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Contents

Federal Register

Vol. 67, No. 200

Wednesday, October 16, 2002

Agriculture Department
See Forest Service

Alcohol, Tobacco and Firearms Bureau
PROPOSED RULES
Firearms:
Imported explosive materials and identification marking placement, 63862–63867
NOTICES
Agency information collection activities:
Proposed collection; comment request, 63964

Army Department
See Engineers Corps
NOTICES
Patent licenses; non-exclusive, exclusive, or partially exclusive:
Protective Glove, 63900

Centers for Disease Control and Prevention
NOTICES
Agency information collection activities:
Proposed collection; comment request, 63925–63926

Centers for Medicare & Medicaid Services
RULES
Medicare and Medicaid:
Programs of All-inclusive Care for Elderly; program revisions
Correction, 63966

Children and Families Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Child Welfare Services State Grants Program, 63927

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
California, 63877
Virginia, 63877

Commerce Department
See Economic Analysis Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration

Committee for the Implementation of Textile Agreements
NOTICES
Cotton, wool, and man-made textiles:
Bangladesh, 63890
China, 63891–63893
Hong Kong, 63894
Jamaica, 63894–63895
Macedonia, 63895–63896
Malaysia, 63896–63897
Pakistan, 63898
Ukraine, 63898–63899
United Arab Emirates, 63899–63900

Commodity Futures Trading Commission
RULES
Organization, functions, and authority delegations:
Clearing and Intermediary Oversight Division et al.
Correction, 63966

Defense Department
See Army Department
See Engineers Corps
PROPOSED RULES
Federal Acquisition Regulation (FAR):
Energy-efficient standby power devices, 64009–64011

Economic Analysis Bureau
PROPOSED RULES
International services surveys:
BE-605, etc.; transactions of U.S. affiliate, except U.S. banking affiliate, with foreign parent, and transactions of U.S. affiliate with foreign parent, 63860–63861

Education Department
NOTICES
Agency information collection activities:
Proposed collection; comment request, 63904
Submission for OMB review; comment request, 63904–63905
Committees; establishment, renewal, termination, etc.:
President's Advisory Board on Tribal Colleges and Universities, 63905–63906

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Meetings:
High Energy Physics Advisory Panel, 63906

Engineers Corps
NOTICES
Environmental statements; notice of intent:
Clear and West Forks of the Trinity River in Fort Worth, Tarrant County, TX, 63900–63901
Emerald Isle and Hammocks Beach State Park, Carteret County, NC, 63901–63903
Palm Beach County, FL, 63903–63904
Patent licenses; non-exclusive, exclusive, or partially exclusive:
Method and device for securing a knot, etc.; correction, 63966

Environmental Protection Agency
PROPOSED RULES
Air pollution; standards of performance for new stationary sources:
Electric arc furnaces and argon-oxygen decarburization vessels, 64013–64022
Water pollution; effluent guidelines for point source categories:
Construction and development; storm water discharges, 63867
NOTICES
Pesticide registration, cancellation, etc.:
Syngenta Crop Protection, Inc., et al., 63909–63913

Toxic and hazardous substances control:
Chemical testing—
Data receipt, 63913–63916
New chemicals—
Receipt and status information, 63918–63922
Test marketing exemption approvals, 63916–63917 63917–63918

Executive Office of the President
See Presidential Documents
See Trade Representative, Office of United States

Federal Aviation Administration
RULES
Airworthiness directives:
Agusta S.p.A., 63817–63820
Cirrus Design Corp., 63815–63817
Gulfstream, 63821–63823
Rockwell Collins, Inc., 63813–63815
Class E5 airspace, 63823 63823–63824 63825–63826 63826 63826–63827
Class E airspace, 63824–63825
PROPOSED RULES
Airworthiness directives:
Boeing, 63856–63858
Class E5 airspace, 63858–63859
NOTICES
Agency information collection activities:
Proposed collection; comment request, 63955–63956
Exemption petitions; summary and disposition, 63956–63957
Passenger facility charges; applications, etc.:
Santa Barbara Municipal Airport, CA, 63957

Federal Communications Commission
RULES
Common carrier services:
Commercial mobile radio services—
Wireless enhanced 911 emergency calling; use of non-initialized wireless phones; effective date stay, 63851–63852
Telecommunications Act of 1996; implementation—
Filings of tariffs on streamlined basis; decline, 63850–63851
Digital television stations; table of assignments:
Texas, 63852
West Virginia, 63852
Radio stations; table of assignments:
Michigan, 63853
Texas, 63852–63853
Television stations; table of assignments:
Kansas, 63853–63854
PROPOSED RULES
Digital television stations; table of assignments:
Idaho, 63873–63874
Radio stations; table of assignments:
Oklahoma, 63875–63876
Various States, 63874–63875
NOTICES
Grants and cooperative agreements; availability, etc.:
Rural Healthcare Division, 63923–63924
Reports and guidance documents; availability, etc.:
Information disseminated by Federal agencies; quality, objectivity, utility and integrity guidelines, 63924

Federal Emergency Management Agency
RULES
Flood elevation determinations:
Various States, 63834–63837 63829–63834
PROPOSED RULES
Flood elevation determinations:
Oklahoma, 63872–63873
Various States, 63867–63872

Federal Energy Regulatory Commission
NOTICES
Electric rate and corporate regulation filings:
Southwest Power Pool, Inc. et al., 63908–63909
Applications, hearings, determinations, etc.:
National Fuel Gas Supply Corp., 63906
Pine Needle LNG Co., LLC, 63906
Tennessee Gas Pipeline Co., 63907
Transcontinental Gas Pipe Line Corp., 63907
Transcontintental Gas Pipe Line Corp., 63907–63908

Federal Maritime Commission
NOTICES
Investigations, hearings, petitions, etc.:
South Florida NVOCC-NAOCC Association, Inc., 63924–63925

Federal Motor Carrier Safety Administration
RULES
Motor carrier safety standards:
Protection against shifting and falling cargo; North American standard development
Correction, 63966

Federal Transit Administration
NOTICES
Environmental statements; notice of intent:
Monmouth, Ocean and Middlesex Counties, NJ; Monmouth-Ocean-Middlesex Rail, 63957–63959

Fish and Wildlife Service
RULES
Endangered and threatened species:
Critical habitat designations—
Santa Cruz tarplant, 63967–64007

Food and Drug Administration
NOTICES
Agency information collection activities:
Reporting and recordkeeping requirements, 63927
Submission for OMB review; comment request, 63928–63929 63929–63931
Meetings:
Dermatologic and Ophthalmic Drugs Advisory Committee, 63933
Food Advisory Committee, 63933–63934

Forest Service
NOTICES
Meetings:
Lake Tahoe Basin Federal Advisory Committee, 63877

General Services Administration
PROPOSED RULES
Federal Acquisition Regulation (FAR):
Energy-efficient standby power devices, 64009–64011

NOTICES
Travel and transportation:
Household Goods Tender Service--
Centralized Household Goods Traffic Management Program; flat industrial funding fee converted to percentage IFF [**EDITORIAL NOTE:** This document was published incorrectly in the Federal Register on August 30, 2002 under Standard Tender of Service]

Health and Human Services Department
See Centers for Disease Control and Prevention
See Centers for Medicare & Medicaid Services
See Children and Families Administration
See Food and Drug Administration
See National Institutes of Health

Indian Affairs Bureau
NOTICES
Meetings:
Indian trust asset management; tribal consultation, 63940–63941

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau
See Land Management Bureau
See Reclamation Bureau
See Special Trustee for American Indians Office
NOTICES
Meetings:
Indian trust asset management; tribal consultation, 63940–63941

International Trade Administration
NOTICES
Antidumping:
Freshwater crawfish tail meat from—
China, 63877–63886
Solid urea from—
Estonia, 63886–63887
Stainless steel sheet and strip in coils from Taiwan, 63887–63888
Export trade certificates of review, 63888–63889

Land Management Bureau
NOTICES
Alaska Native claims selection:
Calista Corporation, 63941
Public land orders:
Michigan, 63941
Realty actions; sales, leases, etc.:
Wisconsin, 63941–63942

Legal Services Corporation
NOTICES
Grant and cooperative agreement awards:
Civil legal service assistance to eligible low-income clients, 63942–63946

Maritime Administration
NOTICES
Secretarial extension of authority; marine war risk insurance under Title XII of the Merchant Marine Act, 1936, 63959

National Aeronautics and Space Administration
PROPOSED RULES
Federal Acquisition Regulation (FAR):
Energy-efficient standby power devices, 64009–64011
NOTICES
Meetings:
Advisory Council—
Biological and Physical Research Advisory Committee Audio Teleconference, 63947
Aerospace Safety Advisory Panel, 63947

National Highway Traffic Safety Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request, 63960
Motor vehicle theft prevention standards; exemption petitions, etc.:
Saab Cars, USA, Inc., 63961–63962

National Institutes of Health
NOTICES
Agency information collection activities:
Proposed collection; comment request, 63934
Submission for OMB review; comment request, 63934–63935
Inventions, Government-owned; availability for licensing, 63935–63938
Meetings:
National Cancer Institute, 63938–63939
National Eye Institute, 63939
National Institute of Child Health and Human Development, 63939–63940
Scientific Review Center, 63940

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Atlantic highly migratory species—
Atlantic bluefin tuna, 63854–63855
NOTICES
Meetings:
Gulf of Mexico Fishery Management Council, 63889

Nuclear Regulatory Commission
NOTICES
Meetings; Sunshine Act, 63947

Office of United States Trade Representative
See Trade Representative, Office of United States

Personnel Management Office
NOTICES
Personnel management demonstration projects:
Defense department; Civilian Acquisition Workforce Project, 63948–63949

Presidential Documents
PROCLAMATIONS
Special observances:
General Pulaski Memorial Day (Proclamation 7607), 64023–64026

Public Health Service
See Centers for Disease Control and Prevention
See Food and Drug Administration
See National Institutes of Health

Reclamation Bureau
NOTICES
Central Valley Project Improvement Act:
Water management plans; evaluation criteria, 63942

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
Chicago Board Options Exchange, Inc., 63949–63953

Special Trustee for American Indians Office
NOTICES
Meetings:
Indian trust asset management; tribal consultation, 63940–63941

State Department
NOTICES
Art objects; importation for exhibition:
Giorgio De Chirico and the Myth of Ariadne, 63953–63954
Committees; establishment, renewal, termination, etc.:
International Economic Policy Advisory Committee, 63954

Surface Transportation Board
NOTICES
Railroad services abandonment:
CSX Transportation, Inc., 63962–63963
South Kansas and Oklahoma Railroad Co., 63963–63964

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Trade Representative, Office of United States
NOTICES
Trade Policy Staff Committee:
U.S.-Central America Free Trade Agreement; comment request, 63954–63955

Transportation Department
See Federal Aviation Administration
See Federal Motor Carrier Safety Administration
See Federal Transit Administration
See Maritime Administration
See National Highway Traffic Safety Administration
See Surface Transportation Board

Treasury Department
See Alcohol, Tobacco and Firearms Bureau

Veterans Affairs Department
NOTICES
Meetings:
Gulf War Veterans' Illnesses Research Advisory Committee, 63964
VA Nursing National Commission, 63964–63965

Separate Parts In This Issue

Part II
Interior Department, Fish and Wildlife Service, 63967–64007

Part III
Defense Department; General Services Administration; National Aeronautics and Space Administration, 64009–64011

Part IV
Environmental Protection Agency, 64013–64022

Part V
Executive Office of the President, Presidential Documents, 64023–64026

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

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CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR

Proclamations:

7607 64025

14 CFR

39 (4 documents) 63813, 63815, 63817, 63821

71 (9 documents) 63823, 63824, 63825, 63826, 63827, 63828

Proposed Rules:

39 63856

71 63858

15 CFR

Proposed Rules:

806 63860

17 CFR

1 63966

27 CFR

Proposed Rules:

55 63862

40 CFR

Proposed Rules:

60 64014

122 63867

450 63867

42 CFR

460 63966

44 CFR

65 (2 documents) 63829, 63834

67 (2 documents) 63837, 63849

Proposed Rules:

67 (2 documents) 63867, 63872

47 CFR

1 63850

20 63851

61 63850

69 63850

73 (5 documents) 63852, 63853

Proposed Rules:

73 (4 documents) 63873, 63874, 63875, 63876

48 CFR

Proposed Rules:

2 64010

11 64010

23 64010

49 CFR

393 63966

50 CFR

17 63968

635 63854

Rules and Regulations

Federal Register

Vol. 67, No. 200

Wednesday, October 16, 2002

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

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–CE–39–AD; Amendment 39–12906; AD 2002–20–09]

RIN 2120–AA64

Airworthiness Directives; Rockwell Collins, Inc. AFD–3010 Adaptive Flight Display Units

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Rockwell Collins, Inc. (Rockwell Collins) AFD–3010 adaptive flight display units that are installed on aircraft. This AD requires you to inspect the AFD–3010 unit to determine if it contains an MFP386 Application Specific Integrated Circuit (ASIC) device with a date code of 0128. This AD also requires you to have any AFD–3010 units with an MFP386 device with a date code of 0128 modified. This AD is the result of reports of a manufacturing defect. The actions specified by this AD are intended to prevent premature failure of the ASIC, which could result in the AFD–3010 unit displaying erroneous primary flight and engine parameter information. Such failure could lead to the pilot using incorrect information when making critical flight safety decisions.

DATES: This AD becomes effective on November 12, 2002.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulation as of November 12, 2002.

The Federal Aviation Administration (FAA) must receive any comments on this rule on or before December 12, 2002.

ADDRESSES: Submit comments to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2002–CE–39–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–39-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 the service information referenced in this AD from Rockwell Collins Inc., Business and Regional Systems, 400 Collins Road Northeast, Cedar Rapids, Iowa 52498; telephone: (319) 295–1831. You may view this information at FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2002–CE–39–AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Roger A. Souter, FAA, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone: (316) 946–4134; facsimile: (316) 946–4407; e-mail: *roger.souter@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

What Events Have Caused This AD?

The FAA has received reports of a manufacturing defect on the MFP386 Application Specific Integrated Circuit (ASIC) device, Collins part number (CPN) 351–4957–020. These are used on the A5 card in the input/output control circuitry of the AFD–3010 adaptive flight display units.

The manufacturing defect of the MFP386 ASIC device resulted in significant delamination around all of the die edges. This causes stress on the wire bonds that hold the device to the A5 card. Stress on the wire bonds could cause the bonds to break, which could result in failure of the device.

Failure of this device has been reported on AFD–3010 units containing an MFP386 ASIC device with a date code of 0128.

When the MFP386 ASIC fails, the AFD–3010 unit may display erroneous primary flight information and engine parameters. These systems affect the way the pilot makes critical flight safety decisions.

These Rockwell Collins AFD–3010 adaptive flight display units are installed on, but not limited to, the following aircraft:

—Bombardier Model CL–600–2A12(CL–601) airplanes;
—Cessna Model 525 and 525A airplanes;
—Dassault Model Mystere-Falcon 20—F5 and Mystere-Falcon 50 airplanes; and
—Raytheon Model 390 and Hawker 800XP airplanes.

What Are the Consequences if the Condition Is Not Corrected?

This condition, if not corrected, could result in failure of the ASIC, which could result in the AFD–3010 unit displaying erroneous primary flight and engine parameter information. Such failure could lead to the pilot using incorrect information when making critical flight safety decisions.

Is There Service Information That Applies to This Subject?

Rockwell Collins has issued Service Bulletin 12, Revision No. 2, AFD–3010–31–12, dated August 30, 2002.

The service bulletin includes procedures for:

—Inspecting the AFD–3010 unit to determine serial number of the installed unit;
—Inspecting the AFD–3010 unit (if serial number is one of the affected units) to determine the date code of the MFP386 ASIC device; and
—Replacing the MFP386 ASIC device if the date code is 0128.

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

What Has FAA Decided?

The FAA has 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 type design aircraft that incorporate these Rockwell Collins AFD–3010 adaptive flight display units;
—The actions specified in the previously-referenced service should

be accomplished on affected Rockwell AFD–3010 adaptive flight display units; and

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

What Does This AD Require?

This AD requires you to incorporate the actions in the previously-referenced service bulletin.

In preparation of this rule, we contacted type clubs and aircraft operators to obtain technical information and information on operational and economic impacts. We did not receive any information through these contacts. If received, we would have included, in the rulemaking docket, a discussion of any information that may have influenced this action.

Will I Have the Opportunity To Comment Prior to the Issuance of the Rule?

Because the unsafe condition described in this document could result in erroneous display of primary flight information, we find that notice and opportunity for public prior comment are impracticable. Therefore, good cause exists for making this amendment effective in less than 30 days.

Comments Invited

How Do I Comment on This AD?

Although this action is in the form of a final rule and was not preceded by notice and opportunity for public comment, FAA invites your comments on the 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 specified above. We may amend this rule in light of comments received. Factual information that supports your ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether we need to take additional rulemaking action.

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

We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the 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 FAA contact with the public that concerns the substantive parts of this AD.

How Can I Be Sure FAA Receives My Comment?

If you want us to acknowledge the receipt of your written comments, you must include a self-addressed, stamped postcard. On the postcard, write ''Comments to Docket No. 2002–CE–39–AD.'' We will date stamp and mail the postcard back to you.

Compliance Time of This AD

What Is the Compliance Time of This AD?

The compliance time of this AD is ''within the next 14 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 an 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

Does This AD Impact Various Entities?

These regulations 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, FAA has determined that this final rule does not have federalism implications under Executive Order 13132.

Does This AD Involve a Significant Rule or Regulatory Action?

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

2002–20–09 Rockwell Collins, Inc.: Amendment 39–12906; Docket No. 2002–CE–39–AD.

(a) *What airplanes are affected by this AD?* This AD applies to AFD–3010 adaptive flight display units, part numbers 822–1084–012/–108/–202/–206/–302/–304/–402/–404/–406 (serial numbers as specified in Rockwell Collins Service Bulletin 12, Revision No. 2, AFD–3010–31–12, dated August 30, 2002), that are installed in aircraft. These AFD–3010 adaptive flight display units are installed in, but not limited to, the following aircraft that are certificated in any category:

(1) Bombardier Model CL–600–2A12 (CL–601) airplanes;

(2) Cessna Model 525 and 525A airplanes;

(3) Dassault Model Mystere-Falcon 20–F5 and Mystere-Falcon 50 airplanes; and

(4) Raytheon Model 390 and Hawker 800XP airplanes.

(b) *Who must comply with this AD?* Anyone who wishes to operate an aircraft equipped with one of the affected AFD–3010 adaptive flight display units must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to prevent premature failure of the Application Specific Integrated Circuit (ASIC) device, which could result in the AFD–3010 unit displaying erroneous primary flight and engine parameter information. Such failure could lead to the pilot using incorrect information when making critical flight safety decisions.

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

Actions	Compliance	Procedures
(1) Inspect the AFD–3010 adaptive flight display unit to determine the serial number.	Within the next 14 days after November 12, 2002 (the effective date of this AD), unless already accomplished.	In accordance with Rockwell Collins Service Bulletin 12, Revision No. 2 (AFD–3010–31–12), dated August 30, 2002.
(2) If the serial number of the AFD–3010 unit is listed as one of the affected units specified in Rockwell Collins Service Bulletin 12, Revision No. 2 (AFD–3010–31–12), dated August 30, 2002, then inspect the MFP386 ASIC device to determine the date code. (i) If the date code on the MFP386 ASIC device is 0128, return the unit to the manufacturer for modification and install the modified ADF–3010 unit. (ii) If the date code on the MFP386 ASIC is other than 0128, no manufacturer modification is necessary.	Prior to further flight after the inspection required in paragraph (d)(1) of this AD, unless already accomplished.	In accordance with Rockwell Collins Service Bulletin 12, Revision No. 2 (AFD–3010–31–12), dated August 30, 2002.
(3) Do not install, on any aircraft, an affected ADF–3010 adaptive flight display that contains a MFP386 ASIC device with a date code of 0128.	As of November 12, 2002 (the effective date of this AD).	Not applicable.

(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 Manager, Wichita Aircraft Certification Office, approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

Note: 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 Roger A. Souter, FAA, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone: (316) 946–4134; facsimile: (316) 946–4407; e-mail: *roger.souter@faa.gov.*

(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) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with Rockwell Collins Service Bulletin 12 (AFD–3010–31–12), Revision No. 2, dated August 30, 2002. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You can get copies from Rockwell Collins, Business and Regional Systems, 400 Collins Road Northeast, Cedar Rapids, Iowa 52498; telephone: (319) 295–1831. You may view this information at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) *When does this amendment become effective*? This amendment becomes effective on November 12, 2002.

Issued in Kansas City, Missouri, on October 3, 2002.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–25717 Filed 10–15–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–CE–41–AD; Amendment 39–12908; AD 2002–21–02]

RIN 2120–AA64

Airworthiness Directives; Cirrus Design Corporation Model SR20 and SR22 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Cirrus Design Corporation (Cirrus) Model SR20 and SR22 airplanes. This AD requires you to replace the self-locking retaining nut on the roll and yaw trim cartridges with a new self-locking retaining nut with a higher axial load capability. This AD is the result of a report that, during a production flight test, the self-locking retaining nut on the yaw trim cartridge came off. The actions specified by this AD are intended to prevent loss of the self-locking retaining nut on the roll and yaw trim cartridges during flight, which could result in jamming of the corresponding flight control system. Such jamming could lead to loss of control of the airplane.

DATES: This AD becomes effective on November 8, 2002.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulation as of November 8, 2002.

The Federal Aviation Administration (FAA) must receive any comments on this rule on or before December 10, 2002.

ADDRESSES: Submit comments to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2002–CE–41–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–41–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 the service information referenced in this AD from Cirrus Design Corporation, 4515 Taylor Circle, Duluth, MN 55811; telephone: (218) 727–2737; or electronically at the following address: *www.cirrusdesign.com/sb.* You may view this information at FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2002–CE–41–AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Gregory J. Michalik, Aerospace Engineer, FAA, Chicago Aircraft Certification Office, 2300 East Devon Avenue, Des Plaines, IL 60018; telephone: (847) 294–7135; facsimile: (847) 294–7834.

SUPPLEMENTARY INFORMATION:

Discussion

What Events Have Caused This AD?

The FAA received a report that, during a production flight test of one of the affected airplanes, the pilot attempted to apply right rudder but the control would not move. After investigation of this incident, we determined that the self-locking retaining nut on the shaft of the yaw trim cartridge came off and caused the yaw trim cartridge rod to jam when the right rudder was applied.

The yaw trim cartridge and the roll trim cartridge use the same shaft and self-locking retaining nut. The manufacturer has changed the design to include a new self-locking retaining nut with greater locking ability.

There have been no reports of this situation occurring on delivered airplanes in over 96,000 hours time-in-service on the fleet.

What Are the Consequences if the Condition Is Not Corrected?

This condition, if not corrected, could result in loss of the self-locking retaining nut on the roll and yaw trim cartridges. Such failure could lead to jamming of the corresponding flight control and cause loss of control of the airplane.

Is There Service Information That Applies to This Subject?

Cirrus Design Corporation has issued Alert Service Bulletin SB A20–27–06, Issued: September 20, 2002, and Alert Service Bulletin SB A22–27–03, Issued: September 20, 2002.

These service bulletins include procedures for installing a new self-locking retaining nut on the roll trim and the yaw trim cartridges.

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

What Has FAA Decided?

The FAA has 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 Cirrus Model SR20 and SR22 airplanes of the same type design;

—The actions specified in the previously-referenced service information (as specified in this AD) should be accomplished on the affected airplanes; and

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

What Does This AD Require?

This AD requires you to incorporate the actions in the previously-referenced service bulletin.

In preparation of this rule, we contacted type clubs and aircraft operators to obtain technical information and information on operational and economic impacts. We did not receive any information through these contacts. If received, we would have included, in the rulemaking docket, a discussion of any information that may have influenced this action.

Will I Have the Opportunity To Comment Prior to the Issuance of the Rule?

Because the unsafe condition described in this document could result in loss of flight controls, we find that notice and opportunity for public prior comment are impracticable. Therefore, good cause exists for making this amendment effective in less than 30 days.

Comments Invited

How Do I Comment on This AD?

Although this action is in the form of a final rule and was not preceded by notice and opportunity for public comment, FAA invites your comments on the 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 specified above. We may amend this rule in light of comments received. Factual information that supports your ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether we need to take additional rulemaking action.

Are There Any Specific Portions of the AD I Should Pay Attention to?

We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the 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 FAA contact with the public that concerns the substantive parts of this AD.

How Can I Be Sure FAA Receives My Comment?

If you want us to acknowledge the receipt of your written comments, you must include a self-addressed, stamped postcard. On the postcard, write ''Comments to Docket No. 2002–CE–41–AD.'' We will date stamp and mail the postcard back to you.

Regulatory Impact

Does This AD Impact Various Entities?

These regulations 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, FAA has determined that this final rule does not have federalism implications under Executive Order 13132.

Does This AD Involve a Significant Rule or Regulatory Action?

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

2002–21–02 Cirrus Design Corporation: Amendment 39–12908; Docket No. 2002–CE–41–AD.

(a) *What airplanes are affected by this AD?* This AD applies to the following airplane models and serial numbers that are certificated in any category:

Model	Serial numbers
SR20	1005 through 1241, except 1235, 1237, and 1238.
SR22	0002 through 0333, except 0309, 0322, 0323, and 0328.

(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 prevent loss of the self-locking retaining nut on the roll and yaw trim cartridges during flight, which could result in jamming of the corresponding flight control system. Such jamming could lead to loss of control of the airplane.

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

Actions	Compliance	Procedures
(1) Replace the self-locking retaining nut on the yaw trim cartridge and the roll trim cartridge with a new self-locking retaining nut, part number MS21044N3.	Within the next 10 hours time-in-service after November 8, 2002 (the effective date of this AD), unless already accomplished.	In accordance with Cirrus Alert Service Bulletin SB A20–27–06, Issued: September 20, 2002, and Cirrus Alert Service Bulletin SB A22–27–03, Issued: September 20, 2002, as applicable.
(2) Do not install any self-locking retaining nut on the yaw trim cartridge or the roll trim cartridge that is not part number MS21044N3.	As of November 8, 2002 (the effective date of this AD).	Not applicable.

(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 Manager, Chicago Aircraft Certification Office (ACO), approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Chicago ACO.

Note: 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 Gregory J. Michalik, Aerospace Engineer, FAA, Chicago ACO, 2300 East Devon Avenue, Des Plaines, IL 60018; telephone: (847) 294–7135; facsimile: (847) 294–7834.

(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) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with in Cirrus Alert Service Bulletin SB A20–27–06, Issued: September 20, 2002, and Cirrus Alert Service Bulletin SB A22–27–03, Issued: September 20, 2002. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You can get copies from Cirrus Design Corporation, 4515 Taylor Circle, Duluth, MN 55811; telephone: (218) 727–2737; or electronically at the following address: *www.cirrusdesign.com/sb*. You may view this information at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) *When does this amendment become effective?* This amendment becomes effective on November 8, 2002.

Issued in Kansas City, Missouri, on October 7, 2002.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–26052 Filed 10–15–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–SW–46–AD; Amendment 39–12910; AD 2002–21–04]

RIN 2120–AA64

Airworthiness Directives; Agusta S.p.A. Model A119 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing emergency airworthiness directive (EAD) for Agusta S.p.A. (Agusta) Model A119 helicopters. EAD 2002–17–52, which was issued on August 21, 2002, was sent to all known U.S. owners and operators of Agusta Model A119 helicopters by individual letters. That AD currently requires installing a placard in the helicopter and marking the airspeed indication at 132 knots indicated airspeed (KIAS) before further flight; visually checking the tail rotor blades on both sides for a crack before each start of the helicopter engine; visually inspecting the tail rotor blades with a 5x or higher magnifying glass and conducting a dye-penetrant inspection if you are unable to determine by the visual inspection

whether or not there is a crack; replacing any cracked tail rotor blade; modifying the tail rotor hub and blade assembly, reidentifying the modified tail rotor hub and grips assembly and the modified tail rotor hub and blade assembly, which is a terminating action for the never-exceed speed (Vne) reduction; and establishing a retirement life for the tail rotor control rod. This amendment requires the same actions as that EAD, but corrects the airspeed indication marking, which should have been stated as 122 KIAS instead of 132 KIAS. This amendment is prompted by the failure of a tail rotor blade due to a fatigue crack. The actions specified by this AD are intended to prevent failure of the tail rotor blade and subsequent loss of control of the helicopter.

DATES: Effective October 31, 2002.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 31, 2002.

Comments for inclusion in the Rules Docket must be received on or before December 16, 2002.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2002–SW–46–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: *9-asw-adcomments@faa.gov.*

The applicable service information may be obtained from Agusta, 21017 Cascina Costa di Samarate (VA) Italy, Via Giovanni Agusta 520, telephone 39 (0331) 229111, fax 39 (0331) 229605–222595. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Richard Monschke, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, Fort Worth, Texas 76193–0110, telephone (817) 222–5116, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: On July 9, 2002, the FAA issued Emergency AD 2002–14–51, Docket No. 2002–SW–35–AD, which applied to Agusta Model A109E and A119 helicopters with tail rotor blade, part number (P/N) 109–8132–01–111, installed. That AD required, before each flight, visually checking each tail rotor blade on both sides for a crack. That AD also required, within 5 hours TIS and thereafter at intervals not to exceed 5 hours TIS, inspecting each tail rotor blade for a crack with a 5x or higher magnifying glass. If you were unable to determine by the visual inspection whether there was a crack, the AD required conducting a dye-penetrant inspection. Replacing any cracked tail rotor blade with an airworthy blade was also required before further flight. After issuance of that EAD, the manufacturer determined, and we agreed, that reducing the Vne to 122 KIAS is necessary to reduce the tail rotor loading until the tail rotor hub and blade assembly, P/N 109–8131–02–149, is modified and reidentified as P/N 109–8131–02–155. Further, we determined that additional tail rotor hub and blades assembly modifications were necessary for the Agusta Model A119 helicopters that are not required for the Model A109E helicopters, so we superseded AD 2002–14–51 and issued a separate AD for each model. EAD 2002–17–52, issued on August 21, 2002, is applicable to Agusta Model A119 helicopters. That EAD requires reducing the helicopter Vne; checking and inspecting the tail rotor blades for cracks; replacing any cracked tail rotor blades; modifying and reidentifying certain assemblies; and establishing a retirement life for the tail rotor control rod.

Since the issuance of EAD 2002–17–52, we have determined that we incorrectly stated the KIAS that should be marked on the helicopter airspeed indicator. The EAD stated that the airspeed indication should be marked at 132 KIAS; it should be marked at 122 KIAS.

The FAA has reviewed Agusta Alert Bollettino Tecnico No. 119–6, Revision A, dated July 12, 2002 (BT), which describes procedures for checking and inspecting both sides of the tail rotor blades, P/N 109–8132–01–111, for a crack, reducing the helicopter Vne, modifying the tail rotor hub and blade assembly, and establishing a retirement life for the tail rotor control rod. The Ente Nazionale per l'Aviazione Civile (ENAC), which is the airworthiness authority for Italy, classified the BT as mandatory and issued AD No. 2002–367, dated July 16, 2002, to ensure the continued airworthiness of these helicopters in Italy.

This helicopter model is manufactured in Italy and is type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral agreement. Pursuant to the applicable bilateral agreement, ENAC has kept the FAA informed of the situation described above. The FAA has examined the findings of ENAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other Agusta Model A119 helicopters of the same type design, this AD supersedes EAD 2002–17–52 to require reducing the helicopter Vne; checking and inspecting the tail rotor blades for cracks; replacing any cracked tail rotor blades; modifying and reidentifying certain assemblies; and establishing a retirement life for the tail rotor control rod. The actions must be accomplished in accordance with the BT described previously. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the controllability of the helicopter. Therefore reducing the helicopter Vne; checking and inspecting the tail rotor blades for cracks; replacing any cracked tail rotor blades; modifying and reidentifying certain assemblies; and establishing a retirement life for the tail rotor control rod are required before further flight, and this AD must be issued immediately.

An owner/operator (pilot) may perform the visual check required by paragraph (b) of this AD and must enter compliance with that paragraph into the helicopter maintenance records in accordance with 14 CFR 46.11 and 91.417(a)(2)(v). A pilot may perform this check because it involves only a visual check for a crack in the tail rotor blade and can be performed equally well by a pilot or a mechanic.

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

The FAA estimates that 5 helicopters of U.S. registry will be affected by this AD. It will take approximately 1 work hour to install a placard on each helicopter, 0.5 work hour to perform each enhanced visual inspection, 1 work hour to perform each dye-penetrant inspection, 1 work hour to replace a blade, if necessary, and 6 work hours to replace both grip and bushing assemblies. The average labor rate is $60 per work hour. Required parts will cost approximately $9,765 per blade, if necessary, and $9,830 for each grip and bushing assembly. The manufacturer states in its BT that they will provide a new grip and bushing assembly to customers at no charge. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $81,685 per year, assuming that each

helicopter, per year, flies 600 hours, gets 24 enhanced inspections, gets 24 dye-penetrant inspections, requires one blade replacement, and has both new grip and bushing assemblies installed.

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2002–SW–46–AD.'' The postcard will be date stamped and returned to the commenter.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

2002–21–04 Agusta S.p.A.: Amendment 39–12910. Docket No. 2002–SW–46–AD. Supersedes Emergency AD 2002–17–52, Docket No. 2002–SW–43–AD and EAD 2002–14–51, Docket No. 2002–SW–35–AD.

Applicability: Model A119 helicopters with hub and tail rotor blades assembly, part number (P/N) 109–8131–02–149, or tail rotor blades, P/N 109–8132–01–111, installed, certificated in any category.

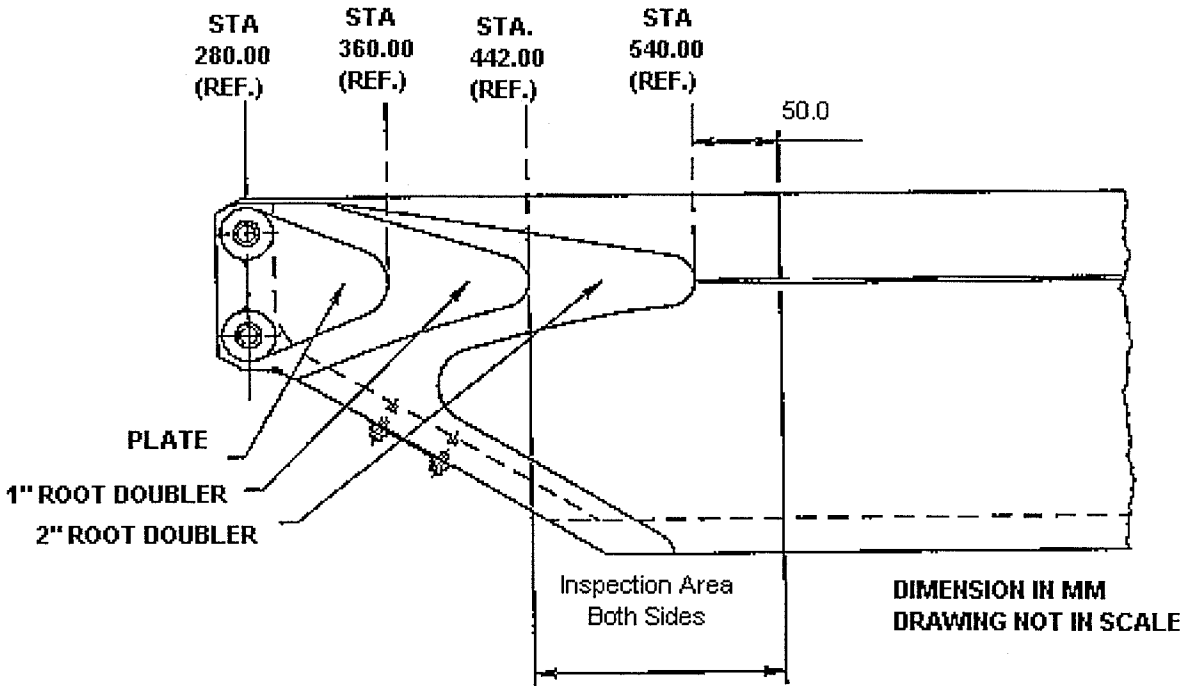
Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (i) 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 tail rotor blade and subsequent loss of control of the helicopter, accomplish the following:

(a) Before further flight, install a placard in the helicopter and mark the airspeed indicator at 122 knots indicated airspeed (KIAS) to indicate a reduction in the helicopter never exceed speed (Vne) by 30 KIAS. Make and install the placard in accordance with the Compliance Instructions, Part I, of Agusta Alert Bollettino Tecnico No. 119–6, Revision A, dated July 12, 2002 (BT). On the glass of the airspeed indicator, apply a red mark over the value of 122 KIAS.

(b) Before each start of the helicopter engine, visually check both sides of each tail rotor blade for a crack in the area depicted in Figure 1 of this AD. An owner/operator (pilot) holding at least a private pilot certificate may perform this visual check and must enter compliance with this paragraph into the aircraft maintenance records in accordance with 14 CFR 43.11 and 91.417(a)(2)(v). See Figure 1:



Part Number 109-8132-01-111 Tail Rotor Blade

FIGURE 1

Note 2: Paint irregularities on the tail rotor blade may be due to a crack.

(c) Within 25 hours time-in-service (TIS), and thereafter at intervals not to exceed 25 hours TIS, and any time an increase in vibration levels occur, using a 5x or higher magnifying glass, visually inspect each tail rotor blade for a crack in accordance with the Compliance Instructions, Part III, paragraphs 1. through 5., of the BT. Reporting to Agusta Service Engineering is not required. If you are unable to determine by the visual inspection whether there is a crack, dye penetrant inspect the tail rotor blade for a crack in accordance with the Compliance Instructions, Part III, paragraph 6., of the BT.

(d) Replace any cracked tail rotor blade with an airworthy blade before further flight.

(e) Not later than October 30, 2002, in accordance with the Compliance Instructions, Part IV, and Figure 2 of the BT:

(1) Install a new grip and bushing assembly, P/N 109–8131–02–147, into tail rotor hub and blade assembly, P/N 109–8131–02–149;

(2) Reidentify the modified tail rotor hub and grips assembly, P/N 109–8131–02–141, as P/N 109–8132–01–153; and

(3) Reidentify the modified tail rotor hub and blade assembly, P/N 109–8131–02–149, as P/N 109–8131–02–155.

Returning the grips to the manufacturer is not required by this AD.

(f) After completing the actions required by paragraph (e) of this AD, remove the Vne placard and the airspeed indicator marking at 122 KIAS that were installed in accordance with paragraph (a) of this AD. Modifying and reidentifying the parts as required by paragraph (e) of this AD is terminating actions for the requirements of paragraph (a) of this AD and restores the original Vne.

(g) After completing the actions required by paragraph (e) of this AD, establish a retirement life of 1,000 hours TIS for tail rotor control rod, P/N 109–0135–02–101.

(h) After completing the actions required by paragraph (e) of this AD, revise the helicopter Airworthiness Limitations Section of the Agusta Model A119 helicopter maintenance manual by inserting a 1,000 hour TIS retirement life for each tail rotor control rod, P/N 109–0135–02–101.

(i) 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, Regulations Group, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Regulations Group.

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

(j) Special flight permits will not be issued.

(k) Installing the placard, inspecting for cracks, modifying and reidentifying the tail rotor hub and blade assembly, and reidentifying the tail rotor hub and grip assembly shall be done in accordance with the Compliance Instructions, Part I, Part III, paragraphs 1 through 6, and Part IV, of Agusta Alert Bollettino Tecnico No. 119–6, Revision A, dated July 12, 2002. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Agusta, 21017 Cascina Costa di Samarate (VA) Italy, Via Giovanni Agusta 520, telephone 39 (0331) 229111, fax 39 (0331) 229605–222595. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(l) This amendment becomes effective on October 31, 2002.

Note 4: The subject of this AD is addressed in Ente Nazionale per l'Aviazione Civile (Italy) AD No. 2002–367, dated July 16, 2002.

Issued in Fort Worth, Texas, on October 8, 2002.

Larry M. Kelly,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 02–26071 Filed 10–15–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–NM–255–AD; Amendment 39–12909; AD 2002–21–03]

RIN 2120–AA64

Airworthiness Directives; Gulfstream Model G–V Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Gulfstream Model G–V series airplanes. This action requires performing a one-time general visual inspection of the pilot's overhead circuit breaker panel wiring for discrepancies; rerouting the P45–12 wire; and repair, if necessary. This action is necessary to prevent circuit breaker wiring from becoming pinched or damaged, causing arcing between the wire and attaching bracket, which could result in smoke and/or fire in the pilot's circuit breaker panel. This action is intended to address the identified unsafe condition.

DATES: Effective October 21, 2002. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 21, 2002.

Comments for inclusion in the Rules Docket must be received on or before December 16, 2002.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2002–NM–255–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-iarcomment@faa.gov*. Comments sent via fax or the Internet must contain ''Docket No. 2002–NM–255–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from Gulfstream Aerospace Corporation, P.O. Box 2206, M/S D–10, Savannah, Georgia 31402–9980. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, Suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert S. Chupka, Aerospace Engineer, Systems and Flight Test Branch, ACE–116A, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, Suite 450, Atlanta, Georgia 30349; telephone (770) 703–6070; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION: The manufacturer has notified the FAA that a fire occurred in the pilot's overhead circuit breaker panel on a Gulfstream Model G–V series airplane while it was undergoing a landing gear cycling test. Investigation revealed that the P45–12 wire had been pinched between the circuit breaker panel and its attach bracket. The current wire routing within the pilot's circuit breaker panel allows the P45–12 wire to become pinched or damaged upon closing of the circuit breaker panel, which may arc to the metal attaching bracket during vibration. These conditions, if not corrected, could result in smoke and/or fire in the pilot's circuit breaker panel.

Explanation of Relevant Service Information

The FAA has reviewed and approved Gulfstream Alert Customer Bulletin No. 19, including Drawing 1159SB59301, dated September 26, 2002, including attachment, which describes procedures for a one-time general visual inspection of the pilot's overhead circuit breaker panel for discrepancies (*e.g.*, wire damage). The inspection involves paying special attention to the P45–12 wire that runs from circuit breaker F10 to G5. The alert customer bulletin also describes procedures for rerouting wire P45–12 inside the standoff on the front of the panel, and contacting the manufacturer if discrepancies are found. Accomplishment of the actions specified in the alert customer bulletin is intended to adequately address the identified unsafe condition.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other Gulfstream Model G–V series airplanes of the same type design, this AD is being issued to prevent circuit breaker wiring from becoming pinched or damaged, causing arcing between the wire and attaching bracket, which could result in smoke and fire in the pilot's circuit breaker panel. This AD requires a one-time general visual inspection of the pilot's overhead circuit breaker panel wiring for discrepancies; rerouting the P45–12 wire; and repair, if necessary. The actions are required to be accomplished in accordance with the alert customer bulletin described previously; except as discussed below.

Differences Between This AD and the Alert Customer Bulletin

Operators should note that, although the alert customer bulletin specifies that the manufacturer be contacted for disposition of discrepant conditions, this AD requires repair of those conditions to be accomplished per a method approved by the FAA.

The alert customer bulletin also recommends that the actions be accomplished before further flight for airplanes located at a maintenance facility; or, for airplanes not located at a facility where the inspection can be performed, it allows a one-time flight to a maintenance facility where it can be performed. However, this AD requires that the one-time inspection be accomplished within 5 days after the effective date of this AD. In developing an appropriate compliance time for this AD, we considered not only the manufacturer's recommendation, but the degree of urgency associated with addressing the subject unsafe condition, and the average utilization of the affected fleet. In light of these factors, we find a 5-day compliance time for completing the required actions to be warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

Operators should note that, although the Accomplishment Instructions of the referenced alert customer bulletin describe procedures for completing a Service Reply Card for reporting compliance with the alert customer bulletin, this AD does not require that action. The FAA does not need this information from operators.

Determination of Rule's Effective Date

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

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2002–NM–255–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2002–21–03 Gulfstream Aerospace Corporation: Amendment 39–12909. Docket 2002–NM–255–AD.

Applicability: Model G–V series airplanes; having serial numbers 501 through 686 inclusive, and 699; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent the circuit breaker wiring from becoming pinched or damaged, causing arcing between the wire and attaching bracket, which could result in smoke and/or fire in the pilot's circuit breaker panel, accomplish the following:

Inspection

(a) Within 5 days after the effective date of this AD, perform a one-time general visual inspection of the pilot's circuit breaker panel wiring for discrepancies (*e.g.*, wire damage), in accordance with Gulfstream V Alert Customer Bulletin No. 19, including Drawing 1159SB59301, dated September 26, 2002, including attachment; except that it is not necessary to complete the Service Reply Card. Pay special attention to wire P45–12 that runs from circuit breaker F10 to G5.

Note 2: For the purposes of this AD, a general visual inspection is defined as: ''A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to enhance visual access to all exposed surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.''

(1) If no discrepancy is found, before further flight, reroute wire P45–12 in accordance with the alert customer bulletin.

(2) If any discrepancy is found, before further flight, reroute wire P45–12 and repair discrepancies per a method approved by the Manager, Atlanta Aircraft Certification Office (ACO), FAA. For a repair method to be approved by the Manager, Atlanta ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

Alternative Methods of Compliance

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

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

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) Unless otherwise provided by this AD, the actions shall be done in accordance with Gulfstream V Alert Customer Bulletin No. 19, including Drawing 1159SB59301, dated

September 26, 2002, including attachment. 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 Gulfstream Aerospace Corporation, P.O. Box 2206, M/S D–10, Savannah, Georgia 31402–9980. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, Suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(e) This amendment becomes effective on October 21, 2002.

Issued in Renton, Washington, on October 7, 2002.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–26208 Filed 10–15–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 02–ASO–16]

Amendment of Class E5 Airspace; Andrews-Murphy, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E5 airspace at Andrews-Murphy, NC. A Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP), helicopter point in space approach, has been developed for Murphy Medical Center, Murphy, NC. As a result, controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain the SIAP.

EFFECTIVE DATE: 0901 UTC, November 28, 2002.

FOR FURTHER INFORMATION CONTACT: Walter R. Cochran, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5627.

SUPPLEMENTARY INFORMATION:

History

On August 20, 2002, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by amending Class E5 airspace at Andrews-Murphy, NC, (67 FR 53897). This action provides adequate Class E5 airspace for IFR operations at Murphy Medical Center, Murphy, NC. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in FAA Order 7400.9K, dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR part 71.1. The Class E designation listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends Class E5 airspace at Andrews-Murphy, NC.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9K, Airspace Designations and Reporting Points, dated August 30, 2002, and effective September 16, 2002, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth.

* * * * *

ASO NC E5 Andrews-Murphy, NC [Revised]

Andrews-Murphy Airport, NC
(Lat. 35°11′42″N, long. 83°51′50″W)
Murphy Medical Center
Point In Space Coordinates
(Lat. 35°05′10″N, long. 83°57′54″W)

That airspace extending upward from 700 feet or more above the surface within a 6.5-mile radius of the Andrews-Murphy Airport and that airspace within a 6.5-mile radius of the point in space (Lat. 35°05′10″N, long. 83°57′54″W) serving Murphy Medical Center; excluding that airspace within the Knoxville, TN, Class E airspace area.

* * * * *

Issued in College Park, Georgia October 4, 2002.

Walter R. Cochran,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 02–26275 Filed 10–15–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 02–ASO–17]

Amendment to Class E5 Airspace; Morganton, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E5 airspace at Andrews-Murphy, NC. An Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP), helicopter point in space approach, has been developed for Grace Hospital, Morganton, NC. As a result, controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain the SIAP.

EFFECTIVE DATE: 0901 UTC, November 28, 2002.

FOR FURTHER INFORMATION CONTACT: Walter R. Cochran, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5627.

SUPPLEMENTARY INFORMATION:

History

On August 20, 2002, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR Part 71) by amendment Class E5 airspace at Morganton, NC, (67 FR 5398). This action provides adequate Class E5 airspace for IFR operations at Grace Hospital, Morganton, NC. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in FAA Order 7400.9K, dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR part 71.1. The Class E designation listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E5 airspace at Morganton, NC.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9K, Airspace Designations and Reporting Points, dated August 30, 2002, and effective September 16, 2002, is amended as follows:

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

* * * * *

ASO NC E5 Morganton, NC [Revised]

Morganton-Lenoir Airport, NC
(Lat. 35°49′15″ N, long. 81°36′40″ W)
Fiddlers NDB
(Lat. 35°42′37″ N, long. 81°40′17″ W)
Grace Hospital
Point in Space Coordinates
(Lat. 35°43′31″ N, long. 81°39′59″ W)

That airspace extending upward from 700 feet or more above the surface within a 9.5-mile radius of the Morganton-Lenoir Airport and within 2.5 miles each side of the 205° bearing from Fiddlers NDB, extending from the 9.5-mile radius to 7 miles southwest of the NDB and that airspace within a 6-mile radius of the point in space (lat. 35°43′31″ N, long. 81°39′59″ W) serving Grace Hospital; excluding that airspace within the Hickory, NC, Class E airspace area.

* * * * *

Issued in College Park, Georgia, October 4, 2002.

Walter R. Cochran,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 02–26276 Filed 10–15–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 02–AEA–16]

Amendment of Class E Airspace, Matawan, NJ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This action removes the description of the Class E airspace designated for Matawan, NJ. Marlboro Airport has been closed and the Standard Instrument Approach Procedure (SIAP) for this airport has been cancelled. Class E airspace for Marlboro Airport is no longer needed and will be restored to less restrictive Class G airspace.

DATES: Effective Date: November 28, 2002.

Comment Date: Comments must be received on or before October 31, 2002.

ADDRESSES: Send comments on the rule in triplicate to: Manager, Airspace Branch, AEA–520, Docket No. 02–AEA–16, FAA Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4890.

The official docket may be examined in the Office of the Regional Counsel, AEA–7, FAA Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809; telephone: (718) 553–3255.

An informal docket may also be examined during normal business hours at the address listed above.

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

SUPPLEMENTARY INFORMATION: Although this action is a final rule, which involves the amendment of the Class E airspace at Matawan, NJ, by removing that airspace designated for Marlboro Airport, and was not preceded by notice and public procedure, comments are invited on the rule. This rule will become effective on the date specified in the **DATES** section. However, after the review of any comments and, if the FAA finds that further changes are appropriate, it will initiate rulemaking proceedings to extend the effective date or to amend the regulation.

Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule, and in determining whether additional rulemaking is required. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the rule which might suggest the need to modify the rule.

The Rule

This amendment to part 71 of the Federal Aviation Regulation (14 CFR part 71) removes the description of the Class E airspace at Matawan, NJ, by removing that airspace designated for Marlboro Airport. The airport has been closed and abandoned for aeronautical use. As a result the Matawan, NJ, Class E airspace is no longer required for air safety. Class E airspace designations for airspace extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9K, dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14

CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Under the circumstances presented, the FAA concludes that the more restrictive Class E airspace at Matawan, NJ is no longer supported and the flight rules pertinent to Class G airspace should apply. Accordingly, since this action merely reverts the Matawan, NJ, Class E Airspace to Class G and has no significant impact on aircraft operations at Marlboro Airport, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporated by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[Amended]

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9K, Airspace Designations and Reporting Points, dated August 30, 2002 and effective September 16, 2002, is amended as follows:

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

* * * * *

AEA NY E5 Matawan, NJ [Removed]

* * * * *

Issued in Jamaica, New York on October 3, 2002.

F.D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 02–26278 Filed 10–15–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 02–ASO–15]

Establishment of Class E5 Airspace; Sylva, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E5 airspace at Sylva, NC. A Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP), helicopter point in space approach, has been developed for Jackson County Airport, NC. As a result, controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain the SIAP.

EFFECTIVE DATE: 0901 UTC, January 23, 2003.

FOR FURTHER INFORMATION CONTACT: Walter R. Cochran, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5586.

SUPPLEMENTARY INFORMATION:

History

On August 20, 2002, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class E5 airspace at Sylva, NC, (67 FR 53896). This action provides adequate Class E airspace for IFR operations at Jackson County Airport. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in FAA Order 7400.9K, dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR part 71.1. The Class E designation listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E5 airspace at Sylva, NC.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9K, Airspace Designations and Reporting Points, dated August 30, 2002, and effective September 16, 2002, is amended as follows:

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

* * * * *

ASO NC E5 Sylva, NC [New]

Jackson County Airport
Point In Space Coordinates
(Lat. 35°19′46″ N, long. 83°13′14″ W)

That airspace extending upward from 700 feet or more above the surface within a 6-mile radius of the point in space (lat. 35°19′46″ N, long. 83°13′14″ W) serving

Jackson County Airport; excluding that airspace within the Knoxville, TN, Class E airspace area.

* * * * *

Issued in College Park, Georgia, October 4, 2002.

Walter R. Cochran,

Acting Manager, Air Traffic Division Southern Region.

[FR Doc. 02–26280 Filed 10–15–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 02–ASO–13]

Establishment of Class E5 Airspace; Marion, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E5 airspace at Marion, NC. A Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP), helicopter point in space approach, has been developed for McDowell Hospital, Marion, NC. As a result, controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain the SIAP.

EFFECTIVE DATE: 0901 UTC, January 23, 2003.

FOR FURTHER INFORMATION CONTACT: Walter R. Cochran, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5586.

SUPPLEMENTARY INFORMATION:

History

On August 16, 2002, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class E5 airspace at Marion, NC (67 FR 53535). This action provides adequate Class E airspace for IFR operations at McDowell Hospital. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in FAA Order 7400.9K, dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR part 71.1. The Class E designation listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) establishes Class E5 airspace at Marion, NC.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

Authority: 49 U.S.C. 106(g); 40103; 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp. p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9K, Airspace Designations and Reporting Points, dated August 30, 2002, and effective September 16, 2002, is amended as follows:

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

* * * * *

ASO NC E5 Marion, NC [New]

McDowell Hospital
Point In Space Coordinates

(Lat. 35°39′45″N, long. 82°02′49″W)

That airspace extending upward from 700 feet or more above the surface within a 6-mile radius of the point in space (lat. 35°39′45″N, long. 82°02′49″W) serving McDowell Hospital; excluding that airspace with the Rutherfordton, NC, Class E airspace area.

* * * * *

Issued in College Park, Georgia, October 4, 2002.

Walter R. Cochran,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 02–26281 Filed 10–15–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 02–ASO–12]

Establishment of Class E5 Airspace; Highlands, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action established Class E5 airspace at Highlands, NC. A Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP), helicopter point in space approach, has been developed for Highlands-Cashiers Hospital, Highlands, NC. As a result, controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain the SIAP.

EFFECTIVE DATE: 0901 UTC, January 23, 2003.

FOR FURTHER INFORMATION CONTACT: Walter R. Cochran, Manager Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5586.

