivery (previously offered through SelectNet)—which requires an affirmative response in order to consummate a trade—was adequate as the primary means of UTP Exchange access in the past, Nasdaq can no longer offer this functionality as an option to UTP Exchanges. Indeed, automatic execution has become the primary means of accessing market makers quotes in Nasdaq.

Participation in SuperMontage by UTP Exchanges is a voluntary action by each exchange. Nasdaq is not obligated to provide UTP Exchanges with access to any of Nasdaq's proprietary systems. Therefore, it is entirely appropriate for Nasdaq to limit UTP Exchange access to

[5] ''SuperSOES'' is the commonly used term to describe Nasdaq's current Nasdaq National Market Execution System (''NNMS''). SuperMontage is, in effect, Nasdaq's successor to the NNMS.

[6] *See* Release Nos. 34–45047 (Nov. 8, 2001), 66 FR 57496 (Nov. 15, 2001); 34–45496 (March 1, 2002), 67 FR 10785 (Mar. 8, 2002); and 34–46016 (May 31, 2002), 67 FR 39457 (June 7, 2002).

[7] This is the method that the Cincinnati Stock Exchange uses for trading Nasdaq securities under the Nasdaq UTP Plan.

[8] This proposal would not preclude a UTP Exchange from forming a link with Nasdaq outside Nasdaq's market system or the parameters of a NMS plan.

[9] *See* Release No. 34–45704 (Apr. 8, 2002), 67 FR 18278 (Apr. 15, 2002).

Nasdaq's most efficient system. Nasdaq's voluntary action, designed to improve efficiency and maintain an orderly market, should not become an opportunity for a Nasdaq competitor to harm the ability of Nasdaq to improve its markets.

3. UTP Exchanges That Choose To Use SuperMontage Must Execute an Agreement Governing the Terms of That Usage

Nasdaq hopes to enter into arms-length agreements with national securities exchanges governing their participation in SuperMontage, including the functionality and pricing involved. Nasdaq believes it is essential that all UTP Exchanges that use Nasdaq proprietary systems execute a contract defining the terms and conditions of such use, which may be different from the terms and conditions imposed on Nasdaq members.[10] It is essential for preserving the integrity of Nasdaq's proprietary systems that those self-regulatory organizations that use those systems agree to ensure that their members (over which Nasdaq typically has no direct authority) use them in a manner that is consistent with Nasdaq's systems requirements.

Similarly, Nasdaq will make SuperMontage available to UTP exchanges on the basis of contractually agreed charges for such use. Such charges may be different than the charges that Nasdaq members pay for SuperMontage, exactly as the Commission permitted Nasdaq to charge UTP exchanges more for access to ACT than Nasdaq charges its members.[11] Nasdaq participants have paid for the maintenance and development of Nasdaq execution systems, such as SuperMontage, over the course of more than two decades. Charging UTP exchanges or other non-members a higher rate than members for these services reflects the fact that the Nasdaq members have already borne the costs to build and enhance those services over time.

The fact that the charges are set through arms-length contract negotiations with UTP exchanges allows for the flexibility to address the myriad ways in which different UTP Exchanges may wish to voluntarily participate in SuperMontage. The ability to enter into separately negotiated contracts gives UTP Exchanges and Nasdaq the ability to tailor contracts to an exchange's specific needs and business model. The rule language, contained in NASD Rule 4710(f), is intended to expand the scope of functionality available to UTP Exchanges beyond that included in the approved rules. NASD Rule 4710(f) also sets out the minimum obligations of a UTP Exchange that wishes to participate in Nasdaq. The Nasdaq Workstation Subscriber Agreement, as amended for UTP Exchanges may expand but shall not contract the rights and obligations set forth in these rules. While Nasdaq may make SuperMontage access available to UTP Exchanges on terms that differ from the terms applicable to members, Nasdaq is aware of its obligation to not unreasonably discriminate among similarly situated national securities exchanges.

2. Statutory Basis

Nasdaq believes that the proposed extension of this pilot is consistent with the provisions of Section 15A of the Act,[12] in general and with Section 15A(b)(6) of the Act,[13] in particular, in that the proposal is designed to facilitate transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. In particular, Nasdaq believes that modifying the manner in which UTP Exchanges voluntarily participate in SuperMontage is necessary for the fair and orderly operation of Nasdaq.

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 neither solicited nor received written comments with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[14] and Rule 19b–4(f)(6) thereunder.[15] At any time within 60 days of 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 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–2002–91 and should be submitted by September 9, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[16]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–20976 Filed 8–16–02; 8:45 am]

BILLING CODE 8010–01–P

[10] Nasdaq does not impose a monthly fee for access to the UTP Interface. The UTP Interface is installed and maintained by an independent vendor.

[11] *See* Release No. 34–45702 (April 5, 2002); 67 FR 18279 (April 15, 2002) (approving SR–NASD–2002–35).

[12] 15 U.S.C. 78*o*–3.

[13] 15 U.S.C. 78*o*–3(b)(6).

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–46341; File No. SR–NASD–2002–76]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change and Amendment Nos. 1 and 2 by the National Association of Securities Dealers, Inc. Relating to Interpretive Material 4613 and Computer Generated Quoting

August 12, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 13, 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 (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq. On July 29, 2002, Nasdaq filed an amendment to the proposed rule change.[3] On August 8, 2002, Nasdaq filed another amendment to the proposed rule change.[4] As amended, the proposal is effective upon filing with the Commission, pursuant to section 19(b)(3)(A) of the Act,[5] and Rule 19b–4(f)(1) thereunder.[6] 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

Nasdaq proposes to amend NASD Interpretive Material 4613 (''IM–4613'') to codify an interpretation concerning the extent to which IM–4613 applies to computer generated quoting (''CGQ'') that is not designed to update a market maker's quote automatically to keep the market maker away from the inside market. Specifically, Nasdaq proposes to (1) define the term ''Computer Generated Quoting,'' (2) clarify that CGQ is generally prohibited, and (3) provide that market makers can engage in CGQ if such activity is consistent with the intent of IM–4613. Nasdaq has also developed certain standards that a market maker must meet to engage in CGQ. According to Nasdaq, these standards are based on Nasdaq's experience with two market makers that recently began utilizing CGQ systems,[7] and are designed to preserve the integrity of Nasdaq's systems and protect investors and the public interest. Below is the text of the proposed rule change. Proposed new language is in italics.

* * * * *

IM–4613—Autoquote Policy

(a) General Prohibition—The Association has extended a policy banning the automated update of quotations by market makers in Nasdaq. Except as provided below, this policy prohibits systems known as ''autoquote'' systems from effecting automated quote updates or tracking of inside quotations in Nasdaq. This ban is necessary to offset the negative impact on the capacity and operation of Nasdaq of certain autoquote techniques that track changes to the inside quotation in Nasdaq and automatically react by generating another quote to keep the market maker's quote away from the best market.

(b) Exceptions to the General Prohibition—Automated updating of quotations is permitted when: (1) The update is in response to an execution in the security by that firm (such as execution of an order that partially fills a market maker's quotation size), and is in compliance with Rule 4613(b)(2); (2) it requires a physical entry (such as a manual entry to the market maker's internal system which then automatically forwards the update to Nasdaq); (3) the update is to reflect the receipt, execution, or cancellation of a customer limit order; or (4) an electronic communications network as defined in SEC Rule 11Ac1–1(a)(8) is required to maintain a two-sided quotation in Nasdaq for the purpose of meeting Nasdaq system design requirements.

(c) Computer Generated Quoting—

(1) Definition—''Computer Generated Quoting'' means the practice of effecting, without a physical entry, a quote update that is not designed to keep a market maker's quote away from the Nasdaq and/or national best bid/best offer, but does not include the activity set forth in subparagraph (b) of this interpretive material.

(2) Prohibition—The prohibitions against autoquoting contained in paragraph(a) of this interpretative material, shall also apply to the practice of Computer Generated Quoting, unless the market maker meets the conditions in subparagraph (c)(3) of this interpretive material.

(3) Exception—A market maker may engage in the practice of Computer Generated Quoting if the market maker: Prior to engaging in such activity provides Nasdaq a description of its Computer Generated Quoting system; requests and obtains written interpretive relief from Nasdaq staff stating that the market maker's Computer Generated Quoting system is permissible under Interpretive Material 4613; and complies with terms that are set forth in the interpretive relief. In establishing terms of the interpretive relief, Nasdaq shall consider the applicant's impact on Nasdaq's capacity, in conjunction with the overall impact on Nasdaq's capacity of existing Computer Generated Quoting systems authorized by Nasdaq, as well as the protection of investors and the public interest. If a market maker that engages in Computer Generated Quoting fails to comply with the terms set forth in the interpretive relief, Nasdaq may summarily modify or revoke the interpretive relief and/or summarily suspend such quoting activity if necessary to preserve capacity and to protect investors and the public interest.

* * * * *

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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* letter from Peter R. Geraghty, Associate Vice President and Associate General Counsel, Nasdaq, to Katherine England, Assistant Director, Division of Market Regulation (''Division''), Commission (''Amendment No. 1''). Amendment No. 1 clarifies that Nasdaq will summarily suspend a market maker's quoting activity if necessary to preserve capacity and to protect investors and the public interest. For example, Nasdaq will suspend a market maker's quoting activity if the performance of Nasdaq's market was in jeopardy and, after attempting to contact the market maker, the market maker failed to voluntarily suspend its computer generated quoting activity.

[4] *See* letter from Peter R. Geraghty, Associate Vice President and Associate General Counsel, Nasdaq, to Lisa Jones, Attorney, Division, Commission (''Amendment No. 2''). Amendment No. 2 clarifies in the purpose section of the proposal that Nasdaq will give market makers advance notice should the standards for using computer generated quoting systems change. Amendment No. 2 also makes a technical amendment to the rule text of the proposal.

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(f)(1). For purposes of calculating the 60-day abrogation period, the Commission considers the period to begin as of the date Nasdaq filed Amendment No. 1, July 29, 2002.

[7] Nasdaq staff recently issued two letters indicating that the market makers could utilize CGQ systems that are consistent with IM–4613. *See* letters from Edward S. Knight, Executive Vice President and General Counsel, Nasdaq, to Thomas Peterffy, Chairman, Timber Hill LLC, dated November 14, 2001; and to Richard J. McDonald, Compliance Director, Susquehanna Capital Group, dated April 23, 2002.

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

Nasdaq believes that the underlying purpose of IM–4613 is to preserve the integrity of Nasdaq's systems by prohibiting automated quoting activity that does not contribute to the depth and liquidity of the market. However, the language of IM–4613 arguably can be read to prohibit market makers from using *any* automated means to update their quotes, with a few narrow exceptions,[8] even if such systems would contribute to the liquidity of the market. The confusion created by this conflict caused several market makers to request interpretive advice on the applicability of IM–4613 to certain quoting activity.

Specifically, two Nasdaq market makers inquired as to whether the rule applies to situations where a market maker generates quote updates through automated means that do not track away from the inside market.[9] These market makers engage in trading strategies where their quoted prices are based on several factors, such as the last sale, bids, offers and sizes, where available, on stocks, futures and options, and certain statistically derived relationships among these instruments. Another market maker recently requested an interpretation so that it may submit quotes automatically based on the best prices contained in an affiliated electronic communications network.[10]

Nasdaq believes these types of CGQ systems, if carefully monitored, can be utilized without raising the concerns that IM–4613 addresses. In the requests received to date, the market makers do not employ techniques that track changes to the inside market to keep the market maker's prevailing quote away from the inside market, and the systems are designed to result in the market maker regularly participating at or near the best bid and offer. As such, while these systems could produce quote update rates similar to those that track away from the inside market, the CQG systems, in contrast, will contribute to the liquidity of the market.

However, Nasdaq's overall system capacity is not limitless, and Nasdaq has an overarching obligation to protect investors and the public interest. Therefore, Nasdaq cannot permit these systems to be utilized without certain controls, and has taken the position that CGQ is permitted under IM–4613 if the activity will not adversely impact the overall functioning of the Nasdaq market.[11] This requirement is in addition to the requirement that the system does not produce quotes to track away from the inside market, and must be designed to result in the market maker regularly participating at or near the inside market. Prior to issuing the interpretations, Nasdaq carefully analyzed its system capacity demand models, and developed quotation capacity standards that would permit market makers to utilize CGQ systems, but also maintain enough excess capacity so that Nasdaq can meet its peak demand.

These standards will be applied to all market makers utilizing CGQ systems, and Nasdaq will consider such things as quote updates per second, both at the individual security level and firm wide level, and are calibrated to ensure that Nasdaq retains excess capacity during times of peak demand.[12] Market makers also will be required to phase in their CGQ activity in consultation with Nasdaq staff, and comply with the autoquoting restrictions contained in the Nasdaq UTP Plan.[13] In addition, market makers must be able to demonstrate compliance with these standards,[14] and suspend their CGQ activity quickly upon request from Nasdaq.

Nasdaq believes CGQ systems can enhance market quality by contributing liquidity, but it will not allow the use of CGQ systems to compromise the overall high level of performance and reliability of the Nasdaq market. Therefore, on an ongoing basis, Nasdaq will monitor closely overall quoting activity and its system capacity, and adjust the standards if necessary to ensure that Nasdaq can meet capacity demands.[15] In addition, Nasdaq will monitor closely each individual market maker's quoting activity, and, if Nasdaq determines a market maker is not complying with the terms of the interpretive relief, Nasdaq may summarily modify or revoke the interpretive relief and/or summarily suspend the quoting activity of such market maker if necessary to preserve capacity and to protect investors and the public interest.[16] In addition, Nasdaq may refer the matter for disciplinary action.

To summarize, the proposed rule change clarifies that IM–4613 applies to systems that, without physical entry, submit quote updates that are *not* designed to keep a market maker's quote away from the inside. Nasdaq believes that defining the term ''Computer Generated Quoting'' and specifically stating that such systems are prohibited accomplish this. As discussed above, the general prohibition is necessary to maintain the integrity of Nasdaq's systems, and the exception is the codification of the existing interpretation designed to permit market makers to utilize CGQ systems consistent with Nasdaq's obligations to preserve the integrity of its systems and to protect investors and the public interest.

[8] The current rule contains certain exceptions, including when the update of quotes is the result of an execution, or the quote, while generated automatically, is entered manually. *See* NASD IM 4613(b).

[9] *See infra* note 10.

[10] *Id.*

[11] Nasdaq staff issued interpretive letters to the two market makers whose CGQ systems generate quotes based on the relationship between the price of the stock and other instruments. Nasdaq will issue a letter to another market maker, and re-issue letters to the first two market makers, contemporaneous with the filing of this proposed rule change. At such time, all three letters will contain uniform quote update limits, which are discussed later. The letters are posted on NASD Regulation's Web site at *http://www.nasdr.com.*

[12] Pursuant to the three interpretive letters issued simultaneously with the filing of this proposed rule change, Nasdaq proposes that the market makers will be subject to the following quote update limitations:

- From 9:30 a.m. to 9:35 a.m. Eastern Time and from 3:55 p.m. to 4 p.m. Eastern Time, a market maker utilizing a CGQ system shall not exceed the following parameters: 30 quotes per second in aggregate for all securities, measured over each 15 second interval; and a maximum of 3 quotes per second for each security; and
- From 9:35:01 a.m. to 3:54:59 p.m. Eastern Time, a market maker utilizing a CGQ system shall not exceed the following parameters: 50 quotes per second in aggregate for all securities, measured over each 15 second interval; and a maximum of 3 quote per second for each security.

[13] *See* Nasdaq UTP Plan, Amendment 12.

[14] To demonstrate compliance with the standards, a market maker's system must measure quote update rates and supply such data to Nasdaq upon request.

[15] Nasdaq notes that Nasdaq technology staff constantly monitors capacity levels to ensure that Nasdaq systems operate effectively. Nasdaq systems capacity is designed to meet peak usage requirements, which normally occur at the opening of the market, the closing, or at other times during the day due to scheduled events. In addition, peak usage can be caused by unexpected events, such as a merger announcement. As Nasdaq staff have gained experience with the two market makers utilizing the CGQ systems, it has modified the standards several times, and it is possible these standards would be modified again as staff gain additional experience with more market makers. In developing current and future CGQ standards, Nasdaq will look first to ensuring the overall integrity of its systems and to protect investors and the public interest. Nasdaq will notify market makers permitted to utilize CGQ systems in advance if the standards for using such systems change. *See* Amendment No. 2, *supra* note 4.

[16] *See* Amendment No. 1, *supra* note 3.

Statutory Basis

Nasdaq believes that the proposal is consistent with section 15A(b)(6) of the Act.[17] Section 15A(b)(6) requires, among other things, that the rules of a registered national securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Nasdaq believes that permitting market makers to use these systems should have several benefits. Market makers will be able to utilize existing computer models, or develop new models, to automatically generate and update their quotes, which should enhance the price discovery process and allow members to increase the number of stocks in which they are registered as market makers.

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 on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective upon filing pursuant to section 19(b)(3)(A) of the Act[18] and Rule 19b–4(f)(1)[19] thereunder because the proposal is a stated policy, practice or interpretation with respect to the meaning, administration, or enforcement of an existing rule. 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 will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–2002–76 and should be submitted by September 9, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[20]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–20977 Filed 8–16–02; 8:45 am]

BILLING CODE 8010–01–P

[17] 15 U.S.C. 78*o*–3(b)(6).

[18] 15 U.S.C. 78s(b)(3)(A).

[19] 17 CFR 240. 19b–4(f)(1).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–46339; File No. SR–OCC–2002–17]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to a Change in Ancillary Service Fees

August 12, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on July 23, 2002, The Options Clearing Corporation (''OCC'') 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 OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change amends OCC's schedule of fees to reflect the restructuring of OCC's ancillary services program.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In addition to its clearing and settlement services, OCC provides a number of ancillary services to its membership. These services range from on-line systems to report and data files. Hardware and communications lines support these ancillary service offerings. However, the current fee structure for these services and their supporting communications lines does not cover OCC's monthly expenses. Accordingly, OCC has decided to restructure its ancillary services program.

OCC is implementing a four-tiered structure with a different bundle of ancillary services being offered at each tier. The tiers, the associated ancillary services, and the proposed cost for each are set forth in Exhibit A of the proposed rule change filing (OCC's schedule of fees). OCC has also determined to revise its communication line charges. A T1 leased line provides the optimal point-to-point secure communications to OCC's systems. OCC is revising its schedule of fees to charge for T1 leased lines and to increase the current 56.0kb line speed charge. These charges also are reflected in Exhibit A. The ancillary service charges and line offerings that have been eliminated as a result of restructuring the ancillary services program are set forth in Exhibit A.

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified parts of these statements.

OCC believes the proposed rule change is consistent with section 17A of the Act because it provides for the reasonable allocation of costs to provide ancillary services to clearing members.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change changes fees charged clearing members by OCC, it has become effective pursuant to section 19(b)(3)(A)(ii) of the Act [3] and rule 19b–4(f)(2) [4] thereunder. At any time within sixty 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 Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of OCC. All submissions should refer to the File No. SR–OCC–2002–17 and should be submitted by September 9, 2002.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–20979 Filed 8–16–02; 8:45 am]

BILLING CODE 8010–01–P

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

This statement amends Part S of the Statement of the Organization, Functions and Delegations of Authority, which covers the Social Security Administration (SSA). The notice establishes the Office of the Senior Executive Officer. This notice also removes the functions of the Press Office from the Deputy Commissioner of Communications and establishes the Press Office as an organization in the Office of the Commissioner. The new material and changes are as follows:

Section TE.00 *The Office of Communications*—(Mission)

Delete line

Performs SSA Press Office function to ensure a unified and consistent message to SSA's many publics.

Section SA.10 *The Office of the Commissioner*—(Organization)

Add

G. The Press Office

Add

H. The Office of the Senior Executive Officer

Section SA.20 *The Office of the Commissioner*—(Functions)

Add

G. The Press Office

1. Under the leadership of the Press Officer guides and coordinates all SSA press activities. It prepares and distributes news releases, fact sheets, and other materials for national distribution and for local release through SSA field offices.

2. Initiates and maintains contacts with members of the news media and responds to press inquiries and requests from newspapers, radio and television news departments; news and general print magazines, internet news providers, and other specialized press.

3. Advises Agency executives, Regional Communications Directors, Public Affairs Specialists, and other employees on matters related to news media.

4. Monitors press coverage of Social Security programs and employees, and distributes summaries of media coverage to Agency executives. When appropriate, the Press Office works to correct inaccuracies in coverage.

5. With the Office of Communications, works to craft messages and material for internal and external distribution.

Add

H. The Office of the Senior Executive Officer

1. Under the guidance of the Senior Executive Officer provides oversight and direction to the ongoing operation and activities of the Office of the Commissioner.

2. Plans, manages, and coordinates special projects/initiatives involving Agency administrative, policy, or program issues.

3. Serves as a focal point and represents the interests of the Commissioner to ensure that Agency components are aware of and held accountable for priorities, initiatives, and required actions. Acts as a catalyst and conduit for the exchange of information and direction between the Commissioner, functional Deputy Commissioners, and other executives.

4. Advises the Commissioner on issues concerning Agency operation, program integration, staffing/personnel matters, organizational effectiveness, and cooperation.

5. Directs administrative operations for the Office of the Commissioner including the budget, personnel management, and the development of policies and procedures necessary to secure a correctly and efficiently managed office.

6. Provides oversight and perspective on Agency-wide administrative and programmatic funding.

Dated: August 1, 2002.

Jo Anne B. Barnhart,

Commissioner.

[FR Doc. 02–20919 Filed 8–16–02; 8:45 am]

BILLING CODE 4191–02–P

SOCIAL SECURITY ADMINISTRATION

Senior Executive Service Performance Review Board Membership

AGENCY: Social Security Administration.

ACTION: Notice of Senior Executive Service Performance Review Board membership.

Title 5, U.S. Code, section 4314(c)(4) of the Civil Service Reform Act of 1978, Pub. L. 95–454, requires that the appointment of Performance Review Board members be published in the **Federal Register**.

The following persons will serve on the Performance Review Board which oversees the evaluation of performance appraisals of Senior Executive Service members of the Social Security Administration.

Nicholas M. Blatchford
Philip A. Gambino
Diane B. Garro
Carmen M. Keller
Terris A. King
Nancy A. McCullough
Carolyn L. Simmons
Felicita Sola-Carter
Frederick G. Streckewald
Paul N. Van de Water
Alice H. Wade
John B. Watson
Charles M. Wood

Dated: August 12, 2002.

Reginald F. Wells,

Deputy Commissioner for Human Resources.

[FR Doc. 02–20956 Filed 8–16–02; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF STATE

[Public Notice 4099]

Foreign Service Institute; 30-Day Notice of Proposed Information Collection: Form DS–3083, Training Registration (for Non-U.S. Government Persons); OMB Control #1405–XXXX

ACTION: Notice.

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995. Comments should be submitted to OMB within 30 days of the publication of this notice.

The following summarizes the information collection proposal submitted to OMB:

Type of Request: New collection.

Originating Office: Foreign Service Institute (M/FSI).

Title of Information Collection: Training Registration (For Non-U.S. Government Persons).

Frequency: Continuously (as needed for covered individuals to enroll in training courses provided by the Foreign Service Institute, Department of State).

Form Number: DS–3083.

Respondents: Respondents are non-U.S. government persons and/or their eligible family members, authorized by Public Law 105–277 to receive training delivered by the Foreign Service Institute on a reimbursable or advance of funds basis.

Estimated Number of Respondents: Approximately 100 to 200 persons per year.

Average Hours Per Response: 0.5 hours (one-half hour).

Total Estimated Burden: Approximately 50 to 100 hours/year.

Public comments are being solicited to permit the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER INFORMATION CONTACT: Copies of the proposed information collection and supporting documents may be obtained from the Wayne A. Oshima, Foreign Service Institute, Office of the Executive Director, U.S. Department of State, Washington, DC 20522–4201, (703) 302–6730. Public comments and questions should be directed to the State Department Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20530, who may be reached on 202–395–3897.

Dated: July 23, 2002.

Catherine J. Russell,

Executive Director, Foreign Service Institute, Department of State.

[FR Doc. 02–21000 Filed 8–16–02; 8:45 am]

BILLING CODE 4710–34–P

DEPARTMENT OF STATE

[Public Notice 4100]

Culturally Significant Objects Imported for Exhibition Determinations: ''Sacred Treasures of Mount Koya: The Art of Japanese Shingon Buddhism''

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the object to be included in the exhibition ''Sacred Treasures of Mount Koya: The Art of Japanese Shingon Buddhism,'' imported from abroad for temporary exhibition within the United States, is of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner. I also determine that the exhibition or display of the exhibit objects at the Honolulu Academy of Arts, Honolulu, Hawaii from on or about August 31, 2002 to on or about November 10, 2002, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State, (telephone: 202/619–6981). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: August 14, 2002.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs , Department of State.

[FR Doc. 02–21166 Filed 8–16–02; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending August 9, 2002

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart B (formerly subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et. seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer

period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–1997–2646.

Date Filed: August 9, 2002.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: August 30, 2002.

Description: Application of Florida West International Airways, Inc. (FWIA), pursuant to 49 U.S.C. 41102 and subpart B, requesting renewal of its certificate of public convenience and necessity, authorizing it to engage in the foreign air transportation of property and mail between the coterminal points Houston, Texas and Miami, Florida, on the one hand, and Lima and Iquitos, Peru, on the other hand, with beyond service to Santiago, Chile. FWIA also requests, that this authority be integrated with all other services it is otherwise authorized to conduct pursuant to its exemption and certificate authorities, consistent with applicable agreements between the U.S. and foreign countries.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 02–21030 Filed 8–16–02; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2002–49]

Petitions for Exemption; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of dispositions of prior petitions for exemption.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition.

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, Sandy Buchanan-Sumter (202) 267–7271, Vanessa Wilkins (202) 267–8029, or Denise Emrick (202) 267–5174, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC on August 1, 2002.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: FAA–2002–11925.

Petitioner: Helicopters, Inc.

Section of 14 CFR Affected: 14 CFR § 135.143(c)(2).

Description of Relief Sought/Disposition: To permit Helicopters to operate certain aircraft under part 135 without a TSO–C112 (Modes S) transponder installed in the aircraft. *Grant/June 3, 2002, Exemption No. 7788*

Docket No.: FAA–2002–12110.

Petitioner: Nassau Helicopter.

Section of 14 CFR Affected: 14 CFR § 135.143(c)(2).

Description of Relief Sought/Disposition: To permit Nassau to operate certain aircraft under part 135 without a TSO–C112 (Modes S) transponder installed in the aircraft. *Grant/June 3, 2002, Exemption No. 7787*

Docket No.: FAA–2002–12255.

Petitioner: Rogers Helicopters, Inc.

Section of 14 CFR Affected: 14 CFR 135.152(a).

Description of Relief Sought/Disposition: To permit Rogers to operate 6 Bell 212 helicopters (Registration Nos. N911HW, N911VR, N911KW, N873HL, N811KA, and N212HL; and Serial Nos. 31101, 30998, 30592, 30873, 30656, and 30621, respectively) under part 135 without those helicopters being equipped with an approved digital flight data recorder (DFDR). *Grant/May 31, 2002, Exemption No. 7789*

Docket No.: FAA–2002–12340.

Petitioner: Moody Aviation.

Section of 14 CFR Affected: 14 CFR §§ 135.251, 135.255, and 135.353, and appendices I and J to part 121.

Description of Relief Sought/Disposition: To permit Moody to conduct local sightseeing flights at the Elizabethton Municipal Airport, for sightseeing flights during its annual community event on June 8, 2002, for compensation or hire without complying with certain anti-drug and alcohol misuse prevention requirements of part 135. *Grant/June 4, 2002, Exemption No. 7791*

Docket No.: FAA–2002–11572.

Petitioner: Capital City Air Carrier, Inc.

Section of 14 CFR Affected: 14 CFR § 135.143(c)(2).

Description of Relief Sought/Disposition: To permit Capital to operate certain aircraft under part 135 without a TSO–C112 (Modes S) transponder installed in the aircraft. *Grant/June 4, 2002, Exemption No. 7792*

Docket No.: FAA–2002–11575.

Petitioner: Rhinelander Flying Service, Inc.

Section of 14 CFR Affected: 14 CFR § 135.143(c)(2).

Description of Relief Sought/Disposition: To permit Rhinelander to operate certain aircraft under part 135 without a TSO–C112 (Modes S) transponder installed in the aircraft. *Grant/June 4, 2002, Exemption No. 7793*

Docket No.: FAA–2002–12252.

Petitioner: Biplane Adventures, Inc.

Section of 14 CFR Affected: 14 CFR § 135.143(c)(2).

Description of Relief Sought/Disposition: To permit Biplane Adventures Inc to operate certain aircraft under part 135 without a TSO-C112 (Modes S) transponder installed in the aircraft. *Grant/June 4, 2002, Exemption No. 7797*

Docket No.: FAA–2002–11576.

Petitioner: Averitt Air, Inc.

Section of 14 CFR Affected: 14 CFR § 135.143(c)(2).

Description of Relief Sought/Disposition: To permit Averitt to operate certain aircraft under part 135 without a TSO–C112 (Modes S) transponder installed in the aircraft. *Grant/June 4, 2002, Exemption No. 7796*

Docket No.: FAA–2002–12336.

Petitioner: Womack Aviation.

Section of 14 CFR Affected: 14 CFR § 135.143(c)(2).

Description of Relief Sought/Disposition: To permit Womack to operate certain aircraft under part 135 without a TSO-C112 (Modes S) transponder installed in the aircraft. *Grant/June 4, 2002, Exemption No. 7795*

Docket No.: FAA–2002–12124.

Petitioner: Wright Air Service, Inc.

Section of 14 CFR Affected: 14 CFR § 135.143(c)(2).

Description of Relief Sought/Disposition: To permit Wright to operate certain aircraft under part 135 without a TSO-C112 (Modes S) transponder installed in the aircraft. *Grant/June 4, 2002, Exemption No. 7794*

Docket No.: FAA–2002–12254.

Petitioner: North Flight EMS.

Section of 14 CFR Affected: 14 CFR § 135.143(c)(2).

Description of Relief Sought/Disposition: To permit North Flight EMS to operate certain aircraft under part 135 without a TSO-C112 (Modes S)

transponder installed in the aircraft. *Grant/June 6, 2002, Exemption No. 7803*

Docket No.: FAA–2002–11929.
Petitioner: Delta Aviation, LLC.
Section of 14 CFR Affected: 14 CFR § 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Delta to operate certain aircraft under part 135 without a TSO-C112 (Modes S) transponder installed in the aircraft. *Grant/June 6, 2002, Exemption No. 7802*

Docket No.: FAA–2000–8141.
Petitioner: Mr. Leon C. Braswell.
Section of 14 CFR Affected: 14 CFR § 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Mr. Leon C. Braswell to operate certain aircraft under part 135 without a TSO-C112 (Modes S) transponder installed in the aircraft. *Grant/June 6, 2002, Exemption No. 7398A*

Docket No.: FAA–2001–11059.
Petitioner: Jerrold W. Braswell.
Section of 14 CFR Affected: 14 CFR § 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Mr. Jerrold W. Braswell to operate certain aircraft under part 135 without a TSO-C112 (Modes S) transponder installed in the aircraft. *Grant/June 6, 2002, Exemption No. 7674A*

Docket No.: FAA–2002–11949.
Petitioner: Aviation Services Group, Inc.
Section of 14 CFR Affected: 14 CFR § 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Aviation Services Group to operate certain aircraft under part 135 without a TSO-C112 (Modes S) transponder installed in the aircraft. *Grant/June 6, 2002, Exemption No. 7807*

Docket No.: FAA–2002–12400.
Petitioner: Kelso Flight Service, Inc.
Section of 14 CFR Affected: 14 CFR § 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Kelso to operate certain aircraft under part 135 without a TSO-C112 (Modes S) transponder installed in the aircraft. *Grant/June 6, 2002, Exemption No. 7804*

Docket No.: FAA–2002–12125.
Petitioner: Air Logistics of Alaska, Inc.
Section of 14 CFR Affected: 14 CFR § 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Air Logistics to operate certain aircraft under part 135 without a TSO-C112 (Modes S) transponder installed in the aircraft. *Grant/June 6, 2002, Exemption No. 7805*

Docket No.: FAA–2002–12251.
Petitioner: Priority Air, Inc.
Section of 14 CFR Affected: 14 CFR § 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Priority to operate certain aircraft under part 135 without a TSO-C112 (Modes S) transponder installed in the aircraft. *Grant/June 6, 2002, Exemption No. 7806*

Docket No.: FAA–2002–11495.
Petitioner: Federal Express Corporation.
Section of 14 CFR Affected: 14 CFR § 121.345(c)(2).
Description of Relief Sought/ Disposition: To permit Mountain Air Cargo to operate certain aircraft under part 135 without a TSO-C112 (Modes S) transponder installed in the aircraft. *Grant/June 6, 2002, Exemption No. 7801*

Docket No.: FAA–2002–11424.
Petitioner: Empire Airlines.
Section of 14 CFR Affected: 14 CFR § 121.345(c)(2).
Description of Relief Sought/ Disposition: To permit Empire to operate certain aircraft under part 121 without a TSO-C112 (Modes S) transponder installed in the aircraft. *Grant/June 6, 2002, Exemption No. 7800*

Docket No.: FAA–2002–11938.
Petitioner: Friends of Allen County Airport.
Section of 14 CFR Affected: 14 CFR §§ 135.251, 135.255, and 135.353, and appendices I and J to part 121.
Description of Relief Sought/ Disposition: To permit Friends of Allen County Airport to conduct local sightseeing flights at Allen County Airport, Iola, Kansas, for a fly-in and open house on June 15, 2002, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135. *Grant/June 12, 2002, Exemption No. 7808*

Docket No.: FAA–2002–11988.
Petitioner: Alpine Air, Inc.
Section of 14 CFR Affected: 14 CFR § 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Alpine to operate certain aircraft under part 135 without a TSO-C112 (Modes S) transponder installed in the aircraft. *Grant/June 12, 2002, Exemption No. 7267A*

Docket No.: FAA–2002–12465.
Petitioner: Air Methods Corporation.
Section of 14 CFR Affected: 14 CFR § 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Air Methods Corporation to operate certain aircraft under part 135 without a TSO-C112 (Modes S) transponder installed in the aircraft. *Grant/June 12, 2002, Exemption No. 5720D*

Docket No.: FAA–2002–11595.
Petitioner: American Eagle Airlines, Inc.
Section of 14 CFR Affected: 14 CFR § 121.434(c)(1)(ii).
Description of Relief Sought/ Disposition: To permit American Eagle to substitute a qualified and authorized check airman in place of an FAA inspector to observe a qualifying pilot in command (PIC) while that PIC is performing prescribed duties during at least one flight leg that includes a takeoff and a landing when completing initial or upgrade training as specified in § 121.424. *Grant/June 13, 2002, Exemption No. 7252A*

Docket No.: FAA–2002–12168.
Petitioner: West Bend Air, Inc.
Section of 14 CFR Affected: 14 CFR §§ 135.251, 135.255, 135.353, and appendices I and J to part 121.
Description of Relief Sought/ Disposition: To permit West Bend to conduct local sightseeing flights without complying with certain anti-drug and alcohol misuse prevention requirements of part 135. *Denial/June 14, 2002, Exemption No. 7786A*

Docket No.: FAA–2002–12455
Petitioner: Air Transport Association of American.
Section of 14 CFR Affected: 14 CFR §§ 61.3(a) and (c), 63.3(a) and 121.383(a)(2) *Description of Relief Sought/Disposition:* To permit an air carrier to issue written confirmation of an FAA-issued crewmember certificate to a flight crewmember employed by that air carrier based on information in the air carrier's approved record system. *Grant/June 13, 2002, Exemption No. 5487E*

Docket No.: FAA–2002–12123.
Petitioner: Bonanza/Baron Pilot Proficiency Programs, Inc.
Section of 14 CFR Affected: 14 CFR § 91.109(a) and (b)(3)
Description of Relief Sought/ Disposition: To permit Bonanza/Baron Pilot Proficiency Programs, Inc. and American Bonanza Society/Air Safety Foundation to conduct certain flight instruction and simulated instrument flights to meet the recent experience requirements in Beechcraft Bonanza, Baron and Travel Air airplanes equipped with a functioning throwover control wheel in place of functioning dual controls. *Grant/June 13, 2002, Exemption No. 7810*

Docket No.: FAA–2002–11578.
Petitioner: Northwest Seaplanes, Inc.
Section of 14 CFR Affected: 14 CFR § 135.203(a)(1).
Description of Relief Sought/ Disposition: To permit Northwest Seaplanes to conduct operations outside

controlled airspace, over water, at an altitude below 500 feet above the surface but not less than 200 feet above the surface. *Grant/June 18, 2002, Exemption No. 6461D*

Docket No.: FAA–2001–10967.
Petitioner: Experimental Aircraft Association.
Section of 14 CFR Affected: 14 CFR §§ 135.251, 135.255, and 135.353, and appendixes I and J to part 121
Description of Relief Sought/ Disposition: To permit EAA members to conduct local sightseeing flights at charity or community events, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention program requirements of part 135. *Grant/June 25, 2002, Exemption No. 7111B*

Docket No.: FAA–2002–12416.
Petitioner: Air Transport Association of America
Section of 14 CFR Affected: 14 CFR 121.309(f)(2).
Description of Relief Sought/ Disposition: To permit ATA-member airlines to located the aft megaphone at door 4-left on their Boeing 747 aircraft. *Grant/June 21, 2002, Exemption No. 7818*

Docket No.: FAA–2002–11851.
Petitioner: IFL Group, Inc.
Section of 14 CFR Affected: 14 CFR § 135.152.
Description of Relief Sought/ Disposition: To permit IFL to operate one General Dynamics Convair 440/580 airplane under part 135 without that airplane being equipped with an 18-parameter digital flight data recorder (DFDR). *Denial/June 21, 2002, Exemption No. 7817*

Docket No.: FAA–2002–12119.
Petitioner: Wadsworth Airport Management Corporation
Section of 14 CFR Affected: 14 CFR §§ 135.251, 135.255, and 135.353, and appendixes I and J to part 121.
Description of Relief Sought/ Disposition: To permit Wadsworth to conduct local sightseeing flights at the Wadsworth Municipal Airport in Wadsworth, Ohio, for the Wadsworth Balloon Festival on September 20, 21, and 22, 2002, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135. *Grant/June 26, 2002, Exemption No. 7822*

Docket No.: FAA–2001–9812.
Petitioner: Red Baron Flyers, Inc.
Section of 14 CFR Affected: 14 CFR §§ 135.251, 135.255, and 135.353, and appendices I and J to part 121.
Description of Relief Sought/ Disposition: To permit Red Baron Flyers Inc to conduct local sightseeing flights at Houston County Airport, Caledonia, Minnesota, for it's annual fly-in breakfast on June 30, 2002, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135. *Grant/June 26, 2002, Exemption No. 7824*

Docket No.: FAA–2002–12431.
Petitioner: Plainwell Pilots Association.
Section of 14 CFR Affected: 14 CFR §§ 135.251, 135.255, and 135.353, and appendices I and J to part 121
Description of Relief Sought/ Disposition: To permit Plainwell Pilots Association to conduct local sightseeing flights in the vicinity of Plainwell, Michigan, for fundraising events on July 4, 27, and 28, 2002, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135. *Grant/June 26, 2002, Exemption No. 7823*

Docket No.: FAA–2002–11927.
Petitioner: ERA Aviation, Inc.
Section of 14 CFR Affected: 14 CFR § 121.313(f).
Description of Relief Sought/ Disposition: To permit Era to operate two Douglas DC–3 (DC–3) airplanes with the flightdeck door open during all phases of flight. *Denial/June 20, 2002, Exemption No. 7819*

Docket No.: FAA–2001–10622.
Petitioner: Papillon Airways, Inc., dba Papillon Grand Canyon Helicopters.
Section of 14 CFR Affected: 14 CFR § 135.265(d).
Description of Relief Sought/ Disposition: To permit Papillon to schedule its flight crewmembers to work 7 consecutive days then relieve them from all further duty for 7 consecutive days. *Denial/June 20, 2002, Exemption No. 7820*

Docket No.: FAA–2001–9500.
Petitioner: Stephen J. Walsh.
Section of 14 CFR Affected: 14 CFR § 61.159(c)(2)(ii) and (iii).
Description of Relief Sought/ Disposition: To permit Mr. Walsh to use his military flight engineer time toward the 1,500-hour flight time requirement for an airline transport pilot (ATO) certificate. *Denial/June 24, 2002, Exemption No. 7825*

Docket No.: FAA–2002–12590.
Petitioner: United States Hang Gliding Association.
Section of 14 CFR Affected: 14 CFR §§ 91.309 and 103.1(b).
Description of Relief Sought/ Disposition: To permit United States Hang Gliding Association members to tow unpowered ultralight vehicles (hang gliders) using powered ultralight vehicles. *Grant/June 28, 2002, Exemption No. 4144I*

Docket No.: FAA–2002–11756.
Petitioner: Continental Airlines, Inc.
Section of 14 CFR Affected: 14 CFR § 121.434(c)(1)(ii).
Description of Relief Sought/ Disposition: To permit Continental to substitute a qualified and authorized check airman in place of a FAA inspector to observe a qualifying pilot in command who is completing the initial or upgrade training specified in § 121.424 during at least one flight leg that includes a takeoff and a landing, subject to certain conditions and limitations. *Grant/June 28, 2002, Exemption No. 6783B*

Docket No.: FAA–2002–12343.
Petitioner: Federal Express Corporation.
Section of 14 CFR Affected: 14 CFR § 121.434(c)(1)(ii).
Description of Relief Sought/ Disposition: To permit FedEx to substitute a qualified and authorized check airman in place of a FAA inspector to observe a qualifying pilot in command who is completing the initial or upgrade training specified in § 121.424 during at least one flight leg that includes a takeoff and a landing, subject to certain conditions and limitations. *Grant/June 28, 2002, Exemption No. 6473C*

Docket No.: FAA–2002–12484.
Petitioner: Dynamic Aviation Group, Inc.
Section of 14 CFR Affected: 14 CFR § 137.53(c)(2).
Description of Relief Sought/ Disposition: To permit pilots employed by Dynamic to conduct aerial applications of insecticides or pheromones from aircraft not equipped with a load jettisoning system. *Grant/ July 1, 2002, Exemption No. 7827*

Docket No.: FAA–2002–12474.
Petitioner: Michael T. Kane.
Section of 14 CFR Affected: 14 CFR § 61.153(a).
Description of Relief Sought/ Disposition: To permit Michael T. Kane to obtain an airline transport pilot (ATP) certificate before reaching 23 years of age. *Denial/July 1, 2002, Exemption No. 7828*

Docket No.: FAA–200–12171.
Petitioner: Universal Airlines, Inc.
Section of 14 CFR Affected: 14 CFR § 91.9(a).
Description of Relief Sought/ Disposition: To permit Universal Airlines Inc to operate its DC–6A and DC–6B aircraft, registration Nos. N170UA(45518), N500UA (44597), and N600UA (44894), at a 5 percent increased zero fuel and landing weight for the purpose or operating all cargo aircraft under the terms of part 125. *Grant/July 1, 2002, Exemption No. 7829*

Docket No.: FAA–2002–12133.
Petitioner: SkyWest Airlines, Inc.
Section of 14 CFR Affected: 14 CFR § 121.463(c)
Description of Relief Sought/ Disposition: To permit SkyWest to substitute the Canadair Regional Jet Bombardier CRJ CL–65 airplane (CL–65) in place of the Embraer EMB–120 Brasilia airplane (EMB–120) for the purpose of allowing certain dispatchers to accomplish the operating familiarization during the completion of recurrent training. *Grant/July 11, 2002, Exemption No. 7780A*

Docket No.: FAA–2002–12485.
Petitioner: Joseph Castasus.
Section of 14 CFR Affected: 14 CFR §§ 121.311(b) and 135.128(a).
Description of Relief Sought/ Disposition: To permit Joseph to travel in either an Ortho Kinetics Travel Chair Model 6332 or a Meru Travel Chair rather than in an individual seat with a seatbelt about him while traveling on an air carrier certificated under part 119 for part 121 or 135 service. *Grant/July 2, 2002, Exemption No. 7831*

Docket No.: FAA–2002–11986.
Petitioner: Experimental Aircraft Association, Inc.
Section of 14 CFR Affected: 14 CFR §§ 61.101(a)(2) and 61.113(a).
Description of Relief Sought/ Disposition: To permit volunteer pilots who hold private or recreational pilot certificates to conduct EAA Young Eagles flights for compensation to include meals for the participants, aircraft operating expenses, aircraft and airport security costs, and logging of flight time as pilot in command (PIC). *Partial Grant/July 2, 2002, Exemption No. 7830*

Docket No.: FAA–2002–12721.
Petitioner: Ashland County Airport.
Section of 14 CFR Affected: 14 CFR §§ 135.251, 135.255, and 135.353, and appendices I and J to part 121.
Description of Relief Sought/ Disposition: To permit Ashland and Johnston to conduct local sightseeing flights at Ashland County Airport, Ashland, Ohio, for their annual Open House and Fall Foilage flights on July 14, 2002, and October 12, 2002, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135. *Grant/July 12, 2002, Exemption No. 7832*

Docket No.: FAA–2001–9237.
Petitioner: Petroleum Helicopters, Inc., & Air Logistics, LLC
Section of 14 CFR Affected: 14 CFR § 135.293(b).
Description of Relief Sought/ Disposition: To permit Petroleum Helicopters Inc and Air Logistics to consider the Bell Model 212, 412, and 412EP helicopters as a single type helicopter for pilot testing, training, and checking. *Denial/July 12, 2002, Exemption No. 7834*

Docket No.: FAA–2001–9925.
Petitioner: James I. Hamilton, Jr. and Arctic Air Alaska, Inc.
Section of 14 CFR Affected: 14 CFR § 135.203(a)(1).
Description of Relief Sought/ Disposition: To permit James I. Hamilton Jr., and Arctic Air Alaska to conduct operations less than 500 feet above the ground. *Denial/June 13, 2002, Exemption No. 7809*

[FR Doc. 02–19851 Filed 8–16–02; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2002–13137]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel ALLANTE.

SUMMARY: As authorized by Public Law 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Public Law 105–383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before September 18, 2002.

ADDRESSES: Comments should refer to docket number MARAD–2002–13137. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/*. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov*.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Public Law 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR Part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: ALLANTE. Owner: Nield and Linda Montgomery.

(2) Size, capacity and tonnage of vessel. According to the applicant: ''LOA 76′6″, Beam 18′3″, Gross tons 87, Net registered tons 65, Four staterooms each with two berths plus berths for two crew. Sleeping capacity for 8.''

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: ''For charters from 1 day to 1 month in length. Base of operation to be San Diego, CA. Area of charter to be from Cabo San Lucas, MX to Vancouver, B.C. with possible excursions to Southern Alaska.''

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1998. Place of

construction: Rayburn Custom Yachts, Vancouver, B.C.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: ''I have reviewed the following publications as well as all referenced Internet sites within these publications and found nothing shown as available for charter out of San Diego, CA. The Log, Sea Magazine, Power & Motoryacht, ShowBoats Intentional, BI Captain's Log, Dupont Registry A Buyers Guide to Fine Boats. I do not believe the chartering of my vessel will impact any other commercial charter service in my area.''

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: ''The vessel has been and continues to be serviced by Driscoll Marine and other marine service companies in the San Diego, CA area. Its charter use will only increase the need to marine services in this area.''

Dated: August 14, 2002.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–21004 Filed 8–16–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2002–13136]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel ANTARES.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before September 18, 2002.

ADDRESSES: Comments should refer to docket number MARAD–2002–13136. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement

(1) Name of vessel and owner for which waiver is requested. *Name of vessel:* ANTARES. *Owner:* Antares Investment Co.