SUPPLEMENTARY INFORMATION:

History

On August 16, 2002, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class E5 airspace at Highlands, NC (67 FR 53536). This action provides adequate Class E airspace for IFR operations at Highlands-Cashiers Hospital. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in FAA Order 7400.9K, dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR

part 71.1. The Class E designation listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E5 airspace at Highlands, NC.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9K, Airspace Designations and Reporting Points, dated August 30, 2002, and effective September 16, 2002, is amended as follows:

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

* * * * *

ASO NC E5 Highlands, NC [New]

Highlands-Cashiers Hospital
Point In Space Coordinates
(Lat. 35°03′18″ N, long. 83°12′30″ W)

That airspace extending upward from 700 feet or more above the surface within a 6-mile radius of the point in space (lat. 35°03′18″ N, long. 83°12′30″ W) serving Highlands-Cashiers Hospital.

* * * * *

Issued in College Park, Georgia, on October 4, 2002.

Walter R. Cochran,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 02–26282 Filed 10–15–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 02–ASO–11]

Amendment of Class E5 Airspace; Asheville, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E5 airspace at Asheville, NC. A Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP), helicopter point in space approach, has been developed for St. Josephs-Mission Hospital, Asheville, NC. As a result, controlled airspace extending upward from 700 feet Above Ground Level (AGL) northeast of Asheville, NC is needed to contain the SIAP.

EFFECTIVE DATE: 0901 UTC, January 23, 2003.

FOR FURTHER INFORMATION CONTACT: Walter R. Cochran, Manager Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5586.

SUPPLEMENTARY INFORMATION:

History

On August 16, 2002, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by amending Class E5 airspace at Asheville, NC, (67 FR 53536). This action provides adequate Class E airspace for IFR operations at Asheville, NC. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in FAA Order 7400.9K, dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR part 71.1. The Class E designation listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E5 airspace at Highlands, NC.

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

List Subject is 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p 389; 14 CFR 11.69

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9K, Airspace Designations and Reporting Points, dated August 30, 2002, and effective

September 16, 2002, is amended as follows:

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

* * * * *

ASO NC E5 Asheville, NC [Revised]

Asheville Regional Airport, NC
(Lat. 35°26′10″ N, long. 82°32′30″ W)
St. Josephs-Mission Hospital, Asheville, NC
Point In Space Coordinates
(Lat. 35°33′53″ N, long. 82°33′06″ W)

That airspace extending upward from 700 feet above the surface within 6 miles each side of Runway 16/34 centerline, extending 17 miles north and 21 miles south of the Asheville Regional Airport and that airspace within a 6-mile radius of the point in space (lat. 35°33′53″ N, long. 82°33′06″ W) serving St. Josephs-Mission Hospital.

* * * * *

Dated: Issued in College Park, Georgia, on October 4, 2002.

Walter R. Cochran,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 02–26283 Filed 10–15–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 02–ASO–10]

Establishment of Class E5 Airspace; Franklin, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E5 airspace at Franklin, NC. An Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP), helicopter point in space approach, has been developed for Angel Medical Center, Franklin, NC. As a result, controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain the SIAP.

EFFECTIVE DATE: 0901 UTC, January 23, 2002.

FOR FURTHER INFORMATION CONTACT: Walter R. Cochran, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5586.

SUPPLEMENTARY INFORMATION:

History

On August 16, 2002, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class E5 airspace at Franklin, NC, (67 FR 53538). This action provides adequate Class E airspace for IFR operations at Angel Medical Center. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in FAA Order 7400.9K, dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR part 71.1. The Class E designation listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E5 airspace at Franklin, NC.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9K, Airspace Designations and Reporting Points, dated August 30, 2002, and effective September 16, 2002, is amended as follows:

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

* * * * *

ASO NC E5 Franklin, NC

Angel Medical Center, Franklin, NC
Point In Space Coordinates
(Lat. 35°10′37″ N, long. 83°22′04″ W)

That airspace extending upward from 700 feet or more above the surface within a 6-mile radius of the point in space (lat. 35°10′37″ N, long. 83°22′04″ W) serving Angel Medical Center.

* * * * *

Issued in College Park, Georgia, on October 4, 2002.

Walter R. Cochran,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 02–26284 Filed 10–15–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 02–ASO–9]

Amendment of Class E5 Airspace; Prestonburg, KY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E5 airspace at Prestonburg, KY. A Area Navigation (RNAV), Global Positioning System (GPS), Runway (RWY) 3, a RNAV (GPS) RWY 21, and a VHF Omni-directional Range (VOR)/Distance Measuring Equipment (DME)—A Standard Instrument Approach Procedure (SIAP) has been developed for Big Sandy Regional Airport, KY. As a result, controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAPs.

EFFECTIVE DATE: 0901 UTC, January 23, 2003.

FOR FURTHER INFORMATION CONTACT: Walter R. Cochran, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5586.

SUPPLEMENTARY INFORMATION:

History

On August 7, 2002, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by amending Class E5 airspace at Prestonburg, KY, (67 FR 51149). This action provides adequate Class E airspace for IFR operations at Prestonburg, KY. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in FAA Order 7400.9K, dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR part 71.1. The Class E designation listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends Class E5 airspace at Prestonburg, KY.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9K, Airspace Designations and Reporting Points, dated August 30, 2002, and effective September 16, 2002, is amended as follows:

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

* * * * *

ASO KY E5 Prestonburg, KY [Revised]

Prestonburg, Big Sandy Regional Airport, KY (Lat. 37°45′04″ N, long. 82°38′12″ W,

That airspace extending upward from 700 feet or more above the surface within a 6.5-mile radius of the Big Sandy Regional Airport.

* * * * *

Issued in College Park, Georgia, on October 4, 2002.

Walter R. Cochran,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 02–26285 Filed 10–15–02; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, (FEMA).

ACTION: Final rule.

SUMMARY: Modified Base (1-percent-annual-chance) Flood Elevations (BFEs) are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

EFFECTIVE DATES: The effective dates for these modified BFEs are indicated on the table below and revise the Flood Insurance Rate Maps (FIRMs) in effect for the listed communities prior to this date.

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: FEMA makes the final determinations listed below of the final determinations of modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Administrator, Federal Insurance and Mitigation Administration, has resolved any appeals resulting from this notification.

The modified BFEs are not listed for each community in this notice. However, this rule includes the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection.

The modifications are made pursuant to Section 206 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.

These modified BFEs 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.

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, 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 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 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 names of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Illinois:					
St. Clair (00–05–315P) (FEMA Docket No. 7610).	City of Belleville	January 8, 2002; January 15, 2002; Belleville News-Democrat.	The Honorable Mark A. Kern, Mayor, City of Belleville, 101 South Illinois Street, Democrat Belleville, Illinois 62220.	April 16, 2002	170618
Cook (02–05–0239P) (FEMA Docket No. 7610).	Unincorporated Areas.	January 17, 2002; January 24, 2002; *Northbrook Star*.	Mr. John H. Stroger, Jr., President, Cook County Board of Commissioners, 118 North Clark Street, Room 537, Northbrook, Illinois 60602.	December 20, 2001	170054
Cook (02–05–1825P) (FEMA Docket No. 7610).	Unincorporated Areas.	March 20, 2002; March 27, 2002; *The Chicago Tribune*.	Mr. John H. Stroger, Jr., President, Cook County Board of Commissioners, 118 North Clark Street, Room 537, Chicago, Illinois 60602.	June 26, 2002	170054
Cook (02–05–0239P) (FEMA Docket No. 7610).	City of Northbrook.	January 17, 2002; January 24, 2002; *Northbrook Star*.	Mr. Mark W. Damisch, President, Village of Northbrook, 1225 Cedar Lane, Northbrook, Illinois 60062–4582.	December 20, 2001	170132
Cook (02–05–1825P) (FEMA Docket No. 7610).	City of Oak Forest.	March 20, 2002; March 27, 2002; *The Chicago Tribune*.	The Honorable Patrick Gordon, Mayor, City of Oak Forest, 15440 South Central Avenue Oak Forest, Illinois 60452.	June 26, 2002	170136
Cook (01–05–3763P) (FEMA Docket No. 7612).	Village of Palos Park.	May 1, 2002; May 8, 2002; *Daily Southtown*.	The Honorable Jean Moran, Mayor, Village of Palos Park, 8999 West 123rd Street, Palos Park, Illinois 60464.	August 7, 2002	170144
Will (01–05–1864P) (FEMA Docket No. 7610).	Village of Plainfield.	February 20, 2002; February 27, 2002; *The Enterprise*.	Mr. Richard Rock, President, Village of Plainfield, 530 West Lockport Street Suite 206, Plainfield, Illinois 60544.	May 29, 2002	170771
Indiana:					
Dearborn (00–05–285P) (FEMA Docket No. 7610).	Town of Greendale.	February 7, 2002; February 14, 2002; *The Dearborn County Register*.	The Honorable Doug Hedrick, Mayor, Town of Greendale, 510 Ridge Avenue, Greendale, Indiana 47025.	January 9, 2002	180040
Johnson (02–05–0605P) (FEMA Docket No. 7610).	City of Greenwood.	April 3, 2002; April 10, 2002; *Greenwood and Southside Challenger*.	The Hon. Charles Henderson, Mayor, City of Greenwood, 2 North Madison Avenue, Greenwood, Indiana 46142.	April 22, 2002	180115

State and county	Location	Dates and names of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Dearborn (00–05–285P) (FEMA Docket No. 7610).	City of Lawrenceburg.	February 7, 2002; February 14, 2002; *The Dearborn County Register*.	The Honorable Paul Tremain, Mayor, City of Lawrenceburg, 405 Main Street, Lawrenceburg, Indiana 47025.	January 9, 2002	180041
Kansas:					
Sedgwick (00–07–493P) (FEMA Docket No. 7614).	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
Michigan:					
Oakland (01–05–214P) (FEMA Docket No. 7610).	Village of Lake Orion.	April 3, 2002; April 10, 2002; *The Lake Orion Review*.	Ms. JoAnn Van Tassel, Manager, Village of Lake Orion, 37 East Flint Street, Lake Orion, Michigan 48362.	April 5, 2002	260588
Macomb (01–05–229P) (FEMA Docket No. 7610).	City of Warren ...	March 22, 2002; March 29, 2002; *The Macomb Daily*.	The Hon. Mark Steenbergh, Mayor, City of Warren, Warren Municipal Building, 29500 Van Dyke Avenue, Warren, Michigan 48093.	June 28, 2002	260129
Macomb (02–05–0025P) (FEMA Docket No. 7610).	Township of Washington.	February 8, 2002; February 15, 2002; *The Macomb Daily*.	Mr. Gary Kirsh, Supervisor, Township of Washington, P.O. Box 94067, Washington, Michigan 48094.	December 21, 2001	260447
Minnesota:					
Anoka (01–05–2586P) (FEMA Docket No. 7610).	City of Coon Rapids.	February 15, 2002; February 22, 2002; *The Herald*.	The Hon. Ilona McCauley, Mayor, City of Coon Rapids, 11155 Robinson Drive Coon Rapids, Minnesota 55433.	February 7, 2002	270011
Rice (02–05–0959P) (FEMA Docket No. 7610).	City of Dundas ...	January 23, 2002; January 30, 2002; *Northfield News*.	The Hon. Myron Malecha, Mayor, City of Dundas, 216 Railway Street North Dundas, Minnesota 55109.	December 18, 2001	270403
Missouri:					
Ste. Genevieve (01–07–425P) (FEMA Docket No. 7610).	City of Ste. Genevieve.	February 20, 2002; February 27, 2002; *Ste. Genevieve Herald*.	The Hon. Kathleen Waltz, Mayor, City of Ste. Genevieve, 165 South Fourth Street, Ste. Genevieve, Missouri 63670.	February 8, 2002	290325
Ste. Genevieve (01–07–425P) (FEMA Docket No. 7610).	Unincorporated Areas.	February 20, 2002; February 27, 2002; *Ste. Genevieve Herald*.	Mr. Dennis Huck, County Commissioner, Ste. Genevieve County, 165 South Fourth Street, Ste. Genevieve, Missouri 63670.	February 8, 2002	290833
New Mexico: Bernalillo (01–06–880P) (FEMA Docket No. 7610).	Unincorporated Areas.	February 21, 2002; February 28, 2002; *Albuquerque Journal*.	Mr. Tom Rutherford, Chairman, Bernalillo County, 2400 Broadway, S.E., Albuquerque, New Mexico 87102.	January 29, 2002	350001
Ohio:					
Lorain (01–05–665P) (FEMA Docket No. 7610).	City of Avon	March 22, 2002; March 29, 2002; *The Morning Journal*.	The Honorable James Smith, Mayor, City of Avon, 36080 Chester Road, Avon, Ohio 44011.	June 28, 2002	390348
Montgomery (01–05–740P) (FEMA Docket No. 7610).	City of Centerville.	March 15, 2002; March 22, 2002; *Dayton Daily News*.	The Honorable Sally D. Beals, Mayor, City of Centerville, 7875 Stonehouse Court, Centerville, Ohio 45459.	June 21, 2002	390408

State and county	Location	Dates and names of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Delaware (01–05–1490P) (FEMA Docket No. 7610).	Unicorporated Areas.	March 6, 2002; March 13, 2002; *Westerville News and Public Opinion*.	Mr. James Ward, President, Delaware County, Board of Commissioners, 101 North Sandusky Street, Delaware, Ohio 43105.	June 12, 2002	390146
Franklin, (01–05–1490P) (FEMA Docket No. 7610).	Unincorporated Areas.	March 6, 2002; March 13, 2002; *Westerville News and Public Opinion*.	Mr. Dewey R. Stokes, President, Franklin County Board of Commissioners, 373 South High Street, 26th Floor, Columbus, Ohio 43215.	June 12, 2002	390167
Franklin (00–05–311P) (FEMA Docket No. 7610).	City of Grove City.	April 17, 2002; April 24, 2002; *Grove City News*.	The Hon. Cheryl L. Grossman, Mayor, City of Grove City, P.O. Box 427, Grove City, Ohio 43123.	July 24, 2002	390173
Lucas (01–05–2963P) (FEMA Docket No. 7610).	Unincorporated Areas.	February 19, 2002; February 26, 2002; *Farmland News*.	Ms. Sandy Isenberg, President, Lucas County, Board of Commissioners, One Government Center, Suite 800, Toledo, Ohio 43604.	May 28, 2002	390359
Franklin and Delaware (01–05–1490P) (FEMA Docket No. 7610).	City of Westerville.	March 6, 2002; March 13, 2002; *Westerville News and Public Opinion*.	The Hon. Stewart Flaherty, Mayor, City of Westerville, 21 South State Street, Westerville, Ohio 43081.	June 12, 2002	390179
Delaware and Franklin (02–05–2128P) (FEMA Docket No. 7610).	City of Westerville.	April 10, 2002; April 17, 2002; *Westerville News and Public Opinion*.	The Hon. Stewart Flaherty, Mayor, City of Westerville, 21 South State Street, Westerville, Ohio 43081.	April 8, 2002	390179
Oklahoma:					
Oklahoma (00–06–1829P) (FEMA Docket No. 7610).	City of Edmond ..	March 22, 2002; March 29, 2002; *The Edmond Sun*.	The Honorable Saundra Naifeh, Mayor, City of Edmond, P.O. Box 2970, Edmond, Oklahoma 73083.	February 28, 2002	400252
Tulsa (01–06–1178P) (FEMA Docket No. 7610).	Unincorporated Areas.	March 7, 2002; March 14, 2002; *Tulsa World*.	The Hon. Wilbert E. Colins, Chairman, Tulsa County, Board of Commissioners, 500 South Denver, Tulsa, Oklahoma 74103.	June 13, 2002	400462
Texas:					
Tarrant (01–06–780P) (FEMA Docket No. 7610).	City of Arlington	April 10, 2002; April 17, 2002; *The Arlington Morning News*.	The Honorable Elzie Odom, Mayor, City of Arlington, 101 West Abram Street, Arlington, Texas 76004.	July 16, 2002	485454
Travis (01–06–674P) (FEMA Docket No. 7610).	City of Austin	March 5, 2002; March 12, 2002; *Austin American Statesman*.	The Honorable Gus Gracia, Mayor, City of Austin, 124 West 8th Street, Austin, Texas 78701.	January 18, 2002	480624
Bexar (01–06–543P) (FEMA Docket No. 7610).	Unincorporated Areas.	January 17, 2002; January 24, 2002; *San Antonio Express News*.	The Hon. Cyndi T. Krier, Judge, Bexar County, 100 Dolorosa, Suite 101, San Antonio, Texas 78205.	April 25, 2002	480035
Bexar (01–06–1714P).	Unincorporated Areas.	February 21, 2002; February 28, 2002; *San Antonio Express News*.	The Hon. Nelson W. Wolff, Judge, Bexar County, 100 Dolorosa, Suite 101, San Antonio, Texas 78205.	May 30, 2002	480035
Johnson (00–06–1649P) (FEMA Docket No. 7610).	City of Burleson	February 20, 2002; February 27, 2002; *The Burleson Star*.	The Honorable Byron Black, Mayor, City of Burleson, 141 West Renfro, Burleson, Texas 76028.	May 29, 2002	485459

State and county	Location	Dates and names of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Montgomery (01–06–225P) (FEMA Docket No. 7610).	City of Conroe ...	February 19, 2002; February 26, 2002; *The Courier*.	The Honorable Carter Moore, Mayor, City of Conroe, P.O. Box 3066, Conroe, Texas 77305.	May 28, 2002	480484
Denton (00–06–1241P) (FEMA Docket No. 7610).	Town of Corinth	April 3, 2002; April 10, 2002; *Lake Cities Sun Paper*.	The Hon. Shirley Spellerberg, Mayor, Town of Corinth, 2003 South Corinth, Corinth, Texas 76205.	July 10, 2002	481143
Dallas (01–06–1501P) (FEMA Docket No. 7610).	City of Dallas	January 24, 2002; January 31, 2002; *Dallas Morning News*.	The Honorable Laura Miller, Mayor, City of Dallas, 1500 Marilla Street, City Hall, Dallas, Texas 75201.	May 1, 2002	480171
Tarrant (02–06–373P) (FEMA Docket No. 7610).	City of Fort Worth.	April 3, 2002; April 10, 2002; *Fort Worth Star-Telegram*.	The Honorable Kenneth Barr, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, Texas 76102.	July 10, 2002	480596
Williamson (01–06–213P) (FEMA Docket No. 7610).	City of Hutto	February 21, 2002; February 28, 2002; *Hutto Herald*.	The Honorable Glen Pierce, Mayor, City of Hutto, P.O. Box 2803, Hutto, Texas 78634.	May 30, 2002	481047
Dallas (01–06–1643P) (FEMA Docket No. 7610).	City of Irving	April 4, 2002; April 11, 2002; *The Irving Morning News*.	The Honorable Joe H. Putnam, Mayor, City of Irving, 825 West Irving Boulevard, Irving, Texas 75060.	March 8, 2002	480180
Midland (01–06–1743P) (FEMA Docket No. 7610).	City of Midland ...	May 2, 2002; May 9, 2002; *Midland Reporter-Telegram*.	The Hon. Michael J. Canon, Mayor, City of Midland, City Hall, 300 North Loraine, Midland, Texas 79701.	August 8, 2002	480477
Montgomery (01–06–599P) (FEMA Docket No. 7610).	Unincorporated Areas.	March 6, 2002; March 13, 2002; *The Courier*.	The Honorable Alan B. Sadler, Judge, Montgomery County, 301 North Thompson Street, Suite 210, Conroe, Texas 77301.	June 12, 2002	480483
Montgomery (01–06–1170P) (FEMA Docket No. 7610).	Unincorporated Areas.	March 2, 2002; March 27, 2002; *The Courier*.	The Honorable Alan B. Sadler, Judge, Montgomery County, 301 North Thompson Street, Suite 210, Conroe, Texas 77301.	February 26, 2002	480483
Montgomery (01–06–1145P) (FEMA Docket No. 7610).	Unincorporated Areas.	March 21, 2002; March 28, 2002; *The Courier*.	The Honorable Alan B. Sadler, Judge, Montgomery County, 301 North Thompson Street, Suite 210, Conroe, Texas 77301.	March 1, 2002	480483
Tarrant (01–06–579P) (FEMA Docket No. 7610).	City of North Richland Hills.	January 8, 2002; January 15, 2002; *Fort Worth Star Telegram*.	The Honorable Charles Scoma, Mayor, City of N. Richland Hills, P.O. Box 820609, North Richland Hills, Texas 76182.	December 19, 2002	480607
Tarrant (01–06–1991) (FEMA Docket No. 7610).	City of North Richland Hills.	March 6, 2002; March 11, 2002; *Fort Worth Star Telegram*.	The Honorable Oscar Trevino, Mayor, City of N. Richland Hills, P.O. Box 820609, North Richland Hills, Texas 76182.	January 23, 2002	480607
Montgomery (01–06–599P) (FEMA Docket No. 7610).	City of Oak Ridge North.	March 6, 2002; March 13, 2002; *The Courier*.	The Honorable Joe Michels, Mayor, City of Oak Ridge North, City Hall, 2742 Robinson Road, Oak Ridge North, Texas 77385.	June 12, 2002	481560

State and county	Location	Dates and names of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Collin (00–06–1193P) (FEMA Docket No. 7610).	City of Plano	February 20, 2002; February 27, 2002; *Plano Star Courier*.	The Honorable Pat Evans, Mayor, City of Plano, P.O. Box 860358, Plano, Texas 75086.	May 29, 2002	480140
Rockwall (01–06–355P) (FEMA Docket No. 7610).	City of Rockwall	March 22, 2002; March 29, 2002; *The Rockwall/Rowlett Morning News*.	The Honorable Ken Jones, Mayor, City of Rockwall, 385 S. Goliad Street, Rockwall, Texas 75087.	March 1, 2002	480547
Tarrant (02–06–373P) (FEMA Docket No. 7610).	Unincorporated Areas.	April 3, 2002; April 10, 2002; *Fort Worth Strar Telegram*.	The Honorable Tom Vandergriff, Judge, Tarrant County, 100 East Weatherford Street, Forth Worth, Texas 76196.	July 10, 2002	4800582

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

Dated: September 23, 2002.

Anthony S. Lowe,

Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02–26215 Filed 10–15–02; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA–P–7616]

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:					
Faulkner (01–06–1902P).	City of Conway	August 19, 2002, August 26, 2002, *Log Cabin Democrat*.	The Honorable Tab Townsell, Mayor, City of Conway, 1201 Oak Street, Conway, Arkansas 72033.	November 25, 2002	050078
Washington ..... (02–06–1260P)	City of Fayetteville	August 1, 2002, August 8, 2002, *Northwest Arkansas Times*.	The Honorable Dan Coody, Mayor, City of Fayetteville, 113 West Markham Street, Fayetteville, Arkansas 72701.	July 23, 2002	050216
Illinois:					
Cook (01–05–3037P).	Village of Palos Park ...	August 8, 2002, August 15, 2002, *Daily Southtown*.	The Honorable Jean A. Moran, Mayor, Village of Palos Park, 8999 West 123rd Street, Palos Park, Illinois 60464.	November 14, 2002	170144
Will (02–05–1170P).	Village of Romeoville ..	August 1, 2002, August 8, 2002, *The Herald News*.	The Honorable Fred Dewald, Jr., Mayor, Village of Romeoville, Village Hall, 13 Montrose Drive, Romeoville, Illinois 60446.	November 7, 2002	170711
Kansas:					
Riley (02–07–667P).	City of Riley	August 15, 2002, August 22, 2002, *The Riley Countian*.	The Honorable Gerald Baer, Mayor, City of Riley, P.O. Box 333, Riley, Kansas 66531.	November 21, 2002	200303
Riley (02–07–666P).	Unincorporated Areas	August 15, 2002, August 22, 2002, *The Manhattan Mercury*.	Mr. Robert Newsome, Chairman, Riley County Commissioner, Courthouse Plaza East, 115 North 4th Street, Manhattan, Kansas 66502.	November 21, 2002	200298
Minnesota:					
Olmsted (01–05–746P).	Unincorporated Areas	August 1, 2002, August 8, 2002, *Post-Bulletin*.	Mr. Richard Devlin, County Administrator, Olmsted County, 151 4th Street SE, Rochester, Minnesota 55904.	July 18, 2002	270626
Olmsted (01–05–746P).	City of Rochester	August 1, 2002, August 8, 2002, *Post-Bulletin*.	The Honorable Chuck Canfield, Mayor, City of Rochester, City Hall, Room 281, 201 4th Street SE, Rochester, Minnesota 55904.	July 18, 2002	275246
Missouri: St. Charles ... (01–07–726P)	City of St. Peters	August 21, 2002, August 28, 2002, *St. Peters Journal*.	The Honorable Tom Brown, Mayor, City of St. Peters, 1 St. Peters Center Boulevard, St. Peters, Missouri 63376.	November 27, 2002	290319
New Mexico:					

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Dona Ana (02–06–1099P).	Unincorporated Areas	August 22, 2002, August 29, 2002, *Las Cruces Sun News*.	Mr. David R. King, County Manager, Dona Ana County, County Managers Complex, 180 West Amador Avenue, Las Cruces, New Mexico 88001.	August 8, 2002	350012
Dona Ana (02–06–1099P).	City of Las Cruces	August 22, 2002, August 29, 2002, *Las Cruces Sun News*.	The Honorable Ruben A. Smith, Mayor, City of Las Cruces, P.O. Box 2000, Las Cruces, New Mexico 88004.	August 8, 2002	355332
Ohio:					
Franklin and Delaware (02–05–1027P).	City of Dublin	August 21, 2002, August 28, 2002, *Dublin News*.	The Honorable Thomas McCash, Mayor, City of Dublin, 5200 Emerald Parkway, Dublin, Ohio 43017–1006.	November 27, 2002	390673
Franklin (02–05–1027P).	Unincorporated Areas	August 21, 2002, August 28, 2002, *Dublin News*.	Mr. Dewey R. Stokes, President, Franklin County, Board of Commissioners, 373 South High Street, 26th Floor, Columbus, Ohio 43215.	November 27, 2002	390167
Franklin (02–05–1849P).	Unincorporated Areas	August 30, 2002, September 6, 2002, *The Columbus Dispatch*.	Mr. Dewey R. Stokes, President, Franklin County Board of Commissioners, 373 South High Street, 26th Floor, Columbus, Ohio 43215.	December 6, 2002	390167
Greene (02–05–2322P).	Unincorporated Areas	August 23, 2002, August 30, 2002, *Xenia Daily Gazette*.	Mr. Stephen Stapleton, Greene County Administrator, 35 Greene Street, Xenia, Ohio 45385.	November 29, 2002	390193
Lucas (02–05–2988P).	Village of Holland	August 21, 2002, August 28, 2002, *The Blade*.	The Honorable Michael Yunker, Mayor, Village of Holland, 1245 Clarion Avenue, Holland, Ohio 43528.	July 25, 2002	390659
Montgomery (02–05–1438P).	City of Kettering	August 30, 2002, September 6, 2002, *Kettering Oakwood Times*.	The Honorable Marilou Smith, Mayor, City of Kettering, 3600 Shroyer Road, Kettering, Ohio 45429.	August 19, 2002	390412
Greene (02–05–2322P).	City of Xenia	August 23, 2002, August 30, 2002, *Xenia Daily Gazette*.	The Honorable John T. Saraga, Mayor, City of Xenia, 101 N. Detroit Street, Xenia, Ohio 45385.	November 29, 2002	390197
Texas:					
Bastrop (01–06–1169P).	Unincorporated Areas	August 29, 2002, September 5, 2002, *Bastrop Advertiser and County News*.	The Honorable Ronnie McDonald, Judge, Bastrop County, 804 Pecan Street, Bastrop, Texas 78602.	December 5, 2002	481193
Dallas (02–06–478P).	City of Cedar Hill	July 25, 2002, August 1, 2002, *DeSoto Today*.	The Honorable Robert L. Franke, Mayor, City of Cedar Hill, P.O. Box 96, Cedar Hill, Texas 75106.	July 12, 2002	480168
Dallas (01–06–1425P).	City of Dallas	August 30, 2002, September 6, 2002, *Dallas Morning News*.	The Honorable Laura Miller, Mayor, City of Dallas, 1500 Marilla Street, City Hall, Dallas, Texas 75201.	December 6, 2002	480171

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Denton (02–06–355P).	City of Denton	August 23, 2002, August 30, 2002, *Denton Record Chronicle*.	The Honorable Euline Brock, Mayor, City of Denton, 215 East McKinney Street, Denton, Texas 76201.	November 29, 2002	480194
Denton (01–06–1875P).	Unincorporated Areas	August 23, 2002, August 30, 2002, *Denton Record Chronicle*.	The Honorable Kirk Wilson, Judge, Denton County, Courthouse-on-the-Square, 110 West Hickory Street, Denton, Texas 76201.	November 29, 2002	480774
Tarrant (02–06–830P).	City of Forth Worth	August 23, 2002, August 30, 2002, *Fort Worth Star Telegram*.	The Honorable Kenneth Barr, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, Texas 76102.	November 29, 2002	480596
Tarrant (01–06–1571P).	City of Grapevine	August 22, 2002, August 29, 2002, *The Grapevine Sun*.	The Honorable William D. Tate, Mayor, City of Grapevine, P.O. Box 95104, Grapevine, Texas 76099.	July 29, 2002	480598
Tarrant (02–06–046P).	City of Keller	August 13, 2002, August 20, 2002, *The Keller Citizen*.	The Honorable David Phillips, Mayor, City of Keller, P.O. Box 770, Keller, Texas 76244-0770.	August 2, 2002	480602
Collin (02–06–823P).	City of Plano	August 21, 2002, August 28, 2002, *Plano Star Courier*.	The Honorable Pat Evans, Mayor, City of Plano, P.O. Box 860358, Plano, Texas 75086–0358.	August 6, 2002	480140
Tarrant (02–06–830P).	City of Saginaw	August 23, 2002, August 30, 2002, *Fort Worth Star Telegram*.	The Honorable Frankie Robbins, Mayor, City of Saginaw, 333 West McLeroy Boulevard, P.O. Box 79070, Saginaw, Texas 76179.	November 29, 2002	480610
Tarrant (02–06–830P).	Unincorporated Areas	August 23, 2002, August 30, 2002, *Fort Worth Star Telegram*.	The Honorable Tom Vandergriff, Judge, Tarrant County, 100 E. Weatherford, Fort Worth, Texas 76179.	November 29, 2002	480582

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

Dated: September 23, 2002.

Anthony S. Lowe,

Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02–26214 Filed 10–15–02; 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% annual chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

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

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

SUPPLEMENTARY INFORMATION: FEMA makes the final determinations listed below of BFEs and modified BFEs for each community listed. The proposed BFEs and proposed modified BFEs were published in newspapers of local circulation and an opportunity for the

community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed BFEs and proposed modified BFEs were also published in the **Federal Register**.

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

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

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

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

National Environmental Policy Act

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

Regulatory Flexibility Act

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

Regulatory Classification

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

Executive Order 12612, Federalism

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

Executive Order 12778, Civil Justice Reform

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

List of Subjects in 44 CFR Part 67

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

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

PART 67—[AMENDED]

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

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

§ 67.11 [Amended]

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

Source of flooding and location	#Depth in feet above ground *Elevation in feet (NGVD) +Elevation in feet (NAVD)
CALIFORNIA	
Davis (City), Yolo County, (FEMA Docket No. B–7427)	
North Davis Overflow:	
At Union Pacific Railroad Bridge (confluence with Union Pacific Railroad Drain)	*42
Approximately 950 feet upstream of confluence with Union Pacific Railroad Drain	*43
Union Pacific Railroad Drain:	
At Union Pacific Railroad Bridge (confluence with North Davis Overflow)	*42
Approximately 340 feet downstream of Covell Boulevard	*43
Maps are available for inspection at City Hall, 23 Russell Boulevard, Davis, California.	
Lafayette (City), Contra Costa County, (FEMA Docket No. B–7427)	
Reliez Creek:	
Approximately 60 feet upstream of Old Tunnel Road	*252
Approximately 110 feet downstream of Quandt Road	*352
Approximately 160 feet upstream of Pleasant Hill Road	*368
Reliez Creek Overflow:	
Along Circle Road form its confluence with Riliez Creek to approximately 300 feet southeast of Ortega Avenue	*279
Maps are available for inspection at Lafayette Planning Office, 3675 Mt. Diablo Street, Lafayette, California.	
Walnut Creek (City), Contra Costa County, (FEMA Docket No. B–7416)	
East Fork Grayson Creek:	
Approximately 280 feet upstream of Oak Park Boulevard in (City of Pleasant Hill)	*73
Approximately 150 feet downstream of Sunnyvale Avenue	*83
Eccleston Avenue Tributary:	
At confluence with East Fork Grayson Creek	*80
Just downstream of Putnam Road	*87
Maps are available for inspection at the Community Development Department, 1666 North Main Street, Walnut Creek, California.	
Yolo County (Unincorporated Areas), (FEMA Docket No. B–7427)	
North Davis Overflow:	
At Union Pacific Railroad Bridge (confluence with Union Pacific Railroad Drain)	*42
At Highway 101 A and Union Pacific Railroad Bridge Over North Davis Drain	*46
Union Pacific Railroad Drain:	
At Union Pacific Railroad Bridge (confluence with North Davis Overflow)	*42
Maps are available for inspection at City Hall, 292 West Beamer Street, Woodland, California.	
HAWAII	
Kauai County (Unincorporated Areas), (FEMA Docket No. B–7424)	
Hanalei River:	
Approximately 1,300 feet upstream of the confluence with Hanalei Bay	*12
At Kuhio Highway (State Route 56)	*16
Approximately 6,000 feet upstream of the southern end of USFWS Pond D	*38
Maps are available for inspection at the Department of Public Works, Moikeha Building, 4444 Rice Street, Suite 175, Lihue, Hawaii.	
IOWA	
Johnston (City), Polk County, (FEMA Docket No. B–7310)	
Beaver Creek:	
Approximately 1,550 feet above its confluence with the Des Moines River	*805
At NW 70th Avenue	*824
Maps are available for inspection at City Hall, 6221 Merle Hay Road, Johnston, Iowa.	

Source of flooding and location	#Depth in feet above ground *Elevation in feet (NGVD) +Elevation in feet (NAVD)
Urbandale (City), Dallas and Polk Counties, (FEMA Docket No. B–7310 and 7242)	
Beaver Creek:	
Approximately 1,000 feet upstream of Merle Hay Road	*811
Approximately 3,600 feet upstream of Merle Hay Road	*812
Walnut Creek:	
Approximately 1,400 feet downstream of the 200th Street Bridge	*893
Approximately 360 feet upstream of the 200th Street Bridge	*896
Maps are available for inspection at the Community Development Department of Public Works, City Hall, 3600 86th Street, Urbandale, Iowa.	
LOUISIANA	
Tickfaw (Village), Tangipahoa Parish, (FEMA Docket No. B–7310)	
Ponchatoula Creek:	
Approximately 2,950 feet downstream of Highway 442	*60
At Niccio Road	*65
Ponchatoula Creek Tributary 1:	
Approximately 1,100 feet downstream of the Illinois Central Gulf Railroad	*57
Approximately 3,000 feet upstream of State Highway 442	*63
Ponchatoula Creek Tributary 2:	
Approximately 1,800 feet downstream of Chapel Road	*60
At Chapel Road	*61
Maps are available for inspection at Village Hall, 50081 Highway 51, Tickfaw, Louisiana.	
Tangipahoa Parish (Unincorporated Areas), (FEMA Docket No. B–7262 and 7310)	
Ponchatoula Creek:	
Upstream of U.S. Highway 51 bridge	*17
Upstream of New Genessee Road	*57
At Old Genessee Road	*54
Approximately 1,100 feet from confluence with Ponchatoula Creek Tributary 2	*60
Yellow Water River Canal:	
Downstream of U.S. Highway 190 bridge	*38
Approximately 1,600 feet upstream of Ward Line Road	*46
Ponchatoula Creek Tributary 1:	
At confluence with Ponchatoula Creek	*55
Approximately 3,300 feet upstream from confluence with Ponchatoula Creek	*57
Ponchatoula Creek Tributary 2:	
At confluence with Ponchatoula Creek	*58
Approximately 2,200 feet upstream from confluence with Ponchatoula Creek	*60
Maps are available for inspection at the Office of Building Permits, 15481 Club Delux Road, Hammond, Louisiana.	
MISSOURI	
Greene County (Unincorporated Areas), (FEMA Docket No. B–7424)	
South Creek:	
Approximately 0.53 miles (2,800 feet) upstream of County Road 160	*1,193
Approximately 1.16 miles (6125 feet) upstream of County Road 160	*1,205
Wilson Creek:	
Approximately 740 feet downstream of confluence with North Branch Wilsons Creek	*1,198
Approximately 0.69 miles (3650 feet) upstream of the U.S. Highway 160 Bypass	*1,206
South Branch:	
At confluence with South Creek	*1,169
Just downstream of Farm Road 141(Cox Avenue)	*1,238
Ward Branch:	
Approximately 130 feet downstream of confluence with Yarbarough Creek	*1,176
Approximately 350 feet upstream of Holland Avenue	*1,207
Mount Pleasant Branch:	
Just downstream of U.S. Highway 160	*1,182
Approximately 200 feet upstream of U.S. Highway 160	*1,185
Farmer Branch:	
At its confluence with James River	*1,133
Just downstream of Farm Road 194	*1,190
Pea Ridge Creek:	
At confluence with South Dry Sac River	*1,113
Just downstream of Farm Road 151	*1,175
Dickerson Branch:	
At confluence with Pea Ridge Creek	*1,156
South Dry Sac River:	
Approximately 300 feet upstream of its confluence with Little Sal River	*1,091
Approximately 670 feet upstream of Farm Road 151	*1,138
South Dry Sac River Tributary:	
Approximately 800 feet upstream of its confluence with South Dry Sac River	*1,200
Approximately 1,620 feet upstream of Farm Road 167	*1,253
Ward Branch Tributary:	
At its confluence with Ward Branch	*1,118
Approximately 260 feet upstream of Weaver Road (Farm Road 178)	*1,194
Wilson Creek Tributary:	
At its confluence with Wilsons Creek	*1,145
Approximately 300 feet upstream of Highway M (Republic Road)	*1,241
Wilson Creek Unnamed Tributary:	
At its confluence with Wilson Creek	*1,182
Just downstream of the San Francisco Railway	*1,259
Workman Branch:	
At its confluence with Ward Branch	*1,138
Just upstream of Farm Road 145	*1,195
Yarborough Creek:	
Approximately 1,350 feet upstream of confluence with Ward Branch	*1,204
Approximately 800 feet upstream of U.S. Highway 160	*1,233
Maps are available for inspection at the Greene County Resource Management Planning and Zoning Section, 833 Boonville Avenue, Springfield, Missouri.	
Steelville (City), Crawford County, (FEMA Docket No. B–7417)	
Whittenburg Creek:	
Approximately 600 feet downstream of County Road 545	*726
Just downstream of Highway 8	*732
Yadkin Creek:	
At confluence with Wittenburg Creek	*731
Approximately 5,000 feet upstream of Spring Street	*785
Maps are available for inspection at City Hall, 103 Brickey Street, Steeville, Missouri.	
OREGON	
Salem (City), Marin County, (FEMA Docket No. B–7424)	
Shelton Ditch:	
At confluence with Pringle Creek	*146
Approximately 100 feet upstream of Diversion Structure at Mill Creek	*191
Pringle Creek:	
At confluence with Willamette River (location shown as confluence of Shelton Ditch with Willamette River on effective Firm)	*143

Source of flooding and location	#Depth in feet above ground *Elevation in feet (NGVD) +Elevation in feet (NAVD)
At confluence of Pringle Creek and East Fork Pringle Creek	*174
Middle Fork Pringle Creek:	
At confluence of Pringle Creek and East Fork Pringle Creek	*174
Approximately 150 feet downstream of Interstate 5	*219
East Fork Pringle Creek:	
At confluence with Pringle Creek and Middle Fork Pringle Creek	*174
Approximately 150 feet downstream of Interstate 5	*219
Mill Creek B:	
At confluence with Williamette River	*141
Just upstream of Missouri Street	*199
Approximately 3,000 feet upstream of Penitentiary Annex Road	*254
Maps are available for inspection at the City of Salem, 555 Liberty Street, SE, Salem, Oregon.	
SOUTH DAKOTA	
Spearfish (City), Lawrence County, (FEMA Docket No. B–7424)	
West Chipmunk Gulch:	
At confluence with Spearfish Creek	*3,574
At 60 feet upstream of West Oliver Street	*3,663
Maps are available for inspection at the Department of Public Works, City Hall, 625 Fifth Street, Spearfish, South Dakota.	
Hill City (City), Pennington County, (FEMA Docket No. B–7424)	
Spring Creek:	
At approximately 50 feet upstream of Hill City power line located at 2,000 feet upstream of U.S. Highway 385 and 16	*4,937
Approximately 1,400 feet upstream of Popular Street and Bishop Mountain Avenue Intersection	*5,013
Newton Fork Creek:	
At Museum Drive	*4,967
Approximately 1,900 feet upstream of Museum Drive	*4,981
Maps are available for inspection at City Hall, 324 Main Street, Hill City, South Dakota.	
TEXAS	
Tom Green County (Unincorporated Areas), (FEMA Docket No. B–7310)	
Red Arroyo:	
Just downstream of eastbound Route 67	*1,888
Approximately 1,300 feet upstream of Earthen Lake Dam	*1,987
Stream RA–1:	
At confluence with Red Arroyo	*1,897
Just downstream of O.C. Fisher Dam spillway	*1,928
Stream RA–2:	
At confluence with Red Arroyo	*1,898
Just upstream of Arden Road	*1,941
Goodfellow Draw:	
120 feet downstream of Stock Tank Dam	*1,805
790 feet upstream of Stock Tank Dam	*1,810
Maps are available for inspection at the Public Health Building, Two City Hall Plaza, San Angelo, Texas.	
WASHINGTON	
Okanogan County Unincorporated Areas, (FEMA Docket No. B–7427)	
Conconully Reservior:	
At Conconually Reservior	*2,286
Maps are available for inspection at City Hall, 123 North Fifth Street, Okanogan, Washington.	
Prescott (City), Walla Walla County, (FEMA Docket No. B–7416)	
Whetstone Gulch Overflow:	
Approximately 100 feet downstream of A Street	*1,036
Approximately 40 feet upstream of Fourth Street	*1,040
Mill Slough:	
Just upstream of C Street	*1,038
Approximately 2,950 feet upstream of C Street	*1,049
Mill Slough Overflow:	
Just upstream of G Street	*1,043
Approximately 1,140 feet upstream of G Street	*1,051
Maps are available for inspection at City Hall, 110 D Street, Prescott, Washington.	
North Bonneville (City), Skamania County, (FEMA Docket No. B–7266)	
Hamilton Creek:	
Just upstream of confluence with the Columbia River	*36.0
Approximately 100 feet upstream of Evergreen Drive	*47.0
Columbia River:	
Approximately 1.6 miles upstream of confluence with Hamilton Creek	*37.6
Approximately 2 miles upstream of confluence with Hamilton Creek	*38.9
Greenleaf Creek:	
Just upstream of confluence with Hamilton Creek	*47.0
Approximately 550 feet upstream of Moffet Hot Springs Road	*58.0
Maps are available for inspection at the City of North Bonneville Clerk/Treasure's Office, P.O. Box 7, North Bonneville, Washington.	
Conconully (Town), Okanogan County, (FEMA Docket No. B–7427)	
Conconully Reservior:	
At Conconully Reservior	*2,286
Maps are available for inspection at the Town Office, 21 North Main Street, Conconully, Washington.	
Walla Walla County (Unincorporated Areas), (FEMA Docket No. B–7416)	
Mill Slough:	
Just upstream of C Street	*1,038
Just downstream of Hart Road	*1,062
Whetstone Gulch Overflow:	
Approximately 40 feet upstream of Fourth Street	*1,040
Approximately 1,530 feet upstream of Fourth Street	*1,048
Maps are available for inspection at the Walla Walla County Regional Planning Office, 310 West Poplar Street, Suite 001, Walla Walla, Washington.	
Anacortes (City), Skagit County, (FEMA Docket No. B–7425)	
Burrows Bay:	
Along shoreline to Fidalgo Head including Burrows Pass	*7
Guemes Channel:	
Along shoreline from Shannon Point to Fidalgo Bay	*9
Fidalgo Bay:	
Along shoreline to Guemes Channel	*7
Rosario Strait:	
Along shoreline from Fidalgo Head to Shannon Point	*9
Maps are available for inspection at City Hall, 904 6th Street, Anacortes, Washington.	
WYOMING	
Dubois (Town), Freemont County, (FEMA Docket No. B–7425)	
Wind River:	
Approximately 3,380 feet upstream of State Highway 26	+6,882

Source of flooding and location	#Depth in feet above ground *Elevation in feet (NGVD) +Elevation in feet (NAVD)
Approximately 450 feet upstream of Soda Springs Drive	+6,983
Horse Creek:	
At confluence with Wind River	+6,912
Approximately 1,950 feet upstream of Clendenning Street	+6,953
Maps are available for inspection at Town Hall, 712 Meckern Street, Dubois Wyoming.	

Source of flooding and location	#Depth in feet above ground *Elevation in feet (NGVD) +Elevation in feet (NAVD)
———	
Freemont County (Unincorporated Areas), (FEMA Docket No. B–7425)	
Wind River:	
Approximately 2,400 feet upstream of State Highway 26	+6,878
Approximately 2,200 feet upstream of Soda Springs Drive	+6,993
Horse Creek:	

Source of flooding and location	#Depth in feet above ground *Elevation in feet (NGVD) +Elevation in feet (NAVD)
Approximately 2,000 feet upstream of Clendenning Street	+6,954
Approximately 1,950 feet upstream of Clending Street	+6,955
Maps are available for inspection at the Planning Department, 450 North 2nd Street, Room 360, Lander, Wyoming.	

Source of flooding and location	#Depth in feet above ground *Elevation in feet (NGVD) +Elevation in feet (NAVD)	Communities affected
COLORADO		
Boulder County and Incorporated Areas, (FEMA Docket No. B–7424)		
Bullhead Gulch:		
At confluence with Boulder Creek	4,991	Boulder County (Uninc. Areas).
Approximately 50 feet downstream of Burlington Northern Railroad	*5,360	
Rock Creek:		
Approximately 3,500 feet downstream of Burlington Northern Railroad	*5,371	Boulder County (Uninc. Areas).
Approximately 9,700 feet upstream of McCaslin Boulevard	*5,639	
Prince Tributary East Branch:		
At confluence with Boulevard Gulch	*5,026	Boulder County (Uninc. Areas).
At divergrence of East/West branches	*5,056	
Coal Creek:		
Approximately 1,650 feet downstream of Denver Boulder Turnpike	*5,439	Boulder County (Uninc. Areas) Town of Superior and City of Louisville.
Approximately 5,200 feet upstream of Community Ditch Diversion	*5,689	
Prince Tributary West Branch:		
At confluence with Bullhead Gulch	*5,036	Boulder County (Uninc. Areas).
Approximately 5,750 feet upstream of Isabelle Road	*5,178	

ADDRESSES

Boulder County (Unincorporated Areas)

Maps are available for inspection at Department of Public Works, 1739 Broadway, Suite 300, P.O. Box 791, Boulder, Colorado.

City of Louisville:

Maps are available for inspection at the City of Louisville, 749 Main Street, Louisville, Colorado.

Town of Superior:

Maps are available for inspection at the Town of Superior, 124 East Coal Creek Drive, Superior, Colorado.

IDAHO		
Ada County and Incorporated Areas, (FEMA Docket No. B–7404)		
Boise River:		
Approximately 5,800 feet downstream of Star Road	+2,458	Ada County (Uninc. Areas), City of Garden City, City of Boise, and City of Eagle.
Approximately 50 feet upstream of Eagle Road	+2,559	
Approximately 3,150 feet upstream of South Eckert Road	+2,764	
Loggers Creek (Side Channel):		
Approximately 925 feet upstream of Broadway Avenue	+2,703	Ada County (Uninc. Areas), City of Garden City, City of Boise, and City of Eagle.
Approximately 4,450 feet upstream of Park Center Boulevard (at upstream confluence with Boise River).	+2,736	
Overflow Channel Boise River:		
At confluence with Boise River	+2,576	Ada County (Uninc. Areas), City of Garden City, City of Boise, and City of Eagle.

Source of flooding and location	#Depth in feet above ground *Elevation in feet (NGVD) +Elevation in feet (NAVD)	Communities affected
At confluence with South Channel Boise River Eagle Island	+2,585	
South Channel Boise River:		
Approximately 4,675 feet downstream of Linder Road (at downstream confluence with Boise River).	+2,510	Ada County (Uninc. Areas), City of Garden City, City of Boise, and City of Eagle.
At upstream confluence with Boise River	+2,593	

ADDRESSES

Ada County (Unincorporated Areas)

Maps are available for inspection at County Engineer's Office, 650 Main Street, 2nd floor, Boise, Idaho.

City of Boise:

Maps are available for inspection at the Community Planning and Development Office, 150 North Capitol Boulevard, 2nd floor, Boise, Idaho.

City of Eagle:

Maps are available for inspection at 310 East State Street, Eagle, Idaho.

City of Garden City:

Maps are available for inspection at City Hall, 201 East 50th Street, Garden City, Idaho.

KANSAS

Hamilton County and Incorporated Areas, (FEMA Docket No.# B–7427)

Arkansas River:		
Approximately 11,000 feet downstream of State Highway 27	*3,211	Hamilton County (Uninc. Areas).
Approximately 2.6 miles upstream of State Highway 27	*3,240	
Syracuse Creek:		
Just upstream of the Atchinson, Topeka, Santa Fe Railroad and U.S. Highway 50	*3,243	Hamilton County (Uninc. Areas).
Approximately 2,100 feet upstream of State Highway 27 (U.S. Highway 207)	*3,262	
Syracuse Creek Overflow:		
Approximately 500 feet southeast of the Interstate of State Highway 27 and G Avenue.	*3,244	City of Syracuse.

ADDRESSES

Hamilton County (Unincorporated Areas)

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

City of Syracuse:

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

LOUISIANA

West Baton Rouge Parish and Incorporated Areas, (FEMA Docket No. B–7310)

Lateral 1–C:		
At confluence with the Gulf Intracoastal Waterway	*9	Parish (Uninc. Areas) and City of Port Allen.
At Intersection with Interstate 10	*10	
At Intersection with State Highway 986	*16	
Oaks Avenue Canal:		
At the confluence with the Gulf Intracoastal Waterway	*10	Parish (Uninc. Areas) and City of Port Allen.
Just upstream of LeBlanc Road	*19	
Oaks Avenue Canal Tributary No. 1:		
At the confluence with Oaks Avenue Canal	*10	Parish (Uninc. Areas) and City of Port Allen.
Just upstream of South Jefferson Avenue	*25	

ADDRESSES

West Baton Rouge Parish (Unincorporated Areas)

Maps are available for inspection at the Parish Zoning Office, 880 North Alexander, Port Allen, Louisiana.

City of Port Allen:

Maps are available for inspection at City Hall, 750 N. Jefferson Avenue, Port Allen, Louisiana.

MISSOURI

St. Louis County and Incorporated Areas, (FEMA Docket No. B–7310)

Grand Glaize Creek:		
Approximately 400 feet upstream of Dougherty Ferry Road	442	St. Louis County (Uninc. Areas) & City of Valley Park.
Approximately 3,000 feet upstream of Dougherty Ferry Road	*446	

Source of flooding and location	#Depth in feet above ground *Elevation in feet (NGVD) +Elevation in feet (NAVD)	Communities affected
Monsanto Sunswept Creek:		
Approximately 950 feet downstream of Private Bridge	*532	City of Creve Coeur.
Just upstream of Chilton Lane	*561	
Des Peres Creek:		
At confluence with Sugar Creek	*450	City of Des Peres.
Approximately 450 feet upstream of Hospital Drive	*459	
Sugar Creek:		
Approximately 1,150 feet downstream of Old Dougherty Ferry Road	*446	City of Des Peres.
Just upstream of Interstate 270	*462	
Deer Creek:		
Just upstream of Lindbergh Boulevard	*524	City of Frontenac.
Approximately 3,300 feet upstream of Spoede Road	*542	
Monsanto Sunswept Creek:		
Approximately 400 feet downstream of Glen Abbey Road	*528	City of Frontenac.
Approximately 180 feet upstream of Glen Abbey Road	*528	
Sugar Creek:		
Just upstream of Interstate 270	*462	City of Kirkwood.
Approximately 150 feet upstream of Interstate 270	*462	
Deer Creek:		
Approximately 3,300 feet upstream of Spoede Road	*542	Village of Westwood.
Approximately 4,500 feet upstream of Spoede Road	*549	

ADDRESSES

St. Louis County (Unincorporated Areas)

Maps are available for inspection at the Department of Planning, 41 South Central Avenue, Clayton, Missouri.

City of Creve Coeur

Maps are available for inspection at City Hall, 300 North New Ballas Road, Creve Coeur, Missouri.

City of Des Peres

Maps are available for inspection at City Hall, 12325 Manchester Road, Des Peres, Missouri.

City of Frontenac

Maps are available for inspection at City Hall, 10555 Clayton Road, Frontenac, Missouri.

City of Kirkwood

Maps are available for inspection at City Hall, 139 South Kirkwood Road, Kirkwood, Missouri.

City of Valley Park

Maps are available for inspection at City Hall, 320 Benton Street, Valley Park, Missouri.

Village of Westwood

Maps are available for inspection at 9 Westwood Country Club Ground Road, Westwood, Missouri.

NEVADA

Washoe County and Incorporated Areas, (FEMA Docket No. B–7310)

Golden Valley Wash:		
Approximately 2,180 feet upstream of Tholl Drive	*4,981	Washoe County (Uninc. Areas), and City of Sparks.
Approximately 2,700 feet upstream of Spearhead Way	*5,176	
Hidden Valley Wash:		
Approximately 1,800 feet upstream of its confluence with Steamboat Creek	*4,442	
Approximately 3,420 feet upstream of Parkway Drive	*4,647	
Sun Valley Wash:		
At the Sun Valley Flood Control Dentention Dam	*4,548	Washoe County (Uninc. Areas), and City of Sparks.
At East 7th Avenue	*4,725	
Sun Valley Wash Split Flow:		
At convergence with Sun Valley Wash	*4,647	
At divergence from Sun Valley Wash	*4,695	

ADDRESSES

Washoe County (Unincorporated Areas)

Maps are available for inspection at the County Engineering Department, 1001 E. 9th Street, Reno, Nevada.

City of Sparks:

Maps are available for inspection at the Engineering Department, 431 Prater Way, Sparks, Nevada.

OKLAHOMA

Oklahoma County and Incorporated Areas, (FEMA Docket No. B–7404)

Biddy Creek:

Source of flooding and location	#Depth in feet above ground *Elevation in feet (NGVD) +Elevation in feet (NAVD)	Communities affected
Approximately 3,200 feet upstream of confluence with Deer Creek	*1,054	Oklahoma County (Uninc. Areas), City of Edmond, City of Harrah, Town of Lake Aluma, Town of Luther, City of Midwest City, City of Oklahoma City, City of Spencer, and City of the Village.
At Oklahoma-Canadian County Boundary	*1,103	
Bloody Rush Creek:		
Just upstream of Portland Avenue	*1,014	
Just upstream of Rockwell Avenue	*1,096	
Chisholm Creek:		
At Oklahoma-Logan County Boundary	*1,016	
At West Coffee Creek Road	*1,035	
Approximately 150 feet upstream of West Coffee Creek Road	*1,037	
At Hefner Road	*1,167	
At Northwest Britton Road	*1,192	
Coon Creek:		
Approximately 50 feet upstream of Northeast 192nd Street	*919	
Approximately 1,550 feet upstream of Triple X Road	*922	
Just downstream of Northeast 206th Street	*929	
Just upstream of Northeast 206th Street	*932	
At confluence with Coon Creek	*965	
Just downstreasm of Waterloo Road	*970	
Coon Creek Tributary:		
Approximately 70 feet upstream of Choctaw Road	*1,007	
Crutcho Creek:		
Approximately 2,000 feet upstream of North Midwest Boulevard	*1,149	
Approximately 700 feet downstream of Northeast 36th Street	**1,158	
Crutcho Creek Tributary C:		
Just downstream of Sooner Road	*1,217	
Approximately 450 feet upstream of Epperly Drive	*1,246	
Crutcho Creek Tributary C–1:		
Approximately 400 feet upstream of confluence with Crutcho Creek C	*1,226	
Just downstream of Southeast 59th Street	*1,233	
Deep Fork:		
Just upstream of Northeast 192nd Street	*902	
Approximately 1,800 feet upstream of Northeast 192nd Street	*903	
Deep Fork Tributary 11:		
Approximately 1,300 feet downstream of Northeast 50th Street	*1,089	
Just upstream of Northeast 50th Street	*1,104	
Deer Creek:		
At Waterloo Road	*1,009	
Approximately 600 feet downstream of Northwest 164th Street	*1,072	
Dorf Creek:		
Approximately 4,900 feet upstream of Meridian Avenue	*1,040	
Approximately 1,000 feet upstream of Coffee Creek Road	*1,095	
North Canadian River:		
At intersection of North Sooner Road and Boundary Northeast 23rd Street	*1,157	
North Canadian Tributary:		
Approximately 1,750 feet downstream of Northeast 10th Street	*1,090	
Just downstream of Reno Avenue	*1,110	
Approximately 150 feet upstream of Reno Avenue	*1,114	
Approximately 200 feet downstream of Triple XXX Road	*1,167	
North Canadian Tributary 2 or Tributary 1:		
Approximately 1,050 feet downstream of Reno Avenue	*1,104	
Just upstream of Reno Road	*1,110	
North Canadian Tributary 2 or Tributary 2:		
Approximately 250 feet downstream of Southeast 15th Street	*1,132	
North Canadian Tributary 3 or Tributary 1:		
At confluence with North Canadian Tributary 1	*1,118	
Approximately 3,700 feet upstream of Peebly Road	*1,141	
Pond Creek (previously known as Chisholm Creek Tributary 3):		
Approximately 4,000 feet downstream of Danforth Avenue	None	
Just downstream of Danforth Avenue	None	
Soldier Creek Tributary to Deer Creek:		
At confluence with Deer Creek	*1,056	
At County Line Road	*1,074	
Walnut Creek:		
At confluence with Deer Creek	*1,042	

Source of flooding and location	#Depth in feet above ground *Elevation in feet (NGVD) +Elevation in feet (NAVD)	Communities affected
Approximately 150 feet downstream of Northwest 164th Street	*1,068	
Just upstream of Northwest 164th Street	*1,072	
Walnut Creek Tributary 1:		
Approximately 3,400 feet upstream of confluence with Walnut Creek	*1,049	
At Northwest 164th Street	*1,086	
Just upstream of Northwest 164th Street	*1,092	
West Captain Creek Tributary:		
At Oklahoma-Lincoln County Boundary	*950	
Approximately 2,500 feet upstream of Northeast 93rd Street	*1,051	
West Captain Creek Tributary 2:		
At confluence with West Captain Creek Tributary	*956	
Approximately 3,000 feet upstream of Northeast 93rd Street	*1,010	
West Captain Creek Tributary 3:		
At confluence with West Captain Creek Tributary	*989	
Approximately 2,000 feet upstream of Northeast 93rd Street	*1,021	
Whistler Creek:		
Approximately 2,900 feet upstream of confluence with Deer Creek	*1,029	
Approximately 2,800 feet downstream of MacArthur Boulevard	*1,069	

ADDRESSES

Oklahoma County (Unincorporated Areas)

Maps are available for inspection at the Oklahoma County Engineer Office, 320 Robert A. Kerr Avenue, Suite 101, Oklahoma City, Oklahoma.

City of Edmond:

Maps are available for inspection at 100 East First Street, Edmond, Oklahoma.

City of Harrah:

Maps are available for inspection at 1900 Church Avenue, Harrah, Oklahoma.

Town of Lake Aluma:

Maps are available for inspection at 104 Lake Aluma Drive, Lake Aluma, Oklahoma.

Town of Luther:

Maps are available for inspection at 119 South Main Street, Luther, Oklahoma.

City of Midwest City:

Maps are available for inspection at 100 North Midwest Boulevard, Midwest City, Oklahoma.

City of Oklahoma City:

Maps are available for inspection at 420 West Main Street, Oklahoma City, Oklahoma.

City of Spencer:

Maps are available for inspection at 8200 Northeast 36th Street, Spencer, Oklahoma.

City of the Village:

Maps are available for inspection at 2304 Manchester Drive, The Village, Oklahoma.

TEXAS

Bexar County and Incorporated Areas (FEMA Docket No. B–7414)

Culbera Creek:		
At confluence with Leon Creek	*773	Bexar County (Unic. Areas) City of San Antonio.
At Culebra Road	*849	
Just downstream of Galm Road	*952	
Culbera Creek Split No. 1:		
At confluence with Culbera Creek	*796	Bexar County (Unic. Areas).
Approximately 830 feet upstream of Tezel Road	*808	City of San Antonio.
Culbera Creek Split No. 2:		
At confluence with Culbera Creek Approximately 200 feet upstream of Tezel Road.	*810	Bexar County (Unic. Areas).
Approximately 3,620 feet upstream of Timberwilde	*827	
Culbera Creek Split No. 3:		
At confluence with Culbera Creek (Approximately 1,530 feet downstream of Charles W. Anderson Loop).	*853	Bexar County (Unic. Areas), City of San Antonio.
At Charles W. Anderson Loop	*865	
French Creek:		
Approximately 1,500 feet upstream of Clyde Dent	*806	Bexar County (Unic. Areas), City of San Antonio.
Approximately 1,040 feet downstream of Mainline Drive	*832	
At Charles W. Anderson Drive	*936	
Approximately 800 feet upstream of Circle North Trail	*980	

Source of flooding and location	#Depth in feet above ground *Elevation in feet (NGVD) +Elevation in feet (NAVD)	Communities affected
Helotes Creek (at San Antonio):		
At confluence with Culbera Creek	*853	Bexar County (Unic. Areas), City of San Antonio.
At Leslie Road	*915	
Approximately 320 feet upstream of Bandera Road	*997	
Hueber Creek:		
Approximately 220 feet upstream of Ingram Road	*765	Bexar County (Unic. Areas), City of San Antonio & City of Leon Valley.
At Huebner Road	*841	
Approximately 320 feet upstream of DeZavale Road	*966	
Huesta Creek:		
At confluence with Leon Creek	*915	Bexar County (Unic. Areas), City of San Antonio.
Approximately 2,050 feet upstream of Charles Anderson Drive	*1,006	
Leon Creek:		
At U.S. Highway 90	*693	Bexar County (Unic. Areas), City of San Antonio.
At U.S. 161	*736	
Approximately 2,450 feet downstream of Route 16	*824	
Approximately 1,100 feet upstream of Charles W. Anderson Drive	*993	
Leon Creek Overflow:		
Approximately 1,125 feet downstream of West Prue Road	*888	Bexar County (Unic. Areas), City of San Antonio.
At Babcock Road	*918	
Approximately 60 feet downstream of West Hausman Road	*953	
Maverick Creek (Babcock Tributary):		
At confluence of Leon Creek	*916	Bexar County (Unic. Areas), City of San Antonio.
At Seco Creek Street	*1,014	
Approximately 1,750 feet upstream of Babcock Road	*1,137	
Tributary B to Culebra Creek:		
At confuence with Culebra Creek	*920	Bexar County (Unic. Areas).
Approximately 50 feet downstream of Galm Road	*950	

ADDRESSES

Bexar County (Unincorporated Areas)

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

City of Leon Valley:

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

City of San Antonio:

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

Lubbock County and Incorporated Areas, (FEMA Docket No. B–7418)

Playa System C2:		
Near intersection of Erskin Street and Knoxville Avenue (Playa 53)	3,221	City of Lubbock.
Playa System C3:		
At confluence with North Fork Double Mountain Fork of the Brazos River	*3,146	City of Lubbock.
Near intersection of Clovis Road and Baylor Street (at Playa System C1)	*3,211	
Playa System D1:		
At confluence with North Fork Double Mountain Fork of The Brazos River	*3,128	City of Lubbock.
Near intersection of 25th Street and Geneva Avenue (Tech Terrace Playa)	*3,212	
Near intersection of Kewanee Avenue and 32nd Street (Playa 40)	*3,261	
Playa System D2:		
At Maxey Park (Playa 43)	*3,226	City of Lubbock.
Near intersection of Levelland Highway and Utica Drive (Playa 45)	*3,242	
Playa System D3:		
At confluence with North Fork Double Mountain Fork of The Brazos River Near 26th Street and Globe Avenue (at Playa System D1).	*3,142 *3,185	City of Lubbock.
Playa System E1:		
Just upstream of confluence with North Fork Double Mountain Fork of the Brazos River.	*3,094	Lubbock County (Uninc. Areas), City of Lubbock.
Near intersection of Milwaukee Avenue and County Road 6900 (Playa 39)	*3,269	
Playa System E2:		
Near intersection of Elgin Avenue and Loop 289 (at Playa System E1)	*3,223	City of Lubbock.
Northwest of intersection of 66th Street and Elgin Avenue	*3,224	
Playa System 3E:		
Near Brownfield Highway and Highway 62/82 split (at Playa System E1 Upper)	*3,276	City of Lubbock.

Source of flooding and location	#Depth in feet above ground *Elevation in feet (NGVD) +Elevation in feet (NAVD)	Communities affected
Near intersection of 59th Street and Upland Avenue (Playa 101)	*3,281	
Playa System E4 (A, B, & C):		
Just upstream of Route 327	*3,267	City of Lubbock.
Northwest of the intersection of 82nd Street and Iola Avenue	*3,283	
Playa System E5 & E7:		
Near intersection of Dowden Avenue and Brownfield Highway	*3,289	Lubbock County (Uninc. Areas), Town of Wolfforth.
Near intersection of 82nd Street and Hartland Avenue	*3,307	
Playa System E1 Upper & E8:		
Northwest of intersection of Frankford Avenue and Highway 82/62 (Playa 37)	*3,267	Lubbock County (Uninc. Areas), City of Lubbock.
Southeast of intersection of 66th Street and Inler Avenue (Playa 138)	*3,302	
Playa System E9:		
Southwest of intersection of 66th Street and Quincy Avenue (at Playa System E 48B).	*3,272	City of Lubbock.
Near intersection of Homestead Avenue and 82nd Avenue (Playa 32)	*3,289	
Playa System E12 & E13 (Western Area):		
Southeast of intersection of 34th Street and Hartland Avenue	*3,317	Lubbock County (Uninc. Areas).
Near intersection of Inler Avenue and 66th Street	*3,294	
Playa System F:		
Near intersection of 50th Street and Avenue A (Playa 161)	*3,182	City of Lubbock.
Near intersection of IH–27 and Highway 289	*3,184	
Approximately 1 mile south of Highway 289 and IH–27	*3,220	
Playa System G1, G2, G3, & G4:		
Near intersection of 98th Street and University Avenue (Playa 85)	*3,204	City of Lubbock.
Near intersection of 73rd Street and Bangor Avenue (Playa 30)	*3,260	
Playa System G5:		
Near intersection of 98th Street and Milwaukee Avenue (Playa 94)	*3,261	Lubbock County (Uninc. Areas), City of Lubbock.
Near intersection of 98th Street and Alcove Avenue (Playa 133)	*3,301	
Playa Lake 13 & 15:		
Near intersection of Slaton Road and Martin L. King Boulevard	*3,166	City of Lubbock.
Near intersection of Slaton Road and Martin L. King Boulevard	*3,171	
Playa Lake 89:		
Near intersection of 93rd Street and Memphis Avenue	*3,219	City of Lubbock.
Ransom Canyon Lake:		
Near Lake Shore Drive	*2,957	Lubbock County (Uninc. Areas), Village of Lake Ransom Canyon, Village of Buffalo Springs.
Slaton Playa System:		
Near intersection of Division Street and New Mexico Street (Twin Lakes Playa)	*3,072	City of Slaton.
Near intersection of Dawson Street and Fisher Street (Compress Lake Playa)	*3,081	
Woodrow Playa System:		
Near intersection of University Avenue and Woodrow Road	*3,194	Lubbock County (Uninc. Areas).
Yellowhouse Draw:		
At confluence with North Fork Double Mountain Fork of the Brazos River	*3,157	City of Lubbock.
Just upstream of Atchison, Topeka and Santa Fe Railway	*3,173	
Just upstream of University Avenue	*3,192	
Approximately 5,500 feet upstream of Loop 289 North Service Road	*3,200	

ADDRESSES

Lubbock County (Unincorporated Areas)

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

Village of Buffalo Springs:

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

Village of Lake Ransom Canyon:

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

City of Lubbock:

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

City of Slaton:

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

Town of Wolfforth:

Maps are available for inspection at City Hall, 328 East Highway 64/82, Wolfforth, Texas.

Tarrant County and Incorporated Areas, (FEMA Docket No. B–7306)

Stream SB–1:

Source of flooding and location	#Depth in feet above ground *Elevation in feet (NGVD) +Elevation in feet (NAVD)	Communities affected
At confluence with Sulpher Branch	*520	Tarrant County (Uninc. Areas), City of Fort Worth, City of Arlington, City of Bedford, City of Benbrook, City of Euless, City of Halton City, City of Hurst, City of River Oaks, and Village of Westworth Village.
At Parkwood Drive	*603	
Sulpher Branch:		
At confluence with Walker Branch	*480	
Approximately 1,500 feet upstream of Spring Lake Drive	*606	
Clear Fork Trinity River:		
At its confluence with the West Fork Trinity River	*536	
Just downstream from the Benbrook Lake Dam	*631	
West Fork Trinity River:		
Approximately 16,000 feet downstream from the Union Pacific Railroad	*455	
Approximately 11,000 feet downstream from the Lake Worth Dam	*569	
At the Lake Worth Dam	*600	

ADDRESSES

Tarrant County (Unincorporated Areas)

Maps are available for inspection at the Engineering Department, 100 East Weatherford, Fort Worth, Texas.

City of Arlington:

Maps are available for inspection at City Hall, 101 West Abram, Arlington, Texas.

City of Bedford:

Maps are available for inspection at the Service Center, 1813 Reliance Parkway, Bedford, Texas.

City of Benbrook:

Maps are available for inspection at City Hall, 911 Winscott Road, Benbrook, Texas.

City of Euless:

Maps are available for inspection at the Engineering Department, City Hall, Building C, 201 North Ector Drive, Euless, Texas.

City of Fort Worth:

Maps are available for inspection at the Engineering Department, 1000 Throckmorton, Fort Worth, Texas.

City of Halton City:

Maps are available for inspection at City Hall, 5024 Broadway Avenue, Haltom City, Texas.

City of Hurst:

Maps are available for inspection at the Hurst Municipal Complex, 1505 Precinct Line Road, Hurst, Texas.

City of River Oaks:

Maps are available for inspection at River Oaks City Hall, 4900 River Oaks Boulevard, Fort Worth, Texas.

Village of Westworth Village:

Maps are available for inspection at Westworth Village Hall, 311 Burton Hill Road, Forth Worth, Texas.

UTAH

Salt Lake County and Incorporated Areas (FEMA Docket No. B–7420)

Willow Creek (West):		
Just upstream of 11400 South Street	*4,362	City of Draper.
Approximately 100 feet upstream of 1300 South Street	*4,409	
Approximately 1,250 feet upstream of 150 East Road	*4,322	
Midas Creek:		
At confluence with Jordan River	*4,322	Salt Lake County (Uninc. Areas), City of Riverton, City of South Jordon.
Approximately 250 feet upstream of 3600 West Street	*4,603	

ADDRESSES

Salt Lake County (Unincorporated Areas)

Maps are available for inspection at Salt Lake County Recorders Office, 2001 South State Street, Suite N–1600, Salt Lake City, Utah.

City of Draper:

Maps are available for inspection at City Hall, Engineering Department, 900 East 12441 South Street, Draper, Utah.

City of Riverton:

Maps are available for inspection at City Hall, 949 East 12400 South Street, Riverton, Utah.

City of South Jordan:

Maps are available for inspection at City Hall, 11175 South Redwood Road, South Jordan, Utah.

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

Dated: September 30, 2002.

Anthony S. Lowe,

Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02–26219 Filed 10–15–02; 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 record keeping 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:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) Modified
Missouri	Dunklin County (Unincorporated Areas) (FEMA Docket No. 7609.	Shallow flooding	Area north of State Route 84 and south of railroad.	*259
Maps are available for inspection at the Courthouse, Courthouse Square, Kennett, Missouri.				
Missour	Pemiscot County (Unincorporated Areas) (FEMA Docket No. 7609).	Shallow flooding	Area along Route A about 2,000 feet north of State Route 84.	*259
			Area south of City of Bragg City, west of Main Street.	*259
			Area south of City of Bragg City, east of Main Street.	*259
Maps are available for inspection at the Courthouse, 610 Ward Avenue, Caruthersville, Missouri.				

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NAVD) Modified
Texas	Galveston County (Unincorporated Areas) (FEMA Docket No. 7609).	Gulf of Mexico	North of FM 3005, from approximately 1,000 feet west of its intersection with Pirates Beach Circle to approximately 300 feet east of 12 mile Road.	*17
			At the shoreline, near the Southern terminus of San Domingo Drive, about 100 feet west of the City of Galveston corporate limit, to the corporate limit.	*20
Maps are available for inspection at the 123 Rosenberg Street, Suite 4157, Galveston, Texas.				
Texas	Galveston (City), Galveston County (FEMA Docket No. 7609).	Gulf of Mexico	At the northern terminus of 9 Mile Road	*18
			Along the shoreline extending from approximately 1,500 feet east of the southern terminus of 11 Mile Road to Pabst Road.	*20
Maps ar available for inspection at City Hall, 823 Rosenberg Street, Galveston, Texas.				
Texas	Jamaica Beach (Village), Galveston County (FEMA Docket No. 7609).	Gulf of Mexico	From the canal northwest of Bahama Way to West Bay.	*14
			Along the shoreline extending from the western corporate limit to the southern terminus of Buccaneer Drive.	*20
Maps are available for inspection at 16628 San Luis Pass Road, Jamaica Beach, Texas.				

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

Dated: Septermber 30, 2002.

Anthony S. Lowe,

Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02–26218 Filed 10–15–02; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 61, and 69

[CC Docket No. 96–187; FCC 02–242]

Implementation of Section 402(b)(1)(A) of the Telecommunications Act of 1996

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document the Commission declined to revise its streamlined tariff procedures in the manner requested by the AT&T Corporation, MCI Telecommunications Corporation, and Southwestern Bell Telephone Company. The intended effect of this document is to maintain the existing Commission rules regarding the filing of tariffs on a streamlined basis.

FOR FURTHER INFORMATION CONTACT: Joi Roberson Nolen, Wireline Competition Bureau, 202–418–1537.

SUPPLEMENTARY INFORMATION: In this document, the Commission denies the petitions for reconsideration filed by AT&T Corporation (AT&T), MCI Telecommunications Corporation (MCI), and Southwestern Bell Telephone Company (SWBT) (hereinafter ''the petitioners'') regarding the Commission's 1997 *Streamlined Tariff Report and Order*, 12 FCC Rcd 2170 (1997), 62 FR 5757–03, February 7, 1997. The Commission also denies the requests for clarification filed by AT&T and MCI. The *Streamlined Tariff Report and Order* implemented amendments to section 204(a) of the Communications Act (Act) made by the Telecommunications Act of 1996 (1996 Act). Specifically, the 1996 Act allowed local exchange carriers (LECs) to file new or revised charges, classifications, regulations or practices with the Commission on a streamlined basis. *See* 47 U.S.C. 204(a)(3). In particular, the *Streamlined Tariff Report and Order* implemented the ''deemed lawful'' tariff provisions that the 1996 Act added to section 204(a)(3) of the Act. AT&T and MCI sought reconsideration of the Commission's conclusion that ''deemed lawful'' status confers a conclusive presumption of lawfulness. In their petitions, AT&T and MCI assert that the Commission should have interpreted the phrase ''deemed lawful'' as creating a rebuttable presumption, *i.e.*, a tariff filed on a streamlined basis that becomes effective without suspension and investigation is presumed lawful, but that presumption may be rebutted. In support of their position, AT&T and MCI argue that the ''deemed lawful'' language in section 204(a)(3) is ambiguous. Subsequent to the filing of the petitions for reconsideration, the United States Court of Appeals for the District of Columbia Circuit considered the meaning of ''deemed lawful'' in section 204(a)(3) in the context of a section 208 complaint case. *ACS of Anchorage, Inc.* v. *FCC*, 290 F. 3d 406, 412 (D.C. Cir. 2002). The court focused on whether there was a distinction to be made between rates and rates of return for determining whether the deemed lawful standard was applicable to the case. In this context, however, the court specifically considered the Commission's statements in the *Streamlined Tariff Report and Order* that the term ''deemed lawful'' was ''unambiguous'' in the ''consistent'' interpretation of the courts. *Id.* That consideration led the court to say, ''[t]his being so [that case law consistently found deemed lawful to be unambiguous], we find section 204(a)(3) equally unambiguous in banning refunds purportedly for rate-of-return

violations.'' *Id.* Given the court's conclusion, the Commission cannot adopt the reading urged by AT&T and MCI. The Commission thus denies the petitions filed by AT&T and MCI with respect to this issue.

The Commission also, however, denies SWBT's petition with respect to the issue of the Commission's interpretation of ''deemed lawful.'' In its petition, SWBT asserts that ''deemed lawful'' creates a safe harbor in which LECs can operate without fear of an attack on their rates or other provisions once the tariffs become effective. The court's holding was limited to the question of refund liability for rates that were ''deemed lawful'; it in fact acknowledged that the Commission might order prospective relief ''[i]f a later reexamination shows them to be unreasonable.'' *See ACS of Anchorage, Inc.* v. *FCC*, 290 F. 3d at 411. Therefore, a rate that is deemed lawful within the meaning of section 204(a)(3) may be the subject of a complaint alleging that the rate has become unjust and unreasonable, and the Commission by order may prescribe a new rate to be effective prospectively, even if the Commission can not require a carrier to make refunds. The Commission also denies reconsideration and clarification of a number of other issues related to streamlined tariff filings.

Accordingly, it is ordered, pursuant to sections 1, 2, 4(i), 4(j), 201–205, and 405 of the Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 201–205, and 405, that the petitions for reconsideration filed by AT&T Corp., MCI Communications Corp., and Southwestern Bell Telephone Company *are hereby denied.*

List of Subjects

47 CFR Part 1

Administrative Practices and Procedures, Communications common carriers, Telecommunications.

47 CFR Part 61

Access Charges, Communications common carriers, Telephone.

47 CFR Part 69

Communications common carriers, Telephone.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 02–26238 Filed 10–15–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 20

[CC Docket No. 94–102; DA 02–2423]

Enhanced 911 Emergency Calling; Use of Non-Initialized Wireless Phones

AGENCY: Federal Communications Commission.

ACTION: Final rule; stay of effective date.

SUMMARY: This document responds to a petition for reconsideration of a previous decision in this proceeding, by granting a request for stay of two of the Commission's rules imposing requirements for programming donated non-service-initialized phones and newly manufactured ''911-only'' wireless handsets with a code number as the telephone number/mobile identification number. Such phones currently lack such an identifying number and therefore do not have ''call-back'' capability. This inability to reach a caller, when such phones are used in emergency situations, can lead to critical delays in response time. The action is taken because the importance of the call-back issue to public safety and the merits of the arguments raised in the petition for reconsideration warrant further investigation before any rules are implemented.

DATES: Sections 20.18(l)(1)(i) and (l)(2)(i), added at 67 FR 36112, May 23, 2002, are stayed indefinitely effective October 1, 2002. The Commission will publish a document in the **Federal Register** when a final decision regarding these rule sections is reached.

FOR FURTHER INFORMATION CONTACT: David Siehl, Attorney,202–418–1310.

SUPPLEMENTARY INFORMATION: This is a summary of the Order in CC Docket No. 94–102; DA 02–2423, adopted and released on September 30, 2002. The complete text of this Order is available for inspection and copying during normal business hours in the FCC Reference Information Center, Courtyard Level, 445 12th Street, SW., Washington, DC, and also may be purchased from the Commission's copy 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 at *qualexint@aol.com*. Alternative formats (computer diskette, large print, audio cassettes, and Braille) are available to persons with disabilities by contacting Brian Millin at 202–418–7426, TTY 202–418–7365, or at *bmillin@fcc.gov*.

Synopsis of the Order

1. The Order grants a Request for Stay of 47 CFR 20.28(l)(1)(i) and (l)(2)(i) as adopted in the Report and Order published at 67 FR 36112, May 23, 2002. These rules impose requirements for programming both donated non-service-initialized phones and newly manufactured ''911-only'' wireless handsets with the code 123–456–7890 as the telephone number/mobile identification number. The purpose of the rules is to address the lack of call-back capability when 911 calls are dialed from these wireless devices.

2. A Request for Stay of the rules was filed by the Emergency Services Interconnection Forum (ESIF), which is a sponsored committee of the Alliance for Telecommunications Industry Solutions and is comprised of Commercial Mobile Radio Service carriers, wireless handset vendors, and public safety representatives. A Public Notice soliciting comment on this Request for Stay was published at 67 FR 46909, July 17, 2002.

3. In examining ESIF's Request for Stay, the Order finds that a stay is warranted in this case based on the likelihood of success on the merits of a Petition for Reconsideration of the Report and Order (Reconsideration Petition), also filed by ESIF, and the lack of injury to third parties if the Stay Request is granted. Issuance of a stay will allow further consideration of a solution, raised by ESIF in its Reconsideration Petition, for 911 calls from donated non-initialized wireless phones and 911-only wireless handsets that the Commission has not previously reviewed in this proceeding and that possesses certain potential advantages over the approach adopted in the Report and Order.

Ordering Clause

4. *It is therefore ordered,* pursuant to Sections 4(i), 11, 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), and 303(r) that 1 the Request for Stay filed by Emergency Services Interconnection Forum on June 12, 2002, is granted and will remain in effect until the Commission resolves the Petition for Reconsideration. The Commission will then publish a document in the **Federal Register** regarding these rules.

List of Subjects in 47 CFR Part 20

Communications common carrier, Communications equipment, Radio.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 02–26237 Filed 10–10–02; 11:25 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02–2517, MB Docket No. 02–178, RM–10456]

Digital Television Broadcast Service; Lewisburg, WV

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of High Mountain Broadcasting Corporation, substitutes DTV channel 8 for DTV channel 48 at Lewisburg, West Virginia. *See* 67 FR 46148, July 12, 2002. DTV channel 8 can be allotted to Lewisburg in compliance with the principle community coverage requirements of section 73.625(a) at coordinates 37–46–22 N. and 80–42–25 W. with a power of 3.8, HAAT of 568 meters and with a DTV service population of 401 thousand. With this action, this proceeding is terminated.

DATES: Effective November 25, 2002.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MB Docket No. 02–178, adopted October 3, 2002, and released October 10, 2002. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., CY–B402, Washington, DC, 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

List of Subjects in 47 CFR Part 73

Digital television broadcasting, Television.

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

PART 73—[AMENDED]

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

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

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under West Virginia, is amended by removing DTV channel 48 and adding DTV channel 8 at Lewisburg.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

[FR Doc. 02–26269 Filed 10–15–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02–2505, MM Docket No. 01–244, RM–10234, and MM Docket No. 01–245, RM–10235]

Digital Television Broadcast Service; Tyler and Lufkin, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Civic License Holding Company, Inc., substitutes DTV channel 10 for DTV channel 38 at Tyler, Texas; and substitutes DTV channel 11 for DTV channel 43 at Lufkin, Texas. *See* 66 FR 48852, September 24, 2001; and 66 FR 48851, September 24, 2001. DTV channels 10 and 11 can be allotted to Tyler and Lufkin, Texas, respectively, in compliance with the principle community coverage requirements of Section 73.625(a). DTV channel 10 is allotted at coordinates 32–32–23 N. and 95–13–12 W. with a power of 7, HAAT of 302 meters and with a DTV service population of 213 thousand. DTV channel 11 is allotted at coordinates 31–25–09 N. and 94–48–03 W. with a power of 9.25, HAAT of 204 meters and with a DTV service population of 622 thousand. With this action, this proceeding is terminated.

DATES: Effective November 25, 2002.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 01–244 and MM Docket No. 01–245, adopted October 2, 2002, and released October 9, 2002. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, CY–B402, Washington, DC, 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

List of Subjects in 47 CFR Part 73

Digital television broadcasting, Television.

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

PART 73—[AMENDED]

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

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

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Texas, is amended by removing DTV channel 43 and adding DTV channel 11 at Lufkin.

3. Section 73.622(b), the Table of Digital Television Allotments under Texas, is amended by removing DTV channel 38 and adding DTV channel 10 at Tyler.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

[FR Doc. 02–26235 Filed 10–15–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02–2388; MB Docket No. 02–188; RM–10462]

Radio Broadcasting Services; Encinal, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 273A to Encinal, Texas, in response to a petition filed by Linda Crawford. *See* 67 FR 50851, August 6, 2002. The coordinates for Channel 273A at Encinal are 28–06–40 and 99–27–15. There is a site restriction 12.5 kilometers (7.8 miles) northwest of the community. With this action, this proceeding is terminated. A filing window for Channel 273A at Encinal will not be opened at this time. Mexican

concurrence has been received for the allotment of Channel 273A at Encinal. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

DATES: Effective November 12, 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, MB Docket No. 02–188, adopted September 25, 2002, and released September 27, 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 Texas, is amended by adding Encinal, Channel 273A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 02–26229 Filed 10–15–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02–2233; MB Docket No. 02–115; RM 02–10427]

Radio Broadcasting Services; Monroe and Luna Pier, MI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission reallots Channel 252A from Monroe to Luna Pier, Michigan, as the community's first local aural transmission service and modifies the license for Station WTWR–FM to reflect the changes. *See* 67 FR 40907 (06/14/2002). Station WTWR–FM has two preexisting short spacings grandfathered pursuant to Section 73.213 of the rules and the change of community is being implemented without any change in facilities at petitioner's existing transmitter site. Channel 252A is allotted at Luna Pier at petitioner's transmitter site which is 4.7 kilometers (2.9 miles) northwest of the community. Coordinates for Channel 252A at Luna Pier are 41–50–43 NL and 83–27–59 WL.

DATES: Effective November 4, 2002.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MB Docket No. 02–115, adopted September 4, 2002, and released September 20, 2002. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW., Washington, DC This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

List of Subjects in 47 CFR Part 73

Radio, 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.

2. Section 73.202(b), the Table of FM Allotments under Michigan, is amended by adding Luna Pier, Channel 252A, and removing Monroe, Channel 252A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 02–26231 Filed 10–15–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02–2518, MB Docket No. 02–154, RM–10490]

Television Broadcast Service; Topeka, KS

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Davis Television Topeka, LLC, substitutes channel 22+ for channel 43 at Topeka, Kansas. *See* 67 FR 44792, July 15, 2002. TV channel can be allotted to Topeka, Kansas, with a plus offset consistent with the requirements of Section 73.610 at coordinates 39–00–00 N. and 96–07–45 W. With this action, this proceeding is terminated.

DATES: Effective November 25, 2002.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Media Bureau (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MB Docket No. 02–154, adopted October 3, 2002, and released October 10, 2002. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–863–2893, facsimile 202–863–2898, or via-e-mail *qualexint@aol.com.*

List of Subjects in 47 CFR Part 73

Television broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.606 [Amended]

2. Section 73.606(b), the Table of Television Allotments under Kansas, is amended by removing TV channel 43 and adding TV channel 22+ at Topeka.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

[FR Doc. 02–26268 Filed 10–15–02; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[I.D. 100702A]

Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna

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

ACTION: Quota transfers; General category daily retention limit adjustment.

SUMMARY: NMFS adjusts the October-December time-period subquota for the General category Atlantic bluefin tuna (BFT) fishery by transferring 60 metric tons (mt) from the Longline South subquota, 10 mt from the Longline North subquota, 60 mt from the Angling category large school/small medium size class subquota for the northern area, and including the quota underharvest from previous time periods, for a revised coastwide General category October - December time-period subquota of approximately 301.4 mt. NMFS has also determined that the BFT General category restricted fishing day (RFD) schedule should be adjusted to allow for maximum utilization of the General category October-December time-period subquota. Therefore, NMFS authorizes fishing under the General category quota the previously designated RFDs for the month of October, 2002. Additionally, the daily retention limit is increased to two large medium or giant BFT for the remainder of October, 2002. These actions are being taken to allow for maximum utilization of the U.S. landings quota of BFT while maintaining a fair distribution of fishing opportunities, preventing overharvest of the adjusted subquotas for the affected fishing categories, helping to achieve optimum yield in the General category fishery, and allowing the collection of a broad range of data for stock monitoring purposes, consistent with the objectives of the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (HMS FMP).

DATES: The quota transfers are effective October 10, 2002, through May 31, 2003. The General category retention limit adjustments are effective October 13, 2002, through October 31, 2002.

FOR FURTHER INFORMATION CONTACT: Brad McHale, 978–281–9260.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas among the various domestic fishing categories.

Quota Adjustments

Under the implementing regulations at 50 CFR 635.27(a)(8), NMFS has the authority to transfer quotas among categories, or, as appropriate, subcategories, of the fishery, after considering the following factors: (1) The usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock; (2) the catches of the particular category quota to date and the likelihood of closure of that segment of the fishery if no allocation is made; (3) the projected ability of the vessels fishing under the particular category quota to harvest the additional amount of BFT before the end of the fishing year; (4) the estimated amounts by which quotas established for other gear segments of the fishery might be exceeded; (5) the effects of the transfer on BFT rebuilding and overfishing; and (6) the effects of the transfer on accomplishing the objectives of the HMS FMP.

If it is determined, based on the factors listed here and the probability of exceeding the total quota, that vessels fishing under any category or subcategory quota are not likely to take that quota, NMFS may transfer inseason any portion of the remaining quota of that fishing category to any other fishing category or to the Reserve quota.

Annual BFT quota specifications issued under 50 CFR 635.27 provide for a quota of 647.0 mt of large medium and giant BFT to be harvested from the regulatory area by vessels fishing under the General category quota during the 2002 fishing year. The General category BFT quota is further subdivided into time period subquotas to provide for broad temporal and geographic distribution of scientific data collection and fishing opportunities. The October-December subquota was initially set at 63.7 mt for the 2002 fishing year, and is currently 171.4 mt, after the carryover of approximately 107.7 mt of unharvested subquota from previous time periods. An additional 10 mt has been set aside for the traditional fall New York Bight fishery.

After considering the factors for making transfers between categories, NMFS has determined that 60 mt of the remaining Longline South subcategory quota of approximately 109.0 mt, and 10 mt of the remaining Longline North subcategory quota of approximately 25.4 mt should be transferred to the General category. Sufficient quota remains in the Longline category to provide for additional landings by pelagic longline vessels for the remainder of the 2002 fishing year. NMFS has also determined that 60 mt of the remaining Angling North large school/small medium subcategory quota of approximately 112.5 mt should be transferred to the General category. Given these transfers totaling 130 mt, the adjusted subquota for the coastwide General category fishery for the October-December period is 301.4 mt.

Adjustment of General Category Daily Retention Limit

NMFS previously established an effort control schedule for the 2002 BFT General category fishery that included certain RFDs (67 FR 61537, October 1, 2002). Under the authority of 50 CFR 635.23(a)(4), NMFS may increase or decrease the General category daily retention limit of large medium and giant BFT over a range from zero (on RFDs) to a maximum of three per vessel to allow for maximum utilization of the quota for BFT. Based on a review of dealer reports, daily landing trends, and the availability of BFT on the fishing grounds, NMFS has determined an adjustment to the RFD schedule is appropriate and necessary, and, therefore, increases the daily retention limit for certain previously designated RFDs for the month of October, 2002. An adjustment to the General category daily retention limit will allow full use of the adjusted October-December subquota, while preventing overharvest and ensuring reasonable fishing opportunities in all areas. Therefore, NMFS authorizes fishing under the General category quota for October 13, 14, 16, 30, 21, 23, 27, 28, and 30, 2002, and increases the daily retention limit to two large medium or giant BFT per vessel through October 31, 2002.

If the adjusted General category subquota for the October-December period is harvested, the coastwide fishery will be closed and NMFS will

take action as necessary to release the set aside for the New York Bight fishery. Alternatively, NMFS may transfer additional quota from the Reserve or other fishing categories to allow the coastwide General category fishery to remain open. An announcement of closure, if any, will be filed with the Office of the **Federal Register**, stating the effective date of closure, and further communicated through the Highly Migratory Species Fax Network, the Atlantic Tunas Information Line, the www.nmfspermits.com website, NOAA weather radio, and Coast Guard Notice to Mariners. Although notification of closure will be provided as far in advance as possible, fishermen are encouraged to call the Atlantic Tunas Information Line at (888) USA-TUNA or (978) 281–9305 or access the website mentioned above, to check the status of the fishery before leaving for a fishing trip.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds for good cause that providing prior notice and public comment for this action, as required under 5 U.S.C. 553(b)(B), is impracticable and contrary to the public interest. Without these inseason adjustments, NMFS would not be providing U.S. fishermen with a reasonable opportunity to catch the quota allocated to the United States by ICCAT. Additionally, given low catch rates to date, continued effort controls and a restrictive catch limit would not allow for maximum utilization of the General category October-December time-period subquota. As the fishery is currently underway, and fishing opportunities may be limited by weather-related factors and BFT migration, any delay in this action would be inconsistent with its objectives. For these reasons and because this action relieves a restriction (i.e., reallocates quota to avoid closure and increases daily catch limit thereby removing RFDs), the AA also finds good cause to waive the 30–day delay in effective date pursuant to 5 U.S.C. 553(d)(1) and (3). This action is authorized by 50 CFR 635.27 is exempt for review under Executive order 12866.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: October 9, 2002.

John H. Dunigan,

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

[FR Doc. 02–26301 Filed 10–10–02; 4:23 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 67, No. 200
Wednesday, October 16, 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–NM–28–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to all Boeing Model 747 series airplanes, that currently requires periodic inspections and cleaning of the drainage system cavity of the canted pressure deck, aft of the wing center section. This action would add new repetitive tests and inspections for discrepancies of the drainage system of the canted pressure deck located in the wheel wells of the main landing gear (MLG) of the left and right wings; and corrective actions, if necessary. The action would also terminate the requirements of the existing AD. The actions specified by the proposed AD are intended to prevent ice accumulation on the lateral flight control cables due to water entering the wheel well of the MLG and freezing, which could restrict or jam control cable movement, resulting in loss of controllability of the airplane.

DATES: Comments must be received by December 2, 2002.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2002-NM–28-AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov.* Comments sent via fax or the Internet must contain ''Docket No. 2002-NM–28-AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: *Technical Information:* Rick Kawaguchi, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1153; fax (425) 227–1181.

Other Information: Sandi Carli, Airworthiness Directive Technical Editor/Writer; telephone (425) 687–4243, fax (425) 687–4248. Questions or comments may also be sent via the Internet using the following address: *sandi.carli@faa.gov.* Questions or comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

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 2002-NM–28-AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2002-NM–28-AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On May 24, 1989, the FAA issued AD 89–12–07, amendment 39–6232 (54 FR 24161, June 6, 1989), applicable to all Boeing Model 747 series airplanes, to require periodic inspections and cleaning of the cavity aft of the wing center section. The requirements of that AD are intended to prevent ice accumulation in the aileron control system which could result in reduced lateral control capability.

Actions Since Issuance of Previous Rule

Since the issuance of AD 89–12–07, we have received several reports indicating ice accumulation on the lateral flight control cables in the wheel well of the main landing gear (MLG) on certain Model 747 series airplanes during flight. The ice buildup was attributed to debris blocking the drainage system for the canted pressure deck area, which caused water accumulation in the canted pressure deck. The accumulation of water also caused excessive corrosion of the upper skin of the wing center section and the

rear spar. Cabin pressurization caused the water to enter the wheel well of the MLG and solidify during flight. Such ice accumulation could restrict or jam control cable movement, resulting in loss of controllability of the airplane.

Explanation of Relevant Service Information

We have reviewed and approved Boeing Alert Service Bulletin 747–51A2057, dated February 21, 2002, which describes procedures for repetitive tests and inspections for discrepancies of the drainage system for the canted pressure deck located in the wheel wells of the MLG in the left and right wings; and corrective actions, if necessary; as follows:

- Work Package 1 describes procedures for repetitive testing of the drainage system of the canted pressure deck for proper drainage. The test includes a visual inspection of the external drains, reducer, and drain lines for discrepancies. The discrepancies include damage, holes, signs of frozen water, and signs of blockage (3 to 5 pounds per square inch (PSI) compressed air is sent through the drain line to check for blockage). The corrective actions include cleaning the drain system to remove blockage if the air does not flow freely, and replacing any damaged drain line with a new drain line. The procedures also specify contacting the manufacturer for repair instructions for damaged drain lines.
- Work Package 2 describes procedures for repetitive cleaning and inspecting of the canted pressure deck drainage system as shown in the Boeing 747 Airplane Maintenance Manual.
- Work Package 3 describes procedures for repetitive inspections of the canted pressure deck for discrepancies (loose or missing fasteners; loose, missing, or cracked sealant; and leak paths). The corrective actions include replacing any loose or missing fastener, or loose, missing, or cracked sealant; and repair of any leak found. For other discrepancies, the procedures specify contacting the manufacturer for repair instructions.
- Work Package 4 describes procedures for repetitive cabin pressurization tests to check for leaks in the canted pressure deck, and repair of any leak found.

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 89–12–07 to continue to require periodic inspections and cleaning of the drainage system cavity of the canted pressure deck, aft of the wing center section. This new action would add repetitive tests and inspections for discrepancies of the drainage system of the canted pressure deck located in the wheel wells of the MLG of the left and right wings; and corrective actions, if necessary. The new actions would terminate the requirements of the existing AD. The actions would be required to be accomplished in accordance with the service bulletin described previously, except as discussed below.

Difference Between Service Information and Proposed Rule

Although the service bulletin specifies that the manufacturer may be contacted for disposition of certain repairs, this proposed AD would require such repairs to be accomplished per a method approved by us, or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle Aircraft Certification Office, to make such findings.

Cost Impact

There are approximately 1,127 airplanes of the affected design in the worldwide fleet. The FAA estimates that 255 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 1 work hour per airplane to accomplish the actions that are currently required by AD 89–12–07, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required actions is estimated to be $60 per airplane, per inspection cycle.

It would take approximately 12 work hours per airplane to accomplish the test/inspection/cleaning of the drainage system specified in Work Packages 1 and 2 of Boeing Alert Service Bulletin 747–51A2057, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the test/inspection/cleaning proposed by this AD on U.S. operators is estimated to be $183,600, or $720 per airplane, per cycle.

It would take approximately 4 work hours per airplane to accomplish the inspection specified in Work Package 3 of the service bulletin, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspection proposed by this AD on U.S. operators is estimated to be $61,200, or $240 per airplane, per inspection cycle.

It would take approximately 4 work hours per airplane to accomplish the cabin pressurization test specified in Work Package 4 of the service bulletin, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the test proposed by this AD on U.S. operators is estimated to be $61,200, or $240 per airplane, per test cycle.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part

39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–6232 (54 FR 24161, June 6, 1989), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 2002-NM–28-AD. Supersedes AD 89–12–07, Amendment 39–6232.

Applicability: All Model 747 series airplanes, 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 (f)(1) 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 ice accumulation on the lateral flight control cables due to water entering the wheel well of the main landing gear and freezing, which could restrict or jam control cable movement, resulting in loss of controllability of the airplane; accomplish the following:

Restatement of Requirements of AD 89–12–07

Repetitive Inspections/Cleaning

(a) Within 15 months after July 10, 1989 (the effective date of AD 89–12–07, amendment 39–6232), unless accomplished 3 months before July 10, 1989, and thereafter at intervals not to exceed 18 months: Gain access to the cavity aft of the wing center section and remove all debris and foreign material, clean the cavity, and verify all drains are open and clean.

New Requirements of This AD

Repetitive Tests of the Drainage System/ Corrective Action

(b) Within 18 months after the effective date of this AD, do the actions required by paragraphs (b)(1), (b)(2), and (b)(3) of this AD, as applicable, per the Work Instructions of Boeing Alert Service Bulletin 747–51A2057, dated February 21, 2002.

(1) Do a test (including a general visual inspection of the external drains, reducer, and drain lines, and sending 3 to 5 pounds per square inch (PSI) compressed air through the drain line) of the drainage system of the canted pressure deck for discrepancies (including damage, holes, signs of frozen water, and signs of blockage), per Work Package 1 of the service bulletin. Repeat the test at least every 18 months.

(2) Clean the drainage system for the canted pressure deck and do a general visual inspection of the system for discrepancies per Work Package 2 of the Work Instructions of the service bulletin. Repeat the cleaning and inspection at least every 18 months. Accomplishment of this paragraph terminates the requirements in paragraph (a) of this AD.

(3) Except as required by paragraph (e) of this AD: If any discrepancy is found during any inspection or test required by paragraphs (b)(1) and (b)(2) of this AD, before further flight, repair per the Work Instructions of the service bulletin.

Repetitive Inspections of the Canted Pressure Deck/Corrective Action

(c) *Within 36 months after the effective date of this AD:* Do a general visual inspection of the canted pressure deck for discrepancies (including loose or missing fasteners; loose, missing, or cracked sealant; and leak paths), per Work Package 3 of the Work Instructions of Boeing Alert Service Bulletin 747–51A2057, dated February 21, 2002. If any discrepancy is found, before further flight, repair (including replacing any loose or missing fastener or loose, missing, or cracked sealant; and repair of any leak found) per the service bulletin; except as required by paragraph (e) of this AD. Repeat the inspection at least every 36 months.

Note 2: For the purposes of this AD, a general visual inspection is defined as: ''A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to enhance visual access to all exposed surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.''

Repetitive Cabin Pressurization Tests/ Corrective Action

(d) Within 72 months after the effective date of this AD: Do a cabin pressurization test to check for leaks in the canted pressure deck per Work Package 4 of the Work Instructions of Boeing Alert Service Bulletin 747–51A2057, dated February 21, 2002. If any leak is found, before further flight, repair per the service bulletin; except as required by paragraph (e) of this AD. Repeat the cabin pressurization test at least every 72 months.

Corrective Action per Seattle Aircraft Certification Office (ACO)

(e) If any discrepancy is found during any inspection or test required by this AD and the service bulletin specifies to contact Boeing for appropriate action: Before further flight, repair per a method approved by the Manager, Seattle ACO, FAA; or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved, the approval must specifically reference this AD.

Alternative Methods of Compliance

(f)(1) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

(2) Alternative methods of compliance, approved previously in accordance with AD 89–12–07, amendment 39–6232, are approved as alternative methods of compliance with paragraph (b)(2) of this AD.

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

Special Flight Permits

(g) 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.

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

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–26203 Filed 10–15–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 02–ASO–25]

Proposed Amendment of Class E5 Airspace; Tampa, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend Class E5 airspace at Tampa, FL. A Localizer Runway 23 Standard Instrument Approach Procedure (SIAP) has been developed for Vandenberg Airport. As a result, additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) northeast of Vandenberg Airport is needed to contain the SIAP.

DATES: Comments must be received on or before November 15, 2002.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket No. 02–ASO–25, Manager, Airspace Branch, ASO–520, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, George 30337, telephone (404) 305–5586.

FOR FURTHER INFORMATION CONTACT: Walter R. Cochran, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5586.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 02–ASO–25.'' The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination in the Office of the Regional Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace Branch, ASO–520, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend Class E5 airspace at Tampa, FL. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9K dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air)

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9K, Airspace Designations and Reporting Points, dated August 30, 2002, and effective September 16, 2002, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 feet or More Above the Surface of the Earth.

* * * * *

ASO FL E5 Tampa, FL [Revised]

Tampa International Airport, FL
(Lat. 27°58′32″N, long. 82°31′59″W)
St. Petersburg-Clearwater International Airport
(Lat. 27°54′39″N, long. 82°41′14″W)
MacDill AFB
(Lat. 27°50′57″N, long. 82°31′17″W)
Peter O Knight Airport
(Lat. 27°54′56″N, long. 82°26′57″W)
Albert-Whitted Airport
(Lat. 27°45′54″N, long. 82°37′38″W)
Vandenberg Airport
(Lat. 28°00′33″N, long. 82°20′59″W)
Clearwater Air Park
(Lat. 27°58′35″N, long. 82°45′31″W)
Vandenberg Localizer
(Lat. 28°00′40″N, long. 82°20′55″W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Tampa International Airport, St. Petersburg-Clearwater International Airport, MacDill AFB, and Peter O Knight Airport, and within a within a 6.3-mile radius of Albert-Whitted Airport, and Clearwater Air Park, and within a 6.7-mile radius of Vandenberg Airport and within 4 miles south and 8 miles north of the Vandenberg Localizer northeast course extending from the 6.7-mile radius to 16 miles northeast of the airport; excluding that airspace within the Zephyrhills, FL, and Lakeland, FL, Class E airspace areas.

* * * * *

Issued in College Park, Georgia, on October 4, 2002.

Walter R. Cochran,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 02–26277 Filed 10–15–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 806

[Docket No. 020913214–2214–01]

RIN 0691—AA45

Direct Investment Surveys: BE–605, Transactions of U.S. Affiliate, Except a U.S. Banking Affiliate, With Foreign Parent, and BE–605 Bank, Transactions of U.S. Banking Affiliate With Foreign Parent

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice sets forth a proposed rule to amend the reporting requirements for the quarterly survey of foreign direct investment in the United States, which is comprised of two forms—the BE–605, Transactions of U.S. Affiliate, Except a U.S. Banking Affiliate, With Foreign Parent, and BE–605 Bank, Transactions of U.S. Banking Affiliate with Foreign Parent.

The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. The BE–605 and BE–605 Bank are mandatory surveys and are conducted quarterly by the Bureau of Economic Analysis (BEA), U.S. Department of Commerce, under the International Investment and Trade in Services Survey Act. BEA will send survey forms to potential respondents each quarter; responses will be due within 30 days after the close of each fiscal quarter, except for the final quarter of the fiscal year, when reports will be due within 45 days. These surveys are cut-off sample surveys that cover all U.S. affiliates above a size-exemption level and seek to obtain data on transactions and positions between U.S. affiliates and their affiliated foreign groups.

BEA proposes the following changes: Direct bank holding companies (BHC's) to file a fully consolidated report, including all banking and nonbanking operations, on the BE–605 Bank form. Previously, the banking and non-banking operations of a BHC filed separate reports: the nonbank operations of the BHC filed on the BE–605 form, and the BHC itself and its banking operations filed on the BE–605 Bank form. To reduce respondent burden for BHC's, BEA proposes that the BHC file a single, fully consolidated, report to include both its banking and nonbanking operations on the BE–605 Bank form. However, separate reports still will be filed in those special instances where a U.S. affiliate's primary line of business is not in banking (or related financial activities), such as a manufacturer or retailer, but the affiliate also has a direct or indirect ownership in a BHC (or other banking activities such as U.S. wholesale or limited purpose banks). In these instances, the BHC, including all of its subsidiaries or units, will file on the BE–605 Bank form and the nonbanking operations not owned by the BHC will file on the BE–605 form. Add questions to the BE–605 Bank form to collect data on loans from or to the foreign parent group by certain nonbanking subsidiaries (e.g., insurance companies) included in the consolidated report to maintain consistency of the U.S. international transactions accounts with international statistical standards and avoid gaps in coverage. Add questions to the BE–605 Bank form to collect detail on intercompany premiums earned and claims payable for insurance companies included in the consolidated report.

BEA believes that the proposed changes should result in no change in the overall respondent burden. Any increase in burden due to the addition of questions on the BE–605 Bank form will be offset by a reduction in burden for BHC's, because reporting for these entities will be more consistent with the filing of regulatory reports and annual reports to stockholders.

DATES: Comments on these proposed rules will receive consideration if submitted in writing on or before December 16, 2002.

ADDRESSES: Direct all written comments to the Office of the Chief, International Investment Division (BE–50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230. Because of slow mail, and to assure that comments are received in a timely manner, please consider using one of the following delivery methods: (1) Fax to (202) 606–5318, (2) deliver by courier to U.S. Department of Commerce, Bureau of Economic Analysis, BE–49(A), Shipping and Receiving, Section M100, 1441 L Street NW., Washington, DC, 20005, or (3) e-mail to *David.Belli@bea.gov*. Comments received will be available for public inspection in Room 7005, 1441 L Street NW., between 8:30 a.m. and 4:30 p.m., eastern time Monday through Friday.

FOR FURTHER INFORMATION CONTACT: R. David Belli, Chief, International Investment Division (BE–50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone (202) 606–9800.

SUPPLEMENTARY INFORMATION: This proposed rule amends 15 CFR 806.15 to set forth reporting requirements for the BE–605, Transactions of U.S. Affiliate, Except a U.S. Banking Affiliate, With Foreign Parent, and BE–605 Bank, Transactions of U.S. Banking Affiliate with Foreign Parent. The Bureau of Economic Analysis (BEA), U.S. Department of Commerce, will conduct the survey under the International Investment and Trade in Services Survey Act (22 U.S.C. 3101–3108) hereinafter, ''the Act.'' Section 4(a) of the Act requires that with respect to foreign direct investment in the United States, the President shall, to the extent he deems necessary and feasible—

> Conduct a regular data collection program to secure current information on international capital flows and other information related to international investment and trade in services, including (but not limited to) such information as may be necessary for computing and analyzing the United States balance of payments, the employment and taxes of United States parents and affiliates, and the international investment and trade in services position of the United States.

In Section 3 of Executive Order 11961, the President delegated authority granted under the Act as concerns direct investment to the Secretary of Commerce, who has redelegated it to BEA.

The quarterly survey is a cut-off sample survey that covers all U.S. affiliates above a size-exemption level and obtains data on transactions and positions between U.S. affiliates and their affiliated foreign groups. (The affiliated foreign group is (i) the foreign parent, (ii) any foreign person, proceeding up the foreign parent's ownership chain, which owns more than 50 percent of the person below it up to and including that person which is not more than 50 percent owned by another foreign person, and (iii) any foreign person, proceeding down the ownership chain(s) of each of these members, which is owned more than 50 percent by the person above it.) The sample data are used to derive universe estimates in nonbenchmark years by extrapolating forward similar data reported in the BE–12, Benchmark Survey of Foreign Direct Investment in the United States, which is taken every five years. The data are used in the preparation of the U.S. international transactions accounts, the input-output accounts, and the national income and product accounts. The data are needed

to measure the size and economic significance of foreign direct investment in the United States, measure changes in such investment, and assess its impact on the U.S. economy. The data are disaggregated by industry of U.S. affiliate, by country of foreign parent, and, for selected items, by country of each member of the affiliated foreign group.