(2) Size, capacity and tonnage of vessel. *According to the applicant:* ''The vessel is a ''Golden Star'' 42′ Aft Cabin, Sun Deck, Motor Yacht (#992742) with a 30,000 # displacement. She is authorized to carry no more than 12 passengers.''

(3) Intended use for vessel, including geographic region of intended operation and trade. *According to the applicant:* ''The ANTARES will be docked at and available for ''Back-Bay'' Day Cruises, on the Alabama and Florida Panhandle Gulf Coast, out of SanRoc Cay Marina, in Orange Beach, Alabama. Local, USCG Licensed Captains will pilot the vessel, for charter, a maximum of 72 days per year.''

(4) Date and Place of construction and (if applicable) rebuilding. *Date of construction:* 1989. *Place of construction:* Taiwan, ROC.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. *According to the applicant:* ''It is expected that this waiver will have no impact on other commercial passenger vessel operators; because it is believed that there are no other ''motor vessels,'' in the area, offering this type of charter service. Existing operators offer ''offshore'' fishing charters or ''scheduled'' back-bay dolphin and sightseeing cruises. * * * The ''enterprise'' will provide employment opportunities for local Captains, First Mates and ''Service'' companies.''

(6) A statement on the impact this waiver will have on U.S. shipyards. *According to the applicant:* ''It is also expected that this waiver will have no impact on U.S. shipyards.''

Dated: August 14, 2002.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–21003 Filed 8–16–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2002–13138]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel DISCOVERY.

SUMMARY: As authorized by Public Law 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request

for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Public Law 105–383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before September 18, 2002.

ADDRESSES: Comments should refer to docket number MARAD–2002–13138. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/*. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov*.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW, Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Public Law 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR Part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: DISCOVERY. Owner: John L. Patterson.

(2) Size, capacity and tonnage of vessel. According to the applicant: ''The vessel measurements are: length: 50.9′, breadth: 16′, depth: 11.2′. The tonnages are 60 gross and 48 net.''

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: This vessel will operate for short periods of time with captain, crew and 12 or less passengers on sportfishing trips, training cruises, burials at sea, and small pleasure cruises. The vessel will be used along the West Coast of the United States, including Alaska, and within the harbors along the West Coast of the United States, including Alaska.''

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1973. Place of construction: Hong Kong.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: ''The impact will be negligible as we will address the charter needs of smaller groups than most of the vessels in our area. Most of the commercial passenger vessels have capacities of 50 to 500 passengers.''

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: ''There is no negative impact on our U.S. shipyards and we anticipate that all of the repair work to this vessel will be done in U.S. shipyards. A majority of the components, including engines, generators, navigation equipment, propellers, running gear, etc. are all U.S. built.''

Dated: August 14, 2002

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–21005 Filed 8–16–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2002–13135]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel EAGLE 3.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before September 18, 2002.

ADDRESSES: Comments should refer to docket number MARAD–2002–13135. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested

parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement

(1) Name of vessel and owner for which waiver is requested. *Name of vessel:* EAGLE 3. *Owner:* Four Q, Inc.

(2) Size, capacity and tonnage of vessel. *According to the applicant:* ''Size: 52′.5 Gross Tonnage—40.''

(3) Intended use for vessel, including geographic region of intended operation and trade. *According to the applicant:* ''Geographic Region—Primarily New England & Caribbean.'' ''EAGLE 3 is used for chartering purposes.''

(4) Date and Place of construction and (if applicable) rebuilding. *Date of construction:* 1988. *Place of construction:* Tan Shui, Taipei: Republic of China.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. *According to the applicant:* ''Four Q should have no impact on other commercial passenger vessel operators. The operation of this vessel is by operators who have significant experience 20+ years or more by licensed USCG Captains.''

(6) A statement on the impact this waiver will have on U.S. shipyards. *According to the applicant:* ''This vessel should have no impact on U.S. Shipyards.''

Dated: August 14, 2002.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–21002 Filed 8–16–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2002–13140]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel HOT TAMALE II.

SUMMARY: As authorized by Public Law 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Public Law 105–383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before September 18, 2002.

ADDRESSES: Comments should refer to docket number MARAD–2002–13140. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/*. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov*.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Public Law 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: HOT TAMALE II. Owner: Eldridge Management Corporation.

(2) Size, capacity and tonnage of vessel. According to the applicant: ''50′6″ LOA * * *49 gross tons and 39 net tons.''

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: ''* * * sportfishing. The intended geographic area would be in the waters off the South and Southeast coasts of Florida and the Florida Keys, from Ft. Lauderdale and all the way around to Key West.''

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1981. Place of construction: Singapore.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: ''As far as having a negative impact on the commercial fishing operators in the same areas of operation, I think the day boats that carry large numbers of passengers for fishing are in an entirely different category and fish in an entirely different manner.''

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: ''I cannot foresee any negative impact on US Shipyards by the granting of this waiver * * * Perhaps if the general public were not under the impression that owning a charter vessel were strictly for retirees and the privileged few, than we might possibly see an increased demand for construction in smaller type charter vessels.''

Dated: August 14, 2002.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–21007 Filed 8–16–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2002–13142]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel TEXAS CREWED.

SUMMARY: As authorized by Public Law 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Public Law 105–383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before September 18, 2002.

ADDRESSES: Comments should refer to docket number MARAD–2002–13142. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/*. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov*.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Public Law 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: TEXAS CREWED. Owner: David Michael Wells.

(2) Size, capacity and tonnage of vessel. According to the applicant: ''Gross tonnage is 29 Tons, 26 Net Tons, 46 feet in length overall.''

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: ''Intentions are to charter for hire with not more than 12 passengers. Geographic region to include if authorized, all Florida coastal waters and U.S. Virgin Islands Coastal waters.''

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1978. Place of construction: Caching, Republic of Taiwan.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: ''I believe impact on other passenger vessels within this region to be negligible, as there appears to be more business in the environment than operators can handle. It is difficult to determine the number of existing operators within the applied for regions. Apparently there are not enough based on the regular occurrence of invitations I receive to sail for hire.''

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: ''U.S. Shipyards and boatyards will benefit from this venture in the area of TEXAS CREWED's normal haul out schedule of 1 year to 18 months for cleaning and anti fouling renewal. Increased wear and tear from charter operations will undoubtedly result in more extensive and frequent haul outs thus increasing revenue gains to local U.S. shipyard and repair facilities.''

Dated: August 14, 2002.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–21008 Filed 8–16–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2002–13139]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel VILLOMEE.

SUMMARY: As authorized by Public Law 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Public Law 105–383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before September 18, 2002.

ADDRESSES: Comments should refer to docket number MARAD–2002–13139. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/*. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov*.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Public Law 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build

requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR Part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement

(1) Name of vessel and owner for which waiver is requested. Name of vessel: VILLOMEE. Owner: Charles W. Collins.

(2) Size, capacity and tonnage of vessel. According to the applicant: ''LOA: 51′ Beam: 15′ 4″; Capacity: 12 persons; Gross Tonnage: 35.''

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: ''Recreational sailing charters and coastwise cruising along the east coast of the U.S.''

(4) Date and Place of construction and (if applicable) rebuilding. Date of construction: 1990. Place of construction: Taiwan.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: ''Minimal impact; While there is a large demand, there are few vessels of this vintage capable of coastal and bluewater cruising along the entire U.S. east coast.''

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: ''Positive impact: This vessel has already gone through two major refits at U.S. yards, and its intended use will require constant upgrading and maintenance, all of which will be performed at U.S. shipyards.''

Dated: August 14, 2002

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–21006 Filed 8–16–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA–2002–12908]

Reports, Forms and Recordkeeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

This document describes one collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before October 18, 2002.

ADDRESSES: Comments must refer to the docket notice numbers cited at the beginning of this notice and be submitted to Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. Please identify the proposed collection of information for which a comment is provided, by referencing its OMB Control Number. It is requested, but not required, that 2 copies of the comment be provided. The Docket Section is open on weekdays from 10 a.m. to 5 p.m.

FOR FURTHER INFORMATION CONTACT: Complete copies of each request for collection of information may be obtained at no charge from Johanna Lowrie, NHTSA, 400 Seventh Street, SW., Room 5311, NPS–10, Washington, DC 20590. Mrs. Lowrie's telephone number is (202) 366–5269. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) How to enhance the quality, utility, and clarity of the information to be collected;

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* in submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collections of information:

Title: Vehicle Information for the General Public.

OMB Control Number: 2127 New.

Affected Public: Manufacturers that sell motor vehicles in the United States under 10,000 lbs.

Abstract: NHTSA currently collects vehicle information through the Office of Vehicle Safety Compliance (OVSC). This information collection is mandatory and is specific to Compliance requirements of certain Federal Motor Vehicle Safety Standards (FMVSS). The information collected by OVSC has been useful to the New Car Assessment Program (NCAP) in selecting vehicles for it's crash testing programs, but more information is needed. At the same time, the public's interest in vehicle information continues to grow. The public is interested not only in crash test results and other vehicle ratings, but is also interested in information on the benefit and availability of safety features. NHTSA also needs safety feature information when it attempts to analyze petitions for rulemaking asking the agency to mandate certain safety features.

An example of the type of information we propose to collect includes: Specific advanced frontal air bags information that would include the number if air bag deployment stages; technologies air bag deployment is dependent upon; air bag on/off switch information; child restraint anchorages system information; seat belt information that would include

pretensioner, load limiters or other energy management systems for the seat belt, seat belt extenders and adjustable upper belt anchorages; dynamic head restraints; side air bag information that would include where the side air bag is mounted, what type of side bag is mounted and whether the side air bags meet the requirements of the recommendations of the Technical Working Group on Out of Position Occupants (TWG); Automatic Door Lock (ADL) information; crash avoidance information, anti-theft devices, and Static Stability Rating (SSF) information.

NHTSA will use this information on the NHTSA web site, in the ''Buying a Safer Car'' and ''Buying a Safer Car for Child Passengers'' brochures, other consumer publications, as well as internally for benefit analysis. NHTSA plans on making this burden easier by sending out electronic files with the original letter requesting information. In the future, NHSTA plans on developing a process for the manufacturers to submit the information on a secure website.

Estimated Annual Burden: 2–5 hours per vehicle model. Therefore, for a small manufacturer with only 6 vehicle models, the estimated burden would be 12–30 hours. For a large vehicle manufacturer with 100 vehicle models, the estimated burden would be 200–500 hours.

Number of Respondents: 45.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued on: August 14, 2002.

Roger A. Saul,

Acting Associate Administrator for Safety Performance Standards.

[FR Doc. 02–21028 Filed 8–16–02; 8:45 am]

BILLING CODE 4910–59–U

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0119]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before September 18, 2002.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8030, FAX (202) 273–5981 or e-mail: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0119.''

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0119'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: Report of Treatment in Hospital, VA FL 29–551.

OMB Control Number: 2900–0119.

Type of Review: Extension of a currently approved collection.

Abstract: This form letter is used to collect information from hospitals to determine the insured's eligibility for disability insurance benefits.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on June 6, 2002, at page 39100.

Affected Public: Individuals or households.

Estimated Annual Burden: 4,055.

Estimated Average Burden Per Respondent: 12 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 20,277.

Dated: July 31, 2002.

By direction of the Secretary.

Ernesto Castro,

Director, Records Management Service.

[FR Doc. 02–21009 Filed 8–16–02; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0556]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before September 18, 2002.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8030, FAX (202) 273–5981 or e-mail: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0556.''

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 at (202) 395–7316. Please refer to ''OMB Control No. 2900–0556'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: VA Advance Directive: Living Will and Durable Power of Attorney for Health Care, VA Form 10–0137.

OMB Control Number: 2900–0556.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 10–0137 is used to record a patient's specific instructions about health care decisions in the event the patient no longer has decision-making capacity. The information will

be used by health care professionals to make treatment decisions for the patient.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on June 3, 2002, at page 38319.

Affected Public: Individuals or households.

Estimated Annual Burden: 101,250 hours.

Estimated Average Burden Per Respondent: 25 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 243,000.

Dated: August 5, 2002.

By direction of the Secretary.

Ernesto Castro,

Director, Records Management Service.

[FR Doc. 02–21010 Filed 8–16–02; 8:45 am]

BILLING CODE 8320–01–P

Corrections

Federal Register

Vol. 67, No. 160

Monday, August 19, 2002

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

FEDERAL ELECTION COMMISSION

Sunshine Act Notices

Correction

The correction to notice document 02-20210 appearing at 67 FR 53396, Thursday, August 15, 2002 was incorrect. It is corrected to read as follows:

In notice document 02-20210 appearing on page 51583, in the issue of August 8, 2002, make the following correction:

In the issue of Thursday, August 8, 2002, on page 51583, in the first column, under the meeting of ''*Thursday, August 15, 2002 at 10 A.M.*'', under ''**STATUS**'', ''closed'' should read ''open''.

[FR Doc. C2–20210 Filed 8–16–02; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1310

[DEA–222A]

RIN 1117–AA64

Chemical Mixtures Containing gamma-Butyrolactone

Correction

In proposed rule document 02–17903 beginning on page 47493 in the issue of Friday, July 19, 2002, make the following corrections:

1. On page 47493, in the first column, under the **SUMMARY** section, in the sixteenth line, ''21 U.S.C. 804(40))'' should read ''21 U.S.C. 802(40))''.

2. On the same page, in the second column, in the last paragraph, in the the eighth line, the word ''be'' should read ''by''.

[FR Doc. C2–17903 Filed 8–16–02; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Monday,
August 19, 2002

Part II

Department of Agriculture

Animal Plant Health Inspection Service

7 CFR Parts 319 and 322

Bees and Related Articles; Notice of Public Hearings; Proposed Rule

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 319 and 322

[Docket No. 98–109–1]

RIN 0579–AB20

Bees and Related Articles

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule and notice of public hearings.

SUMMARY: We are proposing to amend the regulations for the importation of honeybees and honeybee semen and the regulations established to prevent the introduction of exotic bee diseases and parasites through the importation of bees other than honeybees, certain beekeeping byproducts, and used beekeeping equipment. Among other things, our proposal would allow honeybees from Australia and honeybees and honeybee germ plasm from New Zealand to be imported into the United States under certain conditions, impose certain conditions on the importation into the United States of bees and related articles from Canada, and prohibit the interstate movement of honeybees into Hawaii. It also would consolidate all of our regulations concerning bees. These changes would make these regulations more consistent with international standards, update them to reflect current research and terminology, and simplify them and make them more useful.

DATES: We will consider all comments that we receive on or before November 18, 2002. We will also consider comments made at public hearings to be held in Kailua-Kona, HI, on October 22, 2002; Fresno, CA, on October 24, 2002; and Beltsville, MD, on October 29, 2002.

ADDRESSES: You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 98–109–1, 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. 98–109–1. 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. 98–109–1'' 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.*

Public hearings regarding this rule will be held at the following locations:

1. Kailua-Kona, HI: Royal Kona Resort, 75–5852 Alii Drive, Kailua-Kona, HI.
2. Fresno, CA: Piccadilly Inn Airport, 5115 E. McKinley, Fresno, CA.
3. Beltsville, MD: United States Department of Agriculture, Beltsville Agricultural Research Center, 10300 Baltimore Avenue (Rte. 1), Circle Drive, Building 003—Basement Auditorium, Beltsville, MD.

FOR FURTHER INFORMATION CONTACT: Dr. Wayne F. Wehling, Entomologist, Permits and Risk Assessments, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236; (301) 734–8757.

SUPPLEMENTARY INFORMATION:

Public Hearings

We are advising the public that we are hosting three public hearings on this proposed rule. The first public hearing will be held in Kailua-Kona, HI, on Tuesday, October 22, 2002. The second public hearing will be held in Fresno, CA, on Thursday, October 24, 2002. The third public hearing will be held in Beltsville, MD, on Tuesday, October 29, 2002.

A representative of the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture (USDA), will preside at the public hearings. Any interested person may appear and be heard in person, by attorney, or by other representative. Written statements may be submitted and will be made part of the hearing record. A transcript of the public hearings will be placed in the rulemaking record and will be available for public inspection.

The purpose of the hearings is to give interested persons an opportunity for presentation of data, views, and arguments. Questions about the content of the proposed rule may be part of the commenters' oral presentations. However, neither the presiding officer nor any other representative of APHIS will respond to comments at the hearings, except to clarify or explain provisions of the proposed rule.

The public hearings will begin at 9 a.m. and are scheduled to end at 5 p.m., local time. The presiding officer may limit the time for each presentation so that all interested persons appearing at each hearing have an opportunity to participate. Each hearing may be terminated at any time if all persons desiring to speak have been heard.

Registration for the hearings may be accomplished by registering with the presiding officer between 8:30 a.m. and 9 a.m. on the day of the hearing. Persons who wish to speak at a hearing will be asked to sign in with their name and organization to establish a record for the hearing. We ask that anyone who reads a statement provide two copies to the presiding officer at the hearing. Those who wish to form a panel to present their views will be asked to provide the name of each member of the panel and the organizations the panel members represent.

Persons or panels wishing to speak at one or more of the public hearings may register in advance by phone or e-mail. Persons wishing to register by phone should call the Regulatory Analysis and Development voice mail at (301) 734–8138. Callers must leave a message clearly stating (1) the location of the hearing the registrant wishes to speak at, (2) the registrant's name and organization, and, if registering for a panel, (3) the name of each member of the panel and the organization each panel member represents. Persons wishing to register by e-mail must send an e-mail with the same information described above to *regulations@aphis.usda.gov.* Please write ''Public Hearing Registration'' in the subject line of your e-mail. Advance registration for any hearing must be received by 3 p.m. on Friday, October 18, 2002.

If you require special accommodations, such as a sign language interpreter, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

Background

Under the Honeybee Act (7 U.S.C. 281–286), the Secretary of Agriculture is authorized to prohibit or restrict the importation of honeybees and honeybee semen to prevent the introduction into the United States of diseases and parasites harmful to honeybees and of undesirable species such as the African honeybee. The Secretary has delegated

responsibility for administering the Honeybee Act to the Administrator of APHIS of the USDA. Regulations established under the Honeybee Act are contained in the Code of Federal Regulations (CFR), title 7, part 322 (referred to below as the ''honeybee regulations'').

The honeybee regulations allow the unrestricted importation into the United States of honeybees and honeybee semen from Canada but place stringent requirements on the importation of these products from other countries. Specifically, the honeybee regulations provide for the importation of honeybees from any country other than Canada only if they are imported by USDA for experimental or scientific purposes. Honeybee semen may be imported only:

- By USDA for experimental or scientific purposes; or
- By a person or group other than USDA only if the semen is imported from Australia, Bermuda, France, Great Britain, or Sweden and meets certain documentation, packaging, inspection, notification, and port of entry requirements.

In addition, the honeybee regulations allow honeybees and honeybee semen from New Zealand to transit the United States en route to another destination in accordance with certain documentation, packaging, handling, notification, and port of entry requirements.

Under the Plant Protection Act (7 U.S.C. 7701–7772), the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, exportation, or movement in interstate commerce of plant pests and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States. The Secretary has delegated responsibility for administering the Plant Protection Act to the Administrator of APHIS. Regulations authorized by the Plant Protection Act concerning the importation of certain bees, beekeeping byproducts, and used beekeeping equipment are contained in 7 CFR part 319, §§ 319.76 through 319.76–8 (referred to below as the ''pollinator regulations'').

The pollinator regulations govern the importation of live bees other than honeybees, dead bees of the superfamily *Apoidea,* certain beekeeping byproducts, and beekeeping equipment. These regulations help prevent the introduction of exotic bee diseases and parasites that, if introduced into the United States, could cause substantial reductions in pollination by bees. Reductions in pollination by bees could indirectly cause serious damage to crops and other plants.

The pollinator regulations allow bees other than honeybees; dead bees; used bee boards, hives, nests, and nesting material; used beekeeping equipment; beeswax; pollen for bee feed; and honey for bee feed to be imported into the United States from Canada without restriction but restrict the importation of these articles from other countries. Specifically, the pollinator regulations provide for the importation of these articles from any country other than Canada only if they are imported by USDA for experimental or scientific purposes or if they are imported under permit and meet certain documentation, inspection, treatment, packaging, notification, and port of entry requirements.

We propose to revise the honeybee regulations and the pollinator regulations. Among other things, we propose to allow honeybees from Australia and honeybees and honeybee germ plasm from New Zealand to be imported into the United States under certain conditions, to impose certain conditions on the importation into the United States of bees and related articles from Canada, and to prohibit the interstate movement of honeybees into Hawaii. We also propose to consolidate the honeybee regulations and the pollinator regulations. These changes would make these regulations more consistent with international standards, update them to reflect current research and terminology, and simplify them and make them more useful.

International Trade Agreements

Both the North American Free Trade Agreement (NAFTA) and the General Agreement on Tariffs and Trade (GATT) contain provisions establishing the rights and obligations of signatory countries concerning sanitary and phytosanitary (SPS) regulation. SPS measures are generally defined as governmental measures intended to protect human, animal, or plant life and health. The applicable provisions are, respectively: Articles 709–724 of the NAFTA; and the World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (referred to below as ''WTO Agreement'').

Although the two agreements differ in a few respects, both NAFTA and the WTO Agreement provide that member countries should ensure that any sanitary or phytosanitary measure is applied only to the extent necessary to protect human, animal, or plant life or health; is based on scientific principles; and is not maintained without sufficient scientific evidence. The WTO Agreement requires that any sanitary or phytosanitary measure taken by a member country be based on a risk assessment. Risk assessment involves an evaluation of the likelihood of entry, establishment, and spread of a pest or disease within the territory of an importing member country given the sanitary or phytosanitary measures which may be applied, and an evaluation of the associated potential biological and economic consequences. The WTO Agreement also requires member countries to recognize the concepts of low pest or disease prevalence and ensure that sanitary or phytosanitary measures are adapted to take into account the characteristics of regions from which products originate and to which products are destined. In addition, NAFTA and the WTO Agreement provide that member countries should base their sanitary and phytosanitary measures on international standards, guidelines, or recommendations, where they exist. The Office International des Epizooties, which is the international standard-setting body recognized by the WTO Agreement for animal health, developed the international standards, guidelines, and recommendations that apply to the importation and exportation of bees and bee germ plasm. The WTO Agreement further provides that countries may deviate from international standards, guidelines, and recommendations if a risk assessment demonstrates that additional measures are necessary to provide appropriate sanitary and phytosanitary protection against pest introduction.

Office International des Epizooties (OIE)

In chapter 2.9 of the International Animal Health Code (2001 edition), OIE recommends that importing countries require specific health certifications for importations of bees. OIE recommends that the health certifications address the condition of the bees in relation to the following five diseases: Acariosis of bees (tracheal mite), American foulbrood, European foulbrood, nosemosis of bees (Nosema disease), and Varroosis (Varroa mite).

All five of the bee diseases listed in OIE's International Animal Health Code are established on the Continental United States, although other important bee diseases and parasites of economic and environmental concern are not. Therefore, our proposal incorporates a health inspection, rather than a health certification, for bees imported into the Continental United States. This means that rather than proposing to require a

health certification that imported bees are free of the diseases listed in OIE's International Animal Health Code, we are proposing to require that the export certificate accompanying bees imported into the Continental United States identify any disease, parasite, or undesirable species or subspecies of honeybee found in the hive from which the shipment was derived during the mandatory preexport inspection. If one, or more, of the five diseases listed in OIE's International Animal Health Code is the only item, or items, identified on the export certificate as occurring in the hive from which the shipment was derived, we would not refuse the shipment's entry into the Continental United States. However, if another important bee disease or parasite of economic and environmental concern to the United States, including, but not limited to, Thai sacbrood virus, *Tropilaelaps clareae,* and *Euvarroa sinhai,* or if an undesirable species or subspecies of honeybee, including, but not limited to, the Cape honeybee (*Apis mellifera capensis*) and the Oriental honeybee (*Apis cerana*), is identified on the export certificate as occurring in the hive from which the shipment was derived, we would refuse the shipment's entry into the United States. This information would help us monitor and document the health status of bees intended for entry into the United States and would provide important information about the health status of imported bees to prospective buyers in the United States. Our proposed provisions for health inspection are discussed in more detail later in this document.