BEA proposes the following changes: (1) Direct bank holding companies (BHC's) to file a fully consolidated report, including all banking and nonbanking operations, on the BE–605 Bank form. Previously, the banking and non-banking operations of a BHC were required to file separate reports: the nonbank operations of the BHC filed on the BE–605 form, and the BHC itself and its banking operations filed on the BE–605 Bank form. To reduce respondent burden for BHC's, BEA proposes that the BHC file a single, fully consolidated, report to include both its banking and nonbanking operations on the BE–605 Bank form. However, separate reports still will be filed in those special instances where a U.S. affiliate's primary line of business is not in banking (or related financial activities), such as a manufacturer or retailer, but the affiliate also has a direct or indirect ownership in a BHC (or other banking activities such as U.S. wholesale or limited purpose banks). In these instances, the BHC, including all of its subsidiaries or units, will file on the BE–605 Bank form and the nonbanking operations not owned by the BHC will file on the BE–605 form. (2) Add questions to the BE–605 Bank form to collect data on loans from or to the foreign parent group by certain nonbanking subsidiaries (*e.g.*, insurance companies) included in the consolidated report to maintain consistency of the U.S. international transactions accounts with international statistical standards and avoid gaps in coverage. (3) Add questions to the BE–605 Bank form to collect detail on intercompany premiums earned and claims payable for insurance companies included in the consolidated report.

Executive Order 13132

This proposed rule does not contain policies with Federalism implications, as that term is defined in E.O. 13132.

Executive Order 12866

These proposed rules have been determined to be not significant for purposes of E.O. 12866.

Paperwork Reduction Act

This proposed rule contains a new collection-of-information requirement subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act(PRA). The new requirement has been submitted to OMB for approval as a revision to a collection currently approved under OMB control number 0608–0009.

Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection-of-information subject to the requirements of the Paperwork Reduction Act unless that collection displays a currently valid Office of Management and Budget control number.

An estimated 3,950 U.S. affiliates are expected to file responses quarterly, or 15,800 responses annually. The average burden for completing the BE–605 and BE–605 Bank remains unchanged at 1.25 hours per response, per quarter (five hours per year); the total annual respondent burden, from the current OMB inventory, also remains unchanged at 19,750 hours (15,800 responses times 1.25 hours average burden). This estimate covers the amount of time for respondents to review the instructions, search existing data sources, gather and maintain the data needed, and complete and review the collection of information. The burden estimates used in this submission are based upon experience with the same quarterly survey forms for several years and upon the burden estimates developed at the time of the benchmark survey.

Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Comments should be addressed to: Director, Bureau of Economic Analysis (BE–1), U.S. Department of Commerce, Washington, DC 20230; and to the Office of Management and Budget, O.I.R.A., Paperwork Reduction Project 0608–0009, Washington, DC 20503 (Attention PRA Desk Officer for BEA).

Regulatory Flexibility Act

The Chief Counsel for Regulation, Department of Commerce, has certified to the Chief Counsel for Advocacy, Small Business Administration, under the provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this proposed rulemaking, if adopted, will not have a significant economic impact on a substantial number of small entities. Few, if any, small U.S. businesses are subject to the reporting requirements of this survey. Most small businesses are not foreign owned; those that are and have total assets, sales or gross operating revenues, and net income each equal to or less than $30 million are not required to report on the BE–605 or BE–605 Bank form.

List of Subjects in 15 CFR Part 806

International transactions, economic statistics, foreign investment in the United States, penalties, reporting and recordkeeping requirements.

Rosemary Marcuss,

Acting Director, Bureau of Economic Analysis.

For the reasons set forth in the preamble, BEA proposes to amend 15 CFR part 806 as follows:

PART 806—DIRECT INVESTMENT SURVEYS

1. The authority citation for 15 CFR Part 806 continues to read as follows:

Authority: 5 U.S.C. 301; 22 U.S.C. 3101–3108; and E.O. 11961 (3 CFR, 1977 Comp., p. 86), as amended by E.O. 12013 (3 CFR, 1977 Comp., p. 147), E.O. 12318 (3 CFR, 1981 Comp., p. 173), and E.O. 12518 (3 CFR, 1985 Comp., p. 348).

2. Section 806.15 (h)(1) and (2) are revised to read as follows:

§ 806.15 Foreign direct investment in the United States.

* * * * *

(h) * * *

(1) BE–605—Transactions of U.S. Affiliate, Except a U.S. Banking Affiliate, With Foreign Parent: One report is required for each U.S. affiliate exceeding an exemption level of $30,000,000, that does not qualify for reporting on form BE–605 Bank.

(2) BE–605 Bank—Transactions of U.S. Banking Affiliate with Foreign Parent: One report is required for each U.S. banking affiliate or U.S. bank holding company affiliate, including all of the subsidiaries and units of the bank holding company, exceeding an exemption level of $30,000,000.

* * * * *

[FR Doc. 02–26220 Filed 10–15–02; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 55

[Notice No. 956; Ref: Notice No. 906]

RIN 1512–AC25

Identification Markings Placed on Imported Explosive Materials and Miscellaneous Amendments (2000R–238P)

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is proposing to amend its regulations to require licensed importers to identify by marking all imported explosive materials. ATF believes that the proposed marking requirements will help ensure that imported explosive materials can be effectively traced for criminal enforcement purposes. We are also proposing to incorporate into the regulations the provisions of ATF Ruling 75–35, relating to methods of marking containers of explosive materials. In addition, we are proposing to amend the regulations to remove the requirement that a licensee or permittee file for an amended license or permit in order to change the class of explosive materials described in their license or permit from a lower to a higher classification.

DATES: ATF must receive all comments on or before January 14, 2003.

ADDRESSES: Send written comments to: Chief, Regulations Division; Bureau of Alcohol, Tobacco and Firearms; P.O. Box 50221; Washington, DC 20091–0221; *Attn: Notice No. 956*. Written comments must be signed and may be of any length.

E-mail comments may be of any length and should be submitted to: *nprm@atfhq.atf.treas.gov*. E-mail comments must contain your name, mailing address, and e-mail address. They must also reference this notice number and be legible when printed on paper that is 8½'' × 11'' in size. We will treat e-mail as originals and we will not acknowledge receipt of e-mail. See the ''Public Participation'' section at the end of this notice for requirements for submitting written comments by facsimile.

FOR FURTHER INFORMATION CONTACT: James P. Ficaretta, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202–927–8210).

SUPPLEMENTARY INFORMATION:

I. Background

The Bureau of Alcohol, Tobacco and Firearms (ATF) is responsible for implementing Title XI, Regulation of Explosives (18 United States Code (U.S.C.) chapter 40), of the Organized Crime Control Act of 1970. One of the stated purposes of the Act is to reduce the hazards to persons and property arising from the misuse of explosive materials. Under section 847 of title 18, U.S.C., the Secretary of the Treasury ''may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter.'' Regulations that implement the provisions of chapter 40 are contained in title 27, Code of Federal Regulations (CFR), part 55 (''Commerce in Explosives'').

The term ''explosive materials,'' as defined in section 55.11, means explosives, blasting agents, water gels, and detonators. The term includes, but is not limited to, all items in the ''List of Explosive Materials'' provided for in section 55.23. Section 55.202 provides for three classes of explosive materials: (1) High explosives (*e.g.*, dynamite, flash powders, and bulk salutes), (2) low explosives (*e.g.*, black powder, safety fuses, igniters, igniter cords, fuse lighters, and display fireworks (except bulk salutes)), and (3) blasting agents (*e.g.*, ammonium nitrate-fuel oil and certain water gels).

Section 55.109 requires licensed manufacturers of explosive materials to legibly identify by marking all explosive materials manufactured for sale or distribution. The marks required by this section include the identity of the manufacturer and the location, date, and shift of manufacture. This section also provides that licensed manufacturers must place the required marks on each cartridge, bag, or other immediate container of explosive materials for sale or distribution, as well as on the outside container, if any, used for their packaging.

Exceptions to the marking requirements are provided in section 55.109(b). Licensed manufacturers of blasting caps are only required to place the required identification marks on the containers used for the packaging of blasting caps. In addition, the Director may authorize other means of identifying explosive materials upon receipt of a letter application from the licensed manufacturer showing that other identification is reasonable and will not hinder the effective administration of part 55. Section 55.109(b) also provides that the Director may authorize the use of other means of identification on fireworks instead of the required markings specified above.

The current regulations, however, do not require the marking of imported explosive materials.

A. Petition—Institute of Makers of Explosives

The Institute of Makers of Explosives (IME) filed a petition with ATF, dated March 7, 2000, requesting an amendment of the regulations to require licensed importers to place the same identification marks on imported explosive materials that are currently required for explosive materials manufactured in the United States. As stated in the petition, IME is the safety association of the commercial explosives industry. Its mission is to promote safety and the protection of employees, users, the public and the environment, and to encourage the adoption of uniform rules and regulations in the manufacture, transportation, storage, handling, use, and disposal of explosive materials used in blasting and other operations.

According to the petitioner, commerce in explosives is a global enterprise and it expects the quantity of imported explosives to increase over time. For example, the petitioner stated that between 1994 and 1997, imports of high explosives increased 14-fold to account for approximately 17 percent of all high explosives used annually in the United States. IME further stated that while unmarked high explosives may have entered the United States over the years, it was not until 1999 that the association became aware of significant quantities of unmarked cast boosters being imported into the country. IME contended that, by the end of 1999, about two million unmarked units had been distributed in the United States. The petitioner further stated that many more thousands of tons of these high explosives are expected to be imported into the United States in the near future.

Without a change in the regulations, IME is concerned that these explosives will enter into the commerce of the U.S. without marks of identification, posing significant safety and security risks to the public. Although IME informed ATF that many of its member companies importing explosives into the U.S. mark their imported explosive materials in an effort to ensure the traceability and accountability of the materials, it believes that all imported explosive materials should be appropriately identified. Therefore, it petitioned ATF

to amend the Federal explosives regulations.

By letter dated August 2, 2000, IME amended its petition to narrow its scope to importers of high explosives and blasting agents. IME stated that it did not understand that the scope of its initial petition would apply to importers of low explosives. IME noted that it has a specific standard recommending that high explosives and blasting agents be marked with a date/plant/shift code.

B. Discussion

In an effort to protect the public from the misuse of explosive materials, ATF generally requires domestic explosives manufacturers to mark all explosive materials with specific information, including the name of manufacturer, and the location, date, and shift of manufacture. Generally, licensees and permittees must record the manufacturer's marks of identification on all explosives they receive. These requirements help ensure that explosive materials can be effectively traced for criminal enforcement purposes through the records kept by licensees and permittees. This process often provides valuable information in explosion and bombing investigations and is useful for inspection purposes in verifying inventory and proper business practices. However, as noted, the current regulations do not require that imported explosive materials be marked.

C. Advance Notice of Proposed Rulemaking

Based on IME's petition, ATF published in the **Federal Register** on November 13, 2000, an advance notice of proposed rulemaking requesting information and comments from interested persons on the desirability and feasibility of marking imported explosive materials (Notice No. 906, 65 FR 67669). Although we solicited specific comments on the following questions, we also requested any relevant information on the subject.

1. Should explosive materials imported into the United States contain identification markings?
2. Should all imported explosive materials be marked, or should certain classes of explosive materials, such as low explosives, be exempt? If you believe certain classes of explosives should be exempt from marking, please provide the reason(s) why such an exemption is consistent with public safety.
3. What identification marks, if any, are currently being placed on imported explosive materials?
4. What information should appear on imported explosive materials? ATF believes that the name and address of the importer, the name of the country in which the explosive materials were manufactured, and the date that the explosive materials were manufactured would be sufficient.
5. Assuming that any required identification marks must be placed on each cartridge, bag, or other immediate container of explosive materials that are imported, as well as on any outside container used for their packaging, is it feasible for a U.S. importer to place the required marks on foreign explosive materials?
6. How many importers would be affected by a requirement to place identification markings on foreign explosive materials?
7. Of those importers that would be affected by such a requirement, how many would be considered a ''small business concern'' as provided in the Small Business Act (15 U.S.C. 631, *et seq.*)?
8. What would be the cost burden imposed on importers for purchasing or leasing equipment for marking foreign explosive materials, including installation and operation?
9. What would the cost be for importers to contract with a foreign manufacturer to place the required marks on explosive materials on behalf of the importer?

The comment period for Notice No. 906 closed on January 12, 2001.

D. Notice No. 906—Analysis of Comments

In response to Notice No. 906, ATF received three comments. Two commenters argued that licensed importers should place the same or similar identification marks on imported explosive materials that are currently required for explosive materials manufactured in the United States. One of these commenters expressed his opinion that ''explosive items imported into the United States should have identification markings. Where there is no marking, there is no ability to trace the item.'' The other commenter, the International Association of Bomb Technicians and Investigators, representing over 4,500 members, stated the following:

> Identification markings placed on explosive materials serve to protect the public from the misuse of such materials and assist in effective tracking and inventory control for their lawful users. Moreover, these identification markings serve to facilitate bombing investigations leading to the apprehension of persons involved in the misuse of explosive materials.
>
> As imported explosive materials may be subject to misuse, it makes sense to insure that they possess essentially similar identification markings to those currently required for domestic manufactured explosive materials.

The petitioner, IME, submitted the third comment. IME reiterated its position that imported high explosives and blasting agents should contain the same identification markings prescribed in the regulations for domestically manufactured explosives.

IME also included an attachment as part of its comment that provided responses to the questions posed by ATF in the advance notice. In response to ATF's inquiry as to whether all imported explosives should be marked or if there should be an exception for certain classes of explosives, *e.g.*, low explosives, IME stated that it had no position on explosive materials other than high explosives and blasting agents. Regarding what identification marks, if any, are currently being placed on imported explosives, IME stated that nearly all explosive materials imported by its member companies have markings similar to those prescribed in the regulations for domestically manufactured explosives. It then provided examples of the import marking policies of IME member companies. In one instance, an IME member company imports shaped charges that are marked on the outer package by the manufacturer with the following information:

1. Manufacturer's name, address, and phone number;
2. Date of manufacture;
3. Product name and part number;
4. Transportation classification approval numbers;
5. Gross weight, net weight, and explosive weight;
6. Proper Shipping Name and UN ID#; and
7. Importer's name and address (as consignee).

Inside the package, the foreign manufacturer places a label (loosely, not attached to the inner packaging) that states all of the above mentioned information, except for items one and seven.

In another example, an IME member company requires sister companies to mark explosives with a date, plant, and shift code before importation into the United States. The explosives are also marked with the trade name and size. The outer packaging is marked with the country of manufacture and the manufacturer's name. This full-line company requires imported explosives from other manufacturers to be marked with the trade name, lot number or date, and product identification. In a third instance, an IME member company

imports a very small amount of explosives that are already marked in accordance with United States requirements.

As stated in the advance notice, ATF believes that the name and address of the importer, the name of the country in which the explosive materials were manufactured, and the date that the explosive materials were manufactured would be sufficient. In response to our question regarding what information should appear on imported explosives, IME stated that the same information required on domestically manufactured high explosives and blasting agents (identity of the manufacturer, and location, date, and shift of manufacture) should appear on imported high explosives and blasting agents. The commenter further stated that it did not see any benefit in requiring the importer's name and address and argued that this creates inconsistent and additional requirements for importers. IME also explained that identifying the manufacturer of explosives is routine while placing the importer's name and address on the products is not and could be prohibitive. In addition, IME contends that one of the benefits of the current required markings is manufacturer accountability in the use of explosive materials.

IME believes that imported high explosives and blasting agents should be marked with the shift of manufacture for the following reasons:

> The shift of manufacture markings divide lot sizes of a particular high explosive or blasting agent into quantities that make two major benefits of marking possible. These benefits are traceability for evidentiary and technical purposes. Modern explosives plants are capable of producing millions of pounds of explosives per day. Huge lot sizes of one particular high explosive or blasting agent makes (1) too many people part of the custody chain and may dilute the effectiveness of evidence, and (2) makes it impossible to trace a quality control problem to a specific manufacturing process for corrective action.

Another commenter also recommended that imported explosives be marked with a date/shift code.

IME believes that the current exceptions to the marking requirements provided in the regulations for domestically manufactured explosives should apply to imported explosives as well.

Assuming that any required identification marks must be placed on each cartridge, bag, or other immediate container of explosive materials that are imported, as well as on any outside container used for their packaging, ATF asked if it is feasible for a U.S. importer to place the required marks on foreign explosive materials. In its comment, IME stated that it would be cost prohibitive for U.S. importers to actually place the required marks on high explosives and blasting agents. IME also stated that it is not aware of any U.S. importers that mark individual units of high explosives and blasting agents at any time other than the point of manufacture. Furthermore, the commenter noted that it is ''much less safe to mark at any time other than the point of manufacture and * * * importers may not know required information such as the shift of manufacture.''

ATF asked how many importers would be affected by a requirement to place identification markings on foreign explosive materials and, of those importers that would be affected by such a requirement, how many would be considered a ''small business concern'' as provided in the Small Business Act. IME responded that an IME member that imports explosives and is a small business would not be affected by a requirement to place identification markings on foreign explosives because the company specifies that the product must be marked in accordance with ATF regulations prior to importation into the United States.

In response to ATF's inquiry regarding cost burdens that would be imposed on importers for purchasing or leasing equipment for marking foreign explosives, IME stated that it does not expect any importers of commercial high explosives or blasting agents to purchase or lease equipment to mark foreign explosives. Rather, the commenter recommended ''that the markings be placed on the products by the foreign manufacturer during the manufacturing process.'' In that regard, ATF also asked in the advance notice what would be the cost for importers to contract with a foreign manufacturer to place the required marks on explosive materials on behalf of the importer. IME responded that it does not collect or identify data that relates to price information such as the cost of bringing a product to market. Following its initial comment, IME submitted estimated cost information both for equipment and for marking imported explosives. IME explained, however, that marks of identification ordinarily are applied at the time of manufacture. As a result, U.S. importers likely would structure contracts with foreign manufacturers to effect the marking at the time of manufacture resulting in reduced costs for U.S. importers. As such, this cost burden would not significantly affect or cause an undue burden to small businesses.

II. Proposed Amendments

A. Amendments to Section 55.109

In an effort to protect the public from the misuse of explosive materials, to more easily identify explosive materials, and to successfully trace misused explosive materials or explosive materials used in crimes, ATF believes that all explosive materials should contain marks of identification. As mentioned in the advance notice, explosive materials that contain identification marks can be tracked through the records kept by licensees and permittees. This process often provides valuable information in investigations involving bombings and explosions and is useful for inspection purposes in verifying inventory and proper business practices.

ATF recognizes that the importation of explosive materials and the use of imported explosives by explosive users and industry members are becoming increasingly more common. ATF shares IME's concern that these explosives are entering into the commerce of the U.S. without marks of identification, posing significant safety and security risks to the public. As such, ATF believes that all explosive materials imported into the United States, including low explosives, should contain identification marks similar to those required for domestically manufactured explosives.

Accordingly, we are proposing to amend section 55.109 to provide that licensed importers and permittees must identify by marking all explosive materials they import for sale or distribution, or import for their own use. The required marks must be legible and in the English language, using Roman letters and Arabic numerals. The marks must identify the importer's or permittee's name and address, the location (city and country) where the explosive materials were manufactured, as well as the date and shift of manufacture. ATF believes that the commenters presented valid arguments in support of requiring the date and shift of manufacture for imported explosive materials. ATF is not proposing to require the name of the foreign manufacturer on imported explosives as requested by IME. Rather, we believe that the identity of the importer is necessary to help ensure that explosive materials can be effectively traced for criminal enforcement purposes. Furthermore, ATF does not have regulatory oversight over foreign manufacturers, particularly with respect to their recordkeeping practices.

As noted earlier, licensees and permittees must record the manufacturer's marks of identification on all explosives they receive. This requirement helps ensure that explosive materials can be effectively traced for criminal enforcement purposes. This process is also useful for ATF inspection purposes in verifying inventory and proper conduct of business practices.

As proposed, the required marks must be placed on each cartridge, bag, or other immediate container of explosive materials that are imported, as well as on any outside container used for their packaging. This is consistent with current requirements for domestically manufactured explosives. The proposed regulations also provide that the required marks of identification must be placed on imported explosive materials within 24 hours of release from Customs custody.

In addition, under the proposed regulations, the exceptions to the marking requirements currently specified in the regulations will apply to imported explosive materials as well.

ATF is also proposing other amendments to section 55.109. We are clarifying that licensed manufacturers must place the required marks of identification on the explosive materials at the time of manufacture. We are also proposing to incorporate into the regulations the provisions of ATF Ruling 75–35 (1975-ATF C.B. 65). This ruling authorizes any method, or combination of methods, for affixing the required marks to the immediate container of explosive materials, or outside containers used for the packaging thereof, provided the identifying marks are legible, show all the required information, and are not rendered unreadable by extended periods of storage. The ruling also provides that where it is desired to utilize a coding system and omit printed markings on the containers, a letterhead application displaying the coding to be used and the manner of its application must be filed by the licensed manufacturer with, and approved by, the Director prior to the use of the proposed coding. Finally, the ruling provides that where a manufacturer operates his/her plant for only one shift during the day, the shift of manufacture need not be shown. Upon the effective date of a final rule in this matter, ATF Ruling 75–35 will be declared obsolete.

B. Miscellaneous—Amendment of Sections 55.55 and 55.41

Section 55.55 provides that a licensee or permittee who intends to change the class of explosive materials described in his or her license from a lower to a higher classification (*e.g.*, black powder to dynamite) must file an application on ATF Form 5400.13/ATF Form 5400.16 (Application for License or Permit) with the ATF National Licensing Center. If the change in class of explosive materials would require a change in magazines, the amended application must include a description of the type of construction as prescribed in part 55. Business or operations with respect to the new class of explosive materials may not be commenced before issuance of the amended license or amended permit. Finally, upon receipt of the amended license or amended permit, the licensee or permittee must submit his or her superseded license or superseded permit and any copies furnished with the license or permit to the ATF National Licensing Center.

ATF personnel have frequently encountered instances where the class of explosives listed on a particular explosives license is inconsistent with the type of explosive materials involved in a particular business' operations. The license classification system contained in section 55.55 has also caused confusion throughout the explosives industry as it is related to classification of explosive materials distributed, imported, or used, and the class of explosives authorized by the license or permit.

Accordingly, ATF is proposing to remove section 55.55. ATF believes that removing this section will provide more flexibility to the explosives industry in terms of the classes of explosive materials involved in their businesses, while not reducing the requirement to store explosive materials in accordance with the regulations contained in subpart K. Technical amendments are being made with respect to section 55.41 in order to be consistent with the proposed amendment of section 55.55.

III. How This Document Complies With the Federal Administrative Requirements for Rulemaking

A. Executive Order 12866

We have determined that this proposed regulation is not a significant regulatory action as defined by Executive Order 12866. Therefore, a Regulatory Assessment is not required.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. We hereby certify that this proposed regulation, if adopted, will not have a significant economic impact on a substantial number of small entities. As noted in IME's comment, U.S. importers that are considered small businesses should not be significantly affected by the proposed regulations because the foreign-manufactured explosives they import will already be marked in accordance with the provisions of section 55.109. Accordingly, a regulatory flexibility analysis is not required. We specifically request comments on whether small importers expect foreign explosives manufacturers to mark their explosives consistent with this proposed rule even though they are not legally subject to its requirements.

C. Paperwork Reduction Act

The collections of information contained in this notice of proposed rulemaking have been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). Comments on the collections of information should be sent to the Office of Management and Budget, Attention: Desk Officer for the Bureau of Alcohol, Tobacco and Firearms, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Chief, Document Services Branch, Room 3110, Bureau of Alcohol, Tobacco and Firearms, at the address previously specified. Comments are specifically requested concerning:

(a) Whether the proposed collections of information are necessary for the proper performance of the functions of the Bureau of Alcohol, Tobacco and Firearms, including whether the information will have practical utility;

(b) The accuracy of the estimated burden associated with the proposed collections of information (see below);

(c) How the quality, utility, and clarity of the information to be collected may be enhanced; and

(d) How the burden of complying with the proposed collections of information may be minimized, including through the application of automated collection techniques or other forms of information technology.

The collections of information in this proposed regulation are in 27 CFR 55.109(a)(2). This information is required to properly identify imported explosive materials. The collections of information are mandatory. The likely respondents are businesses.

• *Estimated total annual reporting and/or recordkeeping burden:* 45 hours.
• *Estimated average burden hours per respondent and/or recordkeeper:* 1 hour.
• *Estimated number of respondents and/or recordkeepers:* 15.
• *Estimated annual frequency of responses:* 3.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

IV. Public Participation

We are requesting comments on the proposed regulations from all interested persons. In addition, we are specifically requesting comments on the clarity of this proposed rule and how it may be made easier to understand.

Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material that the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

A. Submitting Comments by Fax

You may submit written comments by facsimile transmission to (202) 927–8602. Facsimile comments must:
• Be legible;
• Reference this notice number;
• Be 8½″ x 11″ in size;
• Contain a legible written signature; and
• Be not more than five pages long.

We will not acknowledge receipt of facsimile transmissions. We will treat facsimile transmissions as originals.

B. Request for Hearing

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director within the 90-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing is necessary.

C. Disclosure

Copies of the petition, the advance notice, the comments received in response to the advance notice and the comments received in response to this notice of proposed rulemaking will be available for public inspection by appointment during normal business hours at: ATF Reference Library, Room 6480, 650 Massachusetts Avenue, NW., Washington, DC; telephone 202–927–7890.

For your convenience, ATF will post comments received in response to this notice on the ATF web site. All comments posted on our web site will show the name of the commenter, but will have street addresses, telephone numbers, and e-mail addresses removed. We may also omit voluminous attachments or material that we do not consider suitable for posting. In all cases, the full comments will be available in the library as noted above, or you may request copies of the full comments by writing to the ATF Reference Librarian at the address shown above. To access online copies of the comments on this rulemaking, visit *http://www.atf.treas.gov/*, and select ''Regulations,'' then ''Notices of proposed rulemaking (Firearms, Explosives and Others)'' and this notice number. Click on the ''View comments'' link.

D. Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in the **Federal Register** in April and October of each year. The RIN contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

E. Drafting Information

The author of this document is James P. Ficaretta, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 55

Administrative practice and procedure, Authority delegations, Customs duties and inspection, Explosives, Hazardous materials, Imports, Penalties, Reporting and recordkeeping requirements, Safety, Security measures, Seizures and forfeitures, Transportation, and Warehouses.

Authority and Issuance

For the reasons discussed in the preamble, ATF proposes to amend 27 CFR part 55 as follows:

PART 55—COMMERCE IN EXPLOSIVES

1. The authority citation for 27 CFR part 55 continues to read as follows:

Authority: 18 U.S.C. 847.

§ 55.41 [Amended]

2. Section 55.41(c) is amended by removing ''of the class authorized by this permit'' at the end of the second sentence.

Subpart D—[Amended]

3. Subpart D is amended by removing section 55.55.

4. Section 55.109 is revised to read as follows:

§ 55.109 Identification of explosive materials.

(a) *General.* Explosive materials, whether manufactured in the United States or imported, must contain certain marks of identification.

(b) *Required marks.* (1) *Licensed manufacturers.* Licensed manufacturers who manufacture explosive materials for sale, distribution, or their own use must place the following marks of identification on explosive materials at the time of manufacture:

(i) The name of the manufacturer; and

(ii) The location, date, and shift of manufacture. Where a manufacturer operates his plant for only one shift during the day, he does not need to show the shift of manufacture.

(2) *Licensed importers and permittees.* (i) Licensed importers who import explosive materials for sale or distribution or their own use and permittees who import explosive materials for their own use must place the following marks of identification on the explosive materials they import:

(A) The name and address (city and state) of the importer or permittee; and

(B) The location (city and country) where the explosive materials were manufactured, date, and shift of manufacture. Where the foreign manufacturer operates his plant for only one shift during the day, he does not need to show the shift of manufacture.

(ii) The required marks for imported explosive materials must be in the English language, using Roman letters and Arabic numerals.

(iii) Within 24 hours of the date of release from Customs custody, licensed importers and permittees must place the required marks on all explosive materials imported, if such explosive materials did not bear the required marks at the time of their release from Customs custody.

(c) *General requirements.* (1) The required marks prescribed in this section must be legible.

(2) Licensed manufacturers, licensed importers, and permittees importing explosive materials must place the required marks on each cartridge, bag, or other immediate container of explosive materials that they manufacture or import, as well as on any outside container used for the packaging of such explosive materials.

(3) Licensed manufacturers, licensed importers, and permittees importing explosive materials may use any method, or combination of methods, to affix the required marks to the immediate container of explosive materials, or outside containers used for the packaging thereof, provided the identifying marks are legible, show all the required information, and are not rendered unreadable by extended periods of storage.

(4) If licensed manufacturers, licensed importers or permittees importing explosive materials desire to use a coding system and omit printed markings on the container, they must file with ATF a letterhead application displaying the coding that they plan to use and explaining the manner of its application. The Director must approve the application before the proposed coding can be used.

(d) *Exceptions.* (1) *Blasting caps.* Licensed manufacturers, licensed importers, or permittees importing blasting caps, are only required to place the identification marks prescribed in this section on the containers used for the packaging of blasting caps.

(2) *Alternate means of identification.* The Director may authorize other means of identifying explosive materials, including fireworks, upon receipt of a letter application from the licensed manufacturer, licensed importer, or permittee, showing that such other identification is reasonable and will not hinder the effective administration of this part.

Signed: August 14, 2002.

Bradley A. Buckles,

Director.

Approved: September 16, 2002.

Timothy E. Skud,

Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 02–26253 Filed 10–15–02; 8:45 am]

BILLING CODE 4810–31–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122 and 450

[FRL–7394–2]

RIN 2040–AD42

Effluent Limitation Guidelines and New Source Performance Standards for the Construction and Development Category; Proposed Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period and addition to docket.

SUMMARY: EPA is extending the comment period for the proposed rule and adding two documents to the rulemaking docket.

DATES: Comments on the proposed rule will be accepted through December 23, 2002.

ADDRESSES: Submit written comments to Comment Clerk, Water Docket (4101T), U.S. EPA, 1200 Pennsylvania Ave., NW, Washington, DC 20460. Please refer to Docket No. W–02–06. EPA requests an original and three copies of your comments and enclosures (including references). Commenters who want EPA to acknowledge receipt of their comments should enclose a self-addressed, stamped envelope. No facsimiles (faxes) will be accepted. For hand deliveries or e-mail comments, see the **SUPPLEMENTARY INFORMATION.** paragraph below.

FOR FURTHER INFORMATION CONTACT: Mr. Eric Strassler at (202) 566–1026.

SUPPLEMENTARY INFORMATION: On June 24, 2002 (67 FR 42644), EPA proposed effluent guidelines and standards for storm water discharges from construction sites. The original comment deadline was October 22, 2002. EPA received requests to extend the comment period and the Agency has decided to do so due to the complexity of the issues involved with the proposed rule and its implementation. The comment period will now end on December 23, 2002.

EPA identified two documents which it considered during the development of the proposed rule but inadvertently omitted from the rulemaking docket. These documents are now available for public review.

1. National Association of Home Builders, ''Erosion and Sediment Control Best Management Practices Research Project.'' Washington, DC, 2000.

2. EPA, ''Final Report of the SBREFA Small Business Advocacy Review Panel on EPA's Planned Proposed Rule for Effluent Limitation Guidelines and Standards for the Construction and Development Industry.'' October 12, 2001.

EPA established the public record for the proposed rule under docket number W–02–06. The record is available for inspection at the EPA Docket Public Reading Room, EPA West Building, Room B102, 1301 Constitution Avenue, NW, Washington, DC 20004. Please call the Water Docket office at (202) 566–2426 to schedule an appointment. Please bring any hand-delivered comments to the Public Reading Room address.

Comments may also be sent via e-mail to *ow-docket@epa.gov.* Electronic comments must be identified by the docket number W–02–06 and must be submitted as a WordPerfect, MS Word or ASCII text file, avoiding the use of special characters and any form of encryption. EPA requests that any graphics included in electronic comments also be provided in hard-copy form. EPA also will accept comments and data on disks in the aforementioned file formats. Electronic comments received on this document may be filed online at many Federal Depository Libraries. No confidential business information (CBI) should be sent by e-mail.

Additional information on the proposed rule is available on EPA's Web site at *http://www.epa.gov/waterscience/guide/construction/.*

Dated: October 9, 2002.

G. Tracy Mehan III,

Assistant Administrator for Water.

[FR Doc. 02–26302 Filed 10–15–02; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–B–7430]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that the community is required either to adopt

or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

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

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

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

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

National Environmental Policy Act

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

Regulatory Flexibility Act

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

Regulatory Classification

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

Executive Order 12612, Federalism

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

Executive Order 12778, Civil Justice Reform

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

List of Subjects in 44 CFR Part 67

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

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

PART 67—[AMENDED]

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

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

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

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
California	Colusa County	Elk Creek	At confluence with Salt Creek	None	*138
			Approximately 1,250 feet downstream of Reddington Road.	None	*156
		Salt Creek	Just upstream of Interstate 5 southbound	None	*125
			Approximately 1,250 feet upstream of Hillgate Road.	None	*172
		Stone Corral Creek	Right overbank overflow at landing strip in NW corner of Section 34, Township 17N, Range 3W.	None	*87
			Approximately 350 feet upstream of Cemetery Road.	None	*102
		Stone Corral Creek, Right Overbank.	Right overbank overflow at landing strip in NW corner of Section 34, Township 17N, Range 3W.	None	*87
			Approximately 350 feet upstream of Cemetery Road.	None	*102
		Stone Corral Creek, Left Overbank.	Approximately 2,200 feet downstream of Interstate 99.	None	*90
			Approximately 350 feet of Cemetery Road.	None	*102
		Salt Creek, Right Overbank.	Approximately 300 feet west of the intersection of Bailey Road and Southern Pacific Railroad.	None	*128
			Approximately 2,500 feet southwest of intersection of Hillgate Road and Almond Avenue.	None	#1

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
		Salt Creek, Left Overbank	Approximately 1,700 feet north of confluence of Salt Creek and Elk Creek.	None	#1
			Approximately 1,700 feet west of intersection of Hillgate Road and Almond Avenue.	None	#1
		Local Ponding	Approximately 1,000 feet southwest of Maxwell Sites Road and Interstate 5.	None	#1
			Approximately 1,500 feet northwest of Maxwell Sites Road and Interstate 5.	None	*87
			Approximately 1,700 feet west of intersection of E Street and Venice Boulevard.	None	*89
			Approximately 1,100 feet east of confluence of Salt Creek and Spring Creek.	None	*90
			Just upstream of intersection of Maxwell Sites Road and Southern Pacific Railroad.	None	*88
			At intersection of Finks Road and Cemetery Road.	None	#2
			Approximately 1,000 feet northeast of Hillgate Road and Interstate 5.	None	#1
			Approximately 1,200 feet southwest of Hillgate Road and Interstate 5.	None	#1
			Approximately 2,300 feet east of Hillgate Road and Southern Pacific Railroad.	None	#1
			Approximately 1,200 feet east of Hillgate Road and Southern Pacific Railroad.	None	#2
			Approximately 1,500 feet west of Hillgate Road and Southern Pacific Railroad.	None	#1
Maps are available for inspection at the Colusa County Courthouse Office of County Clerk, 547 Market Street, or the Coulsa County Department of Public Works, 1215 Market Street, Colusa, California 95932.					
Send comments to Mr. John Wrysinski, Interim Director, Colusa County, Department of Public Works, 1215 Market Street, Colusa, California 95932.					
California	Tehama County	Reeds Creek	Approximately 250 feet upstream of Paskenta Road.	None	*285
			Approximately 1,000 feet upstream of confluence of Pine Creek.	None	*309
Maps are available for inspection at the Tehama County Building Department, 444 Oak Street, Red Bluff, California 96080.					
Send comments to The Honorable Rick Robinson, Chief Administrator, Tehama County, P.O. Box 927, Red Bluff, California 96080.					
North Dakota	Langdon (City), Cavalier County.	Mulberry Creek	Approximately 250 feet downstream of Highway 5.	None	+1,597
			Confluence of 5th Street Coulee	None	+1,600
			Just downstream of Highway 1	None	+1,608
		ND Highway 1 Ditch	Approximately 450 feet upstream of Simplot Crossing.	None	+1,609
			Approximately 1,500 feet upstream of Highway 5.	None	+1,612
		Diversion Channel	Approximately 300 feet downstream of 10th Street.	None	+1,610
			Approximately 700 feet upstream of 10th Street.	None	+1,612
		5th Street Coulee	Confluence with Mulberry Creek	None	+1,600
			Just downstream of 12th Avenue	None	+1,605
			Approximately 1,400 feet upstream of 18th Street.	None	+1,609
Maps are available for inspection at City Hall, 324 Eighth Avenue, Langdon, North Dakota 58249.					
Send comments to The Honorable Don Haugen, Mayor, City Hall, 324 Eighth Avenue, Langdon, North Dakota 58249.					
South Dakota	Spearfish (City), Lawrence County.	False Bottom Creek	Approximately 700 feet downstream of westbound lane of Interstate 90.	*3,920	*3,919
			Just upstream of eastbound lane of Interstate 90.	*3,936	*3,935
			Approximately 390 feet upstream of U.S. Highway 14 (Alternate Route).	*3,944	*3,945

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
Maps are available for inspection at City Hall, 625 Fifth Street, Spearfish, South Dakota 57783.					
Send comments to The Honorable Jerry Krambeck, Mayor, City of Spearfish, City Hall, 625 Fifth Street, Spearfish, South Dakota 57783.					
South Dakota	Minnehaha County	Skunk Creek	Approximately 4,400 feet downstream of U.S. Highway 16.	*1,429	*1,431
			Just upstream of County Route 139	*1,442	*1,444
			Approximately 150 feet upstream of County Route 142.	*1,448	*1,448
Maps are available for inspection at the County Administration Building, 415 North Dakota Avenue, Sioux Falls, South Dakota 57106.					
Send comments to The Honorable Robert Kolbe, Chairperson, Minnehaha County Board of Commissioners, County Administration Building, 415 North Dakota Avenue, Sioux Falls, South Dakota 57106.					
Wyoming	Lincoln County	Salt River	Approximately 2,500 feet downstream of McCox Road.	None	*5,623
			Just upstream of secondary Highway 239	None	*5,775
			Approximately 9,000 feet upstream of U.S. Highway 89.	None	*5,987
Maps are available for inspection at the Emergency Management Office, 520 Topaz Street, Kemmerer, Wyoming 83101.					
Send comments to The Honorable Kathleen Davison, Chairperson, Lincoln County Board of Commissioners, County Courthouse, 925 Sage Avenue, Kemmerer, Wyoming 83101.					

Flooding Source(s)	Location of referenced elevation	Elevation in feet *(NGVD) Elevation in feet + (NAVD)		Communities affected
		Effective	Modified	
OKLAHOMA Kingfisher County, and Incorporated Areas				
Cimarron River	Approximately 9,000 feet downstream of confluence with Campbell Creek.	None	*969	Kingfisher County (Uninc. Areas).
	Approximately 750 feet downstream of County Road NS282.	None	*1,044	
	Approximately 2,800 feet upstream of County Road EW60	None	*1,120	
Kingfisher Creek	At confluence with Cimarron River	None	*1,018	Kingfisher County (Uninc. Areas) and City of Kingfisher.
	Approximately 1,000 feet downstream of 13th Street	*1,048	*1,047	
Little Turkey Creek	Approximately 1,000 feet upstream of County Road EW68	None	*1,063	Kingfisher County (Uninc. Areas).
	Approximately 3,200 feet upstream of State Highway 81	None	*1,116	
Turkey Creek (Main Channel).	Approximately 60 feet upstream of County Road EW715	*1,039	*1,038	Kingfisher County (Uninc. Areas).
	Approximately 4,500 feet upstream of US Highway 51	None	*1,093	
Turkey Creek Split Flow.	Approximately 2,400 feet downstream of US Route 81	*1,029	*1,028	Kingfisher County (Uninc. Areas) and Town of Dover.
	Approximately 1,400 feet upstream of County Road EW71	*1,038	*1,043	

ADDRESSES

Kingfisher County (Unincorporated. Areas)

Maps are available for inspection at Kingfisher County Floodplain Administrator's Office, County Courthouse, 101 South Main Street, Room 5, Kingfisher, Oklahoma 73750.

Send comments to The Honorable Jim Shimanek, Chairman, Kingfisher County Board of Commissioners, County Courthouse, 101 South Main Street, Room 9, Kingfisher, Oklahoma 73750.

City of Kingfisher

Maps are available for inspection at City Hall, 301 North Main Street, Kingfisher, Oklahoma 73750.

Send comments to The Honorable Richard Reynolds, Mayor, City of Kingfisher, City Hall, 301 North Main Street, Kingfisher, Oklahoma 73750.

Town of Dover

Maps are available for inspection at Town Hall, 101 North Chisholm, Dover, Oklahoma 73734.

Send comments to The Honorable Lee McNulty, Mayor, Town of Dover, P.O. Box 195, Dover, OK 73734.

NEW MEXICO Quay County, and Incorporated Areas				
Arroyo 1	Confluence with Tucumcari Lake	None	+4,016	Quay County (Uninc. Areas).
	Just downstream Chicago Rock Island and Pacific Railroad.	None	+4,040	

Flooding Source(s)	Location of referenced elevation	Elevation in feet *(NGVD) Elevation in feet + (NAVD)		Communities affected
		Effective	Modified	
Arroyo 1A	Confluence with Arroyo 1	None	+4,033	Quay County (Uninc. Areas).
	Approximately 245 feet upstream of Quay Road AL	None	+4,080	
Arroyo 2	Confluence with Lake Tucumcari	None	+4,016	Quay County (Uninc. Areas).
	Approximately 4,100 feet upstream of confluence with Lake Tucumcari.	None	+4,043	
Arroyo 3	Confluence with Lake Tucumcari	None	+4,016	Quay County (Uninc. Areas), City of Tucumcari.
	Approximately 1,750 feet upstream of US Highway 54	*4,079	+4,079	
Arroyo 4	Confluence with Lake Tucumcari	*4,013	+4,016	Quay County (Uninc. Areas), City of Tucumcari.
	Just downstream New Mexico Highway 18	None	+4,139	
Arroyo 4D	Confluence with Arroyo 4	None	+4,036	Quay County (Uninc. Areas).
	Approximately 650 feet upstream of US Interstate 40	None	+4,063	
Arroyo 4 Overflow	Confluence with Tucumcari Lake	None	+4,016	Quay County (Uninc. Areas), City of Tucumcari.
	Just downstream of Tucumcari Boulevard	None	+4,033	
	Confluence with Tucumcari Lake	None	+4,016	
	Approximately 420 feet downstream of Laughlin Avenue	None	+4,023	
Arroyo 4F (Rankin Draw).	Just upstream of Tucumcari Boulevard	None	+4,034	Quay County (Uninc. Areas), City of Tucumcari.
	Approximately 180 feet upstream of South Monroe Street	None	+4,089	
Arroyo 5	Approximately 2,300 feet downstream of Chicago Rock Island and Pacific Railroad.	None	+4,057	Quay County (Uninc. Areas), City of Tucumcari.
	Approximately 2,650 feet upstream of the confluence of Arroyo 5.	None	+4,159	
Arroyo 5B	Confluence with Arroyo 5	None	+4,124	Quay County (Uninc. Areas).
	Approximately 1,910 feet upstream of the confluence with Arroyo 5.	None	+4,150	
Arroyo 6	Approximately 2,850 feet downstream of Chicago Rock Island and Pacific Railroad.	None	+4,068	Quay County (Uninc. Areas), City of Tucumcari.
	Approximately 4,100 feet upstream of Eastbound Interstate 40.	None	+4,185	
Arroyo 6A	Confluence with Arroyo 6	*4,094	+4,096	Quay County (Uninc. Areas), City of Tucumcari.
	Approximately 2,500 feet upstream of I–40 Ramp A	None	+4,169	
Arroyo 7 (Bluewater Creek).	Approximately 2,600 feet downstream of confluence of Arroyo 7A.	None	+4,061	Quay County (Uninc. Areas), City of Tucumcari.
	Approximately 4,500 feet upstream of confluence with Arroyo 7B.	*4,107	*4,109	
Arroyo 7B	At confluence with Arroyo 7	*4,089	+4.091	Quay County (Uninc. Areas), City of Tucumcari.
	Approximately 3,500 feet upstream of confluence of Arroyo 7C.	None	+4,131	
Arroyo 7C	At confluence with Arroyo 7B	*4,106	+4,108	Quay County (Uninc. Areas), City of Tucumcari.
	At Chicago Rock Island and Pacific Railroad	None	+4,155	
San Jon Creek	Approximately 1,000 feet upstream of sewage disposal area.	None	+4,021	Village of San Jon, Quay County (Uninc. Areas).
	Approximately 450 feet downstream of Fourth Street	None	+4,034	

ADDRESSES

Quay County (Unincorporated. Areas)

Maps are available for inspection at Quay County Clerks Office, 300 South 3rd Street, Tucumcari, New Mexico 88401.

Send comments to The Honorable Paula Chacon, County Manager, Quay County, P.O. Box 1246, Tucumari, New Mexico 88401.

City of Tucumcari

Maps are available for inspection at City Hall, 512 South 8th Street, Tucumcari, New Mexico 88401.

Send comments to The Honorable Calvin Litchfield, Mayor, City of Tucumcari, P.O. Box 1188, Tucumcari, New Mexico 88401.

Village of San Jon

Maps are available for inspection at City Hall, 507 Elm Avenue, San Jon, New Mexico 88434.

Send comments to The Honorable Joe Clark, Mayor, Village of San Jon, P.O. Box 37, San Jon, New Mexico 88434.

WASHINGTON

Whatcom County, and Incorporated Areas

Strait of Georgia at Point Roberts.	At Point Roberts Marina	None	*8	Whatcom County (Uninc. Areas).
	South Edwards Drive along southern shore	None	*11	(Uninc. Areas).
Birch Bay Northwest Shore.	At intersection of Seahome Road and Searshore Court	None	*8	Whatcom County (Uninc. Areas).
	At Cottonwood Beach	None	*9	

Flooding Source(s)	Location of referenced elevation	Elevation in feet *(NGVD) Elevation in feet + (NAVD)		Communities affected
		Effective	Modified	
	Along shoreline near intersection of Halda Road and Nitinat Road.	None	*14	
Strait of Georgia at Sandy Point.	At marina	None	*8	Whatcom County (Uninc. Areas) and LummiIndian Reservation.
	Along eastern Shore Drive	None	*9	
	Along western shoreline	None	*14	
Strait of Georgia at Village Point.	Along West Shore Drive	None	*9	Whatcom County (Uninc. Areas).
	Along southern shoreline	None	*10	
Lummi Bay	Approximately 600 feet from intersection of East Turtle Lane and Shore Drive.	None	*8	Whatcom County (Uninc Areas).
	Along shoreline near intersection of Lummi Park Road and Lane Split Road.	None	*10	
Bellingham Bay at Hermosa Beach.	East of Lummi Shore Road	None	*8	Whatcom County (Uninc. Areas) and LummiIndian Reservation.
Lummi Bay at Gooseberry Point.	At intersection of Lummi View Drive and Haxton Way	None	*8	Whatcom County (Uninc. Areas) and LummiIndian Reservation.
	Approximately 300 feet west of intersection of Lummi View Drive and Haxton Way.	None	*9	
Bellingham Bay at Eliza Island.	In the south-facing valley of Eliza Island	None	*8	Whatcom County (Uninc. Areas).
	At the southern shore of Eliza Island	None	*10	
	At the western shore of Eliza Island	None	*10	

ADDRESSES

Whatcom County (Unincorporated. Areas)

Maps are available for inspection at the Watcom County Department of Public Works, Division of Engineering, 284 West Kellogg Street, Suite C, Bellingham, Washington 98226.

Send comments to The Honorable Pete Kremen, Whatcom County Executive, 285 West Kellogg Street, Bellingham, Washington 98226.

Lummi Indian Reservation

Maps are available for inspection at the Lummi Indian Business Council Planning Department, 2828 Kwina Road, Bellingham, Washington 98226.

Send comments to The Honorable Darrell Frye, Chairman, Lummi Indian Business Council, Tribal Office, 2616 Kwina Road, Bellingham, Washington 98226.

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

Dated: September 30, 2002.

Anthony S. Lowe,

Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02–26217 Filed 10–15–02; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–P–7615]

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 _____

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) ♦(NAVD)	
				Existing	Modified
OK	Prague, City of (Lincoln County).	Shan Creek		961—992	
		San Creek Tributary		975—983	

Maps are available for inspection at 1116 North Jim Thorpe Boulevard, Prague, Oklahoma.

Send comments to The Honorable Michael Fairbanks, Mayor, City of Prague, 1116 North Jim Thorpe Boulevard, Prague, Oklahoma 74862.

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

Dated: September 23, 2002.

Anthony S. Lowe,

Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02–26216 Filed 10–15–02; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02–2504, MB Docket No. 02–315, RM–10566]

Digital Television Broadcast Service; Moscow, ID

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by the State Board of Education, State of Idaho, licensee of noncommercial station KUID, proposing the exchange of KUID's analog and digital allotments at Moscow. TV channel *35 can be substituted for TV channel *12-at Moscow with a minus offset at coordinates 46–41–07 N. and 116–50–34 W. DTV channel *12 can be substituted for DTV channel *35 at Moscow at coordinates 46–40–54 N. and 116–58–13 W. with a power of 128.5, a height above average terrain HAAT of 339.7 meters. Since the community of Moscow is located within 400 kilometers of the U.S.-Canadian border, concurrence from the Canadian government must be obtained for these allotments.

DATES: Comments must be filed on or before December 2, 2002, and reply comments on or before December 17, 2002.

ADDRESSES: The Commission permits the electronic filing of all pleadings and comments in proceeding involving petitions for rule making (except in broadcast allotment proceedings). *See Electronic Filing of Documents in Rule Making Proceedings,* GC Docket No. 97–113 (rel. April 6, 1998). Filings by paper can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistronix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Anne Goodwin Crump, Fletcher, Heald & Hildreth, PLC, 1300 North 17th Street, Eleventh Floor,

Arlington, Virginia 22209 (Counsel for State Board of Education, State of Idaho).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 02–315, adopted October 2, 2002, and released October 9, 2002. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, 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.*

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

Digital television broadcasting, Television.

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.

§ 73.606 [Amended]

2. Section 73.606(b), the Table of Television Allotments under Idaho is amended by removing channel *12- and adding channel *35-at Moscow.

§ 73.622 [Amended]

3. Section 73.622(b), the Table of Digital Television Allotments under Idaho is amended by removing DTV channel *35 and adding DTV channel *12 at Moscow.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

[FR Doc. 02–26233 Filed 10–15–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02–2320; MB Docket No. 02–288, RM–10525; MB Docket No. 02–289, RM–10526; MB Docket No. 02–290, RM–10527; MB Docket No. 02–291, RM–10528; MB Docket 02–292, RM–10540; MB Docket No. 02–293; RM–10541; and Docket No. 02–294; RM–10543]

Radio Broadcasting Services; Arthur, NE; Idaho Falls, ID; Manila, UT; McLean, TX; Opal, WY; Tignall, GA; and Wheeler, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes seven allotments to Arthur, NE; Idaho Falls, ID; Manila, UT; McLean, TX; Opal, WY; Tignall, GA; and Wheeler, TX. The Commission requests comments on a petition filed by proposing the allotment of Channel 244A at Tignall, Georgia, as the community's first local aural transmission service.. Channel 244A can be allotted to Tignall in compliance with the Commission's minimum distance separation requirements with a site restriction of 9.8 kilometers (6.1 miles) northwest to avoid a short-spacing to the licensed site of Station WAKB(FM), Channel 245C3, Wrens, Georgia. The coordinates for Channel 244A at Tignall are 33–55–40 North Latitude and 82–48–58 West Longitude. *See* Supplementary Information, *infra.*

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

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: Georgia-Carolina Broadcasting Co., LLC, c/o Robert Lewis Thompson, Esq., Thiemann, Aitken & Vohra, LLC, 908 King Street, Suite 300, Alexandria, Virginia 22314; Scott D. Parker, c/o Richard A. Helmick, Esq., Cohn & Marks, LLP, 1920 N Street, NW., Suite 300, Washington, DC 20036; Rural Pima Broadcasting, c/o Scott C. Cinnamon, 1090 Vermont Ave., Suite. 800, Washington, DC 20005; Arthur Radio Broadcasting, c/o John M. Pelkey, Esq., Garvey, Schubert & Barer, 1000 Potomac Street, NW., 5th Floor, Washington, DC 20007; Mr. Robert Fabian, 4 Hickory Crossing Lane, Argyle, Texas 76226; Maurice Salsa, 5615 Evergreen Valley Drive, Kingwood, Texas 77345; and Black Diamond Broadcasting, c/o Scott C. Cinnamon, 1090 Vermont Ave., Suite 800, Washington, DC 20005.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 02–288; MB Docket No. 02–289; and MB Docket No. 02–290, MB Docket No. 02–291; MM Docket No. 02–292; MB Docket No. 02–293 and MB Docket No. 02–294; adopted September 11, 2002, and released September 27, 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 requests comments on a petition filed by Scott D. Parker proposing the allotment of Channel 300C1 at Idaho Falls, Idaho, as the community's six local commercial FM transmission service. Channel 300C1 can be allotted to Idaho Falls in compliance with the Commission's minimum distance separation requirements with a site restriction of 19.6 kilometers (12.2 miles) north to avoid a short-spacing to the licensed and construction permit site for Station KUDD(FM), Channel 300C, Roy, Utah. The coordinates for Channel 330C1 at Idaho Falls are 43–39–59 North Latitude and 112–00–06 West Longitude.

The Commission requests comments on a petition filed by Rural Pima Broadcasting proposing the allotment of Channel 249A at Manila, Utah, as the community's first local aural transmission service. Channel 249A can be allotted to Manila in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 249A at Manila are 40–59–17 North Latitude and 109–43–19 West Longitude.

The Commission requests comments on a petition filed by Arthur Radio Broadcasting proposing the allotment of Channel 300C1 at Arthur, Nebraska, as the community's first local aural transmission service. Channel 300C1 at can be allotted to Arthur in compliance with the Commission's minimum

distance separation requirements of with a site restriction of 8.0 kilometers (5.0 iles) northwest to avoid the vacant allotment site for Channel 297C1 at Hershey, Nebraska. The coordinates for Channel Arthur are 41–37–10 North Latitude and 101–45–57 West Longitude.

The Commission requests comments on a petition filed by Robert Fabian proposing the allotment of Channel 267C3 at McLean, Texas, as the community's first local aural transmission service. Channel 267C3 can be allotted to McLean in compliance with the Commission's minimum distance separation requirements with a site restriction of. 21.4 kilometers (13.3 miles) southwest to avoid a short-spacing to the licensed site of Station KNOX(FM), Channel 266C, Woodward, Oklahoma. The coordinates for Channel 267C3 at McLean are North Latitude and West Longitude.