Because of Hawaii's unique pest status, honeybees imported into Hawaii would be required to have a health certification. The certification would have to state, among other things, that the honeybees were found free of Varroa mite, tracheal mite, and African honeybees during the mandatory preexport inspection. Other special requirements for honeybees imported into Hawaii are discussed later in this document.

In appendix 3.4.2 of the International Animal Health Code (2001 edition), OIE recommends, among other things, that member countries establish permanent sanitary surveillance of their apiaries and approve breeding apiaries for export trade. OIE recommends that the sanitary surveillance include periodic visits to apiaries to detect diseases, sampling of bees to diagnose contagious diseases, and other sanitary measures (like treatment of bees and disinfection of equipment) to ensure rapid eradication of any outbreak of a contagious disease. OIE standards for the approval of breeding apiaries for export trade include standards related to the disease status of apiaries, disease reporting by beekeepers, controls on the introduction of bees and beekeeping materials from another apiary, recommendations for special techniques to ensure protection against outside contamination, and periodic collection of samples for examination by an official laboratory.

Our proposal recognizes the value of permanent sanitary surveillance of apiaries and the standards related to approving apiaries for export trade by providing for:

- Evaluation during the risk assessment process of the surveillance system of a region that requests approval to export honeybees, honeybee germ plasm, or bees other than honeybees to the United States; and
- Health inspection, conducted by an official of the appropriate regulatory agency of the national government of the approved exporting region, to identify the disease status of the apiary.

Canada

This proposal would impose specific requirements, including documentation, health inspection, packaging, port of entry inspection, and certain other requirements, on the importation of honeybees, honeybee germ plasm, bees other than honeybees, and certain beekeeping byproducts into the United States from Canada. This proposal would also prohibit the importation of bee pollen for bee feed and restrict the importation of used beekeeping equipment into the United States from Canada. Currently, these commodities may be imported into the United States from Canada without documentation or any other conditions on their importation. The lack of documentation, as well as the lack of other means of monitoring and safeguarding these importations from Canada, increases the pest risk associated with the importation of these commodities from Canada. The most serious pest risk arises from the potential for shipments from foreign regions that are not allowed to import bees and related articles into the United States being transshipped through Canada to the United States. Therefore, we propose to impose specific requirements on the importation of honeybees, honeybee germ plasm, bees other than honeybees, and certain beekeeping byproducts into the United States from Canada to ensure that bees and related articles entering the United States from Canada are of Canadian origin, to discourage transshipment of bees from other foreign countries and regions through Canada to the United States, and to enable traceback of shipments should a bee disease or bee parasite outbreak occur in Canada or in the United States. Further, in accordance with NAFTA and the WTO Agreement, these changes would offer harmonization in the regulations governing the importation of bees and related articles into the United States from all foreign regions. The requirements related to Canada and other foreign regions are discussed in more detail later in this document.

Proposed Format and Title of Revised 7 CFR Part 322

Our proposal includes a new format for 7 CFR part 322. The proposed format combines, into this one part of the CFR, the honeybee regulations and the pollinator regulations. The proposed format divides part 322 into five subparts: A, B, C, D, and E. Subpart A would include definitions and general requirements for the interstate movement within and importation into the United States of bees, beekeeping byproducts, and used beekeeping equipment. Subpart B would cover importation of honeybees, honeybee germ plasm, and bees other than honeybees from approved regions. Subpart C would cover importation of restricted organisms (*i.e.,* honeybee brood in the comb and bees and honeybee germ plasm from regions that do not meet the criteria for importation under subpart B). Subpart D would cover shipments of restricted organisms transiting the United States en route to another destination. Subpart E would cover importation and transit of restricted articles (*i.e.,* dead bees of the superfamily *Apoidea;* beeswax for beekeeping, unless it has been liquefied; and honey for bee feed). We believe this format would make the regulations easier to read and more useful by consolidating all of the requirements related to the importation of bees, beekeeping byproducts, and used beekeeping equipment.

Based on this proposed consolidation of the honeybee and pollinator regulations, we also propose to change the title of part 322 from ''Honeybees and Honeybee Semen'' to ''Bees, Beekeeping Byproducts, and Beekeeping Equipment.'' The term ''bee'' would be defined to include bee germ plasm.

Proposed Subpart A—General Provisions

Subpart A would provide: (1) Definitions for the words we use in the part, and (2) general requirements for the interstate movement within and importation into the United States of bees, beekeeping byproducts, and used

beekeeping equipment. All bees, beekeeping byproducts, and used beekeeping equipment moved interstate within or imported into the United States would be subject to the applicable general requirements described in the proposed subpart A of the regulations.

Definitions (§ 322.1)

Proposed § 322.1 would define the words we use in the part. The definition for *United States* would remain the same as that currently in the honeybee regulations. The definitions for *bee, beekeeping byproduct,* and *beekeeping equipment* would be added to reflect the consolidation of the honeybee regulations and the pollinator regulations. For clarity and consistency with other regulations in title 7 of the CFR, the definition for *inspector* would be revised, the definition for *Deputy Administrator* would be replaced with a definition for *Administrator,* and the definition for *Plant Protection and Quarantine* would be replaced with a definition for *Animal and Plant Health Inspection Service.* We would also update the definitions for *honeybee* and *undesirable species or subspecies of honeybee.* Further, to explain beekeeping terms we use in the regulations, we would add definitions for *beekeeping establishment, brood, hive, germ plasm, package bees,* and *queen.* To explain the terms we use in accordance with international standards, we would add definitions for *destination State* and *Office International des Epizooties (OIE). See* § 322.1 of the rule portion of this document for the definitions.

General Provisions

The remainder of proposed subpart A—§§ 322.2 and 322.3—would provide the general requirements for the interstate movement and importation of bees, beekeeping byproducts, and used beekeeping equipment and would prohibit the interstate movement of honeybees into Hawaii. These are explained below.

General Requirements for Interstate Movement and Importation (§ 322.2)

Proposed § 322.2 would be divided into two paragraphs: Paragraph (a), interstate movement, and paragraph (b), importation.

Paragraph (a) of § 322.2 would establish a list of areas in the United States that are considered pest-free areas for Varroa mite, tracheal mite, and African honeybee and would prohibit the interstate movement of honeybees, including honeybee germ plasm, to those areas. Currently, Hawaii is the only area in the United States that we propose to list as a pest-free area. Hawaii has demonstrated freedom from Varroa mite, tracheal mite, and African honeybee based on 10 years of export inspection data. Although these pests have been established on the continental United States for nearly a decade, they have not been introduced into Hawaii. We believe this is largely due to Hawaiian State law prohibiting the movement of honeybees into that State, together with the unique biological barriers that prevent the natural spread of these pests from the continental United States to Hawaii. We believe that Federal regulations prohibiting the interstate movement of honeybees to areas considered free from Varroa mite, tracheal mite, and African honeybee would strengthen our ability to prevent the artificial spread of these pests into Hawaii. We would limit this prohibition to the interstate movement of honeybees because other bees do not carry Varroa mite or tracheal mite and, by definition, cannot be African honeybees.

Paragraph (b) of § 322.2 would explain that our regulations are designed to prevent the introduction of bee diseases and parasites, and undesirable species or subspecies of honeybees, into the United States through the importation of bees, beekeeping byproducts, or used beekeeping equipment. Paragraph (b)(1) would require compliance with the regulations for the importation of bees and beekeeping byproducts. This paragraph would also prohibit the importation of bee pollen for bee feed and the importation of used beekeeping equipment unless that equipment either will be used solely for indoor display purposes and will not come into contact with indigenous bees or consists of bee boards that contain a live brood of bees, other than honeybees, from regions listed in § 322.4(c).

In the current pollinator regulations, bee pollen for bee feed and used beekeeping equipment may be imported into the United States only if they have been treated with ethylene oxide. Ethylene oxide is no longer routinely used as a quarantine treatment because it is likely carcinogenic to humans. Because we do not have complete information supporting the adoption of an alternative treatment for bee pollen for bee feed or used beekeeping equipment, we would prohibit their importation into the United States, with two exceptions, to prevent the introduction of bee diseases and parasites on those commodities. The first exception we propose, to allow the importation of used beekeeping equipment if that equipment will be used solely for indoor display purposes and will not come into contact with indigenous bees, would enable museums to import historical beekeeping equipment for educational displays. The second exception we propose, to allow the importation of bee boards that contain a live brood of bees, other than honeybees, from regions listed in § 322.4(c), would facilitate the continued importation of certain species of bees from Canada for pollination of U.S. crops. New beekeeping equipment would continue to be eligible for importation if it complied with all applicable regulations (such as the regulations pertaining to unmanufactured wood in 7 CFR part 319 and the plant pest regulations in 7 CFR part 330).

In addition, paragraph (c) of § 322.2 would set forth the actions APHIS would take to prevent the introduction of diseases, parasites, or undesirable species or subspecies of honeybees into the United States as a result of the arrival in the United States of bees, beekeeping byproducts, or beekeeping equipment that are not in compliance with part 322. Any honeybees, honeybee germ plasm, bees other than honeybees, or used beekeeping equipment not in compliance with part 322 that are imported into the United States would be required to be either immediately exported from the United States by the importer or destroyed at the importer's expense.

Costs and Charges (§ 322.3)

Proposed § 322.3 would clarify and combine information on costs and charges from 7 CFR 322.7 and 319.76–7. We would furnish, without cost, the services of an inspector during normal business hours and at the usual places of duty. The importer would be responsible for all costs and charges arising from inspection outside of normal business hours or away from the usual places of duty. The importer would also be responsible for all costs and charges related to the export, destruction, or treatments required by part 322. Further, if the importer imports bees or germ plasm into a containment facility for research or processing, the importer would be responsible for all additional costs and charges associated with the importation.

Proposed Subpart B—Importation of Adult Honeybees, Honeybee Germ Plasm, and Bees Other Than Honeybees From Approved Regions

Subpart B would list approved regions from which honeybees, honeybee germ plasm, and bees other

than honeybees may be imported into the United States under subpart B; set forth the requirements for importation from those regions; and establish the process by which regions may be approved.

Approved Regions (§ 322.4)

Proposed § 322.4(a), (b), and (c) would list approved regions from which honeybees, honeybee germ plasm, and bees other than honeybees, respectively, may be imported into the United States under subpart B.

Proposed § 322.4(a) would list Australia, Canada, and New Zealand as approved regions for the importation of adult honeybees. Of these regions, only Canada may currently export honeybees to the United States.

Proposed § 322.4(b) would list Australia, Bermuda, Canada, France, Great Britain, New Zealand, and Sweden as approved regions for the importation of honeybee germ plasm. All of these countries except New Zealand may currently export honeybee germ plasm to the United States.

Proposed § 322.4(c) would list Canada as the only approved region for the importation of bees other than honeybees. This would not be a change to our regulations; Canada currently exports certain species of bees other than honeybees into the United States to pollinate crops. Imports from Australia and New Zealand

Our proposal to allow, under certain conditions, the importation of adult honeybees from Australia and adult honeybees and honeybee germ plasm from New Zealand is based on two pest risk assessments: ''Pest Risk Assessment: Importation of Adult Queens, Package Bees, and Germ Plasm of Honeybees (*Apis mellifera* L.) From Australia'' (referred to below as the Australian PRA) and ''Pest Risk Assessment: Importation of Adult Queens, Package Bees, and Germ Plasm of Honeybees (*Apis mellifera* L.) From New Zealand'' (referred to below as the New Zealand PRA). These pest risk assessments conclude that importations of adult honeybees from Australia and adult honeybees and honeybee germ plasm from New Zealand would present a negligible risk of introducing exotic bee diseases or pests or undesirable species or subspecies of honeybees into the United States.

As a courtesy to the domestic beekeeping industry and our trading partners, we made both pest risk assessments available to the public for comment prior to the publication of this proposed rule. On December 9, 1999, we published in the **Federal Register** (64 FR 68984, Docket No. 99–091–1) a notice of availability for the New Zealand PRA. On May 3, 2000, we published in the **Federal Register** (65 FR 25701, Docket No. 00–032–1) a notice of availability for the Australian PRA. We solicited public comment on each pest risk assessment for 60 days. During their respective 60-day comment periods, we received 23 comments on the New Zealand PRA and 6 comments on the Australian PRA. Most of these comments, however, raised issues that are not directly related to the pest risk assessments, such as the quality of honeybees and honeybee germ plasm that may be imported from Australia and New Zealand and possible trade issues and their related economic consequences for U.S. producers arising from those importations. We have responded to all comments received on a particular pest risk assessment, whether relevant to the pest risk assessment or not, in an addendum to that pest risk assessment.

We have also updated the New Zealand PRA because, since its publication, Varroa mite (*Varroa jacobsoni*) was detected on the North Island of New Zealand. In response to the detection of this bee parasite, the New Zealand Ministry of Agriculture and Fisheries (MAF) immediately restricted the movement of bees and bee products from the North Island of New Zealand. Then MAF conducted delimiting surveys to determine the extent of the infestation of Varroa mite in that country. The delimiting surveys show that the infestation is contained to a portion of the North Island of New Zealand and, at present, is extensive enough to prevent the eradication of Varroa mite from that area. Therefore, MAF, in consultation with New Zealand's beekeeping industry, developed a national management plan for Varroa mite. Under the management plan, the movement of bees and bee products within the North Island of New Zealand is monitored and subject to certain restrictions. In addition, the movement of bees and bee products from the North Island of New Zealand to the South Island of New Zealand, which is considered a pest free area for Varroa mite, is subject to permit and restrictions. The management plan also includes surveillance plans for the South Island of New Zealand to ensure early detection if Varroa mite is introduced to that area of the country. Detailed information on New Zealand's Varroa mite management plan is located on the Internet at *http://www.maf.govt.nz/varroa.*

Our updated New Zealand PRA includes a discussion of the recent detection of Varroa mite on the North Island of New Zealand and qualitatively assesses the effect of that parasite on importations from New Zealand. We are accepting comments on the updated New Zealand PRA concurrently with comments on this proposed rule. Please send your comments on the updated New Zealand PRA to the address listed under **ADDRESSES** near the beginning of this document.

Both pest risk assessments, with addenda, are available on the Internet at *http://www.aphis.usda.gov/ppq/pra/honeybees/,* by calling the Plant Protection and Quarantine fax vault and requesting either document 0512 (New Zealand PRA) or document 0029 (Australian PRA), or by contacting the individual listed under **FOR FURTHER INFORMATION CONTACT** near the beginning of this document.

General Requirements (§ 322.5)

Proposed § 322.5(a) would require honeybees, honeybee germ plasm, and bees other than honeybees imported from approved regions to be shipped directly from an approved region to the United States. This would ensure that honeybees, honeybee germ plasm, and bees other than honeybees imported from approved regions would not transit any nonapproved regions en route to the United States.

Proposed § 322.5(b) would provide that adult honeybees may only be imported under subpart B from approved regions listed in § 322.4(a) (*i.e.,* Australia, Canada, and New Zealand). It would also state that the honeybees must be package bees or adult queens with attending adult honeybees. Adult bees, and particularly package bees and adult queens with attending adult honeybees, which are generally produced by experienced beekeepers, are less susceptible to diseases and parasites than other honeybee life stages. Other honeybee life stages, as well as adult honeybees from nonapproved regions, would be allowed to be imported into the United States only under subpart C, ''Importation of Restricted Organisms.''

Proposed § 322.5(c) would provide that honeybee germ plasm may only be imported under subpart B from approved regions listed in § 322.4(b) (*i.e.,* Australia, Bermuda, Canada, France, Great Britain, New Zealand, and Sweden). Honeybee germ plasm from nonapproved regions would be allowed to be imported into the United States only under subpart C, ''Importation of Restricted Organisms.''

Proposed § 322.5(d) would provide that bees other than honeybees may only be imported under subpart B from approved regions listed in § 322.4(c)

(*i.e.,* Canada). It would also state that the bees must be live adults or live brood. Proposed § 322.5(d) would further provide that only bees of the following species may be imported under subpart B: Bumblebees of the species *Bombus impatiens;* bumblebees of the species *Bombus occidentalis;* alfalfa leafcutter bee (*Megachile rotundata*); blue orchard bee (*Osmia lignaria*); and horn-faced bee (*Osmia cornifrons*). These species generally are commercially produced by experienced beekeepers and are not commonly associated with bee disease or parasite outbreaks. Other species of bees other than honeybees, as well as listed species of bees other than honeybees from nonapproved regions, would be allowed to be imported into the United States only under subpart C, ''Importation of Restricted Organisms.''

Export Certificate (§ 322.6)

Proposed § 322.6 would require that bees and honeybee germ plasm imported under subpart B be accompanied by an export certificate. The export certificate would have to be issued by the appropriate regulatory agency of the national government of the exporting region.

For adult honeybees, the export certificate would have to certify that the hives from which the honeybees in the shipment were derived were individually inspected by an official of the regulatory agency no more than 10 days prior to export. In addition, the export certificate would have to identify all diseases, parasites, and species or subspecies of honeybees found in the hive during that preexport inspection. Inspection of the hive would ensure that any disease, parasite, or undesirable species or subspecies of honeybee that may be present would be detected prior to that shipment's departure from the region of origin. The proposed time limit of 10 days would ensure that even during peak periods of hive activity, when diseases and parasites can move very rapidly through a hive, the preexport inspection would offer an accurate assessment of the hive's health status. The identification on the export certificate of all diseases, parasites, and species or subspecies of honeybees found in the hive during the preexport inspection would offer us, as well as persons purchasing these imported bees, important information on the status of the bees.

The export certificate would also have to certify that the bees in the shipment were produced in the exporting region and are the offspring of queens and drones or semen also produced in the exporting region. This requirement would help ensure that the bees would not be transshipped from a nonapproved region through an approved region to the United States. Honeybees from nonapproved regions would present an unacceptable risk of introducing exotic bee diseases or parasites or undesirable species or subspecies of honeybees into the United States.

If adult honeybees were intended for importation into Hawaii, the export certificate would also have to certify the following:

- The honeybees in the shipment were inspected by an official of the appropriate regulatory agency of the national government of the exporting region on the day of export and showed no sign of Varroa mite, tracheal mite, or African honeybee;
- The hives from which the honeybees in the shipment are derived were individually inspected by an official of the appropriate regulatory agency of the national government of the exporting region no more than 10 days prior to export and showed no sign of the presence of Varroa mite, tracheal mite, or African honeybee;
- The honeybees in the shipment are derived exclusively from an apiary situated in the center of a zone of 50 kilometers (31 miles) in radius, in which special diagnostic tests, as set forth by OIE, did not reveal any sign of the presence of Varroa mite for at least the past 2 years;
- The honeybees in the shipment are derived exclusively from an apiary situated in the center of a zone of 5 kilometers (3.1 miles) in radius, in which no case of tracheal mite has been reported for at least the past 8 months; and
- The honeybees in the shipment were raised in and are derived exclusively from an apiary that meets the standards of OIE for the application of sanitary measures, special breeding techniques, and sanitary surveillance related to Varroa mite and tracheal mite.

These inspections and other requirements would ensure that Varroa mite and tracheal mite are not introduced into Hawaii. The sizes of the zones described above are set by OIE standards.

Lastly, this paragraph would provide that if an important bee disease or parasite of economic and environmental concern to the United States, including, but not limited to, Thai sacbrood virus, *Tropilaelaps clareae,* and *Euvarroa sinhai,* or if an undesirable species or subspecies of honeybee, including, but not limited to, the Cape honeybee (*Apis mellifera capensis*) and the Oriental honeybee (*Apis cerana*), were identified on the export certificate as occurring in the hive from which the shipment was derived, we would refuse the shipment's entry into the United States. This would prevent the introduction of exotic bee diseases and parasites, and undesirable species and subspecies of honeybees, into the United States.

For honeybee germ plasm, the requirements would be similar to the requirements for adult honeybees imported into the continental United States. The export certificate would have to certify that the hives from which the germ plasm in each shipment was derived were individually inspected by an official of the appropriate regulatory agency of the national government of the exporting region no more than 10 days prior to export; would have to identify any diseases, parasites, and undesirable species or subspecies of honeybees found in the hive during that preexport inspection; and would have to certify that the bees in the hives from which the shipment was derived were produced in the exporting region and are the offspring of queens and drones or semen also produced in the exporting region. Lastly, we would provide that if an important bee disease or parasite of economic and environmental concern to the United States, including, but not limited to, Thai sacbrood virus, *Tropilaelaps clareae,* and *Euvarroa sinhai,* or if an undesirable species or subspecies of honeybee, including, but not limited to, the Cape honeybee (*Apis mellifera capensis*) and the Oriental honeybee (*Apis cerana*), were identified on the export certificate as occurring in the hive from which the shipment was derived, we would refuse the shipment's entry into the United States. Our reasons for these requirements are explained above.

For bees other than honeybees, the export certificate would have to certify that the bees in the shipment were produced in the exporting region and are the offspring of queens and drones or semen also produced in the exporting region. This requirement would help ensure that the bees would not be transshipped from a nonapproved region through an approved region to the United States. Although bees other than honeybees from approved regions present little risk of introducing exotic bee diseases or parasites or undesirable species or subspecies of honeybees into the United States, bees other than honeybees from nonapproved regions would present an unacceptable risk of such introductions.

Notice of Arrival (§ 322.7)

Proposed § 322.7 would require that importers notify APHIS at least 10

business days prior to the arrival in the United States of any shipment of bees or honeybee germ plasm to be imported into the United States under subpart B. This notice would have to include certain information about the importer, producer, and shipment. This information would allow us to notify the U.S. port of arrival and State authorities in the State of destination about the impending shipment and would facilitate traceback of shipments if an outbreak of a disease or parasite were to occur in the exporting region or in the United States.

Packaging of Shipments (§ 322.8)

Proposed § 322.8 would set forth requirements for packaging for honeybees and bees other than honeybees imported under subpart B. We would not require any special packaging for honeybee germ plasm imported under subpart B because honeybee germ plasm does not present a risk of injury to our inspectors at U.S. ports.

For adult honeybees, we would require that packaging prevent the escape of the bees, and we would restrict the materials that may be included in the shipment with the bees. These requirements would ensure that bees are adequately contained during shipping, therefore protecting our inspectors at U.S. ports, and would ensure that restricted articles are not packaged with bees arriving in the United States from approved regions.

For bees other than honeybees, the adult bees would have to be shipped in packages that:

- Are securely closed;
- Do not include any soil; and
- Include only packing materials that were grown or produced in the exporting region and that meet all other applicable requirements of title 7, chapter III (such as the regulations pertaining to unmanufactured wood in 7 CFR part 319 and the plant pest regulations in 7 CFR part 330).

These requirements would help ensure the safety of our inspectors and prevent the introduction of exotic diseases or parasites into the United States through packing materials.

In addition, we would allow live brood of bees, other than honeybees, imported under subpart B to enter the United States in new or used bee boards, as long as those bee boards meet all applicable requirements of the regulations.

Mailed Packages (§ 322.9)

Proposed § 322.9 would provide labeling and additional documentation requirements for bees and honeybee germ plasm that are imported from approved regions through the mail or through commercial express delivery. First, we would require that all sides of the outside of each package be clearly marked with the contents of the shipment and the name of the exporting region. Second, we would require that importers using commercial express delivery to import bees and honeybee germ plasm from approved regions would have to provide an accurate description of the shipment's contents for the shipment's delivery manifest entry. Third, we would require that, in addition to an export certificate, each package be accompanied at the time of arrival in the United States by an invoice or packing list accurately indicating the complete contents of the shipment. These requirements would help facilitate the importation of these products by providing our inspectors with ready access to essential information about the shipment.

Packages That Are Hand-Carried or in Personal Baggage Aboard Aircraft Arriving in the United States (§ 322.10)

Proposed § 322.10 would provide labeling and additional documentation requirements for bees and honeybee germ plasm that are hand-carried or carried in personal baggage from approved regions aboard aircraft. As with mailed packages, we would require that the outside of each package be clearly marked with the contents of the shipment and the name of the exporting region. In addition, we would require that the person carrying the package declare it at the port of entry in the United States by providing a copy of the required export certificate to an inspector at the port. These requirements would also help facilitate the importation of these products by providing our inspectors with ready access to essential information about the shipment. We recommend that individuals who intend to import bees and honeybee germ plasm from approved regions into the United States in this manner contact their airline of choice for any additional requirements the airline may have.

Packages That Are Hand-Carried or in a Personal or Commercial Vehicle Arriving at a Land Border Port in the United States (§ 322.11)

Proposed § 322.11 would provide additional documentation requirements for bees and honeybee germ plasm that are hand-carried or in a personal or commercial vehicle, such as an automobile or truck, from approved regions to a land border port in the United States. Specifically, we would require that the person carrying the bees or honeybee germ plasm or the driver of the vehicle present the export certificate required by § 322.6 and an invoice or packing slip accurately indicating the complete contents of the shipment to the inspector at the land border port in the United States. This requirement would also help facilitate the importation of these products by providing our inspectors with ready access to essential information about the shipment.

Inspection; Refusal of Entry (§ 322.12)

Proposed § 322.12 would set forth provisions for the port-of-entry inspection of bees and honeybee germ plasm imported under subpart B. APHIS inspectors would check to see that importers had provided timely notice of arrival for a shipment and that shipments have the proper packaging and documentation. This inspection would help ensure that shipments have been handled in accordance with the regulations.

Ports of Entry (§ 322.13)

Proposed § 322.13 would require that shipments arrive only at a U.S. port of entry staffed by an APHIS inspector. This would ensure that an APHIS inspector is present to determine whether shipments comply with the regulations.

Risk Assessment Procedures for Approving Countries (§ 322.14)

Proposed § 322.14 would set forth the risk assessment procedures we would follow when we receive a request to approve a region to import honeybees, honeybee germ plasm, or bees other than honeybees into the United States. This information will make our review process more transparent to our trading partners.

We would provide that, when we receive a request to import honeybees, honeybee germ plasm, or bees other than honeybees from a region that is not already approved for such imports, we would perform a risk assessment. The risk assessment would identify bee diseases and parasites of quarantine significance to the United States, as well as undesirable species and subspecies of honeybees, associated with the importation; assess the likelihood of the introduction of these diseases, parasites, and undesirable species and subspecies of honeybees into the United States, as well as the consequences of introduction; and consider the effectiveness of the regulatory system of the exporting region to control and prevent occurrences of diseases, parasites, and undesirable species and

subspecies of honeybees. For detailed information about what we would consider in our risk assessments, please refer to the rule portion of this document.

Proposed Subpart C—Importation of Restricted Organisms

Subpart C would provide the conditions for the importation of ''restricted organisms.'' The proposed requirements in subpart C would be similar, with certain exceptions, to our current regulations for importing honeybees and honeybee semen from all countries except Canada.

General Requirements (§ 322.15)

As provided in proposed § 322.15, restricted organisms would be honeybee brood in the comb, all bees and bee germ plasm from nonapproved regions, and species of bees other than honeybees that are not listed in § 322.5(d)(2). This section would also provide that restricted organisms would be allowed to be imported only for research or experimental purposes by Federal, State, and university researchers, only under permit, and only in accordance with strict packaging, handling, inspection, and post-entry requirements.

Documentation; Applying for a Permit To Import a Restricted Organism (§ 322.16)

Proposed § 322.16 would require a restricted organism to be accompanied by a permit and an invoice or packing list accurately indicating the complete contents of the shipment. Under proposed § 322.16(a), to apply for a permit to import a restricted organism, an applicant would need to provide specific information about himself or herself, the organisms he or she would like to import, the method of shipment, the intended U.S. port of entry, the approximate date of the shipment's arrival, the containment facility where the shipment is destined (including whether that facility has been approved by APHIS), and the intended use of the restricted organisms. The application for a permit would also need a certification that all statements on the application are true and accurate, and the applicant would be required to sign the permit application. The information on the permit application would help us determine whether the importation presents a risk of introducing diseases or parasites harmful to bees, or undesirable species and subspecies of honeybees, into the United States. This information also would preclude the need for a notice of arrival, as we propose to require for the importation of bees and bee germ plasm from approved regions.

In addition, if the applicant is not a U.S. resident, he or she would need a sponsor who is a U.S. resident for the permit application. The sponsor would have to provide specific information about himself or herself on the application and would also have to sign the application, certifying that all statements on the application are true and accurate. We propose this requirement to identify the individual in the United States who will be legally responsible for adhering to the conditions provided on the permit, and in subpart C, for the importation of the specified restricted organisms.

Proposed § 322.16(b) would contain the requirement that a restricted organism be accompanied by an invoice or packing list accurately indicating the complete contents of the shipment. The invoice would give essential information to the inspector at the U.S. port of entry.

APHIS Review of Permit Applications; Denial or Cancellation of Permits (§ 322.17)

Proposed § 322.17 would offer information about the review of permit applications, explain why a permit application may be denied or a permit canceled, and provide the procedures for appealing the denial of a permit application or the cancellation of a permit. Under paragraph (a) of this section, the review of each permit application would include, at a minimum, review by APHIS and review by the destination State. We propose that the destination State may make a recommendation about the permit application, but the final decision on the permit application would be made by APHIS. Under § 322.17(b), once a decision is reached, we would notify the applicant of the approval or denial of the permit application. Paragraph (c) of this section would provide the reasons why we would deny an application. Paragraph (d) would provide the reasons why we would cancel a permit and provide the steps that the owner of restricted organisms would have to take if we cancel the owner's permit. Finally, paragraph (e) of this section would set forth the procedures to appeal the denial of a permit application or the cancellation of a permit. Overall, § 322.17 would help make our permit application process, including our criteria for permit application review, more transparent to permit applicants and permit holders.

Packaging of Shipments (§ 322.18)

The packaging requirements for restricted organisms would be contained in proposed § 322.18. These requirements would differ from the packaging requirements for bees and honeybee germ plasm from approved regions because, under our proposal, a restricted organism may be from a nonapproved region and may be any life stage of any number of species of bee. These organisms could present a health risk to indigenous bee populations if they escape. Therefore, to protect domestic bees, we propose to require that restricted organisms be packed in a container or combination of containers that will prevent the escape of the organisms and the leakage of any contained materials and that the container be sufficiently strong and durable enough to prevent it from rupturing or breaking during shipment.

In addition, because some life stages of certain bees are routinely shipped in materials that are subject to other regulations, such as plant material or soil, proposed § 322.18 would list those materials approved for packaging of restricted organisms. The list would consist of the following: Absorbent cotton or processed cotton padding free of cottonseed; cages made of processed wood; cellulose materials; excelsior; felt; ground peat (peat moss); paper or paper products; phenolic resin foam; sawdust; sponge rubber; thread waste, twine, or cord; and vermiculite. We would require advance approval of any packaging materials that do not appear on this list.

Mailed Packages (§ 322.19)

Proposed § 322.19 would provide labeling and additional documentation requirements for restricted organisms that are imported through the mail or through commercial express delivery. Specifically, § 322.19 would require shipments to bear a special label provided with the permit to import a restricted organism and would require each package containing a restricted organism to be addressed only for delivery to the containment facility or apiary identified on the permit. We propose that, if these requirements are not met, an inspector will refuse to allow the restricted organism to enter the United States. These requirements would help ensure that a restricted organism is properly routed to an approved facility for containment, would assist our inspectors by requiring easy access to essential information about the shipment, and would help ensure that the requirements of the regulations are met.

Restricted Organisms That Are Hand-Carried or in Personal Baggage Aboard Aircraft Arriving in the United States (§ 322.20)

Proposed § 322.20 would provide labeling and additional documentation requirements for restricted organisms that are hand-carried or carried in personal baggage aboard aircraft. First, we would require that the outside of each package be clearly marked with the contents of the shipment and the name of the exporting region. Second, we would require that the person carrying the package declare it at the port of entry in the United States by providing a copy of the required permit and an invoice or packing list accurately indicating the complete contents of the shipment to an inspector at the U.S. port. Third, we would allow only the person to whom the permit was issued, or another person also listed on the permit, to hand-carry or carry in personal baggage a restricted article into the United States. Fourth, we propose that, if these requirements are not met, an inspector will refuse to allow the restricted organism to enter the United States. These requirements would help ensure that a restricted organism is properly routed to an approved facility for containment, would assist our inspectors by requiring easy access to essential information about the shipment, and would help ensure that the requirements of the regulations are met. We recommend that individuals who intend to import restricted organisms into the United States in this manner contact their airline of choice for any additional requirements the airline may have.

Restricted Organisms That Are Hand-Carried or in a Personal or Commercial Vehicle Arriving at a Land Border Port in the United States (§ 322.21)

Proposed § 322.21 would provide additional documentation requirements for restricted organisms that are hand-carried or in a personal or commercial vehicle, such as an automobile or truck, to a land border port in the United States. Specifically, we would require that the person carrying the restricted organisms or the driver of the vehicle present a copy of the required permit and an invoice or packing slip accurately indicating the complete contents of the shipment to the inspector at the land border port in the United States. We would allow only the person to whom the permit was issued, or another person also listed on the permit, to hand-carry or drive a restricted article into the United States. We also propose that, if these requirements are not met, an inspector will refuse to allow the restricted organism to enter the United States. These requirements would ensure that only those restricted organisms that meet the requirements of the regulations are imported into the United States, while helping facilitate the importation of restricted organisms by providing our inspectors with ready access to essential information about the shipment.

Inspection; Refusal of Entry (§ 322.22)

Proposed § 322.22 would provide for the inspection of restricted organisms at the port of entry. This provision would help ensure that shipments have been handled in accordance with the regulations.

Ports of Entry (§ 322.23)

Proposed § 322.23 would require that shipments arrive only at a U.S. port of entry staffed by an APHIS inspector. This would ensure that an APHIS inspector is present to determine whether shipments comply with the regulations.

We also propose that, as soon as a restricted organism is cleared for entry into the United States at the port, the restricted organism must be taken directly to the containment facility or apiary identified on the permit. We would require that packages of restricted organisms may be opened only in the containment facility or apiary identified on the permit. These requirements would prevent contact between restricted organisms and indigenous bees and would, therefore, reduce the potential for the introduction of exotic bee diseases and parasites, and undesirable species and subspecies of honeybees, into the U.S. bee population.

Post-Entry Handling (§ 322.24)

Proposed § 322.24 would provide performance standards that an apiary or facility must meet in order to be approved by APHIS to accept restricted organisms. These requirements would ensure that restricted organisms are adequately separated from indigenous bees and that restricted organisms are observed and determined to be free of diseases and parasites, and, if applicable, determined to be a desirable species or subspecies of honeybee, before release from containment. For the specific performance standards, refer to the rule portion of this document. This section would also provide the conditions under which restricted organisms may be released from containment. The conditions include rearing the restricted organisms through at least 4 months of active reproduction before applying for their release. The application for release would have to include complete information on the observation and inspection of the bees, including, but not limited to, their health and behavior. This would ensure that only bees that do not present a risk of introducing diseases or parasites, and that are not an undesirable species or subspecies of honeybee, would be released from containment.

Proposed Subpart D—Transit of Restricted Organisms Through the United States

Subpart D would provide requirements for transiting restricted organisms through the United States. The proposed provisions in this subpart are based on the current transit requirements for honeybees from New Zealand (*see* current § 322.1(e)).

General Requirements (§ 322.25)

Paragraph (a) of proposed § 322.25 would prohibit the transit of restricted organisms through the United States except in accordance with the proposed subpart. Paragraph (b) of this section would provide that transit shipments may only be shipped aboard aircraft to the United States for transit to another country. Paragraph (c) would limit the number of times a transit shipment may be transloaded from one aircraft to another aircraft. Under paragraph (c), a shipment of restricted organisms may only be transloaded at an airport on the continental United States and, regardless of the number of stops the shipment makes at different airports on the continental United States, the shipment may only be transloaded once during its entire transit through the United States. We would prohibit the transloading of restricted organisms at any port in Hawaii; in Hawaii, the restricted organisms would have to remain on, and depart for another destination from, the same aircraft on which the shipment arrived at the Hawaiian port. Paragraph (d) of this section would provide that if bees from approved regions may not enter Hawaii because of the presence of Varroa mite, tracheal mite, or African honeybee, those bees may transit Hawaii en route to another State or territory of the United States only if the shipment of bees meets the requirements of proposed subpart D, as well as other applicable requirements in the part. These requirements would help facilitate the monitoring and the movement of transit shipments of restricted articles, while protecting against the introduction of exotic bee diseases and parasites, and undesirable species and subspecies of honeybees, into the United States.

Documentation (§ 322.26)

Under proposed § 322.26, each shipment of restricted organisms transiting the United States must be accompanied by a document issued by the appropriate regulatory agency of the national government of the exporting region. The document must state that the packaging requirements of this subpart have been met. This provision would help ensure that the requirements of the regulations have been met.

Packaging of Transit Shipments (§ 322.27)

Proposed § 322.27 would list the packaging requirements for transit shipments of restricted organisms. These requirements are similar to the proposed packaging requirements for restricted organisms for importation into the United States. However, we do not propose to place restrictions on the materials that can be used for packaging restricted organisms transiting the United States because those shipments will not be unpacked in the United States. These requirements would protect our inspectors and indigenous bee populations and would provide essential information to inspectors at the transit port.

Notice of Arrival (§ 322.28)

We would also require a notice of arrival for transit shipments of restricted organisms. In proposed § 322.28, we would require importers to notify APHIS at least 2 business days prior to the arrival in the United States of any transit shipments of restricted organisms. This notice would have to include certain information about the shipper, receiver, airline, shipment, and port(s) of arrival in the United States. This information would allow us to notify the U.S. port(s) where the transit shipment is due to arrive en route to another country.

Inspection and Handling (§ 322.29)

Proposed § 322.29 would provide requirements for inspection and handling of transit shipments. Paragraph (a) of this section would provide that transit shipments would be subject to inspection at the U.S. port and could be destroyed by us if the shipment does not meet the requirements of the regulations. Paragraph (b) would set forth the conditions for transloading transit shipments of restricted organisms from one aircraft to another in the United States. This paragraph would require that the transloading of adult bees and bee germ plasm from one aircraft to another aircraft at the port of arrival in the United States occur under the supervision of an inspector. It would also require that if the adult bees cannot be transloaded immediately to the subsequent flight, the bees must be stored within a completely enclosed building. Lastly, it would prohibit the transloading of adult bees from an aircraft to ground transportation for subsequent movement through the United States. These conditions are designed to ensure the safety of our inspectors and to ensure that restricted organisms transiting the United States do not come into contact with indigenous bees.

Eligible Ports for Transit Shipments (§ 322.30)

Lastly, proposed § 322.30 would require that transit shipments arrive in the United States only at a U.S. port of entry staffed by an APHIS inspector. This would ensure that an APHIS inspector is present to determine whether shipments comply with the regulations and would be consistent with the requirements for the importation of bees in other subparts of the proposed regulations.

Proposed Subpart E—Importation and Transit of Restricted Articles

Subpart E would provide the conditions for the importation and transit of ''restricted articles.''

General Requirements; Restricted Articles (§ 322.31)

Section 322.31 would list the following as restricted articles: Dead bees, beeswax for beekeeping, and honey for bee feed.[1]

Dead Bees (§ 322.32)

Under § 322.32, dead bees could be imported into the United States without further restriction if they are immersed in a 70 percent alcohol solution or in liquid nitrogen, or if they are pinned and dried in the manner of scientific specimens. This requirement would ensure that exotic bee diseases and parasites are not introduced through the importation of dead bees.

Export Certificate (§ 322.33)

For beeswax for beekeeping and honey for bee feed, we would require an export certificate, in accordance with proposed § 322.33. The export certificate would have to be issued by the appropriate regulatory agency of the national government of the exporting region and would have to state that the restricted articles have been treated in accordance with the regulations. We would require beeswax to be liquefied and honey for bee feed to be heated to 212 °F (100 °C) for 30 minutes. These treatments for beeswax and honey are the same as those currently required by § 319.76–4(c)(2) and (3), respectively, of the pollinator regulations and help prevent the introduction of diseases through the importation of these articles. The export certificate would help ensure that the treatments have been performed in accordance with the regulations.

Because restricted articles must be treated prior to importation into the United States, we are not proposing any specific packaging requirements for restricted articles. We recommend, however, that individuals who intend to import restricted articles into the United States contact their shipper of choice for any requirements the shipper may impose on the packaging of restricted articles.

Notice of Arrival (§ 322.34)

Proposed § 322.34 would require that importers notify APHIS at least 10 business days prior to the arrival in the United States of any shipment of restricted articles. This notice would have to include certain information about the importer, producer, recipient of the articles, and shipment. This information would allow us to notify the U.S. port of arrival about the impending shipment and would facilitate traceback of shipments if an outbreak of a disease or parasite were to occur in the exporting region or in the United States.

Mailed Packages (§ 322.35)

Proposed § 322.35 would provide labeling and additional documentation requirements for restricted articles that are imported through the mail or through commercial express delivery. First, we would require that all sides of the outside of each package be clearly marked with the contents of the shipment and the name of the exporting region. Second, we would require that importers using commercial express delivery to import restricted articles would have to provide an accurate description of the shipment's contents for the shipment's delivery manifest entry. Third, we would require that, in addition to an export certificate, each package be accompanied at the time of arrival in the United States by an invoice or packing list accurately indicating the complete contents of the shipment. These requirements would facilitate the importation of restricted articles by providing our inspectors

[1] Honey for human consumption is regulated by the Food and Drug Administration under 21 CFR part 168.

with ready access to essential information about the shipment.

Restricted Articles That Are Hand-Carried or in Personal Baggage Aboard Aircraft Arriving in the United States (§ 322.36)

Proposed § 322.36 would provide labeling and additional documentation requirements for restricted articles that are hand-carried or carried in personal baggage aboard aircraft. As with mailed packages, we would require that the outside of each package be clearly marked with the contents of the shipment and the name of the exporting region. In addition, we would require that the person carrying the package declare it at the port of entry in the United States by providing a copy of the required export certificate to an inspector at the port. These requirements would also help facilitate the importation of these products by providing our inspectors with ready access to essential information about the shipment. We recommend that individuals who intend to import restricted articles into the United States in this manner contact their airline of choice for any additional requirements the airline may have.

Restricted Articles That Are Hand-Carried or in a Personal or Commercial Vehicle Arriving at a Land Border Port in the United States (§ 322.37)

Proposed § 322.37 would provide additional documentation requirements for restricted articles that are hand-carried or in a personal or commercial vehicle, such as an automobile or truck, to a land border port in the United States. Specifically, we would require that the person carrying the restricted article or the driver of the vehicle present the export certificate required by § 322.33, if applicable, and an invoice or packing slip accurately indicating the complete contents of the shipment to the inspector at the land border port in the United States. This requirement would also help facilitate the importation of restricted articles by providing our inspectors with ready access to essential information about the shipment.

Inspection; Refusal of Entry (§ 322.38)

Proposed § 322.38 would provide for the inspection of restricted articles. Inspectors would check to see that importers provided notice of arrival for the shipment and that shipments have proper documentation. These provisions would help ensure that shipments have been handled in accordance with the regulations.

Ports of Entry (§ 322.39)

Under § 322.39, we would also require that shipments arrive only at a U.S. port of entry staffed by an APHIS inspector. This would ensure that an APHIS inspector is present to determine whether shipments comply with the regulations.

Review of Existing Regulations

This proposed rule is part of the cyclical review of Part 322—Importation of Honeybees and Honeybee Semen to meet regulatory review requirements. Executive Order 12866 and Department Regulation 1512–1 require that agencies initiate reviews of currently effective rules to reduce regulatory burden and minimize effects on small entities.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget.

We do not have enough data for a comprehensive analysis of the economic effects of this proposed rule on small entities. Therefore, in accordance with 5 U.S.C. 603, we have performed an initial regulatory flexibility analysis for this proposed rule. This analysis, which is set out below, discusses the economic impact of this proposed rule on small entities. The discussion also serves as our cost-benefit analysis under Executive Order 12866.

We invite comments about this proposed rule as it relates to small entities. In particular, we are interested in determining the number and kinds of small entities that may incur benefits or costs from implementation of this proposed rule and the economic effects of those benefits or costs.

We are proposing to consolidate and amend the regulations for the importation of honeybees and honeybee semen and the regulations established to prevent the introduction of exotic bee diseases and parasites through the importation of bees other than honeybees, certain beekeeping byproducts, and used beekeeping equipment. Among other things, we are proposing to allow, under certain conditions, the importation into the United States of honeybees from Australia and honeybees and honeybee germ plasm from New Zealand. These proposed changes would make these regulations more consistent with international standards, update them to reflect current research and terminology, and simplify them and make them more useful.

Honey Production in the United States

The United States is the second largest honey producer in the world. In 2001, the United States had a registered stock of about 2.5 million honeybee colonies, as shown below in Table 1. These honeybee colonies were owned by beekeepers with five or more colonies and produced nearly 186 million pounds of honey valued at $127 million. Largely due to bee parasite problems (*i.e.,* varroa mite), the number of honey bee colonies in the United States has been in decline, having decreased from 3.4 million in 1994 to 2.5 million colonies in 2001.

TABLE 1.—HONEYBEE COLONIES, HONEY PRODUCTION, AND VALUE IN THE UNITED STATES, 1997–2001

Year	Honeybee colonies	Honeybee production (in pounds)	Value of production (in U.S. Dollars)
1997	2,631,000	196,536,000	$147,795,000
1998	2,633,000	220,316,000	147,254,000
1999	2,688,000	205,250,000	126,075,000
2000	2,620,000	220,339,000	132,742,000
2001	2,513,000	185,926,000	127,060,000

Source: Honey Report (February 28, 2002), National Agricultural Statistics Service (NASS), Agricultural Statistics Board, U.S. Department of Agriculture.

An estimated 125,000 to 150,000 beekeepers in the United States operate the 2.5 million honeybee colonies (NASS, Honey Report, 2002). Less than 2 percent of these beekeepers in the United States are full-time (commercial) operators (*i.e.,* with 300 or more bee colonies). More than 90 percent are hobbyists (*i.e.,* with fewer than 25 bee colonies). The remainder are part-time (*i.e.,* with 25 to 299 bee colonies).

According to the 1997 U.S. Census of Agriculture, there were 7,688 commercial apiaries registered in the United States in that year that sold honey and 910 commercial apiaries that offered their honeybees for pollination services (Table 2). Total annual sales of honey and other bee products amounted to $138.23 million that year. California, Florida, South Dakota, North Dakota, Minnesota, and Texas accounted for more than half of both U.S. bee colonies and honey production. Hawaii, with 38 registered commercial apiaries in 1997, was responsible for 0.5% of the U.S. domestic commercial sales. However, Hawaii is the only U.S. State that is able to export honeybees because of its disease-free status.

TABLE 2.—HONEYBEE COLONIES AND HONEY, INVENTORY AND SALES IN MAJOR STATES AND HAWAII IN 1997

State	Inventory of all U.S. registered apiaries [1]	Commercial sales of bee colonies and honey					
		(a) Colonies of bees		(b) Honey		Value of sales (a + b)	% of U.S. sales
		Apiaries	Number	Apiaries	Pounds		
California	1,021	68	79,239	733	28,305,056	$23,167,000	16.8
Florida	645	35	5,524	482	16,471,427	13,461,000	9.7
S. Dakota	219	16	8,305	132	14,225,757	11,351,000	8.2
N. Dakota	144	11	2,184	120	12,803,245	10,330,000	7.5
Texas	989	57	106,028	360	8,418,792	7,906,000	5.7
Minnesota	428	37	9,813	258	9,311,475	7,744,000	5.6
Sum of 6	3,446	224	211,093	2,085	89,535,752	73,959,000	53.5
Hawaii	75	4	16	34	949,769	735,000	0.5
United States	17,469	910	380,463	7,688	158,943,634	138,228,000	

Source: National Agricultural Statistics Service (NASS), 1997 U.S. Census of Agriculture, USDA.
[1] Both commercial and hobbyists' apiaries.