The Commission requests comments on a petition filed by Maurice Salsa proposing the allotment of Channel 280C2 at Wheeler, Texas, as the community's first local aural transmission service.. Channel 280C2 can be allotted to Wheeler in compliance with the Commission's minimum distance separation requirements with a site restriction of 6.7 kilometers (4.1 miles) northeast to avoid short-spacings to the licensed site of Station KKYN–FM, Channel 280C2, Plainview, Texas, and Station KHYM(FM), Channel 280C1, Copeland, Kansas The coordinates for Channel 280C2 at Wheeler are 35–28–55 North Latitude and 100–12–56 West Longitude.

The Commission requests comments on a petition filed by Black Diamond Broadcasting proposing the allotment of Channel 263A at Opal, Wyoming, as the community's first local aural transmission service. Channel 263A can be allotted to Opal in compliance with the Commission's minimum distance separation requirements with a site restriction of. 6.3 kilometers (3.9 miles) east to avoid a short-spacing to the licensed site of Station KSFI(FM), Channel 262C, Salt Lake City, Utah. The coordinates for Channel 263A at Opal are 41–46–16 North Latitude and 110–14–50 West Longitude.

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 Georgia, is amended by adding Tignall, Channel 244A.

3. Section 73.202(b), the Table of FM Allotments under Idaho, is amended by adding Channel 300C1 at Idaho Falls.

4. Section 73.202(b), the Table of FM Allotments under Nebraska, is amended by adding Arthur, Channel 300C1.

5. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding McLean, Channel 267C3; and Wheeler, Channel 280C2.

6. Section 73.202(b), the Table of FM Allotments under Utah, is amended by adding Manila, Channel 249A.

7. Section 73.202(b), the Table of FM Allotments under Wyoming, is amended by adding Opal, Channel 263A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Divison, Media Bureau.

[FR Doc. 02–26225 Filed 10–15–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02–2311; MB Docket No. 02–287; RM–10569]

Radio Broadcasting Services; Stuart, OK

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Robert Fabian proposing the allotment of Channel 228A at Stuart, Oklahoma, as that community's first commercial broadcast transmission service. Channel 228A can be allotted to Stuart in compliance with the minimum distance separation requirements of the Commission's Rules at the city reference coordinates without a site restriction. The coordinates for Channel 228A at Stuart are 34–54–18 and 96–06–00.

DATES: Comments must be filed on or before November 18, 2002, and reply comments on or before December 3, 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, as follows: Robert Fabian, 4 Hickory Crossing Lane, Argyle, Texas, 76226.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MB Docket No. 02–287, adopted September 11, 2002, and released September 27, 2002. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center 445 Twelfth Street, SW., Washington, DC 20554 (CYA257). 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, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com*.

Provisions of the Regulatory Flexibility Act of l980 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* contact.

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 Oklahoma, is amended by adding Stuart, Channel 228A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 02–26228 Filed 10–15–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02–2226; MB Docket No. 02–274, RM–10560; MB Docket No. 02–275, RM–10561]

Radio Broadcasting Services; Jasper, FL and Tigerton, WI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Audio Division requests comment on a petition filed by Powerline NA, Inc. proposing the allotment of Channel 298A at Jasper, Florida, as the community's first local aural transmission service. Channel 298A can be allotted to Jasper in compliance with the Commission's minimum distance separation requirements with a site restriction of 2.2 kilometers (1.4 miles) northwest to avoid a short-spacing to the vacant allotment site of Channel 299C3, Perry, Florida. The coordinates for Channel 298A at Jasper are 30–31–49 North Latitude and 82–57–58 West Longitude. The Audio Division also requests comment on a petition filed by Starboard Broadcasting, Inc. proposing the allotment of Channel 295A at Tigerton, Wisconsin, as the community's first local aural transmission service. Channel 295A can be allotted to Tigerton in compliance with the Commission's minimum distance separation requirements with a site restriction of 14.1 kilometers (8.7 miles) northeast to avoid a short-spacing to the license sites of Station WLJY, Channel 293C1, Marshfield, Wisconsin, Station WJLW, Channel 294C3, Allouez, Wisconsin, and Station WUPM, Channel 295C1, Ironwood, Michigan. The coordinates for Channel 295A at Tigerton are 44–50–07 North Latitude and 88–56–41 West Longitude.

DATES: Comments must be filed on or before November 12, 2002, and reply comments on or before November 26, 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: Powerline NA, Inc., c/o Clyde Scott, Jr., EME Communications, 293 JC Saunders Road, Moultrie, GA 31768 and Starboard Broadcasting, Inc., c/o David Vacheresse, President, 1496 Bellevue St. Building 2, Green Bay, Wisconsin 54311.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket Nos. 02–274, 02–275, adopted September 4, 2002, and released September 20, 2002. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth 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, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

Provisions of the Regulatory Flexibility Act of l980 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* contact.

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 Florida, is amended by adding Jasper, Channel 298A.

3. Section 73.202(b), the Table of FM Allotments under Wisconsin, is amended by adding Tigerton, Channel 295A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 02–26234 Filed 10–15–02; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 67, No. 200
Wednesday, October 16, 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

Lake Tahoe Basin Federal Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Lake Tahoe Basin Federal Advisory Committee will hold a meeting on October 26, 2002, at the Tahoe Seasons Resort, 3901 Saddle Rd., South Lake Tahoe, CA 96150. The Committee, established by the Secretary of Agriculture on December 15, 1998, (64 FR 2876) is chartered to provide advice to the Secretary on implementing the terms of the Federal Interagency Partnership on the Lake Tahoe Region and other matters raised by the Secretary.

DATES: The meeting will be held October 26, 2002, beginning at 1 p.m. and ending at 4:30 p.m.

ADDRESSES: The meeting will be held at Tahoe Seasons Resort, 3901 Saddle Rd., South Lake Tahoe, CA 96150.

FOR FURTHER INFORMATION CONTACT: Maribeth Gustafson or Jeannie Stafford, Lake Tahoe Basin Management Unit, Forest Service, 870 Emerald Bay Road Suite 1, South Lake Tahoe, CA 96150, (530) 573–2642.

SUPPLEMENTARY INFORMATION: The committee will meet jointly with the Federal Interagency Partnership's Lake Tahoe Basin Executives Committee and the Tahoe Regional Executive Committee. Items to be covered on the agenda include: (1) orientation of new members; (2) guest speaker; (3) Committee focus for 2002 through 2004; and (4) open public comment. All Lake Tahoe Basin Federal Advisory Committee meetings are open to the public. Interested citizens are encouraged to attend. Issues may be brought to the attention of the Committee during the open public comment period at the meeting or by filing written statements with the secretary for the Committee before or after the meeting. Please refer any written comments to the Lake Tahoe Basin Management Unit at the contact address stated above.

Dated: October 7, 2002.

Edmund A. Gee,

Deputy Forest Supervisor.

[FR Doc. 02–26206 Filed 10–15–02; 8:45 am]

BILLING CODE 3410–11–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the California Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting with briefing of the California Advisory Committee to the Commission will convene at 10 a.m. and adjourn at 4 p.m. on Wednesday, November 20, 2002, at the Sacramento Convention Center, Room 103, 1030 15th Street, Sacramento, California 95814. The Committee will discuss with local officials post-9/11 issues.

Persons desiring additional information, or planning a presentation to the Committee, should contact Philip Montez, Director of the Western Regional Office, 213–894–3437 (TDD 213–894–3435). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated in Washington, DC, October 9, 2002.

Les Jin,

Staff Director, Office of the Staff Director.

[FR Doc. 02–26265 Filed 10–15–02; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Virginia Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting with briefing of the Virginia Advisory Committee to the Commission will convene at 9:30 a.m. and adjourn at 3 p.m. on October 31, 2002, at the Washington Suites Hotel, Board Room, 100 South Reynolds Street, Alexandria, Virginia 22304. The Committee will hold a planning session beginning at 9:30 a.m. to review its draft report entitled ''Civil Rights Concern in the Metropolitan Washington Area in the Aftermath of the September 9/11 Tragedies: Muslims, Sikhs, Arab Americans, South Asian Americans, and Muslim Women,'' and decide on new projects. The Committee will hold a briefing from 1:45 p.m. to 3 p.m. on current civil rights developments in the state from knowledgeable community representatives.

Persons desiring additional information, or planning a presentation to the Committee, should contact Chairperson Richard E. Patrick, 703–719–6499, or Edward Darden of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated in Washington, DC, October 9, 2002.

Les Jin,

Staff Director, Office of the Staff Director.

[FR Doc. 02–26264 Filed 10–15–02; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–848]

Freshwater Crawfish Tail Meat from the People's Republic of China: Notice of Preliminary Results of Antidumping Duty Administrative Review

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China (PRC) in response to

requests from the Crawfish Processors Alliance (petitioner) and the Louisiana Department of Agriculture & Forestry and Bob Odom, Commissioner; and from respondents China Kingdom Import & Export Co., Ltd., aka China Kingdoma Import & Export Co., Ltd., aka Zhongda Import & Export Co., Ltd. (China Kingdom) and Qingdao Zhengri Seafood Company, Ltd., aka Qingdao Zhengri Seafoods (Qingdao Zhengri). The period of review (POR) is from September 1, 2000, through August 31, 2001.

We preliminarily determine that sales have been made below normal value (NV). The preliminary results are listed below in the section titled ''Preliminary Results of Review.'' If these preliminary results are adopted in our final results, we will instruct the U.S. Customs Service to assess antidumping duties based on the difference between the export price (EP) or constructed export price (CEP), as applicable, and NV. Interested parties are invited to comment on these preliminary results. *See* the ''Preliminary Results of Review'' section of this notice.

EFFECTIVE DATE: October 16, 2002.

FOR FURTHER INFORMATION CONTACT: Doug Campau or Maureen Flannery, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–1395 or (202) 482–3020, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions of the Tariff Act of 1930, as amended (the Act). In addition, unless otherwise indicated, all citations to the Department's regulations are to the provisions codified at 19 CFR part 351 (2001).

Background

The Department published in the **Federal Register** an antidumping duty order on freshwater crawfish tail meat from the PRC on September 15, 1997. *See Notice of Amendment to Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Freshwater Crawfish Tail Meat from the People's Republic of China*, 62 FR 48218 (September 15, 1997). On September 28, 2001, in accordance with 19 CFR 351.213(b)(1), the Department received a request from the petitioner to conduct an administrative review of several companies, covering the period from September 1, 2000, through August 31, 2001. On September 28, 2001, respondents China Kingdom and Qingdao Zhengri also requested review of their own shipments. The Department initiated an antidumping duty administrative review for this case on October 23, 2001. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 65 FR 54195 (October 26, 2001).

On May 20, 2002, the Department determined that it was not practicable to complete the preliminary results of this review within the statutory time limit. Consequently, in accordance with section 751(a)(3)(A) of the Act and section 351.213(h)(1) of the Department's regulations, the Department extended the deadline for completion of the preliminary results of the administrative review by 120 days, to September 30, 2002. *See Notice of Extension of Time Limit of Preliminary Results of Antidumping Duty Administrative Review: Freshwater Crawfish Tail Meat from the People's Republic of China*, 67 FR 36856 (May 28, 2002).

On July 31, 2002, in accordance with sections 351.213(d)(1) and (3) of its regulations, the Department rescinded, in part, this administrative review of the antidumping duty order on freshwater crawfish tail meat. *See Freshwater Crawfish Tail Meat from the People's Republic of China: Notice of Rescission, in Part, of Antidumping Duty Administrative Review for the Period September 1, 2000, through August 31, 2001*, 67 FR 50860 (August 6, 2002). The Department rescinded the review only with respect to those companies which had no reportable U.S. entries or exports of subject merchandise during the period of review, or for which all applicable requests for review were withdrawn in a timely manner.

Following the rescission, this review now covers the following companies: China Kingdom; Fujian Pelagic Fishery Group Co. (Fujian Pelagic); Qingdao Rirong Foodstuff Co., Ltd., aka Qingdao Rirong Foodstuffs (Qingdao Rirong); Qingdao Zhengri/Yancheng Yaou Seafoods (Qingdao Zhengri/Yancheng Yaou); Shantou SEZ Yangfeng Marine Products Co. (Shantou SEZ); Suqian Foreign Trade Corp., aka Suqian Foreign Trading (Suqian Foreign Trade); Yancheng Foreign Trade Corp., aka Yancheng Foreign Trading, aka Yang Cheng Foreign Trading (Yancheng Foreign Trade); and Yangzhou Lakebest Foods Co., Ltd. (Yangzhou Lakebest).

Scope of the Antidumping Duty Order

The product covered by this antidumping duty order is freshwater crawfish tail meat, in all its forms (whether washed or with fat on, whether purged or unpurged), grades, and sizes; whether frozen, fresh, or chilled; and regardless of how it is packed, preserved, or prepared. Excluded from the scope of the order are live crawfish and other whole crawfish, whether boiled, frozen, fresh, or chilled. Also excluded are saltwater crawfish of any type, and parts thereof. Freshwater crawfish tail meat is currently classifiable in the Harmonized Tariff Schedule of the United States (HTS) under item numbers 1605.40.10.10 and 1605.40.10.90, which are the new HTS numbers for prepared foodstuffs, indicating peeled crawfish tail meat and other, as introduced by the U.S. Customs Service in 2000, and HTS numbers 0306.19.00.10 and 0306.29.00.00, which are reserved for fish and crustaceans in general. The HTS subheadings are provided for convenience and Customs purposes only. The written description of the scope of this order is dispositive.

Treatment of Qingdao Zhengri and Yancheng Yaou

We determine that Qingdao Zhengri and Yancheng Yaou should be treated as a single entity for purposes of this administrative review. In their responses to the Department's questionnaires, both companies stated that they are related through a Hong Kong company that owns significant shares in both companies. In addition, the companies reported that the Hong Kong owner consolidated Qingdao Zhengri's selling activities with those of Yancheng Yaou in January 2000. *See Response of Yancheng Yaou Seafoods to Section A of the Department's Questionnaire; 2000–2001 Review* (March 11, 2002) at page 1; and *Response of Qingdao Zhengri Seafood Co., Ltd. to Section A of the Department's Questionnaire; Crawfish Tail Meat 2000–2001 Review Investigation* (March 11, 2002) at page 1. Qingdao Zhengri/Yancheng Yaou submitted three consolidated supplemental responses to sections A, C, and D of the Department's questionnaire. For the reasons cited above, the Department is treating these two companies as a single entity for these preliminary results.

Application of Facts Available

1. *Fujian Pelagic, Shantou SEZ, Suqian Foreign Trade, Yancheng Foreign Trade, and Yangzhou Lakebest*

As further discussed below, pursuant to sections 776(a)(2)(A) and (B) and section 776(b) of the Act, the

Department determines that the application of total adverse facts available is warranted for respondents Fujian Pelagic, Shantou SEZ, Suqian Foreign Trade, Yancheng Foreign Trade, and Yangzhou Lakebest. All five of these respondents failed to respond to some or all of the Department's questionnaires for this POR. Yangzhou Lakebest and Suqian Foreign Trade responded to the Department's initial questionnaire, but then failed to respond to the Department's supplemental questionnaires. Fujian Pelagic, Shantou SEZ, and Yancheng Foreign Trade failed to respond to any of the Department's questionnaires. Sections 776(a)(2)(A) and 776(a)(2)(B) of the Act provide for the use of facts available when an interested party withholds information that has been requested by the Department, or when an interested party fails to provide the information requested in a timely manner and in the form required. These five respondents failed to provide information explicitly requested by the Department; therefore, we must resort to the facts otherwise available. Because these respondents did not respond to the Department's questionnaires, sections 782(d) and (e) of the Act are not applicable. In addition, section 782(c)(1) does not apply because these parties did not indicate that they were unable to submit the information required by the Department.

Section 776(b) of the Act provides that, in selecting from among the facts available, the Department may use an inference that is adverse to the interests of the respondent, if it determines that a party has failed to cooperate to the best of its ability. In applying the facts otherwise available, the Department has determined that an adverse inference is warranted pursuant to section 776(b) of the Act because the Department has determined that these respondents failed to cooperate to the best of their ability.

The Department finds that, by not providing the necessary responses to the questionnaires issued by the Department, these five companies have failed to cooperate to the best of their ability. None of these companies cited any reason for their failure to respond. Without this information, the Department cannot calculate margins for these companies nor determine that any merits a separate rate. This information was in the sole possession of the respondents, and could not be obtained otherwise. Thus, the Department is precluded from calculating margins for these companies or determining eligibility for separate rates. Therefore, in selecting from the facts available, the Department determines that an adverse inference is warranted. In accordance with sections 776(a)(2)(A) and (B), as well as section 776(b) of the Act, we are applying total adverse facts available to Fujian Pelagic, Shantou SEZ, Suqian Foreign Trade, Yancheng Foreign Trade, Yangzhou Lakebest and all other PRC exporters that have not established that they are entitled to a separate rate. As adverse facts available, the Department is assigning these companies the rate of 223.01 percent the highest rate determined in any previous segment of this proceeding. *See Freshwater Crawfish Tail Meat from the People's Republic of China; Notice of Final Results of Antidumping Duty Administrative Review, and Final Partial Rescission of Antidumping Duty Administrative Review*, 67 FR 19546 (April 22, 2002). As discussed below, this rate has been corroborated.

2. *China Kingdom*

Pursuant to sections 776(a)(2)(A) and (B) and section 776(b) of the Act, the Department determines that the application of adverse facts available is also warranted for respondent China Kingdom. At verification, China Kingdom explained that the total production and factors of production reported in its answers to the Department's questionnaires were based on production outside the POR. China Kingdom then attempted to submit new factual information, consisting of new figures for total production and factors of production. *See Memorandum to the File: Antidumping Duty Administrative Review of Freshwater Crawfish Tail Meat from the People's Republic of China: Verification Report for China Kingdom Import & Export Co., Ltd.* (September 16, 2002) (*China Kingdom Verification Report*). Sections 776(a)(2)(A) and 776(a)(2)(B) of the Act provide for the use of facts available when an interested party withholds information that has been requested by the Department, or when an interested party fails to provide the information requested in a timely manner and in the form required. China Kingdom failed to provide total production and factors of production for the relevant POR in a timely manner.

Section 782(c)(1) of the Act provides that if an interested party ''promptly after receiving a request from {the Department} for information, notifies {the Department} that such party is unable to submit the information requested in the requested form and manner,'' the Department may modify the requirements to avoid imposing an unreasonable burden on that party. Throughout the course of this review, China Kingdom had several opportunities to correct the reported data. However, at no time prior to the verification did China Kingdom notify the Department that it had any difficulty in obtaining the production or factors of production data from the relevant POR. At no point during the review did China Kingdom seek guidance on alternative reporting requirements, or propose an alternate form for submitting the required data, as contemplated in section 782(c)(1) of the Act.

Section 782(d) of the Act provides that if the Department determines that a response to a request for information does not comply with the request, the Department will inform the person submitting the response of the nature of the deficiency and shall, to the extent practicable, provide that person the opportunity to remedy or explain the deficiency. If that person submits further information that continues to be unsatisfactory, or this information is not submitted within the applicable time limits, the Department may, subject to section 782(e), disregard all or part of the original and subsequent responses, as appropriate. In its questionnaire, the Department asked China Kingdom to provide production and factors of production data for the POR (September 1, 2000, to August 31, 2001). Prior to the verification, the Department had no means of determining whether the data came from the relevant POR, and therefore could not inform the respondent that its response was deficient. On the other hand, China Kingdom had access to the necessary information, and was fully aware of the time period covered by the current review. In addition, China Kingdom had ample opportunities to correct its data prior to verification, but did not attempt to do so until verification had started.

Section 782(e) of the Act states that the Department shall not decline to consider information deemed ''deficient'' under section 782(d) if: (1) the information is submitted by the established deadline; (2) the information can be verified; (3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination; (4) the interested party has demonstrated that it acted to the best of its ability; and (5) the information can be used without undue difficulties. As discussed above, China Kingdom had ample time to submit the production and factors of production data for the relevant POR, but failed to do so. In addition, the Department had provided China Kingdom with the exact dates for verification well in advance. However, China Kingdom waited until verification

to submit the production data for the relevant POR. Thus, the data reported in the questionnaire response could not be verified. As set forth in section 351.307(d) of the Department's regulations, the purpose of verification is to verify the accuracy and completeness of the information in the questionnaire responses. China Kingdom did not act to the best of its ability to comply with the Department's request for information. The production and factors of production data for the relevant POR is critical to the calculation of a dumping margin. China Kingdom failed to provide this information in its February 27, 2002, responses to the Department's section A through D questionnaire. In addition, between February 27, 2002, and August 8, 2002, China Kingdom failed to note that the data it had provided was completely irrelevant to this administrative review, and failed to request an opportunity to submit corrected data. At no time did the respondent indicate that it had trouble obtaining or submitting the data for the relevant POR. Consequently, China Kingdom has not demonstrated that it acted to the best of its ability in providing the information requested by the Department. In addition, the information was so incomplete that it could not be used in the determination. The submitted questionnaire response for production and factors of production was unverifiable. *See Verification Report* at 10. For these reasons, the information could not be used without undue difficulty.

Section 776(b) of the Act provides that, in selecting from among the facts available, the Department may use an inference that is adverse to the interests of the respondent, if it determines that a party has failed to cooperate to the best of its ability. In applying the facts otherwise available, the Department finds that an adverse inference is warranted, pursuant to

section 776(b) of the Act, because, as discussed above, the Department has determined that China Kingdom has failed to cooperate to the best of its ability. As adverse facts available, the Department is assigning China Kingdom the rate of 223.01 percent the highest rate determined in any previous segment of this proceeding. *See Memorandum to Joseph A. Spetrini: Freshwater Crawfish Tail Meat from the People's Republic of China (PRC): Application of Total Adverse Facts Available for China Kingdom Import & Export Co., Ltd. in the Preliminary Results of the Administrative Review for the Period 9/1/00 - 8/31/01* (September 30, 2002) (*China Kingdom AFA Memo*). As discussed further below, this rate has been corroborated.

3. *Qingdao Zhengri/Yancheng Yaou*

Pursuant to sections 776(a)(2)(A) and (B) and section 776(b) of the Act, the Department determines that the application of adverse facts available is also warranted for respondents Qingdao Zhengri and Yancheng Yaou. As noted above, we have determined that Qingdao Zhengri and Yancheng Yaou should be treated as a single entity. On June 4, 2002, Qingdao Zhengri/Yancheng Yaou informed us that Qingdao Zhengri ''does not wish to participate in a verification.'' *See Letter from Qingdao Zhengri*, at 1 (June 4, 2002). This decision prevented the verification of information placed on the record. Section 776(a)(2)(D) warrants the use of facts otherwise available in reaching a determination when information is provided, but cannot be verified. Furthermore, on July 23, 2002, Qingdao Zhengri/Yancheng Yaou stated that Qingdao Zhengri ''did not make any sales during the period of review prior to January 3, 2000.'' *See Letter from Qingdao Zhengri*, at 1 (June 23, 2002). This statement contradicted earlier responses where Qingdao Zhengri/Yancheng Yaou stated that Qingdao Zhengri did not have any sales during the POR. In addition, several submissions made by Qingdao Zhengri/Yancheng Yaou did not contain accurate certifications, as required by section 351.303(g) of the Department's regulations. Sections 776(a)(2)(A) and 776(a)(2)(B) of the Act provide for the use of facts otherwise available when an interested party withholds information that has been requested by the Department, or when an interested party fails to provide the information requested in a timely manner and in the form required.

Since Qingdao Zhengri/Yancheng Yaou did not allow on-site verification of its responses at Qingdao Zhengri, none of the information submitted regarding Qingdao Zhengri could be verified, including its separate rate information. Furthermore, as discussed above, Qingdao Zhengri/Yancheng Yaou made contradictory statements regarding sales to the United States, and did not provide accurate certifications of its submissions by the deadline established by the Department. Thus, information submitted by Qingdao Zhengri/Yancheng Yaou cannot serve as a reliable basis for reaching a determination.

Section 776(b) of the Act provides that, in selecting from among the facts available, the Department may use an inference that is adverse to the interests of a respondent, if it determines that a party has failed to cooperate to the best of its ability. In applying the facts otherwise available, the Department finds that an adverse inference is warranted, pursuant to section 776(b) of the Act, because, as discussed above, the Department has determined that Qingdao Zhengri/Yancheng Yaou has failed to cooperate to the best of its ability by refusing verification of Qingdao Zhengri. Furthermore, Qingdao Zhengri/Yancheng Yaou have submitted contradictory responses regarding whether Qingdao Zhengri had any sales of crawfish tail meat during the POR. In addition, Qingdao Zhengri/Yancheng Yaou's responses were accompanied by certifications that did not comply with the requirements of section 351.303(g) of the Department's regulations. In light of these developments, we conclude that Qingdao Zhengri/Yancheng Yaou did not act to the best of its ability in this review. As adverse facts available, the Department is assigning this entity, and all other PRC exporters subject to the PRC-wide rate, the rate of 223.01 percent the highest rate determined in any previous segment of this proceeding. *See Memorandum to Joseph A. Spetrini: Freshwater Crawfish Tail Meat from the People's Republic of China (PRC): Application of Total Adverse Facts Available for Qingdao Zhengri Seafood Co., Ltd. and Yancheng Yaou Seafood Co., Ltd. in the Preliminary Results of the Administrative Review for the Period September 1, 2000 through August 31, 2001* (September 30, 2002). As discussed further below, this rate has been corroborated.

4. *Qingdao Rirong*

At verification, Qingdao Rirong explained that the total production and factors of production (FOP) reported in its responses to the Department's questionnaires were incomplete because it omitted two months of production and consumption data for each factor. Qingdao Rirong then attempted to submit this new factual information, consisting of two months of previously unreported production and consumption data, as ''minor corrections'' to the questionnaire response. The Department declined to accept this new factual information as ''minor corrections.'' *See Memorandum to Joseph A. Spetrini: Freshwater Crawfish Tail Meat from the People's Republic of China (PRC): Application of Partial Facts Available for Factors of Production: Qingdao Rirong Foodstuff Co., Ltd. Preliminary Results of the Administrative Review (September 1, 2000, through August 31, 2001)*

(September 30, 2002); *see also*, *Antidumping Administrative Review of Freshwater Crawfish Tail Meat from the People's Republic of China (PRC) (A–570–848): Sales and Factors Verification Report for Qingdao Rirong Foodstuff Co., Ltd. (Qingdao Rirong)* (September 16, 2002) (*Qingdao Rirong Verification Report*), on file in the Central Records Unit (CRU), Room B–099 of the main Department building.

Sections 776(a)(2)(A) and 776(a)(2)(B) of the Act provide for the use of facts available when an interested party withholds information that has been requested by the Department, or when an interested party fails to provide the information requested in a timely manner and in the form required. Qingdao Rirong failed to provide accurate and complete factor values for the POR in a timely manner.

Section 782(c)(1) of the Act provides that if an interested party ''promptly after receiving a request from {the Department} for information, notifies {the Department} that such party is unable to submit the information requested in the requested form and manner,'' the Department may modify the requirements to avoid imposing an unreasonable burden on that party. Throughout the course of this review, Qingdao Rirong had several opportunities to correct the reported data. However, at no time, prior to the verification, did Qingdao Rirong notify the Department that it had any difficulty in obtaining accurate and complete FOP for the relevant POR. At no point during the review did Qingdao Rirong seek guidance on alternative reporting requirements, or propose an alternate form for submitting the required data, as contemplated in section 782(c)(1) of the Act.

Section 782(d) of the Act provides that, if the Department determines that a response to a request for information does not comply with the request, the Department will inform the person submitting the response of the nature of the deficiency and shall, to the extent practicable, provide that person the opportunity to remedy or explain the deficiency. If that person submits further information that continues to be unsatisfactory, or this information is not submitted within the applicable time limits, the Department may, subject to section 782(e), disregard all or part of the original and subsequent responses, as appropriate. In its questionnaire, the Department asked Qingdao Rirong to provide production and FOP data for the POR (September 1, 2000, to August 31, 2001). Prior to the verification, the Department had no means of determining whether the data submitted were based on the entire POR, and therefore could not inform the respondent that its response was deficient. On the other hand, Qingdao Rirong had access to the necessary information and was fully aware of the time period covered by the current review. In addition, Qingdao Rirong had ample opportunities to correct its production and FOP data prior to verification, but did not do so until verification had started, although it was aware that the Department would no longer accept new factual information at that point.

Section 782(e) of the Act states that the Department shall not decline to consider information deemed ''deficient'' under section 782(d) if: (1) the information is submitted by the established deadline; (2) the information can be verified; (3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination; (4) the interested party has demonstrated that it acted to the best of its ability; and (5) the information can be used without undue difficulties. From the time it received the original questionnaire until verification, Qingdao Rirong had ample time to submit accurate and complete production and FOP for the relevant POR. In addition, the Department had provided Qingdao Rirong with the exact dates for verification well in advance, and had made it clear that all factual information should be submitted prior to the start of verification. However, Qingdao Rirong waited until verification to submit revised FOP based on revised production and consumption data.

Qingdao Rirong did not act to the best of its ability to comply with the Department's request for information. Qingdao Rirong should have been able to comply with the Department's requests for information in a timely manner. Qingdao Rirong's failure to provide essential information, namely, timely and complete production and FOP data, hindered the Department's ability to accurately calculate a dumping margin for this company. Qingdao Rirong failed to provide this information in its March 27, 2002, responses to the Department's section A through D questionnaire. In addition, between March 27, 2002, and July 29, 2002, Qingdao Rirong failed to detect that it had reported production volume and FOP that were incomplete and did not reflect the complete POR. At no time did Qingdao Rirong indicate that it had trouble obtaining or submitting the production and FOP data for all the months of the POR during which it produced subject merchandise. Consequently, Qingdao Rirong has not demonstrated that it acted to the best of its ability in providing the information requested by the Department.

Section 776(b) of the Act provides that, in selecting from among the facts available, the Department may use an inference that is adverse to the interests of the respondent, if it determines that a party has failed to cooperate to the best of its ability. In applying the facts otherwise available, the Department finds that an adverse inference is warranted, pursuant to section 776(b) of the Act, because the Department has determined that Qingdao Rirong has failed to cooperate to the best of its ability. Qingdao Rirong did not report significant data regarding production and FOP during two months of the POR. In turn, the new data affected the calculation of the factors of production for the entire POR. Furthermore, the Department issued, in all, four requests for information to Qingdao Rirong, which required Qingdao Rirong to examine its information submitted to the Department. Nevertheless, on none of these four occasions did Qingdao Rirong ever revise its FOP, nor did it indicate that it had not included certain production and consumption data in its FOP calculations. *See Qingdao Rirong Verification Report*. We therefore determine that Qingdao Rirong did not cooperate to the best of its ability within the meaning of 776(b) of the Act, and the application of adverse facts available is warranted.

Although the failure to report FOP based on complete production and consumption data for the POR warrants the application of adverse facts available, we do not find that the application of total adverse facts available is warranted since Qingdao Rirong responded to the Department's questionnaires; Qingdao Rirong allowed for verification; and the reported sales information and the production and consumption information submitted to the Department in the original questionnaire responses could be verified and was confirmed to be accurate. *See Qingdao Rirong Verification Report*. As such, the Department has determined that partial adverse facts available should be applied to account for the unreported months of production and consumption.

As partial adverse facts available for the two months of the production season (September and October 2000) for which the Department rejected the production and consumption and FOP data at verification as untimely filed new factual information, we have applied the highest monthly factor value of one of the remaining months of production, except for the crawfish

scrap factor, for which we will take the lowest, as provided to and verified by the Department. To calculate each factor for the POR, we weighted each factor for September and October using the highest production quantity for any of the five reported months, and then weighted the factors for the reported months using the verified production quantity from each of those months. *See Memorandum to File through Maureen Flannery from Elfi Blum: Analysis for the Preliminary Results of the Administrative Review of Freshwater Crawfish Tail Meat from the People's Republic of China: Qingdao Rirong Foodstuff Co., Ltd.*, dated September 30, 2002 (Calculation Memo); *see also, Memorandum to Joseph A. Spetrini: Freshwater Crawfish Tail Meat from the People's Republic of China (PRC): Application of Partial Facts Available for Factors of Production: Qingdao Rirong Foodstuff Co., Ltd. Preliminary Results of the Administrative Review (September 1, 2000 through August 31, 2001*) (September 30, 2002) (*Qingdao Rirong AFA Memo*).

Corroboration of Secondary Information Used As Adverse Facts Available

Section 776(c) of the Act provides that when the Department relies on the facts otherwise available and relies on ''secondary information,'' the Department shall, to the extent practicable, corroborate that information from independent sources reasonably at the Department's disposal. The *Statement of Administrative Action*, H.R. Doc. 103–316 (SAA), states that ''corroborate'' means to determine that the information used has probative value. *See* SAA at 870. To corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information to be used.

With respect to China Kingdom, Fujian Pelagic, Qingdao Zhengri/Yancheng Yaou, Shantou SEZ, Suqian Foreign Trade, Yancheng Foreign Trade, and Yangzhou Lakebest, we are applying the highest rate from any previous segment of this administrative proceeding as adverse facts available, which is a rate calculated in the 1999–2000 review. However, unlike other types of information, such as input costs or selling expenses, there are no independent sources for calculated dumping margins. The only source for calculated margins is administrative determinations. Thus, in an administrative review, if the Department chooses as total adverse facts available a calculated dumping margin from the current or a prior segment of the proceeding, it is not necessary to question the reliability of the margin for that time period. *See, e.g., Grain-Oriented Electrical Steel From Italy; Preliminary Results of Antidumping Duty Administrative Review*, 61 FR 36551, 36552 (July 11, 1996). With respect to the relevance aspect of corroboration, however, the Department will consider information reasonably at its disposal to determine whether a margin continues to have relevance. Where circumstances indicate that the selected margin is not appropriate as adverse facts available, the Department will disregard the margin and determine an appropriate margin. For example, in *Fresh Cut Flowers from Mexico: Final Results of Antidumping Administrative Review*, 61 FR 6812 (February 22, 1996), the Department disregarded the highest margin in that case as adverse best information available (the predecessor to facts available) because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin. Similarly, the Department does not apply a margin that has been discredited. *See D & L Supply Co. v. United States*, 113 F.3d 1220, 1221 (Fed. Cir. 1997) (the Department will not use a margin that has been judicially invalidated). None of these unusual circumstances are present here.

Accordingly, we determine that the highest rate from any previous segment of this administrative proceeding (*i.e.*, the calculated rate of 223.01 percent) is in accord with section 776(c)'s requirement that secondary information be corroborated (*i.e.*, that it have probative value). The information used in calculating this margin was based on sales and production data of a respondent in a prior review, as well as on the most appropriate surrogate value information available to the Department, chosen from submissions by the parties in that review, as well as information gathered by the Department itself. Furthermore, the calculation of this margin was subject to comment from interested parties in the proceeding. *See Freshwater Crawfish Tail Meat from the People's Republic of China; Notice of Final Results of Antidumping Duty Administrative Review, and Final Partial Rescission of Antidumping Duty Administrative Review*, 67 FR 19546 (April 22, 2002). Moreover, as there is no information on the record of this review that demonstrates that this rate is not appropriately used as adverse facts available for Fujian Pelagic, Shantou SEZ, Suqian Foreign Trade, Yancheng Foreign Trade, Yangzhou Lakebest, China Kingdom, and Qingdao Zhengri/Yancheng Yaou, we determine that this rate has probative value.

With respect to Qingdao Rirong, the factors we are using for partial adverse facts available constitute primary information on the record of this review. Corroboration within the meaning of the SAA (*see* SAA at 870) and section 776(c) of the Act is therefore not necessary. In addition, there is no information on the record of this review demonstrating that the factors selected are not appropriate as adverse facts available for Qingdao Rirong.

Verification

As provided in section 782(i) of the Act, we attempted to verify the responses of Qingdao Rirong and China Kingdom. We used standard verification procedures, including on-site inspection of the manufacturers' facilities and the examination of relevant sales and financial records. However, as described in the ''Application of Facts Available'' section above, we encountered problems at the verification of the questionnaire responses submitted by both China Kingdom and Qingdao Rirong. *See China Kingdom Verification Report* at 10 and *Qingdao Rirong Verification Report* at 1–2; *see also China Kingdom AFA Memo* and *Qingdao Rirong AFA Memo*. Our verification results are outlined in the public versions of the verification reports, on file in the CRU, Room B–099 of the main Department building.

Separate Rates

To establish whether a company operating in a non-market economy country (NME) is sufficiently independent to be entitled to a separate rate, the Department analyzes each exporting entity under the test established in the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588 (May 6, 1991), as amplified by the *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585 (May 2, 1994). Under this policy, exporters in NMEs are entitled to separate, company-specific margins when they can demonstrate an absence of government control, both in law and in fact, with respect to export activities. Evidence supporting, though not requiring, a finding of *de jure* absence of government control over export activities includes: 1) an absence of restrictive stipulations associated with an individual exporter's business and export licenses; 2) any legislative enactments decentralizing control of companies; and 3) any other formal

measures by the government decentralizing control of companies. *De facto* absence of government control over exports is based on four factors: 1) whether each exporter sets its own export prices independently of the government and without the approval of a government authority; 2) whether each exporter retains the proceeds from its sales and makes independent decisions regarding the disposition of profits or financing of losses; 3) whether each exporter has the authority to negotiate and sign contracts and other agreements; and 4) whether each exporter has autonomy from the government regarding the selection of management.

De Jure Control

In their questionnaire responses, both Qingdao Rirong and China Kingdom stated that they are independent legal entities. Qingdao Rirong also stated that it is a PRC-foreign joint venture. Evidence on the record indicates that the government does not have *de jure* control over either Qingdao Rirong's or China Kingdom's export activities. Both companies submitted evidence of their legal right to set prices independent of all government oversight. Furthermore, the business licenses of Qingdao Rirong and China Kingdom indicate that each is permitted to engage in the exportation of crawfish. We also found no evidence of de jure government control restricting either entity's exportation of crawfish.

In their responses, Qingdao Rirong and China Kingdom both stated that no export quotas apply to crawfish. Prior verifications have confirmed that there are no commodity-specific export licenses required and no quotas for the seafood category ''Other,'' which includes crawfish, in *China's Tariff and Non-Tariff Handbook* for 1996. In addition, we have previously confirmed that crawfish is not on the list of commodities with planned quotas in the 1992 PRC Ministry of Foreign Trade and Economic Cooperation document entitled *Temporary Provisions for Administration of Export Commodities*. *See Freshwater Crawfish Tail Meat From the People's Republic of China; Preliminary Results of New Shipper Review*, 64 FR 8543 (February 22, 1999) and *Freshwater Crawfish Tail Meat From the People's Republic of China; Final Results of New Shipper Review*, 64 FR 27961 (May 24, 1999) (*Ningbo New Shipper Review*).

The following laws, which have been placed on the record of this review, indicate a lack of *de jure* government control over companies owned by ''all the people'' and that control over these enterprises has been transferred from the government to the enterprises themselves. *The Administrative Regulations of the People's Republic of China for Controlling the Registration of Enterprises as Legal Persons* (*Legal Persons Law*), issued on July 13, 1988 by the State Administration for Industry and Commerce of the PRC provide that, to qualify as legal persons, companies must have the ''ability to bear civil liability independently'' and the right to control and manage their businesses. These regulations also state that as an independent legal entity, a company is responsible for its own profits and losses. Both Qingdao Rirong and China Kingdom also provided copies of the *Foreign Trade Law of the PRC*, which identifies the rights and responsibilities of business enterprises with foreign investment, grants autonomy to foreign trade operators in management decisions, and establishes the foreign trade operator's accountability for profits and losses. Both entities also provided copies of their business and export licenses. We therefore preliminarily determine that there is an absence of *de jure* control over the export activities of Qingdao Rirong and China Kingdom.

De Facto Control

With respect to the absence of *de facto* control over export activities, information on the record indicates that, for both Qingdao Rirong and China Kingdom, management for each company is responsible for all decisions concerning export strategies, export prices, profit distribution, and contract negotiations, and that there are no governmental policy directives that affect management's decisions. Furthermore, each company's pricing and export strategy decisions are not subject to any outside entity's review or approval. Information on the record also indicates that there is no government involvement in the daily operations or the selection of management for either company.

There are no restrictions on the use of revenues or profits including export earnings for either Qingdao Rirong or China Kingdom. Each company's general manager has the right to negotiate and enter into contracts, and may delegate this authority to employees within the company. There is no evidence that this authority is subject to any level of governmental approval. Qingdao Rirong has stated that its management is selected by its board of directors and/or its employees, while China Kingdom has stated that its management is selected by its board of directors alone. Both companies have indicated that there is no government involvement in the management selection process. Lastly, decisions made by Qingdao Rirong and China Kingdom concerning purchases of subject merchandise from other suppliers are not subject to government approval. We therefore preliminarily determine that there is an absence of de facto control over the export activities of Qingdao Rirong and China Kingdom.

Consequently, because evidence on the record indicates an absence of government control, both in law and in fact, over their export activities, we preliminarily determine that Qingdao Rirong and China Kingdom are each eligible for a separate rate.

Normal Value Comparisons

To determine whether Qingdao Rirong's sales of the subject merchandise to the United States were made at prices below NV, we compared its export prices to NV, as described in the *Export Price* and *Normal Value* sections of this notice. As discussed above in the *Application of Facts Available* section, we have applied partial adverse facts available in determining the factors of production used in the calculation of NV.

Export Price

For Qingdao Rirong, we based United States price on EP in accordance with section 772(a) of the Act, because the first sales to unaffiliated purchasers were made prior to importation, and CEP was not otherwise warranted by the facts on the record. We calculated EP based on packed prices from the exporter to the first unaffiliated purchaser in the United States. Where applicable, we deducted foreign inland freight, inland insurance, and brokerage and handling expenses in the home market from the starting price (gross unit price) in accordance with section 772(c) of the Act.

Normal Value

For companies located in NME countries, section 773(c)(1) of the Act provides that the Department shall determine NV using a factors-of-production methodology if (1) the merchandise is exported from an NME country, and (2) available information does not permit the calculation of NV using home-market prices, third-country prices, or constructed value under section 773(a) of the Act.

In every case conducted by the Department involving the PRC, the PRC has been treated as an NME country. Pursuant to section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by the

administering authority. None of the companies contested such treatment in these reviews. Accordingly, we have applied surrogate values to the factors of production to determine NV. *See Memorandum to the File, through Maureen Flannery, Program Manager, Office of AD/CVD Enforcement VII, from Adina Teodorescu, Case Analyst, Re.: Administrative Review of Freshwater Crawfish Tail Meat from the People's Republic of China; Factor Values Memorandum*, dated September 30, 2002 (*Factor Values Memorandum*). We calculated NV based on factors of production in accordance with section 773(c)(4) of the Act and section 351.408(c) of our regulations. Consistent with the original investigation and prior administrative reviews of this order, we determined that India (1) is comparable to the PRC in level of economic development, and (2) is a significant producer of comparable merchandise. *See Memorandum from the Office of Policy to Maureen Flannery, Program Manager, Group III/Office 7 of AD/CVD*, dated June 13, 2002 (*Policy Memo*). With the exceptions of the crawfish input and the shell scrap, we valued the factors of production using publicly available information from India. We adjusted the Indian import prices by adding freight expenses to make them delivered prices.

In the original investigation of sales at less than fair value (LTFV) and in previous reviews of this order, for the crawfish input, we used Spanish import statistics for live freshwater crawfish imported from Portugal. However, in the final results of two subsequent new shipper reviews and the most recently completed administrative review, the Department found that Spanish imports of live freshwater crawfish from Portugal had declined drastically. Consequently, the Department found that the most appropriate surrogate value was the price paid by crawfish processors to crawfish fishermen/harvesters for live crawfish up to 40 grams in weight in Australia. *See Freshwater Crawfish Tail Meat from the People's Republic of China; Notice of Final Results of Antidumping Duty Administrative Review, and Final Partial Rescission of Antidumping Duty Administrative Review*, 67 FR 19546 (April 22, 2002) (*99/00 Final Results*).

Submissions placed on the record of the current administrative review indicate that the appropriate basis for the valuation of the live crawfish input remains a significant issue. Consequently, the Department conducted additional research in an attempt to identify the best available information among the possible options for valuing the live crawfish input. Based on this research, we found that Spanish imports of Portugese crawfish increased significantly, and that the market appears to have recovered. *See Memorandum to Barbara E. Tillman, Director, Office of AD/CVD Enforcement VII, through Maureen Flannery, Program Manager, from Matthew Renkey and Scot Fullerton, Analysts: Selection of Surrogate for the Valuation of Whole, Live Freshwater Crawfish in the 2000 - 2001 Administrative and New Shipper Reviews for Freshwater Crawfish Tail Meat from the People's Republic of China* (August 5, 2002) (*Crawfish Valuation Memo*). Information concerning these imports is publicly available, published, and regularly maintained by the Spanish government. Section 773(c)(4) of the Act, as amended, provides that in valuing the factors of production, the Department should use, to the extent possible, the prices or costs of factors of production in one or more market economy countries that are at a level of economic development comparable to that of the NME country and are significant producers of comparable merchandise. While Spain is not at the same level of economic development as the PRC, we find that there is no reliable or usable publicly available information to value live crawfish from the surrogate countries identified by the Office of Policy. *See Memorandum to the File, through Maureen Flannery, Program Manager, AD/CVD Enforcement VII, from Christian Hughes and Doug Campau, Case Analysts: Surrogate Value Research; Crawfish Tail Meat from the People's Republic of China (PRC): Administrative Review 9/1/00–8/31/01 and New Shipper Reviews 9/1/00–8/31/01 and 9/1/00–10/15/01* (August 5, 2002). Since the trade in live freshwater crawfish between Spain and Portugal recovered during the 2000–2001 POR, and since it appears that the recovery is not likely to be an aberration, such published official government import data is the preferred source of valuing the factors of production. Accordingly, the Department is using the Spanish import statistics to value the live freshwater crawfish input for purposes of this administrative review.

In previous reviews, the Department has used a Canadian free-on-board (FOB) factory price quote for dried crab and shrimp shells to value crawfish shell scrap. Because this surrogate price was on a dry-weight basis, whereas shells were sold wet by the Chinese exporter, we converted the dry-weight price to a wet-weight basis to reflect the value of the shell scrap. *See 99/00 Final Results* For this review, we have obtained price quotes from Indonesia for wet and dried crab and shrimp shells. Indonesia is the only country identified for this review as a surrogate country comparable to the PRC for which we were able to obtain public surrogate value information on shell scrap. *See Policy Memo*. Furthermore, we have a price from Indonesia for wet shells, as well as a price for dried shells. Therefore, we used the price of wet crab and shrimp shells from Indonesia to value the scrap shell in this administrative review. *See Memorandum to Barbara E. Tillman, Director, Office of AD/CVD Enforcement VII, through Maureen Flannery, Program Manager, from Christian Hughes and Adina Teodorescu, Case Analysts: Surrogate Valuation of Shell Scrap: Freshwater Crawfish Tail Meat from the People's Republic of China (PRC), Administrative Review 9/1/00–8/31/01 and New Shipper Reviews 9/1/00–8/31/01 and 9/1/00–10/15/01* (August 5, 2002).

We valued the factors of production as follows:

To value the input of whole live crawfish, we used publicly available Spanish import data of whole live crawfish from Portugal for September 2000 through August 2001. *See Crawfish Valuation Memo*. We adjusted the values of whole live crawfish to include freight costs incurred between the supplier and the factory. For transportation distances used in the calculation of freight expenses on whole live crawfish, we added to the surrogate values a surrogate freight cost using the shorter of (a) the distances between the closest PRC port and the factory, or (b) the distance between the domestic supplier and the factory. *See Notice of Final Determination of Sales at Less than Fair Value: Collated Roofing Nails from the People's Republic of China*, 62 FR 51410 (October 1, 1997) (*Roofing Nails*).

To value crawfish scrap, we used a price quote from Indonesia for crab and shrimp shells. For further details, *see Factors Value Memorandum*.

To value coal, we relied upon Indian import data for steam coal for the period August 2000 through January 2001 from the *Monthly Statistics of the Foreign Trade of India* (*Monthly Statistics*). We adjusted the cost of coal to include an amount for transportation. To value electricity, we used the average of the 1997 total cost per kilowatt hour (KWH) for ''Electricity for Industry'' as reported in the International Energy Agency's publication, *Energy Prices and Taxes, First Quarter, 2000*. For water, we relied upon public information from the

October 1997 *Second Water Utilities Data Book: Asian and Pacific Region*, published by the Asian Development Bank. To achieve comparability of electricity and water prices to the factors reported for the POR, we adjusted these factor values to reflect inflation to the POR using the Wholesale Price Index (WPI) for India, as published in the 2001 *International Financial Statistics* (*IFS*) by the International Monetary Fund (IMF).

To value packing materials (plastic bags, cardboard boxes and adhesive tape), we relied upon Indian import data for the period August 2000 through January 2001 from the *Monthly Statistics*. We adjusted the values of packing materials to include freight costs incurred between the supplier and the factory. For transportation distances used in the calculation of freight expenses on packing materials, we added, to surrogate values from India, a surrogate freight cost using the shorter of (a) the distances between the closest PRC port and the factory, or (b) the distance between the domestic supplier and the factory. *See Roofing Nails*.

To value factory overhead, selling, general, and administrative expenses (SG&A) and profit, we calculated simple average rates using publicly available 1996–97 financial statements of four Indian seafood processing companies, and applied these rates to the calculated cost of manufacture. *See Factor Values Memorandum*.

For labor, we used the PRC regression-based wage rate at Import Administration's home page, Import Library, Expected Wages of Selected NME Countries, revised in September 2002. See *http://ia.ita.doc.gov/wages/*. Because of the variability of wage rates in countries with similar per capita gross domestic products, section 351.408(c)(3) of the Department's regulations requires the use of a regression-based wage rate. The source of these wage rate data on the Import Administration's Web site is the *Year Book of Labour Statistics 2001*, International Labour Office (Geneva: 2001), Chapter 5B: Wages in Manufacturing.

We valued movement expenses as follows:

To value truck freight expenses we used nineteen Indian price quotes as reported in the February 14, 2000 issue of *The Financial Express*, which were used in the antidumping duty investigation of certain circular welded carbon-quality steel pipe from the PRC. *See Notice of Final Determination of Sales at Less than Fair Value: Certain Circular Welded Carbon-Quality Steel Pipe from the People's Republic of China*, 67 FR 36570 (May 24, 2002) (*China Pipe*). We adjusted the rates to reflect inflation to the POR of the finished product using the WPI for India from the IFS.

To value brokerage and handling, we used a publicly summarized version of the average value for brokerage and handling expenses reported in *Final Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products from India*, 67 FR 50406 (October 3, 2001) (*Hot-Rolled from India*), which was also used in *China Pipe*. We used the average of the foreign brokerage and handling expenses reported in the U.S. sales listing of the public questionnaire response submitted in the antidumping investigation of Essar Steel Ltd. in *Hot-Rolled from India*. Charges were reported on a per metric ton basis. We adjusted these values to reflect inflation to the POR using the WPI for India from the IFS. For further discussion, see *Factor Values Memorandum*.

Currency Conversion

For purposes of these preliminary results, we made currency conversions in accordance with section 773A(a) of the Act, based on the exchange rates in effect on the dates of the U.S. sales, as certified by the Federal Reserve Bank of New York. (See *http://ia.ita.doc.gov/exchange/index.html*.)

Preliminary Results of Review

We preliminarily determine that the following dumping margins exist:

Manufacturer/Exporter	Time Period	Margin (percent)
Qingdao Rirong	9/1/00–8/31/01	0.00
China Kingdom	9/1/00–8/31/01	223.01
PRC-Wide Rate[1]	9/1/00–8/31/01	223.01

[1] Fujian Pelagic, Qingdao Zhengri/Yancheng Yaou, Shantou SEZ, Suqian Foreign Trade, Yancheng Foreign Trade, and Yangzhou Lakebest are included in the PRC-wide rate.

Cash Deposit Requirements

The following deposit rates will be effective upon publication of the final results of this administrative review for all shipments of freshwater crawfish tail meat from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) If the margin for Qingdao Rirong remains zero, no cash deposits would be required for shipments exported by Qingdao Rirong. If Qingdao Rirong's margin is above *de minimis* in the final results, for subject merchandise exported by Qingdao Rirong, the cash deposit rate will be the total amount of antidumping duties due, divided by the total quantity exported during the POR. China Kingdom's rate will be the rate established in the final results. (2) For other exporters with separate rates, the deposit rate will be the company-specific per-kilogram or ad valorem rate established for the most recent period, as applicable. (3) For all other PRC exporters, the rate will be the PRC-wide rate, 223.01 percent. (4) For all other non-PRC exporters of subject merchandise from the PRC, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter.

Comments and Hearing

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Any interested party may request a hearing within 30 days of publication in accordance with 19 CFR 351.310(c). Any hearing would normally be held two days after the deadline for rebuttal briefs, or the first workday thereafter, at the U.S. Department of Commerce, 14th Street and Constitution Avenue N.W., Washington, DC 20230. Individuals who wish to request a hearing must submit a written request within 30 days of the publication of this notice in the Federal Register to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Requests for a public hearing should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Interested parties may submit case briefs within 30 days of the date of publication of this notice in accordance with 19 CFR 351.309(c)(2). Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed

not later than 5 days after the due date for submission of case briefs. Parties who submit arguments are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument. If a hearing is held, an interested party may make an affirmative presentation only on arguments included in that party's case brief and may make a rebuttal presentation only on arguments included in that party's rebuttal brief. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

The Department intends to issue the final results of this administrative review, which will include the results of its analysis of issues raised in any briefs, within 120 days from the date of publication of these preliminary results.

Assessment Rates

Upon completion of this administrative review, the Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the U.S. Customs Service upon completion of this review. For assessment purposes, for Qingdao Rirong, where appropriate, we will calculate importer-specific assessment rates for freshwater crawfish tail meat from the PRC. We will divide the total dumping margins (calculated as the difference between NV and EP) for each importer by the total quantity of subject merchandise sold by Qingdao Rirong to that importer during the POR. Upon the completion of this review, we will direct Customs to assess the resulting quantity-based rates against the weight in kilograms of each entry of the subject merchandise by the importer during the POR. *See Memorandum to Barbara E. Tillman through Maureen Flannery, from Mark Hoadley: Collection of Cash Deposits and Assessment of Duties on Freshwater Crawfish from the PRC* (August 27, 2001), and placed on the record of this review. Also upon completion of this review, for China Kingdom and all exporters subject to the PRC-wide rate, we will direct Customs to assess the resulting ad valorem rates against the entered value of each entry of the subject merchandise during the POR. The Department will issue appropriate assessment instructions directly to the Customs Service within 15 days of publication of the final results of review.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) of the Department's regulations 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 double antidumping duties.

This administrative review and this notice are published in accordance with section 751(a)(1) of the Act, and sections 351.213 and 351.221 of the Department's regulations.

Dated: September 30, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 02–26311 Filed 10–15–02; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–447–801]

Notice of Initiation of a Changed Circumstances Review of the Antidumping Duty Order on Solid Urea From Estonia

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

ACTION: Notice of initiation and request for comments.

DATES: October 16, 2002.

FOR FURTHER INFORMATION CONTACT: George Smolik, Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–1843.