Bee Pollination in the United States

Honeybees, in addition to producing honey, play a vital role in the pollination of U.S. agricultural crops. In 1987, the annual value of agricultural production dependent upon pollination by honeybees in the United States was $9.6 billion; by 1999, that value had risen to $14.6 billion. More than 40 percent of fruit and nut production in the United States depends upon honeybee pollination ($4.76 billion out of $10.94 billion average annual value), as does more than 70 percent of vegetable and melon production ($2.98 billion out of $3.96 billion), and around 21 percent of field crop production ($6.82 billion out of $32.06 billion).[2]

Other bees besides honeybees also provide important pollination services. The alfalfa leafcutter bee (*Megachile rotundata*), for example, has become the principal alfalfa pollinator in several Western States. Other bee species that are commonly used for pollination purposes are bumblebees (*Bombus occidentalis* and *Bombus impatiens*), blue orchard bees (*Osmia lignaria*), and horn-faced bees (*Osmia cornifrons*). Bumblebees are pollinators of many plants, especially those growing at high elevations and in greenhouses. Blue orchard bees are an alternate pollinator species of orchard crops such as almonds. Apiculture pollination is especially vital to the fruit, nut, and vegetable production of California and Florida. As the demand for these products increases, so too does the corresponding demand for bee pollination services.

International Bee Trade

Reported data on U.S. imports of bees exist only for the alfalfa leafcutter bee, a species used only for crop pollination. The value of U.S. imports of alfalfa leafcutter bees from Canada increased from $6.5 million in 1996, to $11.4 million in 1999, and has since declined to $5 million in 2001 (Table 3). Alfalfa leafcutter bee larvae are generally imported into the United States exclusively from Canada; however, in 1996, small amounts of alfalfa leafcutter bee larvae were imported illegally from Colombia and Ghana.

[2] ''The Value of Honey Bees as Pollinators of U.S. Crops in 2000.'' *Bee Culture Magazine,* March 2000.

TABLE 3.—U.S. IMPORTS OF LIVE LEAFCUTTER BEE (NON-APIS) LARVAE, 1996–2001

Year	Exporting country	U.S. Customs value (in U.S. dollars)
1996	(1) Canada	$6,526,580
	(2) Ghana	2,100
	World	6,528,680
1997	(1) Canada	9,319,641
	World	9,319,641
1998	(1) Canada	10,382,341
	World	10,382,341
1999	(1) Canada	11,393,247
	World	11,393,247
2000	(1) Canada	7,169,000
	(2) United Kingdom	5,000
	World	1,174,000
2001	(1) Canada	5,033,000
	(2) Belgium	3,000
	World	5,036,000

Source: U.S. Department of Commerce and World Trade Atlas. Commodity code (0106005030), Leaf Cutter Bee Larvae, Live.

There are no data available on traded honeybees and honeybee queens, except for exports from New Zealand (Table 4) and imports into Canada (Tables 5a and 5b). These data provide an indication of the size of trade of honeybees amongst the biggest traders. Canada's largest trading partners are the United States for honeybee queens and New Zealand for honeybee workers.[3] International trade data on honeybees are not readily available, because only when a country requires an import or an export certificate does it report the corresponding data. For example, Canada requires import certificates for honeybees and thus reports only import data. The United States currently does not require import permits for most imports of bees and bee products. Under this proposal, an import permit would be required for restricted organisms (honey brood in the comb, all bees and bee germ plasm from nonapproved regions, and species of honeybees not listed in § 322.5(d)(2)). There is no cost for an import permit.

TABLE 4.—NEW ZEALAND'S EXPORTS OF HONEYBEE QUEENS AND HONEYBEE PACKAGES, 1996–2000

Year	Honeybee queens	Honeybee packages (1.5 kg)
1996	500	55,181
1997	1,300	45,865
1998	10,724	52,704
1999	10,965	15,908
2000	21,120	19,344

Source: Data have been provided by AgriQuality New Zealand and published annually in ''New Zealand Beekeeper'' magazine, August issues; Web site: *http//www.beekeeping.co.nz/nzbkpg/glance.htm.*

TABLE 5A.—CANADIAN IMPORTS OF LIVE HONEYBEE QUEENS FROM MAJOR SUPPLIERS, 1996–2001

(In Canadian dollars)

Countries	1996	1997	1998	1999	2000	2001
United States	$545,392 (52%)	$708,279 (71%)	$2,241,361 (81%)	$1,616,708 (82%)	$1,758,663 (82%)	$1,805,442 (82%)
New Zealand	$325,864 (31%)	$143,953 (14%)	$225,176 (8%)	$102,849 (5%)	$62,436 (3%)	$27,475 (1%)
Australia	$183,540 (17%)	$150,870 (15%)	$99,915 (4%)	$168,356 (9%)	$77,170 (4%)	$79,436 (4%)
People's Republic of China	.....	.....	$178,886 (7%)	$59,058 (3%)	$85,483 (4%)	$125,815 (6%)

[3] Hawaii is the only U.S. State that may export honeybees.

TABLE 5A.—CANADIAN IMPORTS OF LIVE HONEYBEE QUEENS FROM MAJOR SUPPLIERS, 1996–2001—Continued

(In Canadian dollars)

Countries	1996	1997	1998	1999	2000	2001
Italy	.....	.....	$7,417	$17,065	$7,835	$8,620
Argentina	.....	.....	0	0	$28,219	0
France	.....	.....	0	$187	$6,446	$13,014
Germany	.....	.....	$2,228	$12,104	$800	$3,390
United Kingdom	.....	.....	$1,384	$4,818	$1,033	$3,304
Taiwan	.....	.....	$3,353	$1,114	$2,254	0
Togo	.....	.....	$5,832	0	0	0
Denmark	.....	.....	$274	0	$67	$4,477
Brazil	.....	.....	0	0	0	$2,431
Norway	.....	.....	0	$419	$1,951	0
Netherlands	.....	.....	$413	0	$1,267	0
Malaysia	.....	.....	0	0	$404	0
Japan	.....	.....	0	$145	0	$153
India	.....	.....	0	$93	0	0
Total	$1,054,796	$1,003,102	$2,766,239	$1,982,916	$2,034,020	$2,073,557

Source: Agricultural Canada, Horticulture and Special Crops Division, Commodity HS Code 0106.000030.

TABLE 5B.—CANADIAN IMPORTS OF LIVE HONEYBEES, EXCEPT QUEENS, 1996–2001

[In Canadian dollars]

Countries	1996	1997	1998	1999	2000	2001
New Zealand	$1,240,178 (83%)	$1,931,210 (73%)	$1,659,455 (74%)	$778,019 (56%)	$295,089 (43%)	$304,074 (41%)
United States*	$161,077 (11%)	$346,642 (13%)	$368,430 (16%)	$195,102 (14%)	$166,364 (24%)	$179,974 (24%)
Australia	$93,551 (6%)	$375,476 (14%)	$176,165 (8%)	$423,729 (30%)	$229,089 (43%)	$262,365 (35%)
Netherlands	0	0	$45,490	0	0	0
Total	$1,494,806	$2,653,328	$2,249,540	$1,396,850	$691,398	$746,413

Source: Agricultural Canada, Horticulture and Special Crops Division, Commodity HS Code 0106.0000.
*The State of Hawaii only.

Potential Effects for U.S. Entities

In 1997, California honeybee producers sold $18.4 million worth of honeybee queens, package bees, and nucs (i.e., 3, 4, or 5 frames of bees with brood and a laying queen). Sales from the rest of the United States brought the U.S. total sales of honeybee queens, package bees, and nucs to about $30 million for 1997. Since then, there have been slight increases in prices for honeybee queens and package bees, reflecting increased demand. Domestically produced honeybee queens currently sell for an average of $10 to $12 per queen, but their price may range between $3 and $40, depending on the season. Queens possessing unique or exceptional characteristics are occasionally auctioned off for hundreds of dollars. Domestically produced package bees currently sell for between $30 and $42 for a 3-pound colony.

This rule places U.S. produced queens and package bees, for the first time, in direct competition in the domestic market with imports of these types of bees from Australia and New Zealand. Imported bees are expected to arrive between early spring (end of March/early April) and the end of May. Because of seasonal differences between the United States and Australia and New Zealand, the adoption of this rule is expected to have a small, if any, negative impact on continental U.S. apiarists whose bees are ready to pollinate crops just as Australian and New Zealand bee imports cease with the beginning of winter in the southern hemisphere.

Because of the expected shipping season for honey bees from Australia and New Zealand, the greatest potential impact of the proposed rule would likely be on bee producers in Hawaii

who produce honey bees year-round. Honey bees, particularly queen bees, from Australia and New Zealand would probably enter the U.S. market during early spring (i.e., the beginning of active reproduction in bee colonies and a critical time for queen introduction). Traditionally, only Hawaii, because of its tropical climate, has been able to provide queens to U.S. beekeepers during this time period. Therefore, imports of queens from Australia and New Zealand may affect the prices of all queens sold during early spring. However, we do not expect this proposed rule to have a significant economic effect on Hawaiian queen producers or other U.S. beekeepers for two reasons. First, data from imports into Canada of queens and package bees demonstrate that Hawaiian queens have a strong marketability; of the queens imported into Canada between 1997 and 2001, Hawaii supplied on average 80 percent, while Australia and New Zealand supplied on average only 7 percent and 6 percent, respectively (Table 5a). Second, there have been reports from U.S. beekeepers of an insufficient supply of queens that are needed to revitalize bee colonies in early spring. California fruit and nut producers, in particular, also experience shortages of pollinators as honey bees from the continental United States are still in winter hibernation and those from Hawaii are not enough to meet demand at that time of the year. Therefore, based on the high demand for pollination services and the uncertainty in the amount of imports to fulfill this demand, the price of Hawaiian early spring honey bees is not expected to fall significantly with the importation of honey bees. In general, expanded supplies of honey bees made possible through this action might reduce their price only slightly if demand is elastic, with greater price decreases possible if demand is inelastic. We request information on demand elasticity for bees for the purpose of estimating impacts on U.S. bee suppliers and purchasers.

While Hawaiian suppliers may witness some price decline, such losses to suppliers would not be expected to exceed gains to purchasers of bees, who in general would benefit by increased availability of honey bees, particularly queens, during early spring. However, we do not have information on the volume of queens or package bees that may be imported into the United States from Australia and New Zealand or on the potential demand for imports of queens and package bees from Australia and New Zealand. Therefore, we cannot quantitatively assess the effects those imports would have on U.S. producers of queen and package bees. We request information on such potential import volumes.

Foreign government inspectors visit their countries' apiaries twice a year and provide their honeybee producers with health certificates for exporting these bees. The price of the export certificate is included in the sale price of these honeybees. The fees that the Australian, New Zealand, and Canadian Governments charge their bee producers for the certificates are small, to help allow their honeybee export prices to be competitive with foreign prices. We request information on potential costs associated with issuing health certificates for bees.

Economic Effect on Small Entities

According to the North American industry classification used by the Small Business Administration, honeybee farms and honey production are included under the ''other animal production'' category 1129, as sub category 112910 ''apiculture.'' This industry comprises establishments primarily engaged in raising bees; collecting honey; and/or selling queen bees, packages of bees, royal jelly, bees' wax, propolis, venom, or other bee products. Such entities are considered small if they have annual receipts of $750,000 or less. Therefore, most of the apiaries that would be affected by this proposed rule qualify under this definition of a ''small entity.'' Specifically, only 20 to 50 apiaries out of 17,469 total apiaries in 1997 had more than $750,000 of annual sales. We do not expect that U.S. apiarists, or importers and distributors of bees and bee equipment, large or small, would be significantly affected by this rule.

As discussed above, the number of honeybee colonies in the United States has fallen from 3.4 million in 1994, to 2.5 million in 2001, due to Varroa mites, an exotic bee parasite. Meanwhile, the demand for honeybees and other pollinating bees continues to increase, especially during the early spring months when continental U.S. bees are not available to pollinate almonds and plums in California. Therefore, greater access to bee imports from more countries will benefit U.S. agriculture in general.

Alternatives Considered

An alternative to this proposed rule was to make no changes in the regulations. After consideration, we rejected this alternative because there appears to be no disease or parasite risk, or risk of introduction of undesirable species of honeybees, associated with imports of bees from the regions we propose to designate as approved regions. Further, the changes to the regulations proposed in this document would bring the regulations into accord with international standards for the trade of bees and with international trade agreements entered into by the United States.

This proposed rule contains various recordkeeping and reporting requirements. These requirements are described in this document under the heading ''Paperwork Reduction Act.''

Executive Order 12988

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

National Environmental Policy Act

APHIS' National Environmental Policy Act implementing procedures (7 CFR part 372) identify actions that normally require environmental assessments, including rulemakings designed to remedy specific animal and plant health risks. The pest risk assessments supporting this proposed rule indicate that no new animal or plant health risks would result from the adoption of the provisions outlined in this proposed rule. Further, the proposed regulations would not irrevocably commit the Agency to allow the movement or environmental release of any organisms or articles for which APHIS has jurisdiction under the Honeybee Act or Plant Protection Act. Consequently, we have determined that an environmental assessment is not necessary for this proposed rule. If APHIS were to consider a permit application to release a regulated organism into the environment under the provisions of this proposed rule, an environmental assessment or environmental impact statement may be prepared as part of APHIS' decisionmaking process.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Please send written comments to the Office of Information and

Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please state that your comments refer to Docket No. 98–109–1. Please send a copy of your comments to: (1) Docket No. 98–109–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238, and (2) Clearance Officer, OCIO, USDA, room 404–W, 14th Street and Independence Avenue SW., Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

The implementation of the proposal would require us to engage in certain information collection activities, which in turn would necessitate the use of forms and other information collection and recordkeeping documents. These forms and other documents would include export certificates, notices of arrival, applications for permits to import restricted organisms, transit documentation, labeling of shipments, risk assessments, and records kept by containment facilities. We are asking OMB to approve this information collection.

We are soliciting comments from the public (as well as affected agencies) concerning our proposed information collection and recordkeeping requirements. These comments will help us:

(1) Evaluate whether the proposed information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond (such as 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).

Estimate of burden: Public reporting burden for this collection of information is estimated to average 0.1742 hours per response.

Respondents: Importers of bees and related articles, foreign governments, and containment facilities.

Estimated annual number of respondents: 95.

Estimated annual number of responses per respondent: 17.03.

Estimated annual number of responses: 1,618.

Estimated total annual burden on respondents: 282 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

Copies of this information collection can be obtained from Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

List of Subjects

7 CFR Part 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Logs, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

7 CFR Part 322

Bees, Honey, Imports, Reporting and recordkeeping requirements.

Accordingly, we propose to amend 7 CFR chapter III as follows:

PART 319—FOREIGN QUARANTINE NOTICES

1. The authority citation for part 319 would continue to read as follows:

Authority: 7 U.S.C. 166, 450, 7711–7714, 7718, 7731, 7732, and 7751–7754; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

2. In part 319, ''Subpart Exotic Bee Diseases and Parasites,'' §§ 319.76 through 319.76–8, would be removed.

3. Part 322 would be revised to read as follows:

PART 322—BEES, BEEKEEPING BYPRODUCTS, AND BEEKEEPING EQUIPMENT

Subpart A—General Provisions

Sec.
322.1 Definitions.
322.2 General requirements for interstate movement and importation.
322.3 Costs and charges.

Subpart B—Importation of Adult Honeybees, Honeybee Germ Plasm, and Bees Other Than Honeybees From Approved Regions

322.4 Approved regions.
322.5 General requirements.
322.6 Export certificate.
322.7 Notice of arrival.
322.8 Packaging of shipments.
322.9 Mailed packages.
322.10 Packages that are hand-carried or in personal baggage aboard aircraft arriving in the United States.
322.11 Packages that are hand-carried or in a personal or commercial vehicle arriving at a land border port in the United States.
322.12 Inspection; refusal of entry.
322.13 Ports of entry.
322.14 Risk assessment procedures for approving countries.

Subpart C—Importation of Restricted Organisms

322.15 General requirements; restricted organisms.
322.16 Documentation; applying for a permit to import a restricted organism.
322.17 APHIS review of permit applications; denial or cancellation of permits.
322.18 Packaging of shipments.
322.19 Mailed packages.
322.20 Restricted organisms that are hand-carried or in personal baggage aboard aircraft arriving in the United States.
322.21 Restricted organisms that are hand-carried or in a personal or commercial vehicle arriving at a land border port in the United States.
322.22 Inspection; refusal of entry.
322.23 Ports of entry.
322.24 Post-entry handling.

Subpart D—Transit of Restricted Organisms Through the United States

322.25 General requirements.
322.26 Documentation.
322.27 Packaging of transit shipments.
322.28 Notice of arrival.
322.29 Inspection and handling.
322.30 Eligible ports for transit shipments.

Subpart E—Importation and Transit of Restricted Articles

322.31 General requirements; restricted articles.
322.32 Dead bees.
322.33 Export certificate.
322.34 Notice of arrival.
322.35 Mailed packages.
322.36 Restricted articles that are hand-carried or in personal baggage aboard aircraft arriving in the United States.
322.37 Restricted articles that are hand-carried or in a personal or commercial vehicle arriving at a land border port in the United States.
322.38 Inspection; refusal of entry.
322.39 Ports of entry.

Authority: 7 U.S.C. 281; 7 U.S.C. 7701–7772; 7 CFR 2.22, 2.80, and 371.3.

Subpart A—General Provisions

§ 322.1 Definitions.

Administrator. The Administrator, Animal and Plant Health Inspection Service, or an individual authorized to act for the Administrator.

Animal and Plant Health Inspection Service (APHIS). The Animal and Plant Health Inspection Service of the United States Department of Agriculture.

Bee. Any member of the superfamily *Apoidea* in any life stage, including germ plasm.

Beekeeping byproduct. Material for use in hives, including, but not limited to, beeswax for beekeeping, pollen for bee feed, or honey for bee feed.

Beekeeping equipment. Equipment used to house and manage bees,

including, but not limited to, bee boards, hive bodies, bee nests and nesting material, smokers, hive tools, gloves or other clothing, and shipping containers.

Beekeeping establishment. All of the facilities, including apiaries, honey houses, and other facilities, and land that comprise a proprietor's beekeeping business.

Brood. The larvae, pupae, or postovipositional ova (including embryos) of bees.

Destination State. The State, district, or territory of the United States that is the final destination of imported bees, beekeeping byproducts, or beekeeping equipment.

Hive. A box or other shelter containing a colony of bees.

Honeybee. Any live bee of the genus *Apis* in any life stage except germ plasm.

Germ plasm. The semen and preovipositional ova of bees.

Inspector. Any employee of the Animal and Plant Health Inspection Service, or other individual authorized by the Administrator to carry out the provisions of this part.

Office International des Epizooties (OIE). The organization in the Food and Agriculture Organization of the United Nations responsible for the International Animal Health Code, which includes a section regarding bee diseases in international trade.

Package bees. Queen honeybees with attendant adult honeybees placed in a shipping container, such as a tube or cage.

Queen. The actively reproducing adult female in a colony of bees.

Undesirable species or subspecies of honeybees. Honeybee species or subspecies including, but not limited to, *Apis mellifera scutellata,* commonly known as the African honeybee, and its hybrids; and *Apis mellifera capensis,* commonly known as the Cape honeybee.

United States. The States, District of Columbia, American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

§ 322.2 General requirements for interstate movement and importation.

(a) *Interstate movement.*

(1) The following regions of the United States are considered pest-free areas for Varroa mite, tracheal mite, and African honeybee: Hawaii.

(2) In order to prevent the introduction of Varroa mite, tracheal mite, and African honeybee into the pest-free areas listed in paragraph (a)(1) of this section, interstate movement of honeybees, including honeybee germ plasm, into those areas is prohibited.

(b) *Importation.* In order to prevent the introduction into the United States of bee diseases and parasites, and undesirable species and subspecies of honeybees:

(1) You may import bees, honeybee germ plasm, and beekeeping byproducts into the United States only in accordance with this part.

(2) You may not import pollen derived from bee colonies and intended for use as bee feed into the United States.

(3)(i) You may not import used beekeeping equipment into the United States, unless that used beekeeping equipment either:

(A) Will be used solely for indoor display purposes and will not come into contact with indigenous bees; or

(B) Consists of bee boards that contain live brood of bees, other than honeybees, from a region listed in § 322.4(c).

(ii) New, unused beekeeping equipment is eligible for importation into the United States if it complies with all applicable regulations in this chapter.

(c) *Movements not in compliance.*

(1) Any honeybees, honeybee germ plasm, bees other than honeybees, beekeeping byproducts, or used beekeeping equipment not in compliance with this part that are imported into the United States will be either:

(i) Immediately exported from the United States by you at your expense; or

(ii) Destroyed by us at your expense.

(2) Pending exportation or destruction, we will immediately apply any necessary safeguards to the bees, beekeeping byproducts, or used beekeeping equipment to prevent the introduction of bee diseases and parasites, and undesirable species and subspecies of honeybees, into the United States.

§ 322.3 Costs and charges.

We will furnish, without cost, the services of an inspector during normal business hours and at the inspector's places of duty. You will be responsible for all costs and charges arising from inspection outside of normal business hours or away from the inspector's places of duty.[1] You are also responsible for all costs and charges related to any exportation or destruction of shipments, in accordance with § 322.2(c)(1) of this part, and treatments required by § 322.32 of this part. Further, if you import bees or germ plasm into a containment facility for research or processing, you will be responsible for all additional costs and charges associated with the importation.

[1] Information on costs for services of an inspector are contained in 7 CFR part 354.

Subpart B—Importation of Adult Honeybees, Honeybee Germ Plasm, and Bees Other Than Honeybees From Approved Regions

§ 322.4 Approved regions.

(a) *Adult honeybees.* The following regions are approved for the importation of adult honeybees into the United States under the conditions of this subpart:

Australia
Canada
New Zealand

(b) *Honeybee germ plasm.* The following regions are approved for the importation of honeybee germ plasm into the United States under the conditions of this subpart:

Australia
Bermuda
Canada
France
Great Britain
New Zealand
Sweden

(c) *Bees other than honeybees.* The following regions are approved for the importation of bees other than honeybees into the United States under the conditions of this subpart:

Canada

(d) If the name of the region from which you want to import adult honeybees, honeybee germ plasm, or bees other than honeybees into the United States does not appear in paragraphs (a), (b), or (c), respectively, of this section, refer to subpart C of this part, ''Importation of Restricted Organisms,'' for requirements.

(e) For information on approving other regions for the importation of adult honeybees, honeybee germ plasm, or bees other than honeybees into the United States, *see* § 322.14 of this subpart.

§ 322.5 General requirements.

(a) All shipments of bees and honeybee germ plasm imported into the United States under this subpart must be shipped directly to the United States from an approved region.

(b) *Adult honeybees.*

(1) You may import adult honeybees under this subpart only from regions listed in § 322.4(a) of this subpart.

(2) The honeybees must be package bees or queens with attending adult bees.

(c) *Honeybee germ plasm.* You may import honeybee germ plasm under this

subpart only from regions listed in § 322.4(b) of this subpart.

(d) *Bees other than honeybees.*

(1) You may import live adult bees or live brood under this subpart only from regions listed in § 322.4(c) of this subpart.

(2) The live bees or brood must belong to one of the following species:

(i) Bumblebees of the species *Bombus impatiens;*

(ii) Bumblebees of the species *Bombus occidentalis;*

(iii) Alfalfa leafcutter bee (*Megachile rotundata*);

(iv) Blue orchard bee (*Osmia lignaria*); or

(v) Horn-faced bee (*Osmia cornifrons*).

(3) If you want to import species of bees other than those listed in paragraph (d)(2) of this section, refer to subpart C of this part, ''Importation of Restricted Organisms,'' for requirements.

§ 322.6 Export certificate.

Each shipment of bees and honeybee germ plasm arriving in the United States from an approved region must be accompanied by an export certificate issued by the appropriate regulatory agency of the national government of the exporting region.

(a) *Adult honeybees.*

(1) For adult honeybees, the export certificate must:

(i) Certify that the hives from which the honeybees in the shipment were derived were individually inspected by an official of the regulatory agency no more than 10 days prior to export;

(ii) Identify any diseases, parasites, or undesirable species or subspecies of honeybee found in the hive during that preexport inspection; and

(iii) Certify that the bees in the shipment were produced in the exporting region and are the offspring of queens and drones or semen also produced in the exporting region.

(2) In addition, for the importation of adult honeybees into Hawaii, the export certificate must also certify to the following:

(i) The honeybees in the shipment were inspected by an official of the appropriate regulatory agency of the national government of the exporting region and showed no sign of Varroa mite (*Varroa* spp.), tracheal mite (*Acarapis woodi*), or African honeybee (*Apis mellifera scutellata*) on the day of export;

(ii) The hives from which the honeybees in the shipment are derived were individually inspected by an official of the appropriate regulatory agency of the national government of the exporting region and showed no sign of the presence of Varroa mite, tracheal mite, or African honeybee;

(iii) The honeybees in the shipment are derived exclusively from an apiary situated in the center of a zone of 50 kilometers (31 miles) in radius, in which special diagnostic tests, as set forth by the Office International des Epizooties, did not reveal any sign of the presence of Varroa mite for at least the past 2 years;

(iv) The honeybees in the shipment are derived exclusively from an apiary situated in the center of a zone of 5 kilometers (3.1 miles) in radius, in which no case of tracheal mite has been reported for at least the past 8 months; and

(v) The honeybees in the shipment were raised in and are derived exclusively from an apiary that meets the standards of the Office International des Epizooties for the application of sanitary measures, special breeding techniques, and sanitary surveillance related to Varroa mite and tracheal mite.

(3) If the export certificate identifies an important bee disease or parasite of economic and environmental concern to the United States, including, but not limited to, Thai sacbrood virus, *Tropilaelaps clareae,* and *Euvarroa sinhai,* or an undesirable species or subspecies of honeybee, including, but not limited to, the Cape honeybee (*Apis mellifera capensis*) and the Oriental honeybee (*Apis cerana*), as occurring in the hive from which the shipment was derived, we will refuse the shipment's entry into the United States.

(b) *Honeybee germ plasm.*

(1) For honeybee germ plasm, the export certificate must:

(i) Certify that the hives from which the germ plasm in each shipment was derived were individually inspected by an official of the regulatory agency no more than 10 days prior to export;

(ii) Identify any diseases, parasites, or undesirable species or subspecies of honeybee found in the hive during that preexport inspection; and

(iii) Certify that the bees in the hives from which the shipment was derived were produced in the exporting region and are the offspring of queens and drones or semen also produced in the exporting region.

(2) If the export certificate identifies an important bee disease or parasite of economic and environmental concern to the United States, including, but not limited to, Thai sacbrood virus, *Tropilaelaps clareae,* and *Euvarroa sinhai,* or an undesirable species or subspecies of honeybee, including, but not limited to, the Cape honeybee (*Apis mellifera capensis*) and the Oriental honeybee (*Apis cerana*), as occurring in the hive from which the shipment was derived, we will refuse the shipment's entry into the United States.

(c) *Bees other than honeybees.* For bees other than honeybees, the export certificate must certify that the bees in the shipment were produced in the exporting region and are the offspring of queens and drones or semen also produced in the exporting region.

§ 322.7 Notice of arrival.

(a) At least 10 business days prior to the arrival in the United States of any shipment of bees or honeybee germ plasm imported into the United States under this subpart, you must notify APHIS of the impending arrival. Your notification must include the following information:

(1) Your name, address, and telephone number;

(2) The name and address of the receiving apiary;

(3) The name, address, and telephone number of the producer;

(4) The U.S. port where you expect the shipment to arrive;

(5) The date you expect the shipment to arrive at that U.S. port;

(6) The scientific name(s) of the organisms in the shipment;

(7) A description of the shipment (*i.e.,* package bees, queen bees, nest boxes, etc.); and

(8) The total number of organisms you expect to receive.

(b) You must provide the notification to APHIS through one of the following means:

(1) By mail to the Permit Unit, Scientific Services, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236; or

(2) By facsimile at (301) 734–8700; or

(3) By electronic mail to *Notification@usda.gov.*

§ 322.8 Packaging of shipments.

(a) *Adult honeybees.* All shipments of adult honeybees imported into the United States under this subpart:

(1) Must be packaged to prevent the escape of any bees;

(2) Must not include any brood, comb, pollen, or honey; and

(3) May include sugar water or crystallized sugar (*e.g.,* candy) as food during transit.

(b) *Bees other than honeybees.*

(1) Adult bees. All adult bees other than honeybees imported into the United States must be packaged to prevent the escape of any bees.

(2) Live brood. For live brood of bees other than honeybees, packages:

(i) Must be securely closed;

(ii) May not include any soil;

(iii) May include only packing materials that were grown or produced

in the exporting region and that meet all other applicable requirements of this chapter, such as the regulations pertaining to unmanufactured wood in 7 CFR part 319 and the plant pest regulations in 7 CFR part 330; and

(iv) May consist of brood housed in new or used bee boards, provided the bee boards meet all applicable requirements of this part.

§ 322.9 Mailed packages.

(a) If you import a package of honeybees, honeybee germ plasm, or bees other than honeybees under this subpart through the mail or through commercial express delivery, you must mark all sides of the outside of that package with the contents of the shipment, *i.e.,* ''Live Bees,'' ''Bee Germ Plasm,'' or ''Live Bee Brood,'' and the name of the exporting region. The marking must be clearly visible using black letters at least 1 inch in height on a white background.

(b) If you import a package of honeybees, honeybee germ plasm, or bees other than honeybees under this subpart through commercial express delivery, you must provide an accurate description of the complete contents of the shipment, *i.e.,* ''Live Bees,'' ''Bee Germ Plasm,'' or ''Live Bee Brood,'' for the shipment's delivery manifest entry.

(c) In addition to the export certificate required in § 322.6 of this subpart, a package of honeybees, honeybee germ plasm, or bees other than honeybees imported under this subpart by commercial express delivery must be accompanied at the time of arrival in the United States by an invoice or packing list accurately indicating the complete contents of the shipment.

§ 322.10 Packages that are hand-carried or in personal baggage aboard aircraft arriving in the United States.

If you import a package of honeybees, honeybee germ plasm, or bees other than honeybees under this subpart via an international flight by hand-carrying the package or carrying it in your personal baggage, then:

(a) That package must be clearly marked with the contents of the shipment, *i.e.,* ''Live Bees,'' ''Bee Germ Plasm,'' or ''Live Bee Brood,'' and the name of the exporting region; and

(b) You must declare it at the port of entry in the United States by providing a copy of the export certificate required in § 322.6 to an inspector at the port.

§ 322.11 Packages that are hand-carried or in a personal or commercial vehicle arriving at a land border port in the United States.

If you import a package of honeybees, honeybee germ plasm, or bees other than honeybees under this subpart through a land border port in the United States either by hand-carrying or in a personal or commercial vehicle (*i.e.,* automobile or truck), then the person carrying the package or the driver of the vehicle must present the export certificate required by § 322.6 of this subpart and an invoice or packing slip accurately indicating the complete contents of the shipment to the inspector at the land border port.

§ 322.12 Inspection; refusal of entry.

(a) Shipments of honeybees, honeybee germ plasm, and bees other than honeybees imported into the United States under this subpart will be inspected at the port of entry in the United States for:

(1) Proper documentation (*see* § 322.6 of this subpart);

(2) Timely notice of arrival (*see* § 322.7 of this subpart); and

(3) Adequate packaging (*see* § 322.8 of this subpart).

(b) If, upon inspection, any shipment fails to meet the requirements of this part, that shipment will be refused entry into the United States. In accordance with § 322.2(c) of this part, the inspector will offer you, or in your absence the shipper, the opportunity to immediately export any refused shipments. If you, or in your absence the shipper, decline to immediately export the shipment, we will destroy the shipment at your expense.

§ 322.13 Ports of entry.

Shipments of honeybees, honeybee germ plasm, and bees other than honeybees imported under this subpart may enter the United States only at a port of entry staffed by an APHIS inspector.[2]

§ 322.14 Risk assessment procedures for approving countries.

(a) The national government of the region wishing to export must request that we perform a risk assessment for the importation into the United States of honeybees, honeybee germ plasm, or bees other than honeybees from that region.

(b) When we receive a request, we will evaluate the science-based risks associated with such importation. Our risk assessment will be based on information provided by the exporting region, information from topical scientific literature, and, if applicable, information we gain from a site visit to the exporting region. The risk assessment will include:

(1) Identification of all bee diseases, including fungi, bacteria, viruses, mycoplasmas, and protozoa, that occur in the exporting region but not in the United States or that are listed as significant for international trade by the Office International des Epizooties (OIE);

(2) Identification of all bee parasites, including mites, that occur in the exporting region but not in the United States or that are listed as significant for international trade by the OIE;

(3) Identification of all species and subspecies of honeybees that occur in the exporting region but not in the United States or that are listed as significant for international trade by the OIE, if applicable;

(4) Identification of all pests of bee culture, such as the small hive beetle, that occur in the exporting region but not in the United States or that are listed as significant for international trade by the OIE;

(5) Evaluation of the probability of establishment, including pathway, entry, colonization, and spread potentials, of any diseases, parasites, undesirable species or subspecies of honeybees, or pests identified in accordance with paragraphs (b)(1), (2), (3), or (4) of this section;

(6) Evaluation of the potential consequences of establishment, including economic, environmental, and perceived social and political effects, of each disease, parasite, undesirable species or subspecies of honeybees, or pest identified in accordance with paragraphs (b)(1), (2), (3), or (4) of this section; and

(7) Consideration of the effectiveness of the regulatory system of the exporting region to control bee diseases, parasites, undesirable species and subspecies of honeybees, and pests that occur there and to prevent occurrences of new bee diseases, parasites, undesirable species and subspecies of honeybees, and pests.

(c) Based on the conclusions of the risk assessment, we will either:

(1) Publish in the **Federal Register** a notice of proposed rulemaking to allow honeybees, honeybee germ plasm, or bees other than honeybees to be imported into the United States from that region; or

(2) Deny the request in writing, stating the specific reasons for that action.

(d) We will publish a notice of availability of all completed risk assessments for public comment.

[2] To find out if a specific port is staffed by an APHIS inspector, or for a list of ports staffed by AHPIS inspectors, contact Permit Unit, Scientific Services, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, Maryland 20737–1236; toll-free (877) 770–5990; fax (301) 734–8700.

Subpart C—Importation of Restricted Organisms

§ 322.15 General requirements; restricted organisms.

(a) For the purposes of this part, the following are restricted organisms:

(1) Honeybee brood in the comb;

(2) Adult honeybees from any region other than those listed in § 322.4(a) of this part;

(3) Honeybee germ plasm from any region other than those listed in § 322.4(b) of this part; and

(4) Bees other than honeybees, in any life stage, from any region other than those listed in § 322.4(c) of this part or any species of bee other than those listed in § 322.5(d)(2) of this part.

(b) Restricted organisms may be imported into the United States only by Federal, State, or university researchers for research or experimental purposes and in accordance with this part.

§ 322.16 Documentation; applying for a permit to import a restricted organism.

Any restricted organism imported into the United States must be accompanied by both a permit, in accordance with paragraph (a) of this section, and an invoice or packing list accurately indicating the complete contents of the shipment, in accordance with paragraph (b) of this section.

(a) *Permit.* You must submit a completed application for a permit to import restricted organisms at least 30 days prior to scheduling arrival of those organisms. You may import a restricted organism only if we approve your application and issue you a permit. Our procedures for reviewing permit applications are provided in § 322.17. To apply for a permit, you must supply, either on a completed PPQ Form 526 or in some other written form, the following information:[3]

(1) *Applicant information.* Your name, title, organization, address, telephone number, facsimile number, and electronic mail address (provide all that are applicable). You must also state whether you are a U.S. resident. If you are not a U.S. resident, you must also supply the name, title, organization, address, telephone number, facsimile number, and electronic mail address (provide all that are applicable) of a U.S. resident who will act as a sponsor for the permit application.

(2) *Application type.* New permit, permit renewal, or amendment to existing permit (if a renewal or amendment, provide the current permit number).

(3) *Type of movement.* Select ''Import into the United States.''

(4) *Scientific name of organism.* Genus, species, subspecies or strain, and author (if known).

(5) *Type of organism.* Select ''Bees and/or bee semen.''

(6) *Taxonomic classification.* Family of restricted organisms.

(7) *Life stage(s).* Semen, preovipositional eggs, embryos, postovipositional eggs, larvae, pupae, or adults. If adult queens, please specify.

(8) Number of shipments.

(9) Number of specimens per shipment.

(10) Is the organism established in the United States?

(11) Is the organism established in the destination State?

(12) Media or species of host material accompanying the organism (e.g., pollen, honey, wax, nesting material).

(13) *Source of organism (include any that apply, and list region of origin).* Supplier (provide supplier's name and address), wild collected, or reared under controlled conditions.

(14) *Method of shipment.* Airmail, express delivery (list company name), baggage, auto.

(15) Port(s) of entry.

(16) Approximate date(s) of arrival at the port of entry.

(17) *Destination.* Provide the address of the location where the organism will be received and maintained.

(18) *Intended use (include any that apply).* Select ''Scientific Study.''

(19) Has your facility been inspected by APHIS? If yes, list date(s) of approval. Is your facility approved for the species of bees or bee germ plasm for which you are seeking a permit?

(20) Provide your signature and the date of your signature under the following certification: ''I certify that all statements and entries I have made on this document are true and accurate to the best of my knowledge and belief. I understand that any intentional false statement or misrepresentation made on this document is a violation of law and punishable by a fine of not more than $10,000, or imprisonment of not more than 5 years, or both. (18 U.S.C. 1001).'' If you are required to have a sponsor for your permit application, your sponsor must also sign and date under the same certification.

(b) *Invoice.* Any restricted organism must be accompanied at the time of arrival in the United States by an invoice or packing list accurately indicating the complete contents of the shipment and the exporting region.

§ 322.17 APHIS review of permit applications; denial or cancellation of permits.

(a) *Review of permit applications to import restricted organisms.*

(1) *Consultation.* During our review of your permit application, we may consult with any Federal officials; appropriate officials of any State, Territory, or other jurisdiction in the United States in charge of research or regulatory programs relative to bees; and any other qualified governmental or private research laboratory, institution, or individual. We will conduct these consultations to gain information on the risks associated with the importation of the restricted organisms.

(2) *Review by destination State.* We will transmit a copy of your permit application, along with our anticipated decision on the application, to the appropriate regulatory official in the destination State for review and recommendation. A State's response, which we will consider before taking final action on the permit application, may take one of the following forms:

(i) The State recommends that we issue the permit;

(ii) The State recommends that we issue the permit with specified additional conditions;

(iii) The State recommends that we deny the permit application and provides scientific, risk-based reasons supporting that recommendation; or

(iv) The State makes no recommendation, thereby concurring with our decision regarding the issuance of the permit.[4]

(b) *Results of review.* After a complete review of your application, we will either:

(1) Issue you a written permit with, if applicable, certain specific conditions listed for the importation of the restricted organisms you applied to import. You must acknowledge acceptance of the permit and, if applicable, the specified conditions by signing the acknowledgment card that you will receive with your permit. The written permit does not become valid until we receive a signed acknowledgment card from you; or

(2) Notify you that your application has been denied and provide reasons for the denial.

(c) *Denial of permit applications.* APHIS will deny an application for a permit to import a restricted organism

[3] Mail your completed application to Permit Unit, Scientific Services, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, Maryland 20737–1236. A PPQ Form 526 may be obtained by writing to the same address, calling toll-free (877) 770–5990, faxing your request to (301) 734–8700, or downloading the form from *http://www.aphis.usda.gov/ppq/ss/permits/pests/*.

[4] If a State regulatory official does not respond within 10 business days, we will conclude that the State has chosen to make no recommendation regarding the issuance of the permit.

regulated under this subpart when, in its opinion, such movement would involve a danger of dissemination of an exotic bee disease or parasite, or an undesirable species or subspecies of honeybee. Danger of such dissemination may be deemed to exist when:

(1) Existing safeguards against dissemination are inadequate and no adequate safeguards can be arranged; or

(2) The potential for disseminating an exotic bee disease or parasite, or an undesirable species or subspecies of honeybee, with the restricted organism outweighs the probable benefits that could be derived from the proposed movement and use of the restricted organism; or

(3) When you, as a previous permittee, failed to maintain the safeguards or otherwise observe the conditions prescribed in a previous permit and have failed to demonstrate your ability or intent to observe them in the future; or

(4) The proposed movement of the restricted organism is adverse to the conduct of an eradication, suppression, control, or regulatory program of APHIS.

(d) *Cancellation of permits.*

(1) APHIS may cancel any outstanding permit whenever:

(i) We receive information subsequent to the issuance of the permit of circumstances that would constitute cause for the denial of an application for permit under paragraph (c) of this section; or

(ii) You, as the permittee, fail to maintain the safeguards or otherwise observe the conditions specified in the permit or in any applicable regulations.

(2) Upon cancellation of a permit, you must either:

(i) Surrender all restricted organisms to an APHIS inspector; or

(ii) Destroy all restricted organisms under the supervision of an APHIS inspector.

(e) *Appealing the denial of permit applications or cancellation of permits.* If your permit application has been denied or your permit has been canceled, APHIS will promptly inform you, in writing, of the reasons for the denial or cancellation. You may appeal the decision by writing to the Administrator and providing all of the facts and reasons upon which you are relying to show that your permit application was wrongfully denied or your permit was wrongfully canceled. The Administrator will grant or deny the appeal as promptly as circumstances allow and will state, in writing, the reasons for the decision. If there is a conflict as to any material fact, you may request a hearing to resolve the conflict. Rules of practice concerning the hearing will be adopted by the Administrator.

§ 322.18 Packaging of shipments.

(a) Restricted organisms must be packed in a container or combination of containers that will prevent the escape of the organisms and the leakage of any contained materials. The container must be sufficiently strong and durable enough to prevent it from rupturing or breaking during shipment.

(b) The outer container must be clearly marked with the contents of the shipment, *i.e.,* either ''Live Bees,'' ''Bee Germ Plasm,'' or ''Live Bee Brood,'' and the name of the region of origin.

(c) Only approved packing materials may be used in a shipment of restricted organisms.

(1) The following materials are approved as packing materials: Absorbent cotton or processed cotton padding free of cottonseed; cages made of processed wood; cellulose materials; excelsior; felt; ground peat (peat moss); paper or paper products; phenolic resin foam; sawdust; sponge rubber; thread waste, twine, or cord; and vermiculite.

(2) Other materials, such as host material for the organism, soil, or other types of packing material, may be included in a container only if identified in the permit application and approved by APHIS on the permit.

§ 322.19 Mailed packages.

(a) If you import a restricted organism through the mail or through commercial express delivery, you must attach a special mailing label, which APHIS will provide with your permit, to the package or container. The mailing label indicates that APHIS has authorized the shipment.

(b) You must address the package containing the restricted organism to the containment facility or apiary identified on the permit.

(c) If the restricted organism arrives in the mail without the mailing label described in paragraph (a) of this section or addressed to a facility or apiary other than the one listed on the permit, an inspector will refuse to allow the organism to enter the United States.

§ 322.20 Restricted organisms that are hand-carried or in personal baggage aboard aircraft arriving in the United States.

(a) If you import restricted organisms via an international flight by hand-carrying the package or carrying it in your personal baggage, then:

(1) The outer container must be clearly marked with the contents of the shipment, *i.e.,* either ''Live Bees,'' ''Bee Germ Plasm,'' or ''Live Bee Brood,'' and the name of the region of origin; and

(2) You must declare it at the port of entry to the United States by providing a copy of the appropriate permit and an invoice or packing list accurately indicating the complete contents of the shipment to an inspector at the port of entry.

(b) Only you or your representative (as stated on the application and permit) may import a restricted organism via an international flight by hand-carrying or carrying it in your personal baggage.

(c) If you fail to declare the restricted organism or present a copy of the permit and an invoice or packing list accurately indicating the complete contents of the shipment at the port of entry, or if the restricted organism is carried by an individual not identified on the application or permit, an inspector will refuse the organism's entry to the United States.

§ 322.21 Restricted organisms that are hand-carried or in a personal or commercial vehicle arriving at a land border port in the United States.

(a) If you import a restricted organism through a land border port in the United States either by hand-carrying or in a personal or commercial vehicle (*i.e.,* automobile or truck), then the person carrying the restricted organism or the driver of the vehicle must present the permit required by § 322.16 of this subpart and an invoice or packing slip accurately indicating the complete contents of the shipment to the inspector at the land border port.

(b) Only you or your representative (as stated on the application and permit) may import a restricted organism through a land border port in the United States either by hand-carrying or in a personal or commercial vehicle (*i.e.,* automobile or truck).

(c) If you fail to present a copy of the permit and an invoice or packing list accurately indicating the complete contents of the shipment at the port of entry, or if the restricted organism is carried by an individual not identified on the application or permit, an inspector will refuse the organism's entry to the United States.

§ 322.22 Inspection; refusal of entry.

(a) APHIS may inspect any restricted organism at the time of importation to determine if the organism meets all of the requirements of this part.

(b) If, upon inspection, any shipment fails to meet the requirements of the regulations, that shipment will be refused entry into the United States. In accordance with § 322.2(c) of this part, the inspector will offer you, or in your absence the shipper, the opportunity to immediately export any refused

shipments. If you, or in your absence the shipper, decline to immediately export the shipment, we will destroy the shipment at your expense.

§ 322.23 Ports of entry.

A restricted organism may be imported only at a port of entry staffed by an APHIS inspector.[5] After a restricted organism has been cleared for importation at the port of entry, you must mail or hand-carry the organism immediately and directly from the port of entry to the containment facility or apiary identified on the permit. You may open the package containing the restricted organism only within the containment facility or apiary identified on the permit.

§ 322.24 Post-entry handling.

(a) Immediately following clearance at the port of entry, a restricted organism must move directly to a containment facility that has been inspected and approved by APHIS.[6] We must inspect and approve the facility before we will issue a permit to import a restricted organism.

(b) *Inspection of premises.* Prior to issuing a permit to import restricted organisms, we will inspect the apiary or facility where you intend to contain the restricted organisms. In order to approve the apiary or facility, an inspector must determine that adequate safeguards are in place to prevent the release of diseases or parasites of bees, or of undesirable species or strains of honeybees. We will use the following criteria to determine whether adequate safeguards are in place:

(1) Enclosed containment facilities.

(i) Will the facility's entryways, windows, and other structures, including water, air, and waste handling systems, contain the restricted organisms, parasites and pathogens, and prevent the entry of other organisms and unauthorized visitors?

(ii) Does the facility have operational and procedural safeguards in place to prevent the escape of the restricted organisms, parasites, and pathogens, and to prevent the entry of other organisms and unauthorized visitors?

(iii) Does the facility have a means of inactivating or sterilizing restricted organisms and any breeding materials, pathogens, parasites, containers, or other material?

(2) Containment apiaries.

(i) Is the apiary located in an area devoid of indigenous bees and sufficiently isolated to prevent contact between indigenous bees and imported restricted organisms? Is the area extending from the apiary to the nearest indigenous bees constantly unsuitable for foraging individuals of the imported restricted organisms?

(ii) Does the apiary have sufficient physical barriers to prevent the entry of unauthorized visitors?

(iii) Does the apiary have operational and procedural safeguards in place to prevent the escape of the restricted organisms, parasites, and pathogens, and to prevent the entry of other organisms and unauthorized visitors?

(iv) Does the apiary have a means of inactivating or sterilizing restricted organisms, and any hives, wax, pathogens, parasites, containers, or other materials?

(3) Containment apiaries for honeybees resulting from germ plasm imported from nonapproved regions.

(i) Does the apiary have sufficient physical barriers to prevent the entry of unauthorized visitors?