SUMMARY: The Department of Commerce is initiating a changed circumstances review in order to examine whether Estonia is still a non-market economy country for purposes of the antidumping and countervailing duty laws.

The 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, unless otherwise indicated, all citations to the Department of Commerce's (''Department'') regulations are to 19 CFR part 351 (2002).

Background

The Department received a letter from the Republic of Estonia Ministry of Foreign Affairs dated July 10, 2002, requesting a review of Estonia's status as a non-market economy (''NME'') country. In the letter, the Government of Estonia submitted documentation supporting its request for market economy status. The Department subsequently received a letter from the Ambassador of Estonia to the United States dated September 20, 2002, requesting a review of Estonia's non-market economy status under a changed circumstances review of the antidumping duty order on solid urea from Estonia.

In response to this latter request, the Department is initiating a changed circumstances review in order to examine whether Estonia is still a non-market economy country for purposes of the antidumping and countervailing duty laws, pursuant to sections 751(b) and 771(18)(C)(ii) of the Act.

The Department has treated Estonia as an NME country in all past antidumping duty investigations and administrative reviews. See, *e.g.*, Urea From the Union of Soviet Socialist Republics; Final Determination of Sales at Less Than Fair Value, 52 FR 19557 (May 26, 1987); and, Solid Urea from the Union of Soviet Socialist Republics—Transfer of the Antidumping Duty Order on Solid Urea From the Union of Soviet Socialist Republics to the Commonwealth of Independent States and the Baltic States and Opportunity to Comment, 57 FR 28828 (June 29, 1992. A designation as an NME remains in effect until it is revoked by the Department. See section 771(18)(C)(i) of the Act.

Opportunity for Public Comment

As part of this inquiry to determine whether to revoke Estonia's NME status, the Department is interested in receiving public comment with respect to Estonia on the factors listed in section 771(18)(B) of the Act, which the Department must take into account in making a market/non-market economy determination: (i) The extent to which the currency of the foreign country is convertible into the currency of other countries; (ii) the extent to which wage rates in the foreign country are determined by free bargaining between labor and management; (iii) the extent to which joint ventures or other investments by firms of other foreign countries are permitted in the foreign country; (iv) the extent of government ownership or control of the means of production; (v) the extent of government control over allocation of resources and

over price and output decisions of enterprises; and (vi) such other factors as the administering authority considers appropriate.

Comments—Deadline, Format, and Number of Copies

The deadline for submission of comments will be 45 days after the date of publication of this notice in the **Federal Register**. All comments should be filed at the Department of Commerce Central Records Unit located at the address listed below. Rebuttal comments may be submitted up to 30 days after the date initial comments are due. Each person submitting comments should include his or her name and address, and give reasons for any recommendation. To facilitate their consideration by the Department, comments should be submitted in the following format: (1) Begin each comment on a separate page; (2) concisely state the issue identified and discussed in the comment and include any supporting documentation in exhibits or appendices; (3) provide a brief summary of the comment (a maximum of 3 sentences) and label this section ''summary of comment;'' (4) provide an index or table of contents; and (5) include the case number A–447–801 in the top right hand corner of the submission. To simplify the processing and distribution of comments, the Department requires the submission of documents in electronic form accompanied by an original and six copies in paper form. We require that documents filed in electronic form be on DOS formatted 3.5' diskettes and prepared in either WordPerfect 9 format or a format that the WordPerfect program can convert and import into WordPerfect 9. Please submit comments in separate files on the diskette. Comments received on diskette will be made available to the public on the Internet at Import Administration's Web site, *http://ia.ita.doc.gov.* Paper copies will be available for reading and photocopying in the Central Records Unit, Room B–099, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street, NW., Washington, DC 20230. Any questions concerning file formatting, document conversion, access on the Internet, or other file requirements should be addressed to Andrew Lee Beller, Import Administration Webmaster, (202) 482–0866.

Hearing

After reviewing all comments and rebuttal comments, the Department will determine whether a public hearing on the NME country issue is warranted, if one is requested in the initial or rebuttal comments on this issue. If the Department determines that a hearing is warranted, the Department will announce a place and time for that hearing.

This determination is issued and published in accordance with sections 751(b) and 771(18)(C)(ii).

Dated: October 8, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 02–26312 Filed 10–15–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–831]

Stainless Steel Sheet and Strip in Coils from Taiwan: Notice of Court Decision

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

ACTION: Notice of Court Decision.

SUMMARY: On August 22, 2002, the United States Court of International Trade (''Court'') sustained the final remand determination made by the Department of Commerce (''the Department'') pursuant to the Court's remand of the final determination of the administrative review of stainless steel sheet and strip in coils from Taiwan. *See Tung Mung Development Co., Ltd.* v. *United States*, Ct. No. 99–07–00457, Slip Op. 02–93 (Ct. Int'l Trade August 22, 2002) (''*Tung Mung II*''). This case arises out of the Department's *Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Sheet and Strip in Coils from Taiwan*; 64 FR 30592 (June 8, 1999) (''*Final Determination*''). The final judgment in this case was not in harmony with the Department's June 1999 *Final Determination*.

EFFECTIVE DATE: September 2, 2002.

FOR FURTHER INFORMATION CONTACT: Laurel LaCivita, Antidumping/Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington DC 20230; telephone (202) 482–4243.

SUPPLEMENTARY INFORMATION: The Court of International Trade in *Tung Mung II* affirmed the Department's remand redetermination, which related to the Department's middleman dumping methodology and the antidumping margin assigned to the Tung Mung Development Co., Ltd. (''Tung Mung'') and Yieh United Steel Company Ltd. (''YUSCO'').

In *Tung Mung Development Co., Ltd.* v. *United States*, Slip Op. 01–83, Ct. Int'l Trade LEXIS 94 (July 3, 2001) (''*Tung Mung I*''), the Court remanded the Department's determination on the issue of the single, weighted-average rate for producers and middlemen. The Court ordered the Department to ''either provide a reasonable explanation of substantial evidence for its change in practice, or * * * apply a combination rate, consistent with its prior practice.''

On November 8, 2001, the Department issued its draft results of redetermination of remand for comment by interested parties. On November 15, 2001, petitioners[1] and Tung Mung submitted comments in response to the Department's draft results of redetermination of remand. Plaintiff-Intervener YUSCO did not file comments in response to the Department's draft results of redetermination of remand. On November 20, 2001, petitioners, Tung Mung and YUSCO submitted rebuttal comments. On November 28, 2001, the Department issued its final results of redetermination of remand to the Court. The remand redetermination explained the legal authority under which the Department may apply *either* a single weighted-average rate or a combination rate in a middleman dumping case, depending on the facts of the case. The Department reconsidered its use of a single weighted-average rate in this case, in response to the Court's expressed concern, and applied instead combination rates to both Tung Mung's and YUSCO's merchandise.

On August 22, 2002, the Court affirmed the Department's analysis and recognized the authority of the Department to apply either a single weighted-average rate or a combination rate in a middleman dumping case, depending on the facts of the case. It then sustained the Department's redetermination of remand. *See Tung Mung II.*

In its decision in *Timkin Co.* v. *United States*, 893 F.2d 337, 341 (Fed. Cir. 1990) (''*Timkin*''), the United States Court of Appeals for the Federal Circuit held that, pursuant to 19 U.S.C. § 1516a(e), the Department must publish a notice of a court decision which is not ''in harmony'' with a Department determination, and must suspend

[1] Allegheny Ludlum, AK Steel Corporation (formerly Armco, Inc.), J&L Specialty Steel, Inc., North American Stainless, Butler-Armco Independent Union, Zanesville Armco Independent Union, and the United Steelworkers of America, AFL-CIO/CLC.

liquidation of entries pending a ''conclusive'' court decision. The Court's decision in *Tung Mung II* on August 22, 2002, constitutes a final decision of that court which is ''not in harmony'' with the Department's final results of antidumping duty administrative review. This notice is published in fulfillment of the publication requirements of *Timkin*.

Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal, or, if appealed, upon a ''conclusive'' court decision.

Dated: October 3, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 02–26310 Filed 10–15–02; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of application.

SUMMARY: The Office of Export Trading Company Affairs (''OETCA''), International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Jeffrey C. Anspacher, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482–5131 (this is not a toll-free number) or E-mail at *oetca@ita.doc.gov.*

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five copies, plus two copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1104H, Washington, DC 20230, or transmit by e-mail at *oetca@ita.doc.gov.* Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as ''Export Trade Certificate of Review, application number 02–00003.'' A summary of the application follows.

Summary of the Application

Applicant: Corn Refiners Association, Inc. (''CRA''), 1701 Pennsylvania Avenue, NW., Suite 950, Washington, DC 20006.

Contact: M. Jean Anderson, Counsel, Telephone: (202) 682–7217.

Application No.: 02–00003.

Date Deemed Submitted: October 2, 2002.

Members (in addition to the applicant): A.E. Staley Manufacturing Company, Decatur, Illinois (subsidiary of Tate & Lyle plc, London, United Kingdom); Archer Daniels Midland Company, Decatur, Illinois; Cargill, Incorporated, Minneapolis, Minnesota; Corn Products International, Inc., Westchester, Illinois; National Starch and Chemical Company, Bridgewater, New Jersey (subsidiary of ICI plc, London, United Kingdom); Penford Corporation, Bellevue, Washington; and Roquette America, Inc., Keokuk, Iowa (subsidiary of Roquette Frères, Lestrem, France). CRA seeks a Certificate to cover the following specific Export Trade, Export Markets, and Export Trade Activities and Methods of Operations.

Export Trade

Product

High fructose corn syrup (''HFCS''), a sweetener derived from the corn wet milling process. HFCS takes the following forms: 42 percent fructose (item 1702.40 of the U.S. Harmonized Tariff Schedule (HTS)); 55 percent fructose and enriched HFCS (greater than 55 percent fructose) (item 1702.60 of the HTS); and crystalline fructose (item 1702.50 of the HTS).

Export Markets

HFCS will be exported only to Mexico.

Purpose

The CRA will manage the system for allocating rights to ship under tariff-rate quotas (TRQs) permitting duty-free entry of U.S. HFCS into Mexico.

Organization and Membership

The CRA, a not-for-profit Delaware corporation, is a trade association for the corn refining industry. Its membership includes all U.S. producers of HFCS. Under the CRA bylaws, any U.S. entity engaged in the United States in the production and distribution of products produced from corn by the wet milling process (*e.g.*, corn starch, corn syrup, corn sugar, corn alcohol) is eligible for membership in the CRA.

TRQ Administrator

The CRA shall contract with an independent third party who is not engaged in the production, distribution or sale of HFCS to administer the TRQ System. The third party Administrator will be subject to general oversight and supervision by the Board of Directors of the CRA.

TRQ System

The Administrator shall allocate TRQ rights based on each member's U.S. HFCS share of total U.S. HFCS production capacity. In accordance with those allocations, the Administrator shall issue certificates (''TRQ Certificates'') to members evidencing the right to ship specified quantities of U.S. HFCS duty-free to Mexico. TRQ Certificates shall be freely transferable.

Confidential Information

Any confidential information submitted by an applicant for membership, by a member, or by any other person in connection with the TRQ System shall be marked ''confidential'' and submitted to the Administrator, who shall maintain its confidentiality. The Administrator shall not disclose such confidential

information to any member other than the submitter, or to any officers, agents, or employees of any member other than the submitter, and shall not disclose such confidential information to any other person except to another neutral third party as necessary to make the determination for which the information was submitted, to allocate TRQ quantities, or in connection with reports to the U.S. Department of Commerce as required by the Export Trade Certificate of Review or the arbitration of a dispute.

Cooperation With the U.S. and Mexican Governments

The CRA will provide whatever information and consultations may be necessary to facilitate cooperation between the U.S. Government and the Government of Mexico concerning the implementation and operation of the TRQ System. Furthermore, directly or through the U.S. Government, the CRA will endeavor to accommodate any information requests from the Government of Mexico (while protecting confidential information entrusted to the Administrator), and will consult with the Government of Mexico as appropriate.

Miscellaneous Implementing Provisions

The CRA and/or its members may (i) meet, discuss and provide for an administrative structure to implement the TRQ management system, assess its operations and provide modifications as necessary to improve its workability, (ii) meet, exchange, and discuss information regarding the structure and method for implementing the TRQ management system, (iii) meet, exchange and discuss the types of information needed concerning bilateral agreements between the U.S. and Mexican Governments, and any resulting legislation or regulations, affecting the TRQ management system, and (iv) otherwise meet, exchange and discuss information as necessary to implement the activities described above and take the necessary action to implement the foregoing TRQ management system.

Dated: October 10, 2002.

Jeffrey C. Anspacher,

Director, Office of Export Trading Company Affairs.

[FR Doc. 02–26321 Filed 10–15–02; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 100802G]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene public meetings of the Technical Review Panel, the User Review Panel, and the Standing Scientific and Statistical Committee (SSC) from October 30, 2002 through November 1, 2002.

DATES: The Council's Technical Review Panel, User Review Panel, and Standing SSC will convene in separate meetings at 1 p.m. on Wednesday, October 30, 2002 and will conclude by 3 p.m. on Friday, November 1, 2002.

ADDRESSES: The meetings will be held at the Hilton Tampa Airport Westshore Hotel, 2225 Lois Avenue, Tampa, FL; telephone: 813–877–6688.

Council address: Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Leard, Senior Fishery Biologist, the Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION: The Technical Review Panel will review the intermediate draft of the Essential Fish Habitat (EFH) Environmental Impact Statement (EIS) and provide the Council and contractor with suggestions for technical revisions. In addition the Technical Review Panel members serve as contract monitors.

The User Review Panel will review the intermediate draft of the EFH EIS and provide the Council and contractor with suggestions for revisions. In addition the User Review Panel members are asked to provide their comments on whether the documents properly address the issues of each user group represented. The User Review Panel is comprised of representatives from the following sectors: recreational, charter, commercial, environmental, oil and gas industry, and wetlands owners.

The Standing Scientific and Statistical Committee will review the intermediate draft of the EFH EIS and provide the Council and contractor with an evaluation of the scientific completeness and possible suggestions for revisions.

Although non-emergency issues not contained in the agendas may come before the Technical and User Review Panels and the SSC for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson Act), those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the Magnuson Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Copies of the agendas of these meetings can be obtained by calling the Council office at 813–228–2815 (toll-free 888–833–1844).

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by October 23, 2002.

Dated: October 10, 2002.

Matteo J. Milazzo,

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

[FR Doc. 02–26322 Filed 10–15–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 100802F]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene a public meeting of its Florida/Alabama, Mississippi/Louisiana, and Texas Habitat Protection Advisory Panels (APs) from October 30, 2002 through November 1, 2002.

DATES: The Joint Habitat Protection APs will convene at 1 p.m. on Wednesday, October 30, 2002 and will conclude by 3 p.m. on Friday, November 1, 2002.

ADDRESSES: The meeting will be held at the Hilton Tampa Airport Westshore

Hotel, 2225 Lois Avenue, Tampa, FL; telephone: (813) 877–6688.

Council address: Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Leard, Senior Fishery Biologist, Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION: The Habitat Protection APs will convene to review the Council's Intermediate Draft of the Environmental Impact Statement (EIS) for the Generic Essential Fish Habitat (EFH) Amendment. The APs will also tentatively discuss methylmercury in marine fish and the possible impacts of explosive removal of oil and gas structures on marine fish populations.

The Habitat Protection APs are made up of representatives from the recreational and commercial fishing groups, conservation organizations, academia, and state and federal resource agencies. The principal role of the APs is to assist the Council in attempting to maintain optimum conditions within the habitat and ecosystems supporting the marine resources of the Gulf of Mexico. The Habitat Protection APs call to the Council's attention proposed projects being developed and other activities which may adversely impact the Gulf marine fisheries and their supporting ecosystems. The APs may also provide advice to the Council on its policies and procedures for addressing environmental issues and review habitat related documents as requested.

Although non-emergency issues not contained in the agendas may come before the APs for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson Act), those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the Magnuson Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Copies of the agendas of these meetings can be obtained by calling the Council office at 813–228–2815 (toll-free 888–833–1844).

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by October 23, 2002.

Dated: October 10, 2002.

Matteo J. Milazzo,

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

[FR Doc. 02–26323 Filed 10–15–02; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Bangladesh

October 10, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: October 16, 2002.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, 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, variously, for swing, carryover and carryforward.

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 59409, published on November 28, 2001.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 10, 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 21, 2001, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in Bangladesh and exported during the twelve-month period which began on January 1, 2002 and extends through December 31, 2002.

Effective on October 16, 2002, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
237	339,183 dozen.
331pt. [2]	43,459 dozen pairs.
341	3,648,101 dozen.
363	43,187,993 numbers.
638/639	2,080,456 dozen.
641	817,540 dozen.
645/646	687,400 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2001.

[2] Category 331pt.: all HTS numbers except 6116.10.1720, 6116.10.4810, 6116.10.5510, 6116.10.7510, 6116.92.6410, 6116.92.6420, 6116.92.6430, 6116.92.6440, 6116.92.7450, 6116.92.7460, 6116.92.7470, 6116.92.8800, 6116.92.9400 and 6116.99.9510.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
James C. Leonard III,
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.02–26319 Filed 10–15–02; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in the People's Republic of China

October 9, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs announcing limits.

EFFECTIVE DATE: January 1, 2003.

FOR FURTHER INFORMATION CONTACT: Roy Unger, 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 import restraint limits for textile products, produced or manufactured in China and exported during the period January 1, 2003 through December 31, 2003 are based on the limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 2003 limits.

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). Information regarding the availability of the 2003 CORRELATION will be published in the **Federal Register** at a later date.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 9, 2002.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2003, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in China and exported during the twelve-month period beginning on January 1, 2003 and extending through December 31, 2003, in excess of the following levels of restraint:

Category	Twelve-month limit
Group I	
200, 218, 219, 226, 237, 239pt. [1], 300/301, 313–315, 317/326, 331pt. [2], 333–336, 338/339, 340–342, 345, 347/348, 351, 352, 359–C [3], 359–V [4], 360–363, 410, 433–436, 438, 440, 442–444, 445/446, 447, 448, 611, 613–615, 617, 631pt. [5], 633–636, 638/639, 640–643, 644, 645/646, 647, 648, 651, 652, 659–C [6], 659–H [7], 659–S [8], 666pt. [9], 845 and 846, as a group.	1,185,536,023 square meters equivalent.
Sublevels in Group I	
200	845,020 kilograms.
218	12,178,948 square meters.
219	2,719,488 square meters.
226	12,348,456 square meters.
237	2,314,084 dozen.
300/301	2,449,331 kilograms.
313	45,772,905 square meters.
314	55,612,767 square meters.
315	143,209,940 square meters.
317/326	24,701,692 square meters of which not more than 4,725,919 square meters shall be in Category 326.
331pt.	2,235,100 dozen pairs.
333	113,501 dozen.
334	348,819 dozen.
335	397,289 dozen.
336	194,753 dozen.
338/339	2,387,982 dozen of which not more than 1,812,739 dozen shall be in Categories 338–S/339–S [10].
340	820,993 dozen of which not more than 410,497 dozen shall be in Category 340–Z [11].
341	711,384 dozen of which not more than 426,831 dozen shall be in Category 341–Y [12].
342	281,841 dozen.
345	130,221 dozen.
347/348	2,368,152 dozen.
351	645,602 dozen.
352	1,683,581 dozen.
359–C	700,226 kilograms.
359–V	975,652 kilograms.
360	8,978,474 numbers of which not more than 6,124,187 numbers shall be in Category 360–P [13].
361	4,839,165 numbers.

Category	Twelve-month limit
362	7,936,865 numbers.
363	23,146,160 numbers.
410	1,045,704 square meters of which not more than 838,245 square meters shall be in Category 410–A [14] and not more than 838,245 square meters shall be in Category 410–B [15].
433	21,334 dozen.
434	13,641 dozen.
435	25,053 dozen.
436	15,435 dozen.
438	27,011 dozen.
440	38,588 dozen of which not more than 22,050 dozen shall be in Category 440–M [16].
442	40,848 dozen.
443	131,968 numbers.
444	216,580 numbers.
445/446	289,370 dozen.
447	72,251 dozen.
448	22,793 dozen.
611	6,075,097 square meters.
613	8,596,256 square meters.
614	13,508,401 square meters.
615	28,122,037 square meters.
617	19,648,584 square meters.
631pt.	329,501 dozen pairs.
633	63,408 dozen.
634	689,830 dozen.
635	727,652 dozen.
636	578,321 dozen.
638/639	2,550,646 dozen.
640	1,418,671 dozen.
641	1,343,897 dozen.
642	380,142 dozen.
643	554,054 numbers.
644	3,667,827 numbers.
645/646	832,680 dozen.
647	1,644,173 dozen.
648	1,174,750 dozen.
651	855,756 dozen of which not more than 150,661 dozen shall be in Category 651–B [17].
652	3,207,098 dozen.
659–C	453,046 kilograms.
659–H	3,176,633 kilograms.
659–S	699,762 kilograms.
666pt.	532,353 kilograms.
845	2,482,149 dozen.
846	187,471 dozen.
Group II	
332, 359–O [18], 459pt. [19] and 659–O [20], as a group	41,347,058 square meters equivalent.
Group III	
201, 220, 224–V [21], 224–O [22], 225, 227, 369–O [23], 400, 414, 469pt. [24], 603, 604–O [25], 618–620 and 624–629, as a group.	48,834,260 square meters equivalent.
Sublevels in Group III	
224–V	4,091,620 square meters.
225	7,058,825 square meters.
Group IV	
852	382,953 square meters equivalent.
Levels not in a Group	
369–S [26]	619,481 kilograms.
863–S [27]	8,862,156 numbers.

[1] Category 239pt.: only HTS number 6209.20.5040 (diapers).

[2] Category 331pt.: all HTS numbers except 6116.10.1720, 6116.10.4810, 6116.10.5510, 6116.10.7510, 6116.92.6410, 6116.92.6420, 6116.92.6430, 6116.92.6440, 6116.92.7450, 6116.92.7460, 6116.92.7470, 6116.92.8800, 6116.92.9400 and 6116.99.9510.

[3] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010.

[4] Category 359–V: only HTS numbers 6103.19.2030, 6103.19.9030, 6104.12.0040, 6104.19.8040, 6110.20.1022, 6110.20.1024, 6110.20.2030, 6110.20.2035, 6110.90.9044, 6110.90.9046, 6201.92.2010, 6202.92.2020, 6203.19.1030, 6203.19.9030, 6204.12.0040, 6204.19.8040, 6211.32.0070 and 6211.42.0070.

[5] Category 631pt.: all HTS numbers except 6116.10.1730, 6116.10.4820, 6116.10.5520, 6116.10.7520, 6116.93.8800, 6116.93.9400, 6116.99.4800, 6116.99.5400 and 6116.99.9530.

[6] Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

[7] Category 659–H: only HTS numbers 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090 and 6505.90.8090.

[8] Category 659–S: only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020.

[9] Category 666pt.: all HTS numbers except 5805.00.4010, 6301.10.0000, 6301.40.0010, 6301.40.0020, 6301.90.0010, 6302.53.0010, 6302.53.0020, 6302.53.0030, 6302.93.1000, 6302.93.2000, 6303.12.0000, 6303.19.0010, 6303.92.1000, 6303.92.2010, 6303.92.2020, 6303.99.0010, 6304.11.2000, 6304.19.1500, 6304.19.2000, 6304.91.0040, 6304.93.0000, 6304.99.6020, 6307.90.9884, 9404.90.8522 and 9404.90.9522.

[10] Category 338–S: all HTS numbers except 6109.10.0012, 6109.10.0014, 6109.10.0018 and 6109.10.0023; Category 339–S: all HTS numbers except 6109.10.0040, 6109.10.0045, 6109.10.0060 and 6109.10.0065.

[11] Category 340–Z: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2050 and 6205.20.2060.

[12] Category 341–Y: only HTS numbers 6204.22.3060, 6206.30.3010, 6206.30.3030 and 6211.42.0054.

[13] Category 360–P: only HTS numbers 6302.21.3010, 6302.21.5010, 6302.21.7010, 6302.21.9010, 6302.31.3010, 6302.31.5010, 6302.31.7010 and 6302.31.9010.

[14] Category 410–A: only HTS numbers 5111.11.3000, 5111.11.7030, 5111.11.7060, 5111.19.2000, 5111.19.6020, 5111.19.6040, 5111.19.6060, 5111.19.6080, 5111.20.9000, 5111.30.9000, 5111.90.3000, 5111.90.9000, 5212.11.1010, 5212.12.1010, 5212.13.1010, 5212.14.1010, 5212.15.1010, 5212.21.1010, 5212.22.1010, 5212.23.1010, 5212.24.1010, 5212.25.1010, 5311.00.2000, 5407.91.0510, 5407.92.0510, 5407.93.0510, 5407.94.0510, 5408.31.0510, 5408.32.0510, 5408.33.0510, 5408.34.0510, 5515.13.0510, 5515.22.0510, 5515.92.0510, 5516.31.0510, 5516.32.0510, 5516.33.0510, 5516.34.0510 and 6301.20.0020.

[15] Category 410–B: only HTS numbers 5007.10.6030, 5007.90.6030, 5112.11.3030, 5112.11.3060, 5112.11.6030, 5112.11.6060, 5112.19.6010, 5112.19.6020, 5112.19.6030, 5112.19.6040, 5112.19.6050, 5112.19.6060, 5112.19.9510, 5112.19.9520, 5112.19.9530, 5112.19.9540, 5112.19.9550, 5112.19.9560, 5112.20.3000, 5112.30.3000, 5112.90.3000, 5112.90.9010, 5112.90.9090, 5212.11.1020, 5212.12.1020, 5212.13.1020, 5212.14.1020, 5212.15.1020, 5212.21.1020, 5212.22.1020, 5212.23.1020, 5212.24.1020, 5212.25.1020, 5309.21.2000, 5309.29.2000, 5407.91.0520, 5407.92.0520, 5407.93.0520, 5407.94.0520, 5408.31.0520, 5408.32.0520, 5408.33.0520, 5408.34.0520, 5515.13.0520, 5515.22.0520, 5515.92.0520, 5516.31.0520, 5516.32.0520, 5516.33.0520 and 5516.34.0520.

[16] Category 440–M: only HTS numbers 6203.21.9030, 6203.23.0030, 6205.10.1000, 6205.10.2010, 6205.10.2020, 6205.30.1510, 6205.30.1520, 6205.90.3020, 6205.90.4020 and 6211.31.0030.

[17] Category 651–B: only HTS numbers 6107.22.0015 and 6108.32.0015.

[18] Category 359–O: all HTS numbers except 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025, 6211.42.0010 (Category 359–C); 6103.19.2030, 6103.19.9030, 6104.12.0040, 6104.19.8040, 6110.20.1022, 6110.20.1024, 6110.20.2030, 6110.20.2035, 6110.90.9044, 6110.90.9046, 6201.92.2010, 6202.92.2020, 6203.19.1030, 6203.19.9030, 6204.12.0040, 6204.19.8040, 6211.32.0070 and 6211.42.0070 (Category 359–V); 6115.19.8010, 6117.10.6010, 6117.20.9010, 6203.22.1000, 6204.22.1000, 6212.90.0010, 6214.90.0010, 6406.99.1550, 6505.90.1525, 6505.90.1540, 6505.90.2060 and 6505.90.2545 (Category 359pt.).

[19] Category 459pt.: all HTS numbers except 6115.19.8020, 6117.10.1000, 6117.10.2010, 6117.20.9020, 6212.90.0020, 6214.20.0000, 6405.20.6030, 6405.20.6060, 6405.20.6090, 6406.99.1505 and 6406.99.1560.

[20] Category 659–O: all HTS numbers except 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017, 6211.43.0010 (Category 659–C); 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090, 6505.90.8090 (Category 659–H); 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010, 6211.12.1020 (Category 659–S); 6115.11.0010, 6115.12.2000, 6117.10.2030, 6117.20.9030, 6212.90.0030, 6214.30.0000, 6214.40.0000, 6406.99.1510 and 6406.99.1540.

[21] Category 224–V: only HTS numbers 5801.21.0000, 5801.23.0000, 5801.24.0000, 5801.25.0010, 5801.25.0020, 5801.26.0010, 5801.26.0020, 5801.31.0000, 5801.33.0000, 5801.34.0000, 5801.35.0010, 5801.35.0020, 5801.36.0010 and 5801.36.0020.

[22] Category 224–O: all HTS numbers except 5801.21.0000, 5801.23.0000, 5801.24.0000, 5801.25.0010, 5801.25.0020, 5801.26.0010, 5801.26.0020, 5801.31.0000, 5801.33.0000, 5801.34.0000, 5801.35.0010, 5801.35.0020, 5801.36.0010 and 5801.36.0020 (Category 224–V).

[23] Category 369–O: all HTS numbers except 6307.10.2005 (Category 369–S); 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.22.4020, 4202.22.4500, 4202.22.8030, 4202.32.4000, 4202.32.9530, 4202.92.0505, 4202.92.1500, 4202.92.3016, 4202.92.6091, 5601.10.1000, 5601.21.0090, 5701.90.1020, 5701.90.2020, 5702.10.9020, 5702.39.2010, 5702.49.1020, 5702.49.1080, 5702.59.1000, 5702.99.1010, 5702.99.1090, 5705.00.2020, 5805.00.3000, 5807.10.0510, 5807.90.0510, 6301.30.0010, 6301.30.0020, 6302.51.1000, 6302.51.2000, 6302.51.3000, 6302.51.4000, 6302.60.0010, 6302.60.0030, 6302.91.0005, 6302.91.0025, 6302.91.0045, 6302.91.0050, 6302.91.0060, 6303.11.0000, 6303.91.0010, 6303.91.0020, 6304.91.0020, 6304.92.0000, 6305.20.0000, 6306.11.0000, 6307.10.0020, 6307.10.1090, 6307.90.3010, 6307.90.4010, 6307.90.5010, 6307.90.8910, 6307.90.8945, 6307.90.9882, 6406.10.7700, 9404.90.1000, 9404.90.8040 and 9404.90.9505 (Category 369pt.).

[24] Category 469pt.: all HTS numbers except 5601.29.0020, 5603.94.1010, 6304.19.3040, 6304.91.0050, 6304.99.1500, 6304.99.6010, 6308.00.0010 and 6406.10.9020.

[25] Category 604–O: all HTS numbers except 5509.32.0000 (Category 604–A).

[26] Category 369–S: only HTS number 6307.10.2005.

[27] Category 863–S: only HTS number 6307.10.2015.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 2002 shall be charged to the applicable category limits for that year (see directive dated December 28, 2001) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

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,

James C. Leonard III,

Committee for the Implementation of Textile Agreements.

[FR Doc. 02–26313 Filed 10–15–02; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Hong Kong

October 10, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: October 16, 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 swing and special shift.

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 63219, published on December 5, 2001.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 10, 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 cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Hong Kong and exported during the twelve-month period which began on January 1, 2002 and extends through December 31, 2002.

Effective on October 16, 2002, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
Group I	
200–220, 224–227, 300–326, 360–363, 369(1) [2], 369pt. [3], 400–414, 469pt. [4], 603, 604, 611–620, 624–629 and 666pt. [5], as a group.	174,636,380 square meters equivalent.
Within Group II sub-group	
336	279,656 dozen.
342	634,698 dozen.
636	364,547 dozen.
642	282,369 dozen.
Group III–only 852	9,006,889 square meters equivalent.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2001.

[2] Category 369(1): only HTS number 6307.10.2005.

[3] Category 369pt.: all HTS numbers except 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.22.4020, 4202.22.4500, 4202.22.8030, 4202.32.4000, 4202.32.9530, 4202.92.0505, 4202.92.1500, 4202.92.3016, 4202.92.6091, 5601.10.1000, 5601.21.0090, 5701.90.1020, 5701.90.2020, 5702.10.9020, 5702.39.2010, 5702.49.1020, 5702.49.1080, 5702.59.1000, 5702.99.1010, 5702.99.1090, 5705.00.2020, 5805.00.3000, 5807.10.0510, 5807.90.0510, 6301.30.0010, 6301.30.0020, 6302,51.1000, 6302.51.2000, 6302.51.3000, 6302.51.4000, 6302.60.0010, 6302.60.0030, 6302.91.0005, 6302.91.0025, 6302.91.0045, 6302.91.0050, 6302.91.0060, 6303.11.0000, 6303.91.0010, 6303.91.0020, 6304.91.0020, 6304.92.0000, 6305.20.0000, 6306.11.0000, 6307.10.1020, 6307.10.1090, 6307.90.3010, 6307.90.4010, 6307.90.5010, 6307.90.8910, 6307.90.8945, 6307.90.9882, 6406.10.7700, 9404.90.1000, 9404.90.8040, 9404.90.9505 and HTS number in 369(1).

[4] Category 469pt.: all HTS numbers except 5601.29.0020, 5603.94.1010, 6304.19.3040, 6304.91.0050, 6304.99.1500, 6304.99.6010, 6308.00.0010 and 6406.10.9020.

[5] Category 666pt.: all HTS numbers except 5805.00.4010, 6301.10.0000, 6301.40.0010, 6301.40.0020, 6301.90.0010, 6302.53.0010, 6302.53.0020, 6302.53.0030, 6302.93.1000, 6302.93.2000, 6303.12.0000, 6303.19.0010, 6303.92.1000, 6303.92.2010, 6303.92.2020, 6303.99.0010, 6304.11.2000, 6304.19.1500, 6304.19.2000, 6304.91.0040, 6304.93.0000, 6304.99.6020, 6307.90.9884, 9404.90.8522 and 9404.90.9522.

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,
James C. Leonard III,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.02–26320 Filed 10–15–02; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits and Guaranteed Access Levels for Certain Cotton, Wool, Man-Made Fiber and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Jamaica

October 9, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits and guaranteed access levels.

EFFECTIVE DATE: January 1, 2003.

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 import restraint limits and Guaranteed Access Levels (GALs) for textile products, produced or manufactured in Jamaica and exported during the period January 1, 2003 through December 31, 2003 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

These specific limits and guaranteed access levels do not apply to goods that qualify for quota-free entry under the Trade and Development Act of 2000.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish limits and guaranteed access levels for the period January 1, 2003 through December 31, 2003.

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). Information regarding the 2003 CORRELATION will be published in the **Federal Register** at a later date.

Requirements for participation in the Special Access Program are available in **Federal Register** notice 63 FR 16474, published on April 3, 1998.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 9, 2002.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2003, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in Jamaica and exported during the twelve-month period beginning on January 1, 2003 and extending through December 31, 2003, in excess of the following levels of restraint:

Category	Twelve-month restraint limit
331pt./631pt. [1]	1,121,742 dozen pairs.
338/339/638/639	2,214,542 dozen.
340/640	1,035,578 dozen of which not more than 876,258 dozen shall be in shirts made from fabrics with two or more colors in the warp and/or the filling in Categories 340–Y/640–Y [2].
341/641	1,300,368 dozen.
345/845	320,871 dozen.
347/348/647/648	2,390,322 dozen.
352/652	3,571,590 dozen.
445/446	57,975 dozen.

[1] Category 331pt.: all HTS numbers except 6116.10.1720, 6116.10.4810, 6116.10.5510, 6116.10.7510, 6116.92.6410, 6116.92.6420, 6116.92.6430, 6116.92.6440, 6116.92.7450, 6116.92.7460, 6116.92.7470, 6116.92.8800, 6116.92.9400 and 6116.99.9510; Category 631pt.: all HTS numbers except 6116.10.1730, 6116.10.4820, 6116.10.5520, 6116.10.7520, 6116.93.8800, 6116.93.9400, 6116.99.4800, 6116.99.5400 and 6116.99.9530.

[2] Category 340–Y: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2046, 6205.20.2050 and 6205.20.2060; Category 640–Y: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2050 and 6205.30.2060.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 2002 shall be charged to the applicable category limits for that year (see directive dated November 27, 2001) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

Also pursuant to the ATC; and under the terms of the Special Access Program, as set forth in 63 FR 16474 (April 3, 1998), you are directed to establish guaranteed access levels for properly certified cotton, wool, man-made fiber and other vegetable fiber textile products in the following categories which are assembled in Jamaica from fabric formed and cut in the United States and re-exported to the United States from Jamaica during the twelve-month period which begins on January 1, 2003 and extends through December 31, 2003:

Category	Guaranteed access level
331pt./631pt. [1]	1,320,000 dozen pairs.
336/636	125,000 dozen.
338/339/638/639.	1,500,000 dozen.
340/640	300,000 dozen.
341/641	375,000 dozen.
342/642	200,000 dozen.
345/845	50,000 dozen.
347/348/647/648.	2,000,000 dozen.
352/652	10,500,000 dozen.
447	30,000 dozen.

Any shipment for entry under the Special Access Program which is not accompanied by a valid and correct certification in accordance with the provisions of the certification requirements established in the directive of February 19, 1987 (52 FR 6049) shall be denied entry unless the Government of Jamaica authorizes the entry and any charges to the appropriate specific limits. Any shipment which is declared for entry under the Special Access Program but found not to qualify shall be denied entry into the United States.

These specific limits and guaranteed access levels do not apply to goods that qualify for quota-free entry under the Trade and Development Act of 2000.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of U.S.C.553(a)(1).

Sincerely,
James C. Leonard III,
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.02–26314 Filed 10–15–02; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Limits for Certain Wool Textile Products Produced or Manufactured in the Former Yugoslav Republic of Macedonia

October 9, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 2003.

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 Bilateral Textile Agreement of November 7, 1997, as amended and extended by exchange of notes on June 22, 2000 and July 5, 2000, between the Governments of the United States and the Former Yugoslav Republic of Macedonia establishes limits for certain wool textile products, produced or manufactured in the Former Yugoslav Republic of Macedonia and exported during the period January 1, 2003 through December 31, 2003.

These limits do not apply to goods entered under the Outward Processing Program, as defined in the notice and letter to the Commissioner of Customs published in the **Federal Register** on December 14, 1999 (see 64 FR 69746).

Any shipment for entry under the Outward Processing Program which is not accompanied by valid certification in accordance with the provisions established in the notice and letter to the Commissioner of Customs, published in the **Federal Register** on December 14, 1999 (see 64 FR 69743), shall be denied entry. However, the Government of Macedonia may authorize the entry and charges to the appropriate specific limits by the

issuance of a valid visa. Also see 63 FR 17156, published on April 8, 1998.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 2003 limits.

These limits may be revised if the Former Yugoslav Republic of Macedonia becomes a member of the World Trade Organization (WTO) and the United States applies the WTO agreement to the Former Yugoslav Republic of Macedonia.

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). Information regarding the 2003 CORRELATION will be published in the **Federal Register** at a later date.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 9, 2002.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Bilateral Textile Agreement of November 7, 1997, as amended and extended by exchange of notes on June 22, 2000 and July 5, 2000, between the Governments of the United States and the Former Yugoslav Republic of Macedonia, you are directed to prohibit, effective on January 1, 2003, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in the following categories, produced or manufactured in the Former Yugoslav Republic of Macedonia and exported during the period beginning on January 1, 2003 and extending through December 31, 2003, in excess of the following levels of restraint:

Category	Twelve-month limit
433	22,744 dozen.
434	11,372 dozen.
435	31,041 dozen.
443	191,282 numbers.
448	68,232 dozen.

The limits set forth above are subject to adjustment pursuant to the current bilateral agreement between the Governments of the United States and the Former Yugoslav Republic of Macedonia.

Products in the above categories exported during 2002 shall be charged to the applicable category limits for that year (see directive dated November 27, 2001) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

These limits do not apply to goods entered under the Outward Processing Program, as defined in the letter to the Commissioner of Customs, dated December 8, 1999 (see 64 FR 69746).

Any shipment for entry under the Outward Processing Program which is not accompanied by a valid certification in accordance with the provisions established in the letter to the Commissioner of Customs, dated December 9, 1999 (see 64 FR 69743), shall be denied entry. However, the Government of Macedonia may authorize the entry and charges to the appropriate specific limits by the issuance of a valid visa. Also see directive dated April 2, 1998, (63 FR 17156). Any shipment which is declared for entry under the Outward Processing Program but found not to qualify shall be denied entry into the United States.

These limits may be revised if the Former Yugoslav Republic of Macedonia becomes a member of the World Trade Organization (WTO) and the United States applies the WTO agreement to the Former Yugoslav Republic of Macedonia.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C.553(a)(1).

Sincerely,
James C. Leonard III,
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 02–26315 Filed 10–15–02; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textiles and Textile Products and Silk Blend and Other Vegetable Fiber Apparel Produced or Manufactured in Malaysia

October 9, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 2003.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, 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 import restraint limits for textile products, produced or manufactured in Malaysia and exported during the period January 1, 2003 through December 31, 2003 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 2003 limits.

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). Information regarding the 2003 CORRELATION will be published in the **Federal Register** at a later date.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 9, 2002.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2003, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textiles and textile products and silk blend and other vegetable fiber apparel in the following categories, produced or manufactured in Malaysia and exported during the twelve-month period beginning on January 1, 2003 and extending through December 31, 2003, in excess of the following limits:

Category	Twelve-month restraint limit
Fabric Group	
218–220, 225–227, 313–326, 611–O [1], 613/614/615/617, 619 and 620, as a group	195,978,516 square meters equivalent.
Sublevels within the group	
218	11,244,284 square meters.
219	54,472,310 square meters.
220	54,472,310 square meters.
225	54,472,310 square meters.
226	54,472,310 square meters.
227	54,472,310 square meters.
313	64,966,974 square meters.
314	78,160,182 square meters.
315	54,472,310 square meters.
317	54,472,310 square meters.
326	10,533,717 square meters.
611–O	6,320,231 square meters.
613/614/615/617	62,528,148 square meters.
619	8,426,974 square meters.
620	10,533,717 square meters.
Other specific limits	
200	474,165 kilograms.
237	637,988 dozen.
300/301	5,029,058 kilograms.
331pt./631pt. [2]	884,713 dozen pairs.
333/334/335	395,859 dozen of which not more than 237,585 dozen shall be in Category 333.
336/636	768,788 dozen.
338/339	1,906,007 dozen.
340/640	2,220,127 dozen.
341/641	2,877,368 dozen of which not more than 1,026,503 dozen shall be in Category 341.
342/642	687,058 dozen.
345	264,283 dozen.
347/348	807,769 dozen.
351/651	427,646 dozen.
363	6,699,443 numbers.
435	16,720 dozen.
438–W [3]	13,683 dozen.
442	20,376 dozen.
445/446	32,343 dozen.
604	2,205,129 kilograms.
634/635	1,342,953 dozen.
638/639	791,099 dozen.
645/646	605,079 dozen.
647/648	2,847,442 dozen of which not more than 1,993,206 dozen shall be in Category 647–K [4] and not more than 1,993,206 dozen shall be in Category 648–K [5]
Group II	
201, 224, 239pt [6], 332, 352, 359pt. [7], 360–362, 369pt. [8], 400–414, 433, 434, 436, 438–O [9], 440, 443, 444, 447, 448, 459pt. [10], 469pt. [11], 603, 618, 624–629, 633, 643, 644, 652, 659pt. [12], 666pt. [13], 845, 846 and 852, as a group	29,124,333 square meters equivalent.

[1] Category 611–O: all HTS numbers except 5516.14.0005, 5516.14.0025 and 5516.14.0085.

[2] Category 331pt.: all HTS numbers except 6116.10.1720, 6116.10.4810, 6116.10.5510, 6116.10.7510, 6116.92.6410, 6116.92.6420, 6116.92.6430, 6116.92.6440, 6116.92.7450, 6116.92.7460, 6116.92.7470, 6116.92.8800, 6116.92.9400 and 6116.99.9510.; Category 631pt.: all HTS numbers except 6116.10.1730, 6116.10.4820, 6116.10.5520, 6116.10.7520, 6116.93.8800, 6116.93.9400, 6116.99.4800, 6116.99.5400 and 6116.99.9530.

[3] Category 438–W: only HTS numbers 6104.21.0060, 6104.23.0020, 6104.29.2051, 6106.20.1010, 6106.20.1020, 6106.90.1010, 6106.90.1020, 6106.90.2520, 6106.90.3020, 6109.90.1540, 6109.90.8020, 6110.11.0080, 6110.12.2080, 6110.19.0080, 6110.30.1560, 6110.90.9074 and 6114.10.0040.

[4] Category 647–K: only HTS numbers 6103.23.0040, 6103.23.0045, 6103.29.1020, 6103.29.1030, 6103.43.1520, 6103.43.1540, 6103.43.1550, 6103.43.1570, 6103.49.1020, 6103.49.1060, 6103.49.8014, 6112.12.0050, 6112.19.1050, 6112.20,.1060 and 6113.00.9044.

[5] Category 648–K: only HTS numbers 6104.23.0032, 6104.23.0034, 6104.29.1030, 6104.29.1040, 6104.29.2038, 6104.63.2006, 6104.63.2011, 6104.63.2026, 6104.63.2028, 6104.63.2030, 6104.63.2060, 6104.69.2030, 6104.69.2060, 6104.69.8026, 6112.12.0060, 6112.19.1060, 6112.20.1070, 6113.00.9052 and 6117.90.9070.

[6] Category 239pt.: only HTS number 6209.20.5040 (diapers).

[7] Category 359pt.: all HTS numbers except 6115.19.8010, 6117.10.6010, 6117.20.9010, 6203.22.1000, 6204.22.1000, 6212.90.0010, 6214.90.0010, 6406.99.1550, 6505.90.1525, 6505.90.1540, 6505.90.2060 and 6505.90.2545.

[8] Category 369pt.: all HTS numbers except 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.22.4020, 4202.22.4500, 4202.22.8030, 4202.32.4000, 4202.32.9530, 4202.92.0505, 4202.92.1500, 4202.92.3016, 4202.92.6091, 5601.10.1000, 5601.21.0090, 5701.90.1020, 5701.90.2020, 5702.10.9020, 5702.39.2010, 5702.49.1020, 5702.49.1080, 5702.59.1000, 5702.99.1010, 5702.99.1090, 5705.00.2020, 5805.00.3000, 5807.10.0510, 5807.90.0510, 6301.30.0010, 6301.30.0020, 6302,51.1000, 6302.51.2000, 6302.51.3000, 6302.51.4000, 6302.60.0010, 6302.60.0030, 6302.91.0005, 6302.91.0025, 6302.91.0045, 6302.91.0050, 6302.91.0060, 6303.11.0000, 6303.91.0010, 6303.91.0020, 6304.91.0020, 6304.92.0000, 6305.20.0000, 6306.11.0000, 6307.10.1020, 6307.10.1090, 6307.90.3010, 6307.90.4010, 6307.90.5010, 6307.90.8910, 6307.90.8945, 6307.90.9882, 6406.10.7700, 9404.90.1000, 9404.90.8040 and 9404.90.9505.

[9] Category 438–O: only HTS numbers 6103.21.0050, 6103.23.0025, 6105.20.1000, 6105.90.1000, 6105.90.8020, 6109.90.1520, 6110.11.0070, 6110.12.2070, 6110.19.0070, 6110.30.1550, 6110.90.9072, 6114.10.0020 and 6117.90.9025.

[10] Category 459pt.: all HTS numbers except 6115.19.8020, 6117.10.1000, 6117.10.2010, 6117.20.9020, 6212.90.0020, 6214.20.0000, 6405.20.6030, 6405.20.6060, 6405.20.6090, 6406.99.1505, 6406.99.1560.

[11] Category 469pt.: all HTS numbers except 5601.29.0020, 5603.94.1010, 6304.19.3040, 6304.91.0050, 6304.99.1500, 6304.99.6010, 6308.00.0010 and 6406.10.9020.

[12] Category 659pt.: all HTS numbers except 6115.11.0010, 6115.12.2000, 6117.10.2030, 6117.20.9030, 6212.90.0030, 6214.30.0000, 6214.40.0000. 6406.99.1510 and 6406.99.1540.

[13] Category 666pt.: all HTS numbers except 5805.00.4010, 6301.10.0000, 6301.40.0010, 6301.40.0020, 6301.90.0010, 6302.53.0010, 6302.53.0020, 6302.53.0030, 6302.93.1000, 6302.93.2000, 6303.12.0000, 6303.19.0010, 6303.92.1000, 6303.92.2010, 6303.92.2020, 6303.99.0010, 6304.11.2000, 6304.19.1500, 6304.19.2000, 6304.91.0040, 6304.93.0000, 6304.99.6020, 6307.90.9884, 9404.90.8522 and 9404.90.9522.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 2002 shall be charged to the applicable category limits for that year (see the November 27, 2001 directive) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 02–26316 Filed 10–15–02; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton Textile Products Produced or Manufactured in Pakistan

October 11, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: October 16, 2002.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, 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.

At the request of the Government of Pakistan, the current limit for Category 360 is being decreased for reduction of special shift from Category 361, increasing the limit for Category 361 to account for the reduction special shift being applied to Category 360. This special shift was originally applied in 67 FR 62444, published on October 7, 2002.

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 63683, published on December 10, 2001.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 11, 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 December 4, 2001, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in Pakistan and exported during the twelve-month period which began on January 1, 2002 and extends through December 31, 2002.

Effective on October 16, 2002, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Twelve-month restraint limit [1]
Specific limits	
360	8,717,116 numbers.
361	9,605,744 numbers.

[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 of 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. 02–26401 Filed 10–11–02; 12:29 pm]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Wool Textile Products Produced or Manufactured in Ukraine

October 9, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 2003.

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 Bilateral Textile Agreement of July 22, 1998, as amended and extended by exchange of notes on September 19, 2000 and January 15, 2001, between the Governments of the United States and Ukraine establishes limits for certain wool textile products, produced or manufactured in Ukraine and exported during the period beginning on January 1, 2003 and extending through December 31, 2003.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 2003 limits.

These limits may be revised if Ukraine becomes a member of the World Trade Organization (WTO) and the United States applies the WTO agreement to Ukraine.

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). Information regarding the availability of the 2003 CORRELATION will be published in the **Federal Register** at a later date.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 9, 2002.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Bilateral Textile Agreement of July 22, 1998, as amended and extended by exchange of notes on September 19, 2000 and January 15, 2001, between the Governments of the United States and Ukraine, you are directed to prohibit, effective on January 1, 2003, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in the following categories, produced or manufactured in Ukraine and exported during the twelve-month period beginning on January 1, 2003 and extending through December 31, 2003, in excess of the following levels of restraint:

Category	Twelve-month limit
435	99,478 dozen.
442	16,561 dozen.
444	71,766 numbers.
448	71,766 dozen.

The limits set forth above are subject to adjustment pursuant to the current bilateral agreement between the Governments of the United States and Ukraine.

These limits may be revised if Ukraine becomes a member of the World Trade Organization (WTO) and the United States applies the WTO agreement to Ukraine.

Products in the above categories exported during 2002 shall be charged to the applicable category limits for that year (see directive dated November 29, 2001) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

FR Doc. 02–26317 Filed 10–15–02; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Cotton and Man-Made Fiber Textiles and Textile Products Produced or Manufactured in the United Arab Emirates

October 9, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 2003.

FOR FURTHER INFORMATION CONTACT: Roy Unger, 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 import restraint limits for textile products, produced or manufactured in the United Arab Emirates and exported during the period January 1, 2003 through December 31, 2003 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish limits for the 2003 period. The 2003 levels for Categories 315 and 361 are zero.

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** notices 66 FR 65178, published on December 18, 2001). Information regarding the 2003 CORRELATION will be published in the **Federal Register** at a later date.

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 9, 2002.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2003, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textiles and textile products in the following categories, produced or manufactured in the United Arab Emirates and exported during the twelve-month period beginning on January 1, 2003 and extending through December 31, 2003 in excess of the following levels of restraint:

Category	Twelve-month restraint limit
219	2,058,156 square meters.
226/313	3,519,496 square meters.
315	–0–
317	56,776,627 square meters.
326	3,322,410 square meters.
334/634	419,446 dozen.
335/635	270,202 dozen.
336/636	363,519 dozen.
338/339	1,037,432 dozen of which not more than 691,620 dozen shall be in Categories 338–S/339–S [1].
340/640	643,152 dozen.
341/641	563,179 dozen.
342/642	447,413 dozen.
347/348	770,664 dozen of which not more than 385,331 dozen shall be in Categories 347–T/348–T [2].
351/651	321,576 dozen.
352	592,820 dozen.
361	–0–
363	11,074,698 numbers.
369–O [3]	135,308 kilograms.
369–S [4]	154,161 kilograms.
638/639	419,446 dozen.
647/648	601,207 dozen.

[1] Category 338–S: only HTS numbers 6103.22.0050, 6105.10.0010, 6105.10.0030, 6105.90.8010, 6109.10.0027, 6110.20.1025, 6110.20.2040, 6110.20.2065, 6110.90.9068, 6112.11.0030 and 6114.20.0005; Category 339–S: only HTS numbers 6104.22.0060, 6104.29.2049, 6106.10.0010, 6106.10.0030, 6106.90.2510, 6106.90.3010, 6109.10.0070, 6110.20.1030, 6110.20.2045, 6110.20.2075, 6110.90.9070, 6112.11.0040, 6114.20.0010 and 6117.90.9020.

[2] Category 347–T: only HTS numbers 6103.19.2015, 6103.19.9020, 6103.22.0030, 6103.42.1020, 6103.42.1040, 6103.49.8010, 6112.11.0050, 6113.00.9038, 6203.19.1020, 6203.19.9020, 6203.22.3020, 6203.42.4005, 6203.42.4010, 6203.42.4015, 6203.42.4025, 6203.42.4035, 6203.42.4045, 6203.49.8020, 6210.40.9033, 6211.20.1520, 6211.20.3810 and 6211.32.0040; Category 348–T: only HTS numbers 6104.12.0030, 6104.19.8030, 6104.22.0040, 6104.29.2034, 6104.62.2006, 6104.62.2011, 6104.62.2026, 6104.62.2028, 6104.69.8022, 6112.11.0060, 6113.00.9042, 6117.90.9060, 6204.12.0030, 6204.19.8030, 6204.22.3040, 6204.29.4034, 6204.62.3000, 6204.62.4005, 6204.62.4010, 6204.62.4020, 6204.62.4030, 6204.62.4040, 6204.62.4050, 6204.69.6010, 6204.69.9010. 6210.50.9060, 6211.20.1550, 6211.20.6810, 6211.42.0030 and 6217.90.9050.

[3] Category 369–O: all HTS numbers except 6307.10.2005 (Category 369–S); 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.22.4020, 4202.22.4500, 4202.22.8030, 4202.32.4000, 4202.32.9530, 4202.92.0505, 4202.92.1500, 4202.92.3016, 4202.92.6091, 5601.10.1000, 5601.21.0090, 5701.90.1020, 5701.90.2020, 5702.10.9020, 5702.39.2010, 5702.49.1020, 5702.49.1080, 5702.59.1000, 5702.99.1010, 5702.99.1090, 5705.00.2020, 5805.00.3000, 5807.10.0510, 5807.90.0510, 6301.30.0010, 6301.30.0020, 6302,51.1000, 6302.51.2000, 6302.51.3000, 6302.51.4000, 6302.60.0010, 6302.60.0030, 6302.91.0005, 6302.91.0025, 6302.91.0045, 6302.91.0050, 6302.91.0060, 6303.11.0000, 6303.91.0010, 6303.91.0020, 6304.91.0020, 6304.92.0000, 6305.20.0000, 6306.11.0000, 6307.10.1020, 6307.10.1090, 6307.90.3010, 6307.90.4010, 6307.90.5010, 6307.90.8910, 6307.90.8945, 6307.90.9882, 6406.10.7700, 9404.90.1000, 9404.90.8040 and 9404.90.9505 (Category 369pt.).

[4] Category 369–S: only HTS number 6307.10.2005.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 2002 shall be charged to the applicable category limits for that year (see directive dated November 27, 2001) to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James C. Leonard III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 02–26318 Filed 10–15–02; 8:45 am]

BILLING CODE 3510–DR–S

DEPARTMENT OF DEFENSE

Department of the Army

Availability of Non-Exclusive, Exclusive License or Partially Exclusive Licensing of U.S. Patent Protective Glove

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR part 404.6, announcement is made of the availability for licensing of U.S. Patent No. US 6,457,182 B1 entitled ''Protective Glove'' issued October 1, 2002. This patent has been assigned to the United States Government as represented by the Secretary of the Army.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Rosenkrans at U.S. Army Soldier and Biological Chemical Command, Kansas Street, Natick, MA 01760, Phone; (508) 233–4928 or e-mail: *Robert.Rosenkrans@natick,army.mil.*

SUPPLEMENTARY INFORMATION: Any licenses granted shall comply with 35 U.S.C. 209 and 37 CFR part 404.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–26334 Filed 10–15–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement for Potential Multipurpose Projects for Ecosystem Restoration, Flood Damage Reduction, and Recreation Development Within and Along the Clear and West Forks of the Trinity River in Fort Worth, Tarrant County, TX

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

ACTION: Notice of intent.

SUMMARY: A resolution by the United States Senate Committee on Environment and Public Works dated April 22, 1988, requested that the Board of Engineers review the report of the Chief of Engineers on the Trinity River and Tributaries, TX, House Document No. 276, Eighty-Ninth Congress, and other pertinent reports, with a view to determining the advisability of modifying the recommendations contained therein, with particular reference to providing improvements in the interest of flood protection, environmental enhancement, water quality, recreation, and other allied purposes in the Upper Trinity River Basin with specific attention on the Dallas-Fort Worth Metroplex. An initial assessment based on the resolution guidance indicates a Federal interest in continuing with more detailed studies for these purposes. In accordance with the National Environmental Policy Act, a Draft Environment Impact Statement (DEIS) will be prepared to evaluate and compare ecosystem restoration, flood damage reduction, and recreation alternatives within and along the Clear Fork and West Fork of the Trinity River in the Central City area of Forth Worth, TX. The DEIS will also assess the impacts to the quality of the human environment associated with each alternative. The study area will be bound by Interstate Highway 30 on the Clear Fork, Rockwood Park on the upstream end of the West Fork, Northeast 28th Street on Marine Creek, a tributary of the West Fork, and Riverside Drive on the downstream end of the West Fork. The construction and implemention of Benbrook Lake, Eagle Mountain Lake, Lake Worth, the Fort Worth Floodway project, and subsequent flood control projects, along with urbanization and development activities, have significantly degraded the terrestrial and aquatic habitat along and within the Trinity River. Consequently, ecosystem restoration measures will be developed and evaluated to address the degraded habitats. In addition, recreation measures will be developed and evaluated as complements to proposed ecosystem restoration measures. Although preliminary findings indicate that flood damage reduction opportunities would be limited, the floodway and the interior drainage in the study area will be evaluated for flood damage reduction opportunities and consistency with past improvements. Flood damage reduction measures will address the loss of the authorized level of flood protection for the area.

DATES: A public meeting will be held on October 29, 2002 from 6:30 p.m. to 8:30 p.m. at the YWCA (Grand Ballroom), 512 West 4th Street, Fort Worth, TX 76102

FOR FURTHER INFORMATION CONTACT: Questions pertaining to the proposed action and DEIS can be answered by: Ms. Marcia R. Hackett, CESWF–PM–C, U.S. Army Corps of Engineers, Fort Worth District, P.O. Box 17300, Fort Forth, TX 76102–0300, (817) 886–1787.

SUPPLEMENTARY INFORMATION: The Fort Worth Floodway was authorized by Section 2 of Public Law No. 14, 79th Congress, 2nd Session, approved March 2, 1945. The project, which was completed in September 1957, entailed the construction and/or strengthening of levees and the widening and straightening of the Clear Fork channel from Lancaster Street to its confluence with the West Fork and the West Fork channel from White Settlement Road to Riverside Drive, along with allied features such as removal of debris from the floodway, reconstruction and alteration of roads, bridges and public utilities, modifying channel diversions, and constructing drainage facilities. The Flood Control Act of 1960 provided for an extension upstream of the floodway project on the West Fork from White Settlement Road to just downstream of Meandering Road. Construction on the West Fork extension was initiated in March 1965 and completed in June 1971. Similar flood control features were authorized by the Flood Control Act dated October 23, 1962, for an extension of the Clear Fork of the Trinity River between the existing Fort Worth Floodway and State Highway 183. Construction of the Clear Fork Extension was initiated in January 1966 and completed in September 1971.

Alternatives for ecosystem restorations, flood damage reduction, and recreation will be developed and evaluated based on ongoing fieldwork and data collection and past studies

conducted by the Corps of Engineers, the Tarrant Regional Water District, and the City of Fort Worth. Ecosystem restoration alternatives that will be evaluated include creating meanders within the Trinity River, restoring, protecting and expanding the riparian corridor, improving aquatic habitat, creating riffle-pool complexes, and constructing wetlands. it is anticipated that ecosystem restoration measures would aid in improving water quality, optimizing aquatic and terrestrial habitat, and minimizing erosion and scouring along and within the river. Alternatives for flood damage reduction measures will be evaluated from both a non-structural and structural aspect. Non-structural measures that will be evaluated include acquisition and removal of structures or flood proofing of structures for protection from potential future flood damage. Structural measures that will be evaluated include diversion channels and/or channel modifications of various widths and depths and/or a combination of these measures. Recreation measures that will be evaluated for the enjoyment of residents and visitors alike include multipurpose trails and passive recreation features, such as interpretive guidance and media and picnic areas. Recreation measures will be developed to a scope and scale compatible with proposed ecosystem restoration measures without significantly diminishing ecosystem benefits.

A Programmatic Environmental Impact Statement (PEIS) for the Upper Trinity River Basin Feasibility study addressing the potential cumulative effects of reasonable foreseeable projects, including the Clear Fork West Fork studies was completed in June 2000. The DEIS will be tiered to the PEIS.

The public will be invited to participate in the scoping process, invited to attend public meetings, and given the opportunity to review the DEIS. The first public meeting will be on October 29, 2002 at the Grand Ballroom of the Downtown YWCA (*see* **DATES**). Subsequent public meetings, if deemed necessary, will be announced in the local news media. Release of the DEIS for public comment is scheduled for Summer 2004. The exact release date, once established, will be announced in the local news media.

Future coordination with other agencies and public scoping will be conducted to ensure full and open participation and aid in the development of the DEIS. All affected Federal, state, and local agencies, affected Indian tribes, and other interested private organizations and parties are hereby invited to participate. Future coordination will also be conducted with the United States Fish and Wildlife Service (USFWS). The USFWS will furnish information on threatened and endangered species in accordance with the Endangered Species Act. In addition, the USFWS will also be requested to provide support with planning aid and to provide a Fish and Wildlife Coordination Act Report. The State Historic Preservation Office will be consulted as required by Section 106 of the National Historic Preservation Act.

Robert P. Morris, Jr.,

Lieutenant Colonel, Corps of Engineers, Deputy District Engineer.

[FR Doc. 02–26335 Filed 10–15–02; 8:45 am]

BILLING CODE 3710–20–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent to Prepare a Draft Environmental Impact Statement for the Relocation of Bogue Inlet Channel between Emerald Isle and Hammocks Beach State Park, and the Placement of the Dredged Material onto Emerald Isle Beach, in Carteret County, NC

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

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (COE), Wilmington District, Wilmington Regulatory Field Office has received a request for Department of the Army authorization, pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbor Act, from the Town of Emerald Isle for the relocation of Bogue Inlet Channel to protect residential homes and town infrastructures, and to place the dredged material on approximately 5.0 miles of beach for nourishment. The project is being proposed to move the main ebb channel in Bogue Inlet to a more central location between the west end of Bogue Banks and the east end of Bear Island (Hammocks Beach State Park). The main ebb channel through Bogue Inlet presently occupies a position juxtaposted to the west end of the Town of Emerald Isle and is causing severe erosion that threatens development in the subdivision known as The Pointe. The relocation of the main ebb channel to a central location would restore the channel to a position it occupied in the late 1970's and eliminate the erosive impact of tidal currents on the east shoulder of the inlet. A portion of the material removed to relocate the main ebb channel would be used to close the existing channel with the balance of the material used to nourish the shoreline on the west end of the Town of Emerald Isle.

The channel through Bogue Inlet has been maintained by the COE for commercial and recreational boating interest since 1981. The COE is authorized to maintain the channel to a depth of 8 feet mean low water (mlw) over a width of 150 feet. Any changes in the location of the ebb tide delta channel would be consistent with this maintenance criteria.

DATES: A public scoping meeting for the Draft Environmental Impact Statement (EIS) will be held at the White Oak River Elementary School, on NC Highway 24, in Cape Carteret, on October 29, 2002 at 6:30 p.m. Written comments will be received until November 24, 2002.

ADDRESSES: Copies of comments and questions regarding scoping of the Draft EIS may be addressed to: U.S. Army Corps of Engineers, Wilmington District, Regulatory Division. ATTN: File Number 2001–00632, Post Office Box 1890, Wilmington, NC 28402–1890.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and DEIS can be directed to Mr. Mickey Sugg, Wilmington Regulatory Field Office, telephone: (910) 251–4811.

SUPPLEMENTARY INFORMATION:

1. Project Descritpion

The Town of Emerald Isle, located along the western 11.2 miles of Bogue Banks, North Carolina, is proposing to reposition the main ebb tide channel (or bar channel) through Bogue Inlet as a means to address a severe erosion problem that is threatening development and town infrastructure located on the west end of the town in an area known as The Pointe. The severe erosion at the Pointe is occurring as a result of the eastward migration of the main ebb channel of Bogue Inlet. An analysis of historic photographs of the inlet indicates that the midpoint of the channel has experienced movements to both the west and east with the latest trend being toward the east. Since September 1981, the channel midpoint migrated a total of over 3,900 feet to the east, however, a majority of this movement occurred between September 1981 and February 1984. From February 1984 to September 2001, the channel moved slightly more than 1,500 feet to the east, which represents an annual rate of 104 feet/year. The eastward movement of the channel has been

accompanied by erosion of the Bogue Banks shoulder of the inlet (the Pointe shoreline) with the rate of erosion of this shoreline averaging 56 feet/year between February 1984 and September 2001. If this rate of erosion of the Pointe shoreline continues unabated, it is estimated that 30 to 50 structures could be lost or severely damaged during the next 5 to 10 years. In addition, 300 to 600 feet of Inlet Drive could be lost along with side streets and utilities serving the Pointe subdivision.

Secondary features of the proposed project includes using a portion of the dredged material to close the existing ebb channel with the balance of the material used to nourish the beach along the west end of the Town of Emerald Isle. In this regard, the Town of Emerald Isle presently has permits to nourish 51,00 feet (9.68 miles) of ocean shoreline using offshore borrow areas. Approximately 5.8 miles of this shoreline is to be nourished between November 16, 2002 and April 15, 2003. The Emerald Isle beach nourishment project is part of an island-wide project sponsored by Carteret County. The County project covers approximately 16.8 miles of ocean shoreline and begins at the east town limits of the Town of Pine Knoll Shores and ends at a point 8,000 feet (1.5 miles) east of Bogue Inlet.

2. Proposed Action

The primary purpose of the channel relocation project is to create a stable channel that will divert tidal flow away from the Pointe area of Emerald Isle. Therefore, the design focus is on developing channel dimensions that will capture the majority of the ebb tidal flow through the inlet. An added feature of the overall design would be the closure of the existing channel by constructing a sand dike across the existing channel in the vicinity of the Pointe. The dimensions of the relocated channel will be based on characteristics of the existing ebb tide channel, numerical model studies of tides and currents in the inlet, and channel stability criteria. The numerical model will also be used to evaluate the need for and impacts of closing the existing channel as well as assess the impacts of the repositioned channel on salinity intrusion and flow patterns throughout the entire inlet/estuary complex.

Apart from the channel dimensions, the new channel must be position so that it does not cause adverse impacts on the adjacent shorelines or result in unacceptable loss of estuarine habitat. The selection of a channel location is being based on detailed geomorphic analysis of the inlet and adjacent shorelines, conducted by Dr. William J. Cleary, University of North Carolina at Wilmington. The geomorphic analysis will utilize an assortment of aerial photographs of the inlet covering the period from 1938 to 2001. However the primary emphasis will be on changes in the inlet and the adjacent shorelines between 1973 and 2001. The geomorphic analysis consists of an evaluation of the following: (a) location of the channel midpoint relative to the Pointe; (b) the orientation of the inlet's ebb tide delta channel; (c) the configuration of the ebb tide delta *i.e.,* the percent of the ebb tide delta east and west of the main ebb channel; (d) inlet shoulder changes (the Pointe shoreline and the west tip of Bear Island); (e) changes in the ocean shoreline on the west end of Bogue Banks and the east end of Bear Island (Hammocks Beach State Park); and (f) changes in the interior marsh islands (primarily Dudley Island and Island 2). The measured changes the adjacent shorelines, inlet shoulders, and the interior marshes will be related to changes in the physical makeup of the inlet including the position and orientation of the ebb tide delta channel and the configuration of the ebb tide delta.

Geomorphic analysis indicates that the cumulative shoreline changes on each island were averaged over 3,500 feet of shoreline immediately adjacent to the inlet. When the percent of the ebb tide delta on the Bogue Banks side is small, as it was between 1984 and 2001, the bar channel was located close to Bogue Banks and the portion of the delta on the Bogue Banks side was providing some degree of wave sheltering for the west end of the island. This particular ebb tide delta configuration resulted in a considerable amount of accretion along of 3,500-foot shoreline immediately east of the inlet while Bear Island experienced an almost mirror image response on its ocean shoreline, *i.e.,* erosion. Even though the present ebb tide delta configuration is favorable for the extreme west end of Emerald Isle, the eastward migration of the inlet channel that led to the existing inlet configuration also caused the inlet shoreline of Bogue Banks (the Pointe shoreline) to erode. Not only has the Bogue Banks inlet shoreline eroded in response to the eastward movement of the channel, so has the Bear Island ocean and inlet shorelines. Based on these and numerous other comparisons, the preliminary results of the geomorphic analysis indicates that a centrally located channel, approximating the position and orientation of the channel in 1978, may be beneficial to the inlet shoreline on Bogue Banks (the Pointe shoreline) and the east end of Bear Island.

3. Issues

There are several potential environmental issues that will be addressed in the EIS. Additional issues may be identified during the scoping process. Issues initially identified as potentially significant include:

a. Potential impact to marine biological resources (benthic organisms, passageway for fish and other marine life, and bird nesting of foraging).
b. Potential impact to threatened and endangered marine mammals, birds, fish, and plants.
c. Potential impacts to water quality.
d. Potential increase in erosion rates to adjacent Hammocks Beach State park.
e. Sand budgeting.
f. Potential impacts to Navigation, commercial and recreational.
g. Potential impacts to the long-term Federal maintenance of the channel.
h. Potential impacts to private and public property.
i. Cumulative impacts of Inlet and Inlet channel relocations throughout North Carolina.
j. Cumulative impacts for using inlets as sand source in nourishment projects.
k. Potential impacts on public health and safety.
l. Potential impacts to recreational and commercial fishing.
m. The compatibility of the material for nourishment.
n. Potential economic impacts.

4. Alternatives

Several alternatives are being considered for the proposed project. These alternatives will be further formulated and developed during the scoping process and an appropriate range of alternatives, including the no federal action alternative, will be considered in the EIS.

5. Scoping Process

A public scoping meeting (see **DATES**) will be held to receive public comment and assess public concerns regarding the appropriate scope and preparation of the Draft EIS. Participation in the public meeting by federal, state, and local agencies and other interested organizations and persons is encouraged.

The COE will also be consulting with the U.S. Fish and Wildlife Service under the Endangered Species Act and the Fish and Wildlife Coordination Act, and with the National Marine Fisheries Service under the Magnuson-Stevens Act and Endangered Species Act. Additionally, the EIS will assess the potential water quality impacts pursuant to Section 401 of the Clean Water Act, and will be coordinated with

the North Carolina Division of Coastal Management (DCM) to determine the projects consistency with the Coastal Zone Management Act. The COE will closely work the DCM through the EIS to ensure the process complies with all State Environmental Policy Act (SEPA) requirements. It is the COE and DCM's intentions to consolidate both NEPA and SEPA processes to eliminate duplications.

6. Availability of the Draft EIS

The Draft EIS is expected to be published and circulated sometime in 2003, and a public hearing will be held after the publication of the Draft EIS.

Dated: October 4, 2002.

Charles R. Alexander, Jr.,

Colonel, U.S. Army, District Engineer.

[FR Doc. 02–26336 Filed 10–15–02; 8:45 am]

BILLING CODE 3710–GN–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement for the North Palm Beach County Project, Part 1 in Palm Beach County, FL

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

ACTION: Notice of intent.

SUMMARY: The Jacksonville District, U.S. Army Corps of Engineers (Corps), intends to prepare an integrated Project Implementation Report and Draft Environmental Impact Statement (DEIS) for the North Palm Beach County (NPBC) Project, Part 1. The study is a cooperative effort between the Corps and the South Florida Water Management District (SFWMD), which is also a cooperating agency for this DEIS. One of the recommendations of the final report of the Central & South Florida (C&SF) Comprehensive Review Study (Restudy) was the NPBC Project. This project includes 6 separable components that together will provide environmental, urban, and agricultural water supply needs, flood attenuation, and some water quality improvements for NPBC. The components include the Pal-Mar and Corbett Hydropattern Restoration, L–8 Basin Modifications, C–51 and L–8 Basin Reservoir, Lake Worth Lagoon Restoration, C–17 Backpumping and Treatment, and C–51 Backpumping and Treatment.

DATES: A public scoping meeting is scheduled for October 29, 2002, 6:30 p.m., at the B1–Auditorium, SFWMD, 3301 Gun Club Road, West Palm Beach, Palm Beach County.

FOR FURTHER INFORMATION CONTACT: Ms. Rebecca Weiss, U.S. Army Corps of Engineers, Planning Division, Environmental Branch, P.O. Box 4970, Jacksonville, FL 32232–0019, or by telephone at 904–899–5025.

SUPPLEMENTARY INFORMATION:

a. *Authorization:* Entitled ''Everglades and South Florida Ecosystem Restoration'', section 528 of the Water Resources Development Act (WRDA) of 1996 authorized a number of ecosystem restoration activities, including the North Palm Beach County Project (Pub. L. 104–303). The restoration activities were a continuation of earlier efforts started during the Central and Southern Florida (C&SF) Project Comprehensive Review Study (Restudy), authorized by section 309(l) of the WRDA of 1992 (Pub. L. 102–580). Signed on December 11, 2000, section 601 of the WRDA of 2000 authorized a framework and guide for modifications to the C&SF Project to restore the south Florida ecosystem and to provide for the other water-related needs of the region.

b. *Project Scope:* The NPBC project will promote environmental restoration and sustainable water resources in Palm Beach County through 6 separable components. The Pal-Mar and J.W. Corbett Hydropattern Restoration involves acquisition of 3,000 acres of land to extend the spatial extent of protected natural areas and provide a hydrologic connection between the Pal-Mar and Corbett Wildlife Management Area. The L–8 Basin Modification consists of conveyance improvements to increase water supply availability and enhance hydroperiods in Loxahatchee Slough. C–51 and L–8 Basin Reservoir involves construction of 48,000 acre-feet reservoir or reservoirs for long term storage to meet water supply and to reduce discharges to Lake Worth Lagoon. Lake Worth Lagoon Restoration includes sediment removal to provide improvements to the lagoon environment and augment local habitat restoration efforts planned by Palm Beach County. The C–17 and the C–51 backpumping components include backpumping facilities and construction of a 550-acre and a 600-acre stormwater treatment area, respectively, to increase water supplies to West Palm Beach Water Catchment Area and enhance hydroperiods in Loxahatchee Slough.

c. *Preliminary Alternatives:* Formulation of alternative plans will involve the selection of the most suitable site for the reservoirs, pump stations, land acquisitions, and other surface facilities, impoundment depths and configurations, canal modifications, water treatment requirements, investigation of intake and discharge sites of stored water, and investigation of best configuration of surface facilities for the project.

The Environmental Impact Statement (EIS) will include an evaluation of adverse environmental impacts, including but not limited to, water quality, socio-economic, archaeological and biological. In addition, to adverse impacts, the evaluation will also focus on how well the plans perform with regard to specific ecological performance measures.

d. *Issues:* The EIS will consider impacts on water quality, ecosystem habitat, threatened and endangered species, health and safety, aesthetics and recreation, fish and wildlife resources, cultural resources, water availability, flood protection, and other potential impacts identified through scoping, public involvement, and interagency coordination.

e. *Scoping:* A public scoping meeting is scheduled for October 29, 2002 (see **DATES**). A scoping letter will also be issued October 2002 to interested parties. In addition, all parties are invited to participate in the scoping process by identifying any additional concerns on issues studies needed, alternatives, procedures, and other matters related to the scoping process.

f. *Public Involvement:* We invite the participation of affected Federal, state and local agencies, affected Indian tribes, and other interested private organizations and parties.

g. *Coordination:* The proposed action is being coordinated with the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service under section 7 of the Endangered Species Act, with the FWS under the Fish and Wildlife Coordination Act, and with the State Historic Preservation Officer.

h. *Other Environmental Review and Consultation:* The proposed action would involve evaluation for compliance with guidelines pursuant to section 404(b) of the Clean Water Act; application (to the State of Florida) for Water Quality Certification pursuant to section 401 of the Clean Water Act; certification of state lands, easements and right of ways, and determination of Coastal Zone Management Act consistency.

i. *Agency Role:* As the cooperating agency, non-Federal sponsor, and leading local expert, SFWMD will provide information and assistance on the resources to be impacted and alternatives.

j. *DEIS Preparation:* The integrated Project Implementation Report,

including a DEIS, is currently scheduled for publication in June 2004.

Dated: October 8, 2002.

James C. Duck,

Chief, Planning Division.

[FR Doc. 02–26337 Filed 10–15–02; 8:45 am]

BILLING CODE 3710–AJ–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of Proposed Information Collection Requests.

SUMMARY: The Leader, Regulatory Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: An emergency review has been requested in accordance with the Act (44 U.S.C. Chapter 3507 (j)), since public harm is reasonably likely to result if normal clearance procedures are followed. Approval by the Office of Management and Budget (OMB) has been requested by October 31, 2002. A regular clearance process is also beginning. Interested persons are invited to submit comments on or before December 16, 2002.

ADDRESSES: Written comments regarding the emergency review should be addressed to the Office of Information and Regulatory Affairs, Attention: Karen Lee, Desk Officer, Department of Education, Office of Management and Budget; 725 17th Street, NW, Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address *Karen_F._Lee@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Director of OMB provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The Office of Management and Budget (OMB) may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Management Group, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.*, new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. ED invites public comment. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on respondents, including through the use of information technology.

Dated: October 9, 2002.

John D. Tressler,

Leader, Regulatory Management Group, Office of the Chief Information Officer.

Office of Elementary and Secondary Education

Type of Review: New.

Title: Reading Excellence Act (REA) Performance Report.

Abstract: This Annual Performance Report will allow the Department of Education to collect information required by the Reading Excellence Act.

Additional Information: Emergency clearance is necessary due to unanticipated events related to the No Child Left Behind Act (NCLB). The No Child Left Behind Act, enacted in January 2002, increased Departmental expectations for State reporting, strengthened accountability provisions and emphasized the implementation of proven strategies, particularly those proven through scientific research, in NCLB programs. Clearance is requested for a new performance report that will provide accurate, timely and useful performance information from individual States. This performance report will also enhance the capability of the REA program office to ascertain technical assistance needs and identify compliance concerns. The third and final round of REA States completed their subgrant competitions in August 2002, resulting in several hundred new schools with Reading Excellence programs. This level of program growth necessitates performance reports for effective monitoring of each State's activities. To align with these unanticipated events, the Department is requesting approval to obtain performance reports from each State with an active REA grant. This will replace, not add to, the performance report information collection through the State-District-School Study. This applies to 23 States reporting in November 2002 and 13 States reporting in November 2003. We seek this information each November so that REA staff can quickly accommodate and align with the events described above, and to enable staff to provide relevant technical assistance during the second half of the school year. To give States adequate time to prepare the report, we are requesting OMB approval of the performance report by October 31, 2002.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden: Responses: 18. Burden Hours: 24.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 2171. 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, contact Kathy Axt at her e-mail address *Kathy.Axt@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 02–26248 Filed 10–15–02; 8:45 am]

BILLING CODE 4000–1–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

ACTION: Notice.

SUMMARY: The Leader, Regulatory 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 November 15, 2002.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Karen Lee, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the e-mail address *Karen_F._Lee@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory 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: October 9, 2002.

John D. Tressler,

Leader,Regulatory Management Group, Office of the Chief Information Officer.

Office of Educational Research and Improvement

Type of Review: Revision.

Title: Education Longitudinal Study (ELS) of 2002, First Followup.

Frequency: One time.

Affected Public: Individuals or household; Not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 1,270.

Burden Hours: 941.

Abstract: The ELS:2002 first followup is the second time this cohort of students who were in 10th grade in 2002 will be interviewed and assessed. The field test for this survey will be conducted in Spring 2003 with 53 schools in five states. Data will be collected from students, dropouts, and school administrators. The full scale study will be conducted in Spring 2004 in 754 schools in all 50 states and the District of Columbia. This longitudinal study is intended to measure school effectiveness and impact on postsecondary and labor market outcomes.

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 2125. 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 e-mail address *OCIO_RIMG@ed.gov* or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Kathy Axt at her e-mail address *Kathy.Axt@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 02–26247 Filed 10–15–02; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

President's Advisory Board on Tribal Colleges and Universities Meeting

AGENCY: President's Advisory Board on Tribal Colleges and Universities.

ACTION: Notice of open meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of the first meeting of the President's Advisory Board on Tribal Colleges and Universities and is intended to notify the general public of their opportunity to attend. This notice also describes the functions of the Board. Notice of the Board's meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

Date and Time: October 29, 2002–9 a.m. to 5:30 p.m.

Location: Institute of American Indian Arts (IAIA), 83 Avan Nu Po Road, Santa Fe, New Mexico 87508

Date and Time: October 29, 2002–8:30 a.m. to 12.

Location: Institute of American Indian Arts Museum, 108 Cathedral Place, Santa Fe, New Mexico 87501.

FOR FURTHER INFORMATION CONTACT: Victoria Vasques, Acting Executive Director, President's Advisory Board on Tribal Colleges and Universities, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202. Telephone: (202) 260–7485. Fax: (202) 260–4149.

SUPPLEMENTARY INFORMATION: The Board is established by Executive Order 13270 dated July 3, 2002 to provide advice regarding the progress made by federal agencies toward fulfilling the purposes and objective of the order. The Board shall also provide recommendations to the President and the Secretary of Education at least annually on ways Tribal Colleges can: (1) Use long-term development, endowment building, and master planning to strengthen institutional viability; (2) improve financial management and security, obtain private sector funding support, and expand and complement federal education initiatives; (3) develop institutional capacity through the use of new and emerging technologies offered by the federal and private sectors; (4) enhance physical infrastructure to facilitate more efficient operation and effective recruitment and retention of students and facility; and (5) help implement the No Child Left Behind Act of 2001 and meet other high standards of educational achievement.

The general public is welcome to attend. However, space is limited and is available on a first-come, first-served basis. Individuals who need accommodations for a disability in order to attend the meeting (*i.e.* interpreting services, assistive listening devices, materials in alternative format) should notify Betty Thompson at (202) 260–0223 no later than October 21, 2002. 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.

A summary of the activities of the meeting and other related materials, which are informative to the public and consistent with the policy of section 5

U.S.C. 552, will be available to the public within 14 days after the meeting. Records are kept of all Board proceedings and are available for public inspection at the White House Initiative on Tribal Colleges & Universities, United States Department of Education, 400 Maryland Avenue, SW., Washington, DC from 9 a.m. to 5:30 p.m.

Rod Paige,

Secretary, Department of Education.

[FR Doc. 02–26198 Filed 10–15–02; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Office of Science

High Energy Physics Advisory Panel.

AGENCY: Department of Energy.

ACTION: Amendment in change of location of open meeting.

SUMMARY: This notice announces the change in location of the High Energy Physics Advisory Panel meeting on November 7–8, 2002, to the Radisson Hotel, Old Town Alexandria, Alexandria, VA 22314.

Issued in Washington, DC on October 10, 2002.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 02–26266 Filed 10–15–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–15–000]

National Fuel Gas Supply Corporation; Notice of Tariff Filing

October 9, 2002.

Take notice that on October 7, 2002, National Fuel Gas Supply Corporation (National Fuel) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, Second Revised Sheet No. 46, to be effective November 6, 2002.

National Fuel states that the purpose of the instant filing is to revise the EFT Operating Protocol to clarify that, upon termination of an FT service agreement with National Fuel Gas Distribution Corporation, for 30,000 Dth/day, the capacity in Line AM–60 utilized to provide service under such agreement will be utilized for service to National Fuel's EFT shippers, and would not be recontracted as FT transportation service.

National Fuel states that copies of this filing were served upon its customers, interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room 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 field to access the document. For Assistance, call (202) 502–8222 or for TTY, (202) 502–8659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. *See*, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–26258 Filed 10–15–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–14–000]

Pine Needle LNG Company, LLC; Notice of Tariff Filing

October 9, 2002.

Take notice that on October 4, 2002, Pine Needle LNG Company, LLC (Pine Needle), tendered for filing as part of its FERC Gas Tariff Original Volume No. 1, First Revised Sheet No. 80, with an effective date of December 1, 2002.

Pine Needle states that the instant filing is submitted pursuant to the Commission's Regulation of Short-Term Natural Gas Transportation Services and Regulation of Interstate Natural Gas Transportation Services in Docket Nos. RM98–10 and RM98–12, *et. al.* (Order No. 637). In Order No. 637, the Commission, among other things, revised its regulations regarding the availability of the Right-of-First-Refusal (ROFR).

Specifically, 18 CFR 284.221(d)(2)(ii) provides that the ROFR will be applicable to contracts at the applicable maximum rate with either (1) a term of service of at least 12 consecutive months or (2) for a service which is not available for 12 consecutive months, a contract term of more than one year. Additionally, a customer receiving firm service at less than the applicable maximum rate pursuant to a service agreement executed prior to March 26, 2000 that meets the foregoing term criteria, will also be eligible for a right of first refusal; provided however, the right of first refusal will not apply to a re-executed service agreement unless it is at the applicable maximum rate.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room 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 field to access the document. For Assistance, call (202) 502–8222 or for TTY, (202) 502–8659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. *See*, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–26257 Filed 10–15–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–312–114]

Tennessee Gas Pipeline Company; Notice of Negotiated Rate Filing

October 9, 2002.

Take notice that on October 4, 2002, Tennessee Gas Pipeline Company (Tennessee), submitted for filing and approval an amendment to a Gas Transportation Agreement between Tennessee and eCORP Marketing, L.L.C., that has been previously accepted as a negotiated rate agreement. Tennessee requests that the Commission accept and approve the amendment to be effective on the later of October 1, 2002, or the date on which the Commission accepts and approves the amendment.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's rules and regulations. All such protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room 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 field to access the document. For Assistance, call (202) 502–8222 or for TTY, (202) 502–8659. The Commission strongly encourages electronic filings. *See*, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–26254 Filed 10–15–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–99–005]

Transcontinental Gas Pipe Line Corporation; Notice of Compliance Filing

October 9, 2002.

Take notice that on October 4, 2002, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, certain revised tariff sheets listed on Appendix A to the filing, with an effective date of September 5, 2002.

Transco submits the filing pursuant to Ordering Paragraph (C) of the Commission's Order on Initial Decision issued September 5, 2002 (September 5 Order) in Docket Nos. RP02–99–000 and RP02–144–000. The tariff sheets submitted therein contain a proposed rate schedule and form of service agreement for gathering service provided on the subject North Padre Island gathering facilities described in the September 5 Order.

Transco states that the purpose of this filing is to comply with the Commission's September 5 Order, by filing a new rate schedule and a new form of service agreement that governs the gathering service on the North Padre Island gathering facilities.

Transco states that copies of the filing are being mailed to affected customers and interested State Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's rules and regulations. All such protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room 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 field to access the document. For Assistance, call (202) 502–8222 or for TTY, (202) 502–8659. The Commission strongly encourages electronic filings. *See*, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–26255 Filed 10–15–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–13–000]

Transcontinental Gas Pipe Line Corporation; Notice of Tariff Filing

October 9, 2002.

Take notice that on October 4, 2002, Transcontinental Gas Pipe Line Corporation (Transco), tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, 1st Revised Fourth Revised Sheet No. 3740 and Original Sheet No. 3740.00, which tariff sheets are proposed to have an effective date of December 1, 2002.

Transco states that the instant filing is submitted pursuant to the Commission's Regulation of Short-Term Natural Gas Transportation Services and Regulation of Interstate Natural Gas Transportation Services in Docket Nos. RM98–10 and RM98–12, *et. al.* (Order No. 637). In Order No. 637, the Commission, among other things, revised its regulations regarding the availability of the Right-of-First-Refusal (ROFR).

Specifically, 18 CFR 284.221(d)(2)(ii) provides that the ROFR will be applicable to contracts at the applicable maximum rate with either (1) a term of service of at least 12 consecutive months or (2) for a service which is not available for 12 consecutive months, a contract term of more than one year. Additionally, a shipper receiving firm service at less than the applicable maximum rate pursuant to a service agreement executed prior to March 26, 2000 that meets the foregoing term criteria, will also be eligible for a right of first refusal; provided however, the right of first refusal will not apply to a re-executed service agreement unless it is at the applicable maximum rate.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in

determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room 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 field to access the document. For Assistance, call (202) 502–8222 or for TTY, (202) 502–8659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. *See*, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–26256 Filed 10–15–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER02–709–000, et al.]

Southwest Power Pool, Inc., et al.; Electric Rate and Corporate Regulation Filings

October 7, 2002.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Southwest Power Pool, Inc.

[Docket No. ER02–709–000]

Take notice that on October 2, 2002, Southwest Power Pool, Inc. (SPP), submitted a notice of withdrawal of the unexecuted service agreement filed January 7, 2002 in this proceeding. A copy of this filing was served on all parties included on the Commission's official service list established in this proceeding.

Comment Date: October 23, 2002.

2. Covanta Fairfax, Inc.

[Docket No. ER02–2515–001]

Take notice that on October 3, 2002, Covanta Fairfax, Inc. tendered for filing a Notice of Succession to reflect a name change from Ogden Fairfax, Inc. to Covanta Fairfax, Inc. Copies of the filing were served upon the Virginia Corporation Commission and on Dominion Virginia Power.

Comment Date: October 24, 2002.

3. Edison Source

[Docket No. ER02–2565–001]

Take notice that on October 3, 2002, Edison Source tendered for filing with the Federal Energy Regulatory Commission (Commission) an amendment to its filing in the above-referenced docket withdrawing its participation in the Western Systems Power Pool (WSPP) pursuant to the Power Purchase and Sale Agreement between Edison Source and the WSPP, dated August 26, 1996. Edison Source requests to withdraw its participation as of October 15, 2002.

Comment Date: October 24, 2002.

4. New England Power Pool

[Docket No. ER03–1–000]

Take notice that on October 1, 2002, the New England Power Pool (NEPOOL) Participants Committee filed for acceptance materials to permit NEPOOL to expand its membership to include WebGen Systems Inc. (WebGen). The Participants Committee requests an October 1, 2002 effective date for commencement of participation in NEPOOL by WebGen.

The Participants Committee states that copies of these materials were sent to the New England state governors and regulatory commissions and the Participants in NEPOOL.

Comment Date: October 22, 2002.

5. Ameren Services Company

[Docket No. ER03–2–000]

Take notice that on October 1, 2002, Ameren Services Company (ASC) tendered for filing a Service Agreement for Long-Term Firm Point-to-Point Services between ASC and Ameren Energy, Inc. ASC asserts that the purpose of the Agreement is to permit ASC to provide transmission service to Ameren Energy, Inc. pursuant to Ameren's Open Access Transmission Tariff.

Comment Date: October 22, 2002.

6. PPL Electric Utilities Corporation

[Docket No. ER03–3–000]

Take notice that on October 1, 2002, PPL Electric Utilities Corporation (PPL Electric) filed an unexecuted Interconnection Agreement between PPL Electric and Allegheny Electric Cooperative, Inc. for interconnection at the Renovo/Chapman delivery point.

Comment Date: October 22, 2002.

7. PPL Electric Utilities Corporation

[Docket No. ER03–4–000]

Take notice that on October 1, 2002, PPL Electric Utilities Corporation (PPL Electric) filed an unexecuted Interconnection Agreement between PPL Electric and Allegheny Electric Cooperative, Inc. for interconnection at the Fairfield delivery point.

PPL Electric requests an effective date of February 1, 2002.

Comment Date: October 22, 2002.

8. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER03–5–000]

Take notice that on October 2, 2002, pursuant to Section 205 of the Federal Power Act and Section 35.12 of the Commission's regulations, 18 CFR 35.12, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted for filing an Interconnection and Operating Agreement among GM Transmission, LLC, the Midwest ISO and Northern States Power Company d/b/a Xcel Energy.

A copy of this filing was sent to the GM Transmission, LLC and Northern States Power Company d/b/a Xcel Energy.

Comment Date: October 23, 2002.

9. Quonset Point Cogen, L.P.

[Docket No. ER03–6–000]

Take notice that on October 2, 2002, Quonset Point Cogen, L.P. and PSEG Energy Technologies Inc. (Applicants) filed with the Federal Energy Regulatory Commission a Thermal and Electric Energy Purchase Agreement under Section 205 of the Federal Power Act. Applicants request an effective date of November 1, 2002.

Comment Date: October 23, 2002.

10. Public Service Company of New Hampshire

[Docket No. ER03–7–000]

Take notice that on October 2, 2002, Northeast Utilities Service Company (NUSCO), on behalf of its affiliate, Public Service Company of New Hampshire (PSNH), filed the executed Interconnection and Operations Agreement (IOA) by and between PSNH and Hawkeye Funding, Limited Partnership (Hawkeye), designated as Original Service Agreement No. 93 under Northeast Utilities System Companies' Open Access Transmission Tariff (Tariff No. 9). The IOA is a new agreement establishing the terms and conditions under which PSNH will provide interconnection service to Hawkeye's nominal 525-megawatt combined-cycle generating facility in Newington, New Hampshire.

NUSCO states that a copy of this filing has been mailed to Hawkeye and that Hawkeye fully consents to and supports this filing. NUSCO and Hawkeye request an effective date for the IOA of

September 30, 2002, and request any waivers of the Commission's regulations that may be necessary to permit such an effective date.

Comment Date: October 23, 2002.

11. Southern Company Services, Inc.

[Docket No. ER03–8–000]

Take notice on October 2, 2002, Southern Company Services, Inc. (SCS), acting on behalf of Georgia Power Company (Georgia Power), tendered for filing the Amendment to the Interchange Contract Between Georgia Power and Crisp County Power Commission (Crisp County) dated as of September 27, 2002 (the Amendment). The Amendment modifies that certain Interchange Contract between Georgia Power and Crisp County dated as of July 1, 1980. The amended Interchange Contract has been designated as First Revised Rate Schedule FERC No. 803.

The Amendment revises Service Schedule B and Service Schedule C of the Interchange Contract. SCS has requested an effective date of October 3, 2002, for the Amendment.

Comment Date: October 23, 2002.

12. Westar Energy, Inc.

[Docket No. ER03–9–000]

Take notice that on October 2, 2002, Westar Energy, Inc. (Westar Energy) filed a Notification of Change in Status and Petition for Acceptance of Revised Market Rate Schedules to reflect (1) Westar Energy's name change from Western Resources, Inc. and (2) cancellation of Westar Energy's proposed merger with Public Service Company of New Mexico, all as more fully described in the Application.

Comment Date: October 23, 2002.

13. ONEOK Energy Marketing and Trading Company, L.P.

[Docket No. ER03–10–000]

Take notice that on October 2, 2002, ONEOK Energy Marketing and Trading Company, L.P. (OEMT) tendered for filing Electric Tariff, Original Volume No. 1, which will supercede ONEOK Power Marketing Company's (OPMC) FERC Electric Tariff, Original Volume No. 1. This filing is the result of the merger by and between OEMT and OPMC, which was consummated on October 1, 2002. OEMT requests an effective date of April 1, 2001.

A copy of the filing was served upon the Oklahoma Corporation Commission.

Comment Date: October 23, 2002.

14. Louisville Gas and Electric Company/Kentucky Utilities Company

[Docket No. ER03–11–000]

Take notice that on October 3, 2002, Louisville Gas and Electric Company (LG&E)/Kentucky Utilities (KU) (hereinafter Companies) tendered for filing an unexecuted unilateral Service Sales Agreement between Companies and Southern Illinois Power Cooperative under the Companies' Rate Schedule MBSS.

Comment Date: October 24, 2002.

15. MidAmerican Energy Company

[Docket No. ER03–12–000]

Take notice that on October 3, 2002, MidAmerican Energy Company (MidAmerican), 401 Douglas Street, P. O. Box 778, Sioux City Iowa 51102, filed with the Federal Energy Regulatory Commission (Commission) an Electric Transmission Interconnection Agreement between Iowa Public Service Company n/k/a MidAmerican Energy Company, dated March 1, 1991, which incorporates the Fifth Amendment to the Agreement, dated June 28, 2002. The Agreement is pursuant to MidAmerican's Open Access Transmission Tariff.

MidAmerican has served a copy of the filing on the Iowa Utilities Board, the Illinois Commerce Commission and the South Dakota Public Utilities Commission.

Comment Date: October 24, 2002.

16. New York Independent System Operator, Inc.

[Docket No. ER03–13–000]

Take notice that on October 3, 2002, the New York Independent System Operator, Inc. (NYISO) filed revisions to its Market Administration and Control Area Services Tariff (Services Tariff) to implement an Unforced Capacity Deliverability Rights (UDR) product in the Installed Capacity market in New York.

The NYISO has served a copy of this filing to all parties that have executed Service Agreements under the NYISO's Open-Access Transmission Tariff or Services Tariff, the New York State Public Service Commission and to the electric utility regulatory agencies in New Jersey and Pennsylvania.

Comment Date: October 24, 2002.

17. Southwest Power Pool, Inc.

[Docket No. ER03–14–000

Take notice that on October 3, 2002, Southwest Power Pool, Inc. (SPP) filed changes to the SPP Open Access Transmission Tariff (SPP Tariff) intended to implement certain rate changes applicable to the Southwestern Power Administration pricing zone. SPP seeks an effective date of October 1, 2002 for these changes.

A copy of this filing was served on all transmission customers under the SPP Tariff and on all affected state commission.

Comment Date: October 24, 2002.

Standard Paragraph

Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket #'' and follow the instructions (call 202–208–2222 for assistance). Protests and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. 02–26259 Filed 10–15–02; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2002–0268; FRL–7276–6]

Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of request by registrants to voluntarily cancel certain pesticide registrations.

DATES: Unless a request is withdrawn by April 14, 2003, or unless indicated otherwise, orders will be issued canceling all of these registrations. Comments on EPA Registration Numbers 000655–00741, 000655–00742,

001812–00354, 001812–00448, 009688–00131, and 034911–00027 must be received by November 15, 2002.

FOR FURTHER INFORMATION CONTACT:

James A. Hollins, Information Resources Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–5761; e-mail address: hollins.james@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to persons who produce or use pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this notice, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket ID number OPP–2002–0268. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at http://www.epa.gov/fedrgstr/.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at http://www.epa.gov/edocket/ to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search,'' then key in the appropriate docket ID number.

II. What Action is the Agency Taking?

This notice announces receipt by the Agency of applications from registrants to cancel 33 pesticide products registered under section 3 or 24(c) of FIFRA. These registrations are listed in sequence by registration number (or company number and 24(c) number) in the following Table 1 of this unit:

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration Number	Product Name	Chemical Name
000100 OR–02–0016	Cyclone Concentrate/Gramoxone Max	1,1'-Dimethyl-4,4'-bipyridinium dichloride
000100 WA–02–0018	Cyclone Concentrate/Gramoxone Max	1,1'-Dimethyl-4,4'-bipyridinium dichloride
000352 AZ–01–0001	Dupont Staple Herbicide	Sodium 2-chloro-6-(4,6-dimethoxypyrimidin-2-ylthio)benzoate
000352 AZ–01–0002	Dupont PE 350/MON B In B Herbicide	Sodium 2-chloro-6-(4,6-dimethoxypyrimidin-2-ylthio)benzoate Isopropylamine glyphosate (N-(phosphonomethyl)glycine)
000524–00476	Harness Plus Herbicide	2'-Ethyl-6'-methyl-N-(ethoxymethyl)-2-chloroacetanilide
000655–00741	Prentox Methoxychlor 50W	Methoxychlor (2,2-bis(p-methoxyphenyl)-1,1,1-trichloroethane)
000655–00742	Prentox 2 Lb. Methoxychlor Spray	Methoxychlor (2,2-bis(p-methoxyphenyl)-1,1,1-trichloroethane)
001812–00351	Pro-Tex	Manganese ethylenebis(dithiocarbamate) Triphenyltin hydroxide
001812–00354	Indoor Roach Bait	1-Octanesulfonamide, N-ethyl-1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-
001812–00448	Finitron Brand Sulfuramid RB MUP	1-Octanesulfonamide, N-ethyl-1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-
003008–00069	Bardec Part I	Arsenic acid
003008–00070	Bardec Part 2	Cuprous oxide
003008–00071	Bardec Part 3	Zinc oxide
003125–00102	Guthion 2l Emulsifiable Insecticide	O,O-Dimethyl S-((4-oxo-1,2,3-benzotriazin-3(4H)-yl)methyl) phosphorodithioate

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration Number	Product Name	Chemical Name
004691–00157	Commando Insecticide Cattle Ear Tag	O,O,O',O'-Tetraethyl S,S'-methylene bis(phosphorodithioate)
008177–00073	Enterprise Clear Wood Preservative	3-Iodo-2-propynyl butylcarbamate
009688–00131	Chemsico Roach Control System CS	O,O-Diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate 1-Octanesulfonamide, N-ethyl-1,1,2,2,3,3,4,4,5,5,6,6,7,7,8,8,8-heptadecafluoro-
010163–00166	Imidan 50–WP Agricultural Insecticide	N-(Mercaptomethyl)phthalimide S-(O,O-dimethyl phosphorodithioate)
010163–00170	Imidan 12.5–WP Home Garden Insecticide	N-(Mercaptomethyl)phthalimide S-(O,O-dimethyl phosphorodithioate)
010163–00173	Imidan 1-E Home Garden Insecticide	N-(Mercaptomethyl)phthalimide S-(O,O-dimethyl phosphorodithioate)
010163–00227	Prolate Technical Livestock Insecticide	N-(Mercaptomethyl)phthalimide S-(O,O-dimethyl phosphorodithioate)
034704–00691	Clean Crop Sniper 2-E Azinphos Methyl Insecticide	O,O-Dimethyl S-((4-oxo-1,2,3-benzotriazin-3(4H)-yl)methyl) phosphorodithioate
034704 OR–88–0014	Clean Crop Cheat Stop 90 WDG	2-Chloro-4-(ethylamino)-6-(isopropylamino)-s-triazine
034704 WA–88–0019	Clean Crop Cheat Stop 90 WDG	2-Chloro-4-(ethylamino)-6-(isopropylamino)-s-triazine
034911–00027	Hi-Yield Benomyl Systemic Fungicide	Methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate
045385–00087	Cenol Dairy Cattle Spray	Dipropyl isocinchomeronate N-Octyl bicycloheptene dicarboximide (Butylcarbityl)(6-propylpiperonyl) ether 80% and related compounds 20% Pyrethrins
051036–00073	Dibrom 8EC	1,2-Dibromo-2,2-dichloroethyl dimethyl phosphate
059639 GA–99–0001	Select Herbicide	2-Cyclohexen-1-one, 2-(1-(((3-chloro-2-propenyl)oxy)imino)propyl)-5-(2-
059639 WA–89–0026	Orthene 75 S Soluble Powder	O,S-Dimethyl acetylphosphoramidothioate
062190–00005	Wolmanac Concentrate 70%	Arsenic pentoxide Chromic acid Cupric oxide
062190–00011	CCA Type C 50% Chromated Copper Arsenate	Arsenic pentoxide Chromic acid Cupric oxide
066222–00016	Cotnion-Methyl Azinphos Methyl 2EC	O,O-Dimethyl S-((4-oxo-1,2,3-benzotriazin-3(4H)-yl)methyl) phosphorodithioate
070171–00004	Ioblend - 20	Nonylphenoxypolyethoxyethanol - iodine complex

Unless a request is withdrawn by the registrant within the 180 or 30–day comment period, orders will be issued canceling all of these registrations. Users of these pesticides or anyone else desiring the retention of a registration should contact the applicable registrant directly during either of these comment periods.

Registrations 001812–00448, Finitron Brand Sulfluramid RB MUP, 001812–00354, Indoor Roach Bait, and 009688–00131, Chemsico Roach Control System CS are registrations for which the terms and conditions for cancellation and disposition of existing stocks were previously agreed to between EPA, Griffin L.L.C. and Chemsico and expressed in the July 9, 2001 Registration/Amendment Notices for these products. Thus, EPA intends to grant Griffin and Chemsico's request for voluntary cancellation of these registrations on December 31, 2002. Griffin and Chemsico have waived the 180–day comment period provided for in FIFRA section 6(f). The comment period will be the required 30 days from notice in the **Federal Register.** After the registrations are canceled, EPA will permit Griffin to sell and distribute Registration 001812–00448, Finitron Brand Sulfluramid RB MUP until July 25, 2003, and Registration 001812–00354, Indoor Roach Bait until December 31, 2003, and permit

Chemisco to sell and distribute Registration 009688–0013, Chemsico Roach Control System CS until December 31, 2003.

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of this unit, in ascending sequence by EPA company number:

TABLE 2—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA Company Number	Company Name and Address
000100	Syngenta Crop Protection, Inc. Box 18300 Greensboro, NC 27419
000352	E. I. Du Pont De Nemours and Company Dupont Crop Protection Stine-Haskell Research Center S300 Box 30 Newark, DE 19714
000524	Monsanto Company Agent For: Monsanto Company 600 13th Street, NW., Suite 660 Washington, DC 20005
000655	Prentiss Inc. C.B. 2000 Floral Park, NY 11001
001812	Griffin L.L.C. Box 1847 Valdosta, GA 31603
003008	Osmose Inc. 980 Ellicott Street Buffalo, NY 14209
003125	Bayer Corp. Agriculture Division 8400 Hawthorn Rd., Box 4913 Kansas City, MO 64120
004691	Boehringer Ingelheim Vetmedica, Inc. 15th & Oak Streets, Way, Box 338 Elwood, KS 66024
008177	Valspar Corp. 1101 Third Street South Minneapolis, MN 55415
009688	Chemsico, Division of United Industries Corp. Box 142642 St Louis, MO 63114

TABLE 2—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION—Continued

EPA Company Number	Company Name and Address
010163	Gowan Company Box 5569 Yuma, AZ 85366
034704	Jane Cogswell Agent For: Platte Chemical Co. Inc. Box 667 Greeley, CO 80632
034911	Brazos Associates, Inc. Agent For: Hi-Yield Chemical Co. 2001 Diamond Ridge Drive Carrollton, TX 75010
045385	CTX-Cenol, Inc. Box 472 Twinsburg, OH 44087
051036	Micro-Flo Co. LLC Box 772099 Memphis, TN 38117
059639	Valent U.S.A. Corp. 1333 N. California Blvd, Suite 600 Walnut Creek, CA 94596
062190	Arch Wood Protection, Inc. 1955 Lake Park Drive, Suite 250 Smyrna, GA 30080
066222	Makhteshim-Agan of North America Inc. 551 Fifth Avenue Suite 1100 New York, NY 10176
070171	Unicore Technologies Inc. Box 3877 Turlock, CA 95381

III. Loss of Active Ingredients

Unless the request for cancellation is withdrawn, the pesticide active ingredient listed in Table 3 below will no longer appear in any registered products. Those who are concerned about the potential loss of this active ingredient for pesticidal use are encouraged to work directly with the registrant to explore the possibility of the registrant withdrawing the request for cancellation. The active ingredient is listed in the following Table 3, with EPA company number and chemical name.

TABLE 3—ACTIVE INGREDIENT DISAPPEARING AS A RESULT OF REGISTRANT'S REQUEST TO CANCEL

EPA Company Number	Company Name and Address
034911	Benomyl

IV. What is the Agency's Authority for Taking this Action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register.** Thereafter, the Administrator may approve such a request.

V. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation must submit such withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT,** postmarked before either of the comment periods listed under **DATES**. This written withdrawal of the request for cancellation will apply only to the applicable FIFRA section 6(f)(1) request listed in this notice. If the product(s) have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling. The withdrawal request must also include a commitment to pay any reregistration fees due, and to fulfill any applicable unsatisfied data requirements.

VI. Provisions for Disposition of Existing Stocks

The effective date of cancellation will be the date of the cancellation order. The orders effecting these requested cancellations will generally permit a registrant to sell or distribute existing stocks for 1–year after the date the cancellation request was received. This policy is in accordance with the Agency's statement of policy as prescribed in the **Federal Register** of June 26, 1991 (56 FR 29362) (FRL–3846–4). Exceptions to this general rule will be made if a product poses a risk concern, or is in noncompliance with reregistration requirements, or is subject to a Data-Call-In. In all cases, product-specific disposition dates will be given in the cancellation orders.

Existing stocks are those stocks of registered pesticide products which are currently in the United States and

which have been packaged, labeled, and released for shipment prior to the effective date of the cancellation action. Unless the provisions of an earlier order apply, existing stocks already in the hands of dealers or users can be distributed, sold, or used legally until they are exhausted, provided that such further sale and use comply with the EPA approved label and labeling of the affected product. Exception to these general rules will be made in specific cases when more stringent restrictions on sale, distribution, or use of the products or their ingredients have already been imposed, as in a Special Review action, or where the Agency has identified significant potential risk concerns associated with a particular chemical.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: September 30, 2002.

Lind Vlier Moos,

Acting Director, Information Resources Services Division, Office of Pesticide Programs.

[FR Doc. 02–26177 Filed 10–15–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPPT–2002–0056; FRL–7275–8]

1,1,2-Trichloroethane Tier I Program Review Testing; Notice of Availability and Solicitation of Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Under section 4 of the Toxic Substances Control Act (TSCA), EPA issued a testing consent order that incorporated an enforceable consent agreement (ECA) relating to 1,1,2-trichloroethane (TCE). The companies subject to this ECA agreed to conduct toxicity testing, develop a computational dosimetry model for route-to-route extrapolations, and develop pharmacokinetics and mechanistic testing data that are intended to satisfy the toxicological data needs for TCE identified in a TSCA section 4 proposed test rule for a number of hazardous air pollutant chemicals. This notice announces that EPA is starting the Program Review component of the TCE ECA alternative testing program, and solicits comment on data received under the Tier I Program Review testing segment of the TCE ECA. Comments are expected to inform EPA's decision on whether or not additional data and/or model development are needed before Tier II testing and computational dosimetry modeling for route-to-route extrapolations proceed for the Tier II endpoints listed in the TCE ECA.

DATES: Comments, identified by docket ID number OPPT–2002–0056, must be received on or before November 15, 2002.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

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 20460–0001; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information about EPA's Program Review contact: Richard Leukroth or John Schaeffer, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–8157; e-mail address: ccd.citb@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of particular interest to those persons who are or may be required to conduct testing of chemical substances under TSCA. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document or Other Related Documents?

1. *Docket*. EPA has established an official public docket for this action under docket identification (ID) number OPPT–2002–0056. OPPT–2002–0056 is the continuation docket for the TCE ECA which originated under OPPTS Docket Number 42198. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the EPA Docket Center, Rm. B102–Reading Room, EPA West, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The EPA Docket Center Reading Room telephone number is (202) 566–1744 and the telephone number for the OPPT Docket, which is located in the EPA Docket Center, is (202) 566–0280.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at http://www.epa.gov/fedrgstr/.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at http://www.epa.gov/edocket/ to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search,'' then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information for which disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

C. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically*. If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets*. Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at http://www.epa.gov/edocket, and follow the online instructions for submitting comments. Once in the system, select ''search,'' and then key in docket ID number OPPT–2002–0056. The system is an ''anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail*. Comments may be sent by e-mail to oppt.ncic@epa.gov, Attention: Docket ID Number OPPT–2002–0056. In contrast to EPA's electronic public docket, EPA's e-mail system is not an ''anonymous access'' system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM*. You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. The disk or CD must be labeled: Attention: Docket ID Number OPPT-2002-0056. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail*. Send your comments to: Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Attention: Docket ID Number OPPT-2002-0056, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

3. *By hand delivery or courier*. Deliver your comments to: OPPT Document Control Office (DCO) in EPA East Building Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID Number OPPT–2002–0056. 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.

D. How Should I Submit CBI to the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is 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 docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

EPA invites interested parties to provide views on the Companies' Tier I Program Review testing reports titled: ''Pharmacokinetics of 1,1,2-Trichloroethane in Rats and Mice'' and ''Physiologically Based Pharmacokinetic Model Development, Simulations, and Sensitivity Analysis for Repeated Exposure to 1,1,2-Trichloroethane.'' These reports describe a dosimetry model for route-to-route extrapolation and development of pharmacokinetics and mechanistic testing data (PK/MECH data) that will support the use of this model for quantitative route-to-route extrapolations specific to endpoints listed under Tier II of the TCE ECA. The model and PK/MECH data described in these reports, if deemed acceptable to EPA, will be applied to support the TCE ECA Tier II testing and computational dosimetry model extrapolation reporting called for under Tier II of the TCE ECA. EPA is interested in comments on the PK/MECH data, the TCE computational dosimetry model for route-to-route extrapolation, and the utility of resulting derived computational data from the TCE dosimetry model that will

be developed under Tier II of the TCE ECA. Additionally, EPA is interested in receipt of any data or information for the Agency to consider during development of EPA's Program Review of the TCE ECA alternative testing program with regard to approaches not considered as well as potential impacts of the various options (including possible unintended consequences). You may find the following suggestions helpful in 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 science.
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.

II. Background

A. Why is EPA Requiring Health Effects Testing on TCE?

EPA proposed health effects testing under TSCA section 4(a) for a number of hazardous air pollutants (''HAPs'' or ''HAP chemicals''), including TCE in the **Federal Register** of June 26, 1996 (61 FR 33178) (FRL–4869–1), as amended in the **Federal Register** of December 24, 1997 (62 FR 67466) (FRL–5742–2), and April 21, 1998 (63 FR 19694) (FRL–5780–6). EPA's primary use of the data from this testing activity will be to implement several provisions of section 112 of the Clean Air Act (CAA), including determining residual risks (e.g., assessing risks remaining after imposition of technology-based emission standards (maximum achievable control technology or ''MACT'' standards)), estimating risks associated with accidental chemical releases, and determining whether or not subject chemicals should be removed (''delisted'') from the CAA section 112(b) HAPs list. Other important uses of the data obtained via this testing activity will be to: (1) Help in better informing communities and citizens about chemical hazards in their own localities; (2) assist state and local permitting authorities with establishing appropriate standards within their programs; and (3) help other EPA Program Offices and other Federal agencies (e.g., the Agency for Toxic Substances and Disease Registry (ATSDR), the National Institute for Occupational Safety and Health (NIOSH), the Occupational Safety and Health Administration (OSHA), and the Consumer Product Safety Commission (CPSC)) in assessing chemical risks and taking appropriate action(s) within their own programs and under the Federal statutes that they administer.

B. How is EPA Obtaining Health Effects Testing on TCE?

In the proposed HAPs test rule, as amended, EPA identified the following testing needs for TCE: Acute toxicity, subchronic toxicity, developmental toxicity, reproductive toxicity, neurotoxicity, carcinogenicity, *in vivo* cytogenetics, and immunotoxicity to be conducted by the inhalation route of exposure.

EPA also invited the submission of proposals regarding the performance of pharmacokinetics studies which would permit extrapolation from oral data to predict risk from inhalation exposure. Such proposals could provide the scientific basis for alternative testing to the testing proposed and form the basis for developing needed HAPs data via ECAs (61 FR 33178, June 26, 1996; 62 FR 67466, December 24, 1997). EPA uses ECAs to accomplish testing where a consensus is reached concerning the need for and scope of testing. The procedures for ECA negotiations are described at 40 CFR 790.22(b).

In response to EPA's request for ECA proposals, the Dow Chemical Company; Vulcan Materials Company; Occidental Chemical Corporation; Oxy Vinyls, LP; Georgia Gulf Corporation; Westlake Chemical Corporation; PPG Industries, Inc.; Borden Chemicals and Plastics Operating Limited Partnership; and Formosa Plastics Corporation, U.S.A. (''the Companies''), under the auspices of the HAP Task Force, submitted a proposal for alternative testing of TCE that included physiologically based pharmacokinetics (PBPK) and model development to support route-to-route extrapolation of extant studies acceptable to EPA and new testing to be conducted by the oral route (Ref. 1). On December 19, 1997, EPA announced the initiation of ECA discussions to develop an acceptable alternative testing program for TCE and solicited the involvement of interested parties (62 FR 66628) (FRL–5632–2). These discussions resulted in an ECA for TCE which was announced in the **Federal Register** of June 15, 2000 (65 FR 37550) (FRL–6494–5). Under the TCE ECA alternative testing program (Ref. 2), these HAPs data needs are being addressed via an informed testing program that utilizes, wherever possible, extant data from acceptable studies performed by routes other than inhalation, testing by inhalation and the oral route, and development of PK/MECH data to support a computational dosimetry model to perform route-to-route extrapolations. The official public docket for the development of the TCE ECA is established under docket control number OPPTS–42198B, while the official public docket for the receipt of data under the TCE ECA is established under docket ID number OPPT–2002–0056 (which is the continuation of OPPTS–42198B).

C. What Testing Does the ECA for TCE Require?

The TCE ECA alternative testing program has four segments, as follows: Tier I HAPs testing; Tier I Program Review testing; EPA Program Review; and Tier II testing.

1. *Tier I HAPs testing.* This testing consisted of the following endpoint testing, conducted by inhalation exposure, that EPA deemed necessary to meet certain data needs identified in the proposed HAPs test rule: Acute and subchronic toxicity. In addition, EPA determined that existing cytogenicity studies conducted by Mazzulo *et al.* (1986) and Doherty *et al.* (1996) were adequate at this time to characterize the mutagenicity of TCE (Refs. 3 and 4).

2. *Tier I Program Review testing.* Under this segment of the TCE ECA alternative testing program, the test sponsor is to develop a computational dosimetry model, specific to TCE, for rats and mice, validate the model, and verify the model's ability to perform quantitative route-to-route extrapolations.

In addition, the test sponsor is to develop PK/MECH data to support the application of the model for the endpoints listed in Tier II of the TCE ECA. Model development and data from this testing are subject to the EPA Program Review. Specifically, the PK/MECH data will be applied to support: (1) Oral-to-inhalation extrapolation of existing immunotoxicity data in mice administered TCE via drinking water (Ref. 5); (2) oral-to-inhalation extrapolation of existing oral cancer bioassay data in mice administered TCE via corn oil gavage (Ref. 6); and (3) model simulations to demonstrate validation and verification of computational PBPK models for route-to-route extrapolation in order to

evaluate acceptability of oral drinking water exposure in rats for neurotoxicity testing, oral drinking water exposure in rats and mice for developmental toxicity testing, and oral drinking water exposure in rats for reproductive toxicity testing.

3. *EPA Program Review*. The use of PK/MECH data and computational dosimetry modeling to support route-to-route extrapolation is a new approach for EPA's Office of Pollution Prevention and Toxics under the TSCA section 4 chemical testing program. It is essential to the success of the TCE ECA alternative testing program for EPA to ensure that the model and the PK/MECH data used to support the route-to-route extrapolations are of the highest quality. For this reason, a Program Review requirement was incorporated into the TCE ECA.

The purpose of the EPA Program Review of the TCE ECA is to determine: (1) Whether it is feasible and appropriate to apply Tier I Program Review testing data and data from other studies acceptable to EPA to support computational route-to-route extrapolations for endpoints listed in the Tier II testing segment of the ECA; (2) whether the data from the Tier I Program Review testing segment provide a sufficient basis for conducting the endpoint testing and/or the computational route-to-route extrapolations specified in the Tier II testing segment; and (3) the nature and scope of any additional work that may be required before Tier II testing and application of the TCE model for route-to-route extrapolation reporting (e.g., development of additional PK/MECH data, modification to the TCE model).

4. *Tier II testing*. This segment of the TCE ECA alternative testing program consists of endpoint testing by oral exposure for neurotoxicity, developmental toxicity and reproductive toxicity. This segment also includes application of the TCE model for quantitative route-to-route extrapolation reporting (oral to inhalation) for Tier II endpoint testing (neurotoxicity, developmental toxicity, reproductive toxicity) and similar computational extrapolation reporting for certain extant studies for immunotoxicity (Ref. 5) and carcinogenicity (Ref. 6).

III. Next Steps

A. What is the Status of the Testing Program Developed in the ECA for TCE?

Tier I HAPs testing for TCE is completed and reports for Tier I Program Review testing have been submitted by the Companies. Receipt of these submissions was announced in **Federal Register** notices of April 10, 2002 (67 FR 17429) (FRL–6831–5); April 12, 2002 (67 FR 17996) (FRL–6831–4); and August 14, 2002 (67 FR 53001) (FRL–7193–1) and are available in the EPA Docket Center (OPPTS–2002–0056). As described in Unit II.C.3., and stated in Part VI. of the TCE ECA, the next step is for EPA to conduct a Program Review on the data collected from the Tier I Program Review testing segment of the TCE ECA alternative testing program. The outcome from this EPA review will determine whether or not additional PK/MECH data and/or model development are needed before Tier II testing and computational dosimetry model reporting for route-to-route extrapolations of Tier II endpoints can proceed as described in the TCE ECA.

B. Is there an Opportunity for Public Participation in EPA's Program Review?

This notice of availability and request for comments on the Companies' Tier I Program Review testing reports titled: ''Pharmacokinetics of 1,1,2-Trichloroethane in Rats and Mice'' and ''Physiologically Based Pharmacokinetic Model Development, Simulations, and Sensitivity Analysis for Repeated Exposure to 1,1,2-Trichloroethane'' provides an opportunity for public participation in the EPA Program Review of the TCE ECA. A description of EPA's objectives in conducting the Program Review for the TCE ECA alternative testing program is provided in Unit II.C.3.

C. What Happens at the Conclusion of EPA's Program Review?

A description of the possible outcomes of the EPA Program Review is provided in Part VII. of the TCE ECA document (Ref. 2). Following the EPA Program Review, EPA will place in the official public docket for this action (under docket ID number OPPTS–2002–0056) a copy of each comment received, and a copy of the letter informing the HAP Task Force of the outcome from EPA's Program Review.

IV. References

The official public docket for this action contains the following information:

1. The HAP Task Force. Letter from Peter E. Voytek to Charles M. Auer with attachment titled: Proposal for Pharmacokinetics Study of 1,1,2-Trichloroethane, November 22, 1996. (Available from docket control number OPPTS–42187B.)

2. U.S. EPA, Enforceable Consent Agreement for 1,1,2-Trichloroethane. September 30, 1999. (CAS No. 79–00–5) (Available from docket control number OPPTS–42198B.)

3. Mazzulo, M., Colacci, A., Grilli, S., Prodi, G., and Arfellini, G. 1,1,2-Trichloroethane: evidence of genotoxicity from short-term tests. *Japanese Journal of Cancer Research*. 77:532–539. 1986.

4. Doherty, A.T., Ellard, S., Parry, E.M., and Parry, J.M. An investigation into the activation and deactivation of chlorinated hydrocarbons to genotoxins in metabolically competent human cells. *Mutagenesis*. 11(3):247–274. 1996.

5. Sanders, V.M., White, Jr., K.L., Shopp, Jr., G.M., and Musson, A.E. Humoral and cell-mediated immune status of mice exposed to 1,1,2-trichloroethane. *Drug and Chemical Toxicology*. 8(5):357–372. 1985.

6. National Cancer Institute (NCI). Bioassay of 1,1,2-trichloroethane for possible carcinogenicity. Carcinogenesis: Technical Report Series No. 74. U.S. Department of Health, Education and Welfare, Public Health Service, National Institutes of Health. 1978.

List of Subjects

Environmental protection, Hazardous chemicals.

Dated: October 8, 2002.

Wardner G. Penberthy,

Acting Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 02–26308 Filed 10–15–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPPT–2002–0064; FRL–7277–8]

Approval of Modifications to Test Marketing Exemption for a Certain Chemical

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of modifications of the test marketing period for a test marketing exemption (TME) under section 5(h)(1) of the Toxic Substances Control Act (TSCA). EPA designated the original test marketing application as TME–02–0006. The test marketing conditions are described in this notice.

DATES: This notice is effective October 7, 2002.

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 20460–0001; telephone number: (202) 554–1404; e-mail address: *TSCA-Hotline@epa.gov*.

For technical information contact: Jamesine Rogers, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–3453; e-mail address: *rogers.jamesine@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed in particular to the chemical manufacturer and/or importer who submitted the TME to EPA. This action may, however, be of interest to the public in general. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of This Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPPT–2002–0064. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the EPA Docket Center, Rm. B102-Reading Room, EPA West, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The EPA Docket Center Reading Room telephone number is (202) 566–1744 and the telephone number for the OPPT Docket, which is located in EPA Docket Center, is (202) 566–0280.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the" **Federal Register**" listings at *http://www.epa.gov/fedrgstr*. A frequently updated electronic version of 40 CFR part is available at *http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr_00.html*, a beta site currently under development.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select "search," then key in the appropriate docket ID number.

II. What Action is the Agency Taking?

EPA approves the modifications of the test marketing period, production volume, and number of customers for TME–02–0006. EPA has determined that test marketing of the new chemical substance described in this notice, under the conditions set out in the TME applications and modification requests, and for the modified time periods specified in this notice, will not present any unreasonable risk of injury to health or the environment. Production volume, use, and the number of customers must not exceed specifications in the application. All other conditions and restrictions described in the original notice of approval of test marketing application must be met.

TME–02–0006

Notice of approval of original application: February 27, 2002, (67 FR 8972) (FRL–6825–2).

Production volume: CBI.

Number of customers: CBI.

Modified test marketing period: 6 months.

Commencing on: October 8, 2002.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

III. What is the Agency's Authority for Taking this Action?

Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substances for test marketing purposes will not present an unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present an unreasonable risk of injury.

List of Subjects

Environmental protection, Test marketing exemptions.

Dated: October 7, 2002.

Rose A. Allison,

Acting Chief, New Chemicals Prenotice Management Branch, Office of Pollution Prevention and Toxics.

[FR Doc. 02–26304 Filed 10–15–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPPT–2002–0062; FRL–7277–6]

Approval of Modifications to Test Marketing Exemption for a Certain Chemical

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of modifications of the test marketing period for a test marketing exemption (TME) under section 5(h)(1) of the Toxic Substances Control Act (TSCA). EPA designated the original test marketing application as TME–02–0004. The test marketing conditions are described in this notice.

DATES: This notice is effective October 7, 2002.

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 20460–0001; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Jamesine Rogers, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–3453; e-mail address: rogers.jamesine@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed in particular to the chemical manufacturer and/or importer who submitted the TME to EPA. This action may, however, be of interest to the public in general. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Copies of This Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPPT–2002–0062. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the EPA Docket Center, Rm. B102-Reading Room, EPA West, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The EPA Docket Center Reading Room telephone number is (202) 566–1744 and the telephone number for the OPPT Docket, which is located in EPA Docket Center, is (202) 566–0280.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the'' **Federal Register**'' listings at http://www.epa.gov/fedrgstr/. A frequently updated electronic version of 40 CFR part is available at http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr_00.html, a beta site currently under development.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at http://www.epa.gov/edocket/ to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search,'' then key in the appropriate docket ID number.

II. What Action is the Agency Taking?

EPA approves the modifications of the test marketing period, production volume, and number of customers for TME–02–0004. EPA has determined that test marketing of the new chemical substance described in this notice, under the conditions set out in the TME applications and modification requests, and for the modified time periods specified in this notice, will not present any unreasonable risk of injury to health or the environment. Production volume, use, and the number of customers must not exceed specifications in the application. All other conditions and restrictions described in the original notice of approval of test marketing application must be met.

TME–02–0004

Notice of approval of original application: February 27, 2002, (67 FR 8973) (FRL–6825–4).

Production volume: CBI.

Number of customers: 0 (intermediate).

Modified test marketing period: 6 months.

Commencing on: October 8, 2002.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

III. What is the Agency's Authority for Taking this Action?

Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substances for test marketing purposes will not present an unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present an unreasonable risk of injury.

List of Subjects

Environmental protection, Test marketing exemptions.

Dated: October 7, 2002.

Rose A. Allison,

Acting Chief, New Chemicals Prenotice Management Branch, Office of Pollution Prevention and Toxics.

[FR Doc. 02–26305 Filed 10–15–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPPT–2002–0058; FRL–7277–1]

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 August 26, 2002 to September 11, 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.

DATES: Comments identified by the docket ID number OPPT– 2002–0058 and the specific PMN number or TME number, must be received on or before November 15, 2002.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Barbara Cunningham, Acting Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics (7408M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; 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 Copies of This Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPPT–2002–0058. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the EPA Docket Center, Rm. B102-Reading Room, EPA West, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The EPA Docket Center Reading Room telephone number is (202) 566–1744 and the telephone number for the OPPT Docket, which is located in EPA Docket Center, is (202) 566–0280.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at http://www.epa.gov/fedrgstr/.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at http://www.epa.gov/edocket/ to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search,'' then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

C. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number and specific PMN number or TME number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e- mail to submit CBI or information protected by statute.

1. *Electronically.* If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets.* Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at http://www.epa.gov/edocket, and follow the online instructions for submitting comments. Once in the system, select'' search,'' and then key in docket ID number— OPPT–2002–0058. The system is an'' anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail.* Comments may be sent by e-mail to oppt.ncic@epa.gov, Attention: Docket ID Number OPPT–2002–0058 and PMN Number or TME Number. In contrast to EPA's electronic public docket, EPA's e-mail system is not an ''anonymous access'' system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail

system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM*. You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail*. Send your comments to: Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

3. *By hand delivery or courier*. Deliver your comments to: OPPT Document Control Office (DCO) in EPA East Building Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID Number OPPT–2002–0058 and PMN Number or TME Number. 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.

D. How Should I Submit CBI To the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is 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 docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket 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**.

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 and the specific PMN number you are commenting on 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 August 26, 2002 to September 11, 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.

In Table I of this unit, 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. 38 PREMANUFACTURE NOTICES RECEIVED FROM: 08/26/02 TO 09/11/02

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–02–0957	08/26/02	11/24/02	CIBA Specialty Chemicals Corporation	(S) Photoinitiator for coatings	(G) Aromatic mixed esters
P–02–0958	08/26/02	11/24/02	Von Roll Isola USA, Inc.	(S) Electrical insulating varnish for motors, generators, transformers	(G) Unsaturated polyester-imide
P–02–0959	08/26/02	11/24/02	CBI	(S) Thickener for water-based paints and adhesives	(G) Ethoxylate/urethane copolymer
P–02–0960	08/26/02	11/24/02	CBI	(G) Additive in radiation cured coatings, adhesives and inks.	(G) Metallic acrylate
P–02–0961	08/27/02	11/25/02	Oxford Organics, Inc.	(G) Colorant	(G) Spiro naphthoxazine
P–02–0962	08/27/02	11/25/02	DIC International (USA), Inc.	(G) Binder	(G) Acryl based copolymer
P–02–0963	08/28/02	11/26/02	Solutia Inc	(S) Binder for industrial coatings	(G) Modified alkyd resin
P–02–0964	08/29/02	11/27/02	Solutia Inc	(S) Binder for industrial coatings	(G) Modified alkyd resin

I. 38 PREMANUFACTURE NOTICES RECEIVED FROM: 08/26/02 TO 09/11/02—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–02–0965	08/30/02	11/28/02	Forbo Adhesives, LLC	(G) Hot melt polyurethane adhesive	(G) Isocyanate functional polyester polyether urethane polymer
P–02–0966	08/29/02	11/27/02	CBI	(G) Structural material (open, non-dispersive)	(G) Modified polyacrylate
P–02–0967	08/29/02	11/27/02	CBI	(G) Structural material (open, non-dispersive)	(G) Modified polyacrylate
P–02–0968	08/29/02	11/27/02	CBI	(G) Structural material (open, non-dispersive)	(G) Modified polyacrylate
P–02–0969	08/30/02	11/28/02	CBI	(G) Sealant component	(G) Polymer of a carbomonocyclic diisocyanate, a modified polyalkene, hydroxyalkane and a substituted alkoxysilane
P–02–0970	08/29/02	11/27/02	BASF Corporation	(G) Internal press release	(G) Alkoxylated urethane
P–02–0971	08/29/02	11/27/02	BASF Corporation	(G) Internal press release	(G) Alkoxylated urethane
P–02–0972	08/29/02	11/27/02	BASF Corporation	(G) Surfactant	(G) Alkoxylated substituted phenol
P–02–0973	08/29/02	11/27/02	BASF Corporation	(G) Surfactant	(G) Alkoxylated substituted phenol
P–02–0974	09/04/02	12/03/02	Bedoukian Research, Inc.	(S) Use as specialty fragrance (ffdca); fragrance use: (soaps, detergents, air fresheners, scented papers).	(S) 3-octen-1-ol,propanoate, (3z)-
P–02–0975	09/04/02	12/03/02	CBI	(G) Toner binder for copiers or laser printers	(G) Polyester resin
P–02–0976	08/28/02	11/26/02	CBI	(G) Destructive use	(G) Tetrabromophthalate diol
P–02–0977	09/05/02	12/04/02	J.M. Huber Corporattion	(S) Industrial coating	(G) Surface treated kaolin
P–02–0978	09/05/02	12/04/02	CBI	(S) Substrate water	(S) Lanthanum aluminum oxide or lanthanum aluminate (the 9ci name is listed as aluminum lanthanum oxide)
P–02–0979	09/04/02	12/03/02	Solutia Inc.	(S) Wash primer for metal protection	(G) Epoxy modified polyvinyl butyral
P–02–0980	09/06/02	12/05/02	CBI	(G) Thermoset polymer component, open nondispersive use	(G) Brominated epoxy resin
P–02–0981	09/06/02	12/05/02	CBI	(G) Thermoset polymer component, open nondispersive use	(G) Aromatic diol, acrylate, acrylonitrile, butadiene rubber-extended epoxy resin
P–02–0982	09/06/02	12/05/02	CBI	(G) Thermostat polymer component, open nondispersive use	(G) Sulfonylamine extended epoxy resin
P–02–0983	09/06/02	12/05/02	CBI	(G) Raw material	(G) Substituted-alkyl-heteromonocycle
P–02–0984	09/06/02	12/05/02	Mitsubishi Gas Chemical Company America, Inc.	(S) Epoxy curing agent	(S) 1,3-benzenedimethanamine, .nu.-(2-phenylethyl) derivs.
P–02–0985	09/06/02	12/05/02	Reichhold, Inc.	(S) Stain vehicle	(G) Vegetable fatty acids, polymer with peroxide, alkyl acrylate, cyclic carboxlic acid, alkeneioc acid, tetra hydroxy alkane and alkenylbenzene.
P–02–0986	09/06/02	12/05/02	Reichhold, Inc.	(S) Intermediate	(G) Vegetable fatty acids, polymer with peroxide, alkyl acrylate, alkeneoic acid and alkenylbenzene.
P–02–0987	09/09/02	12/08/02*	CBI	(G) Use as adhesive component. non-dispersive use.	(G) The pmn polymers is: naphtha (petroleum), light steam-cracked debenzenized, polymers, hydrogenated polymers with carbomonocyclic diketone.
P–02–0988	09/10/02	12/09/02	AOC L.L.C.	(S) Reactive copolymer for unsaturated polyester resin for use in reinforced and non-reinforced plastic parts	(G) Urethane modified acyrlate
P–02–0989	09/10/02	12/09/02	CBI	(S) Moisture cure coating	(G) Aliphatic polyester polyurethane polymer
P–02–0991	09/11/02	12/10/02	CBI	(G) Moisture curing polyurethane adhesive	(G) Isocyanate terminated urethane polymer
P–02–0992	09/11/02	12/10/02	CBI	(G) Dispersing agent [destructive use]	(G) Ethylene oxide-propylene oxide copolymer allyl alkyl ether
P–02–0993	08/28/02	11/26/02	International Flavors and Fragrances, Inc.	(S) Ingredients for use in fragrances for soaps, detergents, cleaners and other household products	(S) Oils, persicaria odorata
P–02–1003	08/29/02	11/27/02	CBI	(S) Optical plastics; coating materials,	(S) 2-propenethioic acid, 2-methyl-, s,s′-(thiodi-2,1-ethanediyl) ester

I. 38 PREMANUFACTURE NOTICES RECEIVED FROM: 08/26/02 TO 09/11/02—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–02–1004	08/29/02	11/27/02	CBI	(S) Optical plastics; coating materials	(S) 2-propenethioic acid, 2-methyl-, s,s′(8-methyl-7-oxo-3,6,10,13-tetrathiapentadecane-1,15-diyl) ester

In Table II of this unit, 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. 29 NOTICES OF COMMENCEMENT FROM: 08/26/02 TO 09/11/02

Case No.	Received Date	Commencement/ Import Date	Chemical
P–00–1129	09/03/02	08/13/02	(S) 4,7-methano-1h-inden-6-ol, 3a,4,5,6,7,7a-hexahydro-, butanoate
P–01–0132	09/10/02	09/05/02	(S) Siloxanes and silicones, di-me, me vinyl, vinyl group-terminated, polymers with ethylene and me methacrylate
P–01–0216	09/10/02	08/28/02	(G) Hydrocarbon resin
P–01–0242	09/05/02	08/22/02	(S) Iodonium, (3-methylphenyl)phenyl-, ar′-$C_{12–13}$-branched alkyl derivs., (oc-6-11)-hexafluoroantimonates(1-)
P–01–0249	08/26/02	08/21/02	(S) Boric acid (h3bo3), mixed 2-[2-(2-methoxyethoxy)ethoxy]ethyl and 3,6,9,12-tetraoxatridec-1-yl triesters
P–02–0104	09/05/02	08/06/02	(G) Modified polyester
P–02–0253	08/27/02	05/17/02	(G) Substituted alkyl acrylate
P–02–0288	09/04/02	08/05/02	(G) Alkoxylated fatty acid esters
P–02–0338	08/26/02	08/10/02	(G) Copper azo dye
P–02–0343	08/27/02	07/22/02	(G) Aromatic acid diesters
P–02–0394	08/30/02	08/01/02	(G) Arylsulfonium compound
P–02–0407	09/10/02	08/20/02	(G) Urethane acrylate
P–02–0518	09/09/02	08/21/02	(G) Blocked aromatic isocyanate
P–02–0555	09/10/02	07/23/02	(S) Amides, from branched and linear $C_{16–18}$ and C_{18}-unsaturated fatty acids and 1-piperazineethanamine
P–02–0556	09/10/02	07/24/02	(S) Fatty acids, $C_{16–18}$ and C_{18}-unsaturated, branched and linear, reaction products with 2-[(2-aminoethyl)amino]ethanol
P–02–0557	09/10/02	07/25/02	(S) Amides, from branched and linear $C_{16–18}$ and C_{18}-unsaturated fatty acids and triethylenetetramine
P–02–0558	09/10/02	07/26/02	(S) Amides, from branched and linear $C_{16–18}$ and C_{18}-unsaturated fatty acids and pentaethylenehexamine
P–02–0559	09/10/02	07/29/02	(S) Amides, from branched and linear $C_{16–18}$ and C_{18}-unsaturated fatty acids and polyethylenepolyamines
P–02–0560	09/10/02	07/30/02	(S) Amides, from branched and linear $C_{16–18}$ and C_{18}-unsaturated fatty acids and tetraethylenepentamine
P–02–0561	09/10/02	07/31/02	(S) Fatty acids, $C_{16–18}$ and C_{18}-unsaturated branched and linear, reaction products with piperazineethanol
P–02–0599	09/09/02	08/30/02	(G) Blocked artomatic isocyanate
P–02–0609	08/30/02	08/08/02	(G) Fluorochemical urethane
P–02–0626	09/11/02	08/09/02	(G) Aromatic substituted diurea
P–02–0627	08/29/02	08/26/02	(G) Acrylic polymer
P–02–0630	08/26/02	08/14/02	(G) Modified polyester resin
P–02–0633	08/26/02	08/14/02	(G) Modified polyester resin
P–02–0649	08/29/02	08/08/02	(G) Aromatic polyester polyol
P–98–0848	09/04/02	08/12/02	(S) Silicic acid, magnesium, strontium salt, dyprosium, europium doped
P–98–1030	08/30/02	08/08/02	(G) Urethane acrylate

List of Subjects

Environmental protection, Chemicals, Premanufacturer notices.

Dated: October 7, 2002.

Sandra R. Wilkins,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 02–26306 Filed 10–15–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPPT–2002–0063; FRL–7277–7]

Approval of Modifications to Test Marketing Exemption for a Certain Chemical

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of modifications of the test marketing period for a test marketing exemption (TME) under section 5(h)(1) of the Toxic Substances Control Act (TSCA). EPA designated the original test marketing application as TME–02–0005. The test marketing conditions are described in this notice.

DATES: This notice is effective October 7, 2002.

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 20460–0001; telephone number: (202) 554–1404; e-mail address: *TSCA-Hotline@epa.gov*.

For technical information contact: Jamesine Rogers, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–3453; e-mail address: *rogers.jamesine@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed in particular to the chemical manufacturer and/or importer who submitted the TME to EPA. This action may, however, be of interest to the public in general. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of This Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPPT–2002–0063. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the EPA Docket Center, Rm. B102-Reading Room, EPA West, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The EPA Docket Center Reading Room telephone number is (202) 566–1744 and the telephone number for the OPPT Docket, which is located in EPA Docket Center, is (202) 566–0280.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*. A frequently updated electronic version of 40 CFR is available at *http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr_00.html*, a beta site currently under development.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search,'' then key in the appropriate docket ID number.

II. What Action is the Agency Taking?

EPA approves the modifications of the test marketing period, production volume, and number of customers for TME–02–0005. EPA has determined that test marketing of the new chemical substance described in this notice, under the conditions set out in the TME applications and modification requests, and for the modified time periods specified in this notice, will not present any unreasonable risk of injury to health or the environment. Production volume, use, and the number of customers must not exceed specifications in the application. All other conditions and restrictions described in the original notice of approval of test marketing application must be met.

TME–02–0005

Notice of approval of original application: February 27, 2002, (67 FR 8971) (FRL–6825–3).

Production volume: CBI.

Number of customers: 0 (intermediate).

Modified test marketing period: 6 months.

Commencing on: October 8, 2002.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

III. What is the Agency's Authority for Taking this Action?

Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substances for test marketing purposes will not present an unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present an unreasonable risk of injury.

List of Subjects

Environmental protection, Test marketing exemptions.

Dated: October 7, 2002.

Rose A. Allison,

Acting Chief, New Chemicals Prenotice Management Branch, Office of Pollution Prevention and Toxics.

[FR Doc. 02–26307 Filed 10–15–02; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

[WC Docket No. 02–60; DA 02–2551]

New Universal Service Deadline for Completing Funding Year 2001 Rural Healthcare Application Process

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the new deadline for completing Rural Healthcare Applications for filing the FCC Form 466/468 packet, for those rural healthcare providers seeking discounts for Funding Year 2001 under the rural healthcare universal service support mechanism.

DATES: Filing deadline is October 11, 2002.

FOR FURTHER INFORMATION CONTACT: Peter Trachtenberg, Attorney, Telecommunications Access Policy Division, Wireline Competition Bureau, (202) 418–7400, TTY: (202) 418–0484.

SUPPLEMENTARY INFORMATION: October 11, 2002, is the final deadline for filing the FCC Form 466/468 packet, for those rural healthcare providers seeking discounts for Funding Year 2001 under the rural healthcare universal service

support mechanism. The Form 466/468 packet informs the Rural Healthcare Division (RHCD) of the Universal Service Administrative Company that the health care provider has entered into an agreement with a telecommunications carrier for a service believed eligible for universal service support. Those entities that have applied for support for Funding Year 2001 (July 1, 2001—June 30, 2002) must have their completed packet postmarked by October 11, 2002.

The completed FCC Form 466/468 packet must include the following:

(1) FCC Form 466 (Services Ordered and Certification Form), completed by the health care provider;

(2) FCC Form 468 (Telecommunications Service Providers Support Form), completed by the telecommunications carrier;

(3) contract document or tariff designation, provided by either the health care provider or telecommunications carrier, and,

(4) if the health care provider is seeking support based on an urban/rural rate comparison, documentation must be included to show the rate for the selected service(s) in the nearest city of 50,000 or more within the state.

The forms and accompanying instructions may be obtained at the RHCD Web site <*http://www.rhc.universalservice.org/forms*> (they are called Funding Year 4 forms, because Funding Year 2001 was the fourth year of the program). Parties with questions or in need of assistance with the filing of their applications should contact RHCD's Customer Service Support Center at 1–800–229–5476.

Federal Communications Commission.

Mark G. Seifert,

Deputy Division Chief, Telecommunications Access Policy Division.

[FR Doc. 02–26270 Filed 10–15–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FCC 02–277]

Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility and Integrity of Disseminated Information

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Federal Communications Commission (Commission) has published its Information Quality Guidelines on its Internet web site. The guidelines were developed pursuant to the requirements of the Data Quality Act, Section 515 of Public Law No. 105–554, and the implementing rules of the Office of Management and Budget's (OMB's) Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility and Integrity of Information Disseminated by Federal Agencies, 67 FR 8452, February 22, 2002.

FOR FURTHER INFORMATION CONTACT: Dr. Karen Wheeless, Office of Managing Director, 202–418–2910, or by e-mail to *kwheeles@fcc.gov.*

SUPPLEMENTARY INFORMATION: Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106–554) directed OMB to issue government-wide guidelines that ''provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility and integrity of information (including statistical information) disseminated by Federal agencies.'' The OMB guidelines required each agency to make a draft of its guidelines available for public review by May 1, 2002. Revised drafts were provided to OMB for review by August 1, 2002. Final guidelines were to be available on an agency's Internet site by October 1, 2002. The Guidelines can be found at *http://www.fcc.gov/omd/dataquality.* Information on how to file a complaint regarding an information dissemination product covered by these guidelines can also be found at the same location.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 02–26236 Filed 10–15–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

[Petition No. P2–02]

Petition of the South Florida NVOCC-NAOCC Association, Inc. for an Investigation of the Service Contracting and Rating Practices of the Caribbean Shipowners Association; Notice of Filing and Request for Comments

Notice is hereby given that, by petition filed October 8, 2002, the South Florida NVOCC–NAOCC Association, Inc. (''Petitioner'') has petitioned the Commission for an investigation under section 11(c) of the Shipping Act of 1984 (''Shipping Act'') of certain activities by the members of the Caribbean Shipowners Association (''CSA'').

In particular, Petitioner requests the Commission to determine whether CSA's members have violated the Shipping Act through discriminatory service contracting and rating practices in the Caribbean trades that intentionally discriminate against Ocean Transportation Intermediaries (''OTIs'') in violation of sections 10(c)(1), 10(c)(3), 10(c)(7) and 10(c)(8) of the Shipping Act. Petitioner contends that these practices reduce competition in the involved trades and produce unreasonable reductions in transportation service and unreasonable increases in transportation cost to OTIs, their shippers and the shipping public within the meaning of section 6(g) of the Shipping Act. Petitioner further alleges that CSA and its members may be in violation of section 5(c) of the Shipping Act by either adopting mandatory agreements relating to OTI rates and services or failing to file true copies of their voluntary guidelines thereon with the Commission. Petitioner finally alleges that, in taking these actions, CSA is operating in violation of its agreement and is therefore also in violation of section 10(c)(3) of the Shipping Act.

In support of these contentions, Petitioner claims that Non-Vessel-Operating common carrier OTIs (''NVOs'') depend upon CSA members to transport their shipments, approximately 90% of which move under service contracts. On or about July 1, 2002, CSA members announced a selective rate increase plan targeting service contract and tariff rates for the commodity descriptions almost exclusively used by NVOs for consolidated containers of less than container load (''LCL'') cargo: Freight All Kinds (''FAK'') and General Department Store Merchandise (''GDSM''). Petitioner states that the increases were substantial (from 10% to 40%); however, CSA purportedly did not take across-the-board increases for any other commodities or categories of shippers. Petitioner asserts that CSA's members' service contract offers to NVOs have eliminated all commodity rates other than FAK and GDSM, thereby depriving NVOs of a rate basis on which to compete for full container load (''FCL''), single commodity shipments. Petitioner further alleges that, at the same time, a wholly-owned NVO subsidiary of CSA member Tropical Shipping and Construction Co., Ltd. (''Tropical'') (described by Petitioner as the largest vessel-operating carrier in most of the involved markets and virtually the only CSA member competing in the LCL market) reduced its LCL rates. Petitioner argues the

combination of CSA members raising the FAK and GDSM rates on which NVOs base their LCL rates, and Tropical lowering its LCL rates, has created a ''price squeeze'' on the NVOs. Petitioner alleges that CSA's members' ''obviously coordinated series of actions'' has severely and unfairly injured the ability of Petitioner's members to compete. Moreover, Petitioner suggests that CSA's members' unreasonably raising rates may foreclose U.S. exporters from certain of the involved trades. Finally, Petitioner states that it has been advised that the CSA's goal and purpose in adopting the ''selective'' rate increase plan is to ''destroy non-conference competition'' and ''diminish the influence of the NVOs''.

If the Commission's investigation concludes that Shipping Act violations have occurred, Petitioner urges the Commission to: (1) Issue sanctions against CSA and its members pursuant to section 13 of the Shipping Act for violations found; (2) require CSA member lines to pay reparations pursuant to section 11(g) of the Shipping Act to those OTIs who have been damaged;[1] and (3) seek appropriate injunctive relief to enjoin further operation of CSA pursuant to sections 6(g) and (h) of the Shipping Act.

The Petition was filed under Rule 69 of the Commission's Rules of Practice and Procedure, 46 CFR 502.69, and states that it was served upon CSA. Replies to the petition, as provided by Rule 69 and Rule 74, 46 CFR 502.74, are due October 23, 2002. In order for the Commission to make a thorough evaluation of the petition, the Commission is also inviting interested persons to submit their comments on the petition no later than October 23, 2002. Comments shall consist of an original and 15 copies, or, if e-mailed, as an attachment in WordPerfect 8, Microsoft Word 97, or earlier versions of these applications; be directed to the Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573–0001 (e-mail to: *Secretary@fmc.gov*); and be served on Petitioner's counsel: David P. Street, Galland, Kharasch, Greenberg, Fellman & Swirsky, P.C., 1054 Thirty-First Street, NW., Washington, DC 20007–4492; and on CSA, Suite 414, Galleria Professional Building, 915 Middle River Drive, Fort Lauderdale, FL 22204–3561.

[1] Section 11(g) of the Shipping Act, 46 App. U.S.C. 1710(g), provides that, for any complaint filed within 3 years after the cause of action accrued, the Commission shall, upon petition of the complainant and after notice and hearing, direct payment of reparations to the complainant for injury caused by a violation of the Act.

Copies of the petition are available at the Office of the Secretary of the Commission, 800 N. Capitol Street, NW., Room 1046, by telephone request at 202–523–5725 or through email request directed to *Secretary@fmc.gov.*

Parties participating in this proceeding may elect to receive service of the Commission's issuances in this proceeding through e-mail in lieu of service by U.S. mail. A party opting for electronic service shall advise the Office of the Secretary in writing and provide an e-mail address where service can be made.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 02–26246 Filed 10–15–02; 8:45 am]

BILLING CODE 6730–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–03–02]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 498–1210.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Send comments to Anne O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

Evaluating Toolbox Training Safety Program for Construction and Mining (OMB 0920–0535)—Extension—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC) proposes to evaluate the effectiveness of various educational approaches utilizing ''toolbox'' safety training materials targeted to construction and mining industries. The mission of the National Institute for Occupational Safety and Health is to promote safety and health at work for all people through research and prevention.

In comparison to other industries, construction and mining, workers continue to have the highest rates of occupational fatalities and injuries. The Bureau of Labor Statistics estimated for 1999 that while the construction industry comprises only 6% of the workforce, they account for 20% of the fatal occupational injuries across all industry types (BLS, 1999). Similarly, though the mining industry comprises less than .5% of the workforce, this industry reflects 2% of all fatal occupational injuries (BLS, 1999).

Research on the effectiveness of safety and health training programs has revealed that training can lead to increases in worker knowledge and awareness of workplace safety practices. However, fewer evaluations of safety training effectiveness have investigated the relationship between various instructional approaches and the actual transfer of safety training information into workplace practices. Preliminary input from employees, managers, and union leaders representing construction and mining concerns revealed a desire in these industries for affordable safety training materials that can be effectively administered in short sessions on the job.

Representatives from these industries reported that safety training sessions need to establish a closer connection between the safety recommendations and the background experiences and knowledge of the workers. An instructional approach that may address these needs is often called ''toolbox'' or ''tailgate'' training. This type of training is characterized by brief (15 minute) workplace safety lessons. Despite the popularity of toolbox safety talks, research is needed to identify the most effective format for this medium. NIOSH will investigate the impact of using a narrative, case-study instructional approach versus a more typical, didactic ''learn the facts'' approach. Comparative analyses will examine differences in knowledge gain, safety attitudes and

beliefs, and workplace behaviors. Findings from this research will help identify the conditions critical to effective toolbox safety training for mining and construction. The materials developed and evaluated during this study will be made available to the public at the conclusion of the evaluation.

Construction and mining companies who participate in the study will be randomly assigned to receive eight weekly toolbox safety training sessions that use either a case-study narrative or conventional instructional approach. The training sessions are designed to last fifteen minutes. The impact of these materials will be evaluated through the examination of changes in employee knowledge gains, attitudes toward safety practices, and the use of safety behaviors prior to and following their participation in the safety training program. Trainers will complete brief response cards each week. A sample of trainers will participate in structured interviews. Findings of the study will be reported to participants and in the literature. There is no cost to respondents.

Respondents	Number of respondent	Number of responses/respondent	Average burden/response (in hours)	Total burden (in hours)
Worker Pre-training Survey (attitude survey)	640	1	15/60	160
Worker Post-training Survey (attitude survey)	640	1	15/60	160
Instructor Feedback Cards	64	8	5/60	43
Total				363

Dated: October 7, 2002.

Nancy E. Cheal,

Acting Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 02–26204 Filed 10–15–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–03–03]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 498–1210.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS-D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

Survey Development: Child Stress and Toxics—New—Agency for Toxic Substances and Disease Registry (ATSDR). ATSDR is mandated pursuant to the 1980 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and its 1986 amendments, the Superfund Amendments and Reauthorization Act (SARA), to serve the public by using the best science, taking responsive public health actions, and providing trusted health information to prevent harmful exposures and disease related to toxic substances. For the past 6 years, ATSDR has worked with the U.S. Environmental Protection Agency (EPA), the Substance Abuse and Mental Health Services Administration (SAMSHA), state health departments, and local communities on the issue of psychosocial stress due to the presence of toxic hazards. A significant amount of research has focused on adult psychosocial stress in communities affected by hazardous substances. Comparatively little is known about levels of psychosocial stress among children or other susceptible populations in these settings.

There is a critical need to develop a research instrument to screen children who live in communities at or near hazardous waste sites for elevated stress levels. The instrument will facilitate the establishment of group norms for levels of stress in children and is not intended to provide clinical or diagnostic information on individual children.

The purposes of this project are to: (1) Develop and pilot-test a scale to assess levels and sources of psychosocial stress in children who live in communities at or near hazardous waste sites, (2) modify the scale based on pilot-test results, (3) validate the scale on children living in communities near hazardous waste sites, and (4) provide an evidence base for planning and conducting interventions in affected communities.

In year one, we will pilot test the scale in at least 100 children in two age groups (5th and 9th grade levels) at one or more test sites. We will also conduct semi-structured interviews or focus groups to determine whether additional variables need to be included in the scale. During the second and third years of the project, we will use the scale to screen up to 4,700 children in communities at or near hazardous waste sites. We will then, hopefully, be able to plan effective interventions and to further predict and explain levels of stress in children living around hazardous waste sites. There is no cost to respondents.

Respondents	Number of respondents	Number of responses/respondent	Average burden/response (in hours)	Total burden (in hours)
Children 10–17 years old	5,000	1	30/60	2,500
Total				2,500

Dated: October 8, 2002.

Nancy E. Cheal,

Acting Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 02–26205 Filed 10–15–02; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Notice of Allotment Percentages to States for Child Welfare Services State Grants

AGENCY: Administration on Children, Youth and Families,Administration for Children and Families, Department of Health and Human Services.

ACTION: Biennial publication of allotment percentages for States under the Title IV–B subpart 1, Child Welfare Services State Grants Program.

SUMMARY: As required by section 421(c) of the Social Security Act (42 U.S.C. 621(c)), the Department is publishing the allotment percentage for each State under the Title IV–B subpart 1, Child Welfare Services State Grants Program. Under section 421(a), the allotment percentages are one of the factors used in the computation of the Federal grants awarded under the Program.

EFFECTIVE DATE: The allotment percentages shall be effective for Fiscal Years 2004 and 2005.

FOR FURTHER INFORMATION CONTACT: Doris Lee, Office of Grants Management, Office of Administration, Administration for Children and Families, 330 C Street, SW., Washington, DC 20201.

SUPPLEMENTARY INFORMATION: The allotment percentage for each State is determined on the basis of paragraphs (b) and (c) of section 421 of the Act. These figures are available on the ACF homepage on the internet: *http://www.acf.dhhs.gov/programs/cb/.* The allotment percentage for each State is as follows:

State	Allotment percentage
Alabama	59.69
Alaska	49.52
Arizona	57.35
Arkansas	62.49
California	46.25
Colorado	45.06
Connecticut	30.53
Delaware	47.05
District of Columbia	34.80
Florida	52.23
Georgia	52.61
Hawaii	52.22
Idaho	59.49
Illinois	45.81
Indiana	54.25
Iowa	55.24
Kansas	53.35
Kentucky	59.24
Louisiana	60.30
Maine	56.54
Maryland	42.71
Massachusetts	36.91
Michigan	50.50
Minnesota	45.84
Mississippi	64.32
Missouri	53.73
Montana	61.16
Nebraska	52.79
Nevada	49.96
New Hampshire	44.28
New Jersey	37.19
New Mexico	62.62
New York	41.19
North Carolina	54.57
North Dakota	58.04
Ohio	52.41
Oklahoma	59.34
Oregon	53.34
Pennsylvania	49.87
Rhode Island	50.58
South Carolina	59.08
South Dakota	56.33
Tennessee	55.53
Texas	52.99
Utah	60.36
Vermont	53.66
Virginia	47.22
Washington	46.96
West Virginia	62.87
Wisconsin	51.93
Wyoming	52.72
American Samoa	70.00
Guam	70.00
N. Mariana Islands	70.00
Puerto Rico	70.00
Virgin Islands	70.00

Dated: October 9, 2002.

Joan Ohl,

Commissioner, Administration on Children, Youth and Families.

[FR Doc. 02–26291 Filed 10–15–02; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0589]

Agency Information Collection Activities; Announcement of OMB Approval; Extralabel Drug Use in Animals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Extralabel Drug Use in Animals'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

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 the **Federal Register** of May 14, 2002 (67 FR 34456), 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 0910–0325. The approval expires on September 30, 2005. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: October 9, 2002.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 02–26328 Filed 10–15–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 02N–0131]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; FDA Rapid Response Surveys

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by November 15, 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: Mark L. Pincus, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1471.

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.

FDA Rapid Response Surveys—New Collection

Section 505 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355), requires that important safety information relating to all human prescription drug products be made available to FDA so that it can take appropriate action to protect the public health when necessary. Section 702 of the act (21 U.S.C. 372) authorizes investigational powers to FDA for enforcement of the act.

Under section 519 of the act (21 U.S.C. 360i), FDA is authorized to require manufacturers to report medical-device-related deaths, serious injuries, and malfunctions to FDA and to require user facilities to report device-related deaths directly to FDA and to manufacturers, and to report serious injuries to the manufacturer. Section 522 of the act (21 U.S.C. 360l) authorizes FDA to require manufacturers to conduct postmarket surveillance of medical devices. Section 705(b) of the act (21 U.S.C. 375(b)) authorizes FDA to collect and disseminate information regarding medical products or cosmetics in situations involving imminent danger to health or gross deception of the consumer. Section 903(d)(2) of the act (21 U.S.C. 393(d)(2)) authorizes the Commissioner of Food and Drugs to implement general powers (including conducting research) to carry out effectively the mission of FDA. These sections of the act enable FDA to enhance consumer protection from risks associated with medical products usage that are not foreseen or apparent during the premarket notification and review process.

FDA's regulations governing application for agency approval to market a new drug (21 CFR part 314), regulations governing biological products (21 CFR part 600, *et seq.*), and regulations governing medical devices (21 CFR part 803) implement these statutory provisions.

Currently FDA monitors medical product related postmarket adverse events via both the mandatory and voluntary MedWatch Reporting Systems using FDA Forms 3500 and 3500A (OMB control number 0910–0291), and the Vaccine Adverse Event Reporting System (VAERS).

FDA is seeking OMB clearance to collect vital information via a series of rapid response surveys. Participation in these surveys will be voluntary. This request covers rapid response surveys for community based health care professionals, general type medical facilities, specialized medical facilities (those known for cardiac surgery, obstetrics/gynecology services, pediatric services, etc.), other health care professionals, patients, consumers, and risk managers working in medical facilities.

FDA will use the information gathered from these surveys to obtain quickly vital information about medical product risks and interventions to reduce risks so the agency may take appropriate public health or regulatory action including dissemination of this information as necessary and appropriate.

In the **Federal Register** of April 30, 2002 (67 FR 21253), the agency requested comments on the proposed collection of information. FDA received four comments, but only one pertained to the information collection.

For the purpose of clarity and understanding, the comment will be divided into six sections. The first section is as follows:

The previous notice provides no description of the surveys being proposed, the nature of the information to be sought, the respondents to whom the surveys will be sent, the ''triggers'' for issuing survey, or proposed use of the results of these surveys.

FDA's response is there have been times when FDA has received notice of medical product problems through its various adverse event-reporting systems and often there is insufficient information to gauge whether or not a significant public health problem exists with respect to a specific medical product. If a significant problem exists, FDA seeks to understand quickly the nature of the problem.

FDA will propose the use of specific FDA Rapid Response Surveys through the submission of a memorandum requesting OMB approval of the survey. Included in this memorandum will be the need for the survey and the timeframe in which FDA needs OMB to make a decision on the survey, and the description of the statistical methods to be used. These include the respondent universe, the sample selection methods, the information collection procedures, the expected response rate and an estimate of the burden. Also included in the request will be a copy of the survey.

Also, if there is a very new problem to FDA, the agency needs to investigate it more before it decides on the proper action. For example, if the results of the survey indicate that problems are more widespread than just a few isolated incidents, the first anticipated action by FDA is to contact the manufacturers or sponsors of the product to discuss the issues. Depending on the manufacturers' responses, the issue could end up in a product recall, or information could be posted on the FDA web site stating that some problems exist with the use of these products. Additionally, the issue may be referred to a center ad-hoc committee or a working group to formulate additional actions. Without first knowing if there is an issue, and what the causes of the problem may be, it is difficult to state the final action. That is why the Rapid Response Survey becomes so important in helping FDA discern the issues.

By going to the manufacturers and sponsors, FDA often needs input from other stakeholders that have firsthand knowledge of the problem and the situation. Here is where the Rapid Response Survey can be invaluable.

The second section of the comment recommends that the notice be reissued with adequate details about the proposed collection of information to

enable the public to understand the proposal so that comments can then be made to the agency based on full knowledge of the proposal.

FDA responds to the comment by stating in the 30-day **Federal Register** notice and in the information collection requirement adequate details about the purpose were added to enable the public to understand the purpose of the proposal. Therefore, FDA is not going to reissue the 60-day **Federal Register** notice, but has considered and responded to all the comments received.

The third section of the comment states that risk management requires the involvement of all stakeholders, including government, industry, health-care professionals, and patients. The role of medical product sponsor appears to be left out of the process.

FDA's response is that medical product sponsors as a stakeholder was omitted inadvertently from the 60-day **Federal Register** notice seeking public comment. They will be included in the 30-day **Federal Register** notice announcing FDA's submission of this information collection to OMB as well as in the justification package sent to OMB.

The fourth section of the comment states that it is unclear to whom the surveys will be directed. Although the notice identifies general groups, there is no discussion of how members of these groups will be identified to participate in the surveys.

The FDA reply is that the agency will determine which groups to which groups will be asked to participate in each particular survey based on the type of medical product problem that occurred. For instance, if the problem dealt with clinical laboratory devices and a perceived problem with antibody assays for detection of the herpes virus and laboratory information systems mixing up pathology reports, FDA would survey the members of the American Society of Microbiology Division C and facilities that use such information that is retrieved from the MedSun system.

Section five deals with the voluntary nature of the surveys risks the collection of potentially confounded, biased, and unconfirmed information on which, according to the notice, the agency intends to ''take: appropriate public health or regulatory action.''

FDA responds that usually it expects a 70 percent response rate. The impact of a lower response rate to these surveys