(ii) Are there sufficient physical barriers (*e.g.,* excluders) in hives in the apiary to prevent the escape of all adult queen and drone honeybees resulting from the germ plasm?

(iii) Does the apiary have operational and procedural safeguards in place to prevent the escape of all queen and drone honeybees resulting from the germ plasm?

(iv) Does the apiary have a means of destroying colonies of honeybees with undesirable characteristics that may result from imported germ plasm?

(c) *Holding in containment.*

(1) If we issue a permit for importing restricted organisms into an approved containment facility or apiary, you may not remove or release the restricted organisms, or the progeny or germ plasm resulting from the restricted organisms, from the apiary or facility without our prior approval.

(2) You must allow us to inspect the apiary or facility and all documents associated with the importation or holding of restricted organisms at any time to determine whether safeguards are being maintained to prevent the release of the restricted organisms, their progeny and germ plasm, parasites, and pathogens.

(3) You must inform us immediately, but no later than 24 hours after detection, if restricted organisms escape from the facilityl.

(d) *Release from containment apiary or facility.*

(1) After rearing the restricted organisms in an approved containment facility through at least 4 months of active reproduction with no evidence of nonindigenous parasites or pathogens or of undesirable characteristics, you may submit a request to us for the release of the bees. The request must include:

(i) Inspection protocols;

(ii) Inspection frequencies;

(iii) Names and titles of inspectors;

(iv) Complete information, including laboratory reports, on detection of diseases and parasites in the population;

(v) Complete notes and observations on behavior, such as aggressiveness and swarming; and

(vi) Any other information or data relating to bee diseases, parasites, or adverse species or subspecies.

(2) Mail your request for release to the Permit Unit, Scientific Services, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236, or fax to (301) 734–8700.

(3) When we receive a complete request for release from containment, we will evaluate the request and determine whether the bees may be released. Our evaluation may include an environmental assessment or environmental impact statement prepared in accordance with the National Environmental Policy Act. We may conduct an additional inspection of the bees during our evaluation of the request. You will receive a written statement as soon as circumstances allow that approves or denies your request for release of the bees.

Subpart D—Transit of Restricted Organisms Through the United States

§ 322.25 General requirements.

(a) You may transit restricted organisms from any region through the United States to another region only in accordance with this part. For a list of restricted organisms, see § 322.15(a).

(b) You may ship restricted organisms only aboard aircraft to the United States for transit to another country.

(c) You may transload a shipment of restricted organisms only once during the shipment's entire transit through the United States and only at an airport on the continental United States. You may not transload restricted organisms in Hawaii. In Hawaii, the restricted organisms must remain on, and depart for another destination from, the same aircraft on which the shipment arrived at the Hawaiian airport.

(d) If adult bees from approved regions may not enter Hawaii because of the presence of Varroa mite, tracheal

[5] To find out if a specific port is staffed by an APHIS inspector, or for a list of ports staffed by APHIS inspectors, contact Permit Unit, Scientific Services, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, Maryland 20737–1236; toll-free (877) 770–5990; fax (301) 734–8700.

[6] For a list of approved facilities, or to arrange to have a facility inspected by APHIS, contact Permit Unit, Scientific Services, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236; toll-free (877) 770–5990.

mite, or African honeybee, those bees may transit Hawaii en route to another State or territory of the United States only if the shipment of bees meets the requirements of this subpart, as well as other applicable requirements of this part.

§ 322.26 Documentation.

Each shipment of restricted organisms transiting the United States must be accompanied by a document issued by the appropriate regulatory authority of the national government of the region of origin stating that the shipment has been inspected and determined to meet the packaging requirements in § 322.27.

§ 322.27 Packaging of transit shipments.

(a) Restricted organisms transiting the United States must be packaged in securely closed and completely enclosed containers that prevent the escape of organisms and the leakage of any contained materials. The container must be sufficiently strong and durable to prevent it from rupturing or breaking during shipment.

(b) In addition to the requirements in paragraph (a) of this section, each pallet of cages containing honeybees transiting the United States must be covered by an escape-proof net that is secured to the pallet so that no honeybees can escape from underneath the net.

(c) The outside of the package must be clearly marked with the contents of the transit shipment, *i.e.,* either ''Live Bees,'' ''Bee Germ Plasm,'' or ''Live Bee Brood,'' and the name of the exporting region.

§ 322.28 Notice of arrival.

At least 2 business days prior to the expected date of arrival of restricted organisms at a port in the United States for in-transit movement, you or your shipper must contact the port to give the following information:

(a) The name of each U.S. airport where the shipment will arrive;

(b) The name of the U.S. airport where the shipment will be transloaded (if applicable);

(c) The date of the shipment's arrival at each U.S. airport;

(d) The date of the shipment's departure from each U.S. airport;

(e) The names and addresses of both the shipper and receiver;

(f) The number of units in the shipment (*i.e.,* number of queens or number of cages of package bees); and

(g) The name of the airline carrying the shipment.

§ 322.29 Inspection and handling.

(a) All shipments of restricted articles transiting the United States are subject to inspection at the port in the United States for compliance with this part. If, upon inspection, a transit shipment of restricted articles is found not to meet the requirements of this part, we will destroy the shipment at your expense.

(b) *Transloading.*—(1) *Adult bees.* You may transload adult bees from one aircraft to another aircraft at the port of arrival in the United States only under the supervision of an inspector. If the adult bees cannot be transloaded immediately to the subsequent flight, you must store them within a completely enclosed building. Adult bees may not be transloaded from an aircraft to ground transportation for subsequent movement through the United States.

(2) *Bee germ plasm.* You may transload bee germ plasm from one aircraft to another at the port of arrival in the United States only under the supervision of an inspector.

§ 322.30 Eligible ports for transit shipments.

You may transit restricted organisms only at a port of entry staffed by an APHIS inspector.[7]

Subpart E—Importation and Transit of Restricted Articles

§ 322.31 General requirements; restricted articles.

(a) The following articles from any region are restricted articles:

(1) Dead bees of any genus;

(2) Beeswax for beekeeping; and

(3) Honey for bee feed.

(b) Restricted articles may only be imported into or transit the United States in accordance with this part.

§ 322.32 Dead bees.

(a) Dead bees imported into or transiting the United States must be either:

(1) Immersed in a solution containing at least 70 percent alcohol;

(2) Immersed in liquid nitrogen; or

(3) Pinned and dried in the manner of scientific specimens.

(b) Dead bees are subject to inspection at the port of entry in the United States to confirm that the requirements of paragraph (a) of this section have been met.

§ 322.33 Export certificate.

Each shipment of restricted articles, except for dead bees, imported into or transiting the United States must be accompanied by an export certificate issued by the appropriate regulatory agency of the national government of the exporting region. The export certificate must state that the articles in the shipment have been treated as follows:

(a) *Beeswax.* Liquefied.

(b) *Honey for bee feed.* Heated to 212 °F (100 °C) for 30 minutes.

§ 322.34 Notice of arrival.

(a) At least 10 business days prior to the arrival in the United States of any shipment of restricted articles, you must notify APHIS of the impending arrival. Your notification must include the following information:

(1) Your name, address, and telephone number;

(2) The name and address of the recipient of the restricted articles;

(3) The name, address, and telephone number of the producer;

(4) The date you expect to receive the shipment;

(5) A description of the contents of the shipment (*i.e.*, dead bees, honey for bee feed, *etc.*); and

(6) The total number of restricted articles you expect to receive.

(b) You must provide the notification to APHIS through one of the following means:

(1) By mail to the Permit Unit, Scientific Services, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236; or

(2) By facsimile at (301) 734–8700; or

(3) By electronic mail to *Notification@usda.gov.*

§ 322.35 Mailed packages.

(a) If you import a restricted article through the mail or through commercial express delivery, you must mark all sides of the outside of that package with the contents of the shipment and the name of the exporting region. The marking must be clearly visible using black letters at least 1 inch in height on a white background.

(b) If you import a restricted article through commercial express delivery, you must provide an accurate description of the complete contents of the shipment for the shipment's delivery manifest entry.

(c) In addition to the export certificate required in § 322.33 (if applicable) of this subpart, a restricted article that is imported by mail or commercial express delivery must be accompanied by an invoice or packing list accurately indicating the complete contents of the shipment.

[7] To find out if a specific port is staffed by an APHIS inspector, or for a list of ports staffed by AHPIS inspectors, contact Permit Unit, Scientific Services, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, Maryland 20737–1236; toll-free (877) 770–5990; fax (301) 734–8700.

§ 322.36 Restricted articles that are hand-carried or in personal baggage aboard aircraft arriving in the United States.

If you import a restricted article via an international flight by hand-carrying the package or carrying it in your personal baggage, then:

(a) That package containing the restricted article must be clearly marked with the contents of the shipment and the name of the exporting region; and

(b) You must declare it at the port of entry in the United States by providing a copy of the export certificate required in § 322.33 (if applicable) to an inspector at the port.

§ 322.37 Restricted articles that are hand-carried or in a personal or commercial vehicle arriving at a land border port in the United States.

If you import a restricted article through a land border port in the United States either by hand-carrying or in a personal or commercial vehicle (*i.e.*, automobile or truck), then the person carrying the package containing the restricted article or the driver of the vehicle must present the export certificate required by § 322.33 (if applicable) of this subpart and an invoice or packing slip accurately indicating the complete contents of the shipment to the inspector at the land border port.

§ 322.38 Inspection; refusal of entry.

(a) You must present shipments of restricted articles to the inspector at the port of entry in the United States. Shipments of restricted articles must remain at the port of entry until released by the inspector.

(b) The inspector at the port will confirm that all shipments of restricted articles have proper documentation (*see* § 322.33 of this subpart) and that you provided notice of arrival for all shipments of restricted articles (*see* § 322.34 of this subpart).

(c) If, upon inspection, any shipment fails to meet the requirements of this part, that shipment will be refused entry into the United States. In accordance with § 322.2(c) of this part, the inspector will offer you, or in your absence the shipper, the opportunity to immediately export any refused shipments.

§ 322.39 Ports of entry.

A restricted article may be imported only at a port of entry staffed by an APHIS inspector. To find out if a specific port is staffed by an APHIS inspector, or for a list of ports staffed by APHIS inspectors, contact Permit Unit, Scientific Services, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, Maryland 20737–1236; toll-free (877) 770–5990; fax (301) 734–8700.

Done in Washington, DC, this 13th day of August, 2002.

Bill Hawks,

Under Secretary, Marketing and Regulatory Programs.

[FR Doc. 02–20941 Filed 8–16–02; 8:45 am]

BILLING CODE 3410–34–P

Federal Register

Monday,
August 19, 2002

Part III

Department of Education

Rehabilitation Training: Rehabilitation Long-Term Training—Vocational Rehabilitation Counseling; Notice

DEPARTMENT OF EDUCATION

Rehabilitation Training: Rehabilitation Long-Term Training—Vocational Rehabilitation Counseling

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of proposed priority.

SUMMARY: The Assistant Secretary for the Office of Special Education and Rehabilitative Services proposes a priority under the Rehabilitation Training: Rehabilitation Long-Term Training program. The Assistant Secretary may use this priority for competitions in fiscal year (FY) 2003 and in later years. We take this action to focus on training in an identified area of national need. The purpose of this priority is to increase the partnership activities between rehabilitation counseling programs and State vocational rehabilitation (VR) agencies and to increase the number of rehabilitation counseling programs that provide for students experiential activities, such as formal internships or practicum agreements with State VR agencies. We intend the priority to increase the pool of qualified VR counselors available for employment with State VR agencies.

DATES: We must receive your comments on or before September 18, 2002.

ADDRESSES: Address all comments about this proposed priority to Christine Marschall, U.S. Department of Education, 400 Maryland Avenue, SW., Switzer Building, Room 3325, Washington, DC 20202–2649. If you prefer to send your comments through the Internet, use the following address: *Christine.Marschall@ed.gov.*

You must include the term ''Long-Term Training Program: Vocational Rehabilitation Counseling'' in the subject line of your electronic message.

FOR FURTHER INFORMATION CONTACT: Christine Marschall. Telephone: (202) 205–8926 or via Internet: *Christine.Marschall@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call the TDD number at (202) 205–8133.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT.**

SUPPLEMENTARY INFORMATION:

Invitation To Comment

We invite you to submit comments regarding this proposed priority. We invite you to assist us in complying with the specific requirements of Executive Order 12866 and its overall requirement of reducing regulatory burden that might result from this proposed priority. Please let us know of any further opportunities we should take to reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about this proposed priority in room 3414, Switzer Building, 330 C Street, SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this proposed priority. If you want to schedule an appointment for this type of aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

The Rehabilitation Long-Term Training program provides financial assistance for—

(1) Projects that provide basic or advanced training leading to an academic degree in areas of personnel shortages in rehabilitation as identified by the Secretary;

(2) Projects that provide a specified series of courses or program of study leading to award of a certificate in areas of personnel shortages in rehabilitation as identified by the Secretary; and

(3) Projects that provide support for medical residents enrolled in residency training programs in the specialty of physical medicine and rehabilitation.

We propose this priority to increase the number of rehabilitation counseling programs that provide experiential activities for students, such as formal internships, practicum agreements, and other partnership activities with State VR agencies. This proposed priority supports a close relationship between the educational institution and the State VR agency by creating or increasing ongoing collaboration in order to increase the number of graduates who seek employment in State VR agencies.

We will announce the final priority in a notice in the **Federal Register**. We will determine the final priority after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing or funding additional priorities, subject to meeting applicable rulemaking requirements.

Note: This notice does *not* solicit applications. In any year in which we choose to use this proposed priority, we invite applications through a notice in the **Federal Register**. When inviting applications we designate the priority as absolute, competitive preference, or invitational. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by either (1) awarding additional points, depending on how well or the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the invitational priority. However, we do not give an application that meets the priority a competitive or absolute preference over other applications (34 CFR 75.105(c)(1)).

Priority

Proposed Priority—Partnership With the State VR Agency

Background: According to State VR agency data in the annual submission of the Comprehensive System of Personnel Development (CSPD) plan, a personnel survey conducted by the Council of State Administrators of Vocational Rehabilitation (CSAVR), and the proceedings of the 2002 CSPD national meeting, State VR agencies throughout the nation are experiencing a personnel shortage of qualified VR counselors. Rates of retirement and attrition in State VR agencies reported in the annual CSPD plans indicate that this personnel shortage will increase. A review by the Rehabilitation Services Administration (RSA) of employment locations chosen by RSA-sponsored graduates, as reported by RSA training programs, indicates that only a small percentage of RSA graduates seek employment with State VR agencies. However, State VR agencies reported in the CSAVR survey and at the CSPD national meeting that individuals who are aware of the distinct role of the qualified VR counselor and benefits of employment

within a State VR agency are more likely to seek employment with the State.

Priority: This priority supports projects that will increase the knowledge of students of the role and responsibilities of the VR counselor and of the benefits of counseling in State VR agencies. This priority focuses attention on and intends to strengthen the unique role of rehabilitation educators and State VR agencies in the preparation of qualified VR counselors by increasing or creating ongoing collaboration between institutions of higher education and State VR agencies.

Projects funded under this priority must include within the degree program information about and experience in the State VR system. Projects must include partnering activities for students with the State VR agency including experiential activities, such as formal internship or practicum agreements. In addition, experiential activities for students with community-based rehabilitation service providers are encouraged.

Projects must include an evaluation of the impact of project activities.

Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Applicable Program Regulations: 34 CFR parts 385 and 386.

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(Catalog of Federal Domestic Assistance Number 84.129B Rehabilitation Long-Term Training—Vocational Rehabilitation Counseling)

Program Authority: 29 U.S.C. 772.

Dated: August 14, 2002.

Robert H. Pasternack,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 02–21025 Filed 8–16–02; 8:45 am]

BILLING CODE 4000–01–P

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29 Parts:			
0–99	(869–044–00100–4)	45.00	July 1, 2001
100–499	(869–044–00101–2)	14.00	[6]July 1, 2001
500–899	(869–044–00102–1)	47.00	[6]July 1, 2001
900–1899	(869–044–00103–9)	33.00	July 1, 2001
1900–1910 (§§ 1900 to 1910.999)	(869–044–00104–7)	55.00	July 1, 2001
1910 (§§ 1910.1000 to end)	(869–044–00105–5)	42.00	July 1, 2001
1911–1925	(869–044–00106–3)	20.00	[6]July 1, 2001
1926	(869–044–00107–1)	45.00	July 1, 2001
1927–End	(869–044–00108–0)	55.00	July 1, 2001
30 Parts:			
1–199	(869–044–00109–8)	52.00	July 1, 2001
200–699	(869–044–00110–1)	45.00	July 1, 2001
700–End	(869–044–00111–7)	53.00	July 1, 2001
31 Parts:			
0–199	(869–044–00112–8)	32.00	July 1, 2001
200–End	(869–044–00113–6)	56.00	July 1, 2001
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–044–00114–4)	51.00	[6]July 1, 2001
191–399	(869–044–00115–2)	57.00	July 1, 2001
400–629	(869–044–00116–8)	35.00	[6]July 1, 2001
630–699	(869–044–00117–9)	34.00	July 1, 2001
700–799	(869–044–00118–7)	42.00	July 1, 2001
800–End	(869–044–00119–5)	44.00	July 1, 2001
33 Parts:			
1–124	(869–044–00120–9)	45.00	July 1, 2001
125–199	(869–044–00121–7)	55.00	July 1, 2001
200–End	(869–044–00122–5)	45.00	July 1, 2001
34 Parts:			
1–299	(869–044–00123–3)	43.00	July 1, 2001
300–399	(869–044–00124–1)	40.00	July 1, 2001
400–End	(869–044–00125–0)	56.00	July 1, 2001
35	(869–044–00126–8)	10.00	[6]July 1, 2001
36 Parts			
1–199	(869–044–00127–6)	34.00	July 1, 2001
200–299	(869–044–00128–4)	33.00	July 1, 2001
300–End	(869–044–00129–2)	55.00	July 1, 2001
37	(869–044–00130–6)	45.00	July 1, 2001
38 Parts:			
0–17	(869–044–00131–4)	53.00	July 1, 2001
18–End	(869–044–00132–2)	55.00	July 1, 2001
39	(869–044–00133–1)	37.00	July 1, 2001
40 Parts:			
1–49	(869–044–00134–9)	54.00	July 1, 2001
50–51	(869–044–00135–7)	38.00	July 1, 2001
52 (52.01–52.1018)	(869–044–00136–5)	50.00	July 1, 2001
52 (52.1019–End)	(869–044–00137–3)	55.00	July 1, 2001
53–59	(869–044–00138–1)	28.00	July 1, 2001
60 (60.1–End)	(869–044–00139–0)	53.00	July 1, 2001
60 (Apps)	(869–044–00140–3)	51.00	July 1, 2001
61–62	(869–044–00141–1)	35.00	July 1, 2001
63 (63.1–63.599)	(869–044–00142–0)	53.00	July 1, 2001
63 (63.600–63.1199)	(869–044–00143–8)	44.00	July 1, 2001
63 (63.1200-End)	(869–044–00144–6)	56.00	July 1, 2001
64–71	(869–044–00145–4)	26.00	July 1, 2001
72–80	(869–044–00146–2)	55.00	July 1, 2001
81–85	(869–044–00147–1)	45.00	July 1, 2001
86 (86.1–86.599–99)	(869–044–00148–9)	52.00	July 1, 2001
86 (86.600–1–End)	(869–044–00149–7)	45.00	July 1, 2001
87–99	(869–044–00150–1)	54.00	July 1, 2001
100–135	(869–044–00151–9)	38.00	July 1, 2001
136–149	(869–044–00152–7)	55.00	July 1, 2001
150–189	(869–044–00153–5)	52.00	July 1, 2001
190–259	(869–044–00154–3)	34.00	July 1, 2001
260–265	(869–044–00155–1)	45.00	July 1, 2001
266–299	(869–044–00156–0)	45.00	July 1, 2001
300–399	(869–044–00157–8)	41.00	July 1, 2001
400–424	(869–044–00158–6)	51.00	July 1, 2001
425–699	(869–044–00159–4)	55.00	July 1, 2001
700–789	(869–044–00160–8)	55.00	July 1, 2001
790–End	(869–044–00161–6)	44.00	July 1, 2001
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–044–00162–4)	22.00	July 1, 2001
101	(869–044–00163–2)	45.00	July 1, 2001
102–200	(869–044–00164–1)	33.00	July 1, 2001
201–End	(869–044–00165–9)	24.00	July 1, 2001
42 Parts:			
1–399	(869–044–00166–7)	51.00	Oct. 1, 2001
400–429	(869–044–00167–5)	59.00	Oct. 1, 2001
430–End	(869–044–00168–3)	58.00	Oct. 1, 2001
43 Parts:			
1–999	(869–044–00169–1)	45.00	Oct. 1, 2001
1000–end	(869–044–00170–5)	56.00	Oct. 1, 2001
44	(869–044–00171–3)	45.00	Oct. 1, 2001
45 Parts:			
1–199	(869–044–00172–1)	53.00	Oct. 1, 2001
200–499	(869–044–00173–0)	31.00	Oct. 1, 2001
500–1199	(869–044–00174–8)	45.00	Oct. 1, 2001
1200–End	(869–044–00175–6)	55.00	Oct. 1, 2001
46 Parts:			
1–40	(869–044–00176–4)	43.00	Oct. 1, 2001
41–69	(869–044–00177–2)	35.00	Oct. 1, 2001
70–89	(869–044–00178–1)	13.00	Oct. 1, 2001
90–139	(869–044–00179–9)	41.00	Oct. 1, 2001
140–155	(869–044–00180–2)	24.00	Oct. 1, 2001
156–165	(869–044–00181–1)	31.00	Oct. 1, 2001
166–199	(869–044–00182–9)	42.00	Oct. 1, 2001
200–499	(869–044–00183–7)	36.00	Oct. 1, 2001
500–End	(869–044–00184–5)	23.00	Oct. 1, 2001
47 Parts:			
0–19	(869–044–00185–3)	55.00	Oct. 1, 2001
20–39	(869–044–00186–1)	43.00	Oct. 1, 2001
40–69	(869–044–00187–0)	36.00	Oct. 1, 2001
70–79	(869–044–00188–8)	58.00	Oct. 1, 2001
80–End	(869–044–00189–6)	55.00	Oct. 1, 2001
48 Chapters:			
1 (Parts 1–51)	(869–044–00190–0)	60.00	Oct. 1, 2001
1 (Parts 52–99)	(869–044–00191–8)	45.00	Oct. 1, 2001
2 (Parts 201–299)	(869–044–00192–6)	53.00	Oct. 1, 2001
3–6	(869–044–00193–4)	31.00	Oct. 1, 2001
7–14	(869–044–00194–2)	51.00	Oct. 1, 2001
15–28	(869–044–00195–1)	53.00	Oct. 1, 2001
29–End	(869–044–00196–9)	38.00	Oct. 1, 2001
49 Parts:			
1–99	(869–044–00197–7)	55.00	Oct. 1, 2001
100–185	(869–044–00198–5)	60.00	Oct. 1, 2001
186–199	(869–044–00199–3)	18.00	Oct. 1, 2001
200–399	(869–044–00200–1)	60.00	Oct. 1, 2001
400–999	(869–044–00201–9)	58.00	Oct. 1, 2001
1000–1199	(869–044–00202–7)	26.00	Oct. 1, 2001

Title	Stock Number	Price	Revision Date
1200–End	(869–044–00203–5)	21.00	Oct. 1, 2001
50 Parts:			
1–199	(869–044–00204–3)	63.00	Oct. 1, 2001
200–599	(869–044–00205–1)	36.00	Oct. 1, 2001
600–End	(869–044–00206–0)	55.00	Oct. 1, 2001
CFR Index and Findings Aids	(869–044–00047–4)	56.00	Jan. 1, 2001
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 2001, through January 1, 2002. The CFR volume issued as of January 1, 2001 should be retained.

[5] No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2001. The CFR volume issued as of April 1, 2000 should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 2000, through July 1, 2001. The CFR volume issued as of July 1, 2000 should be retained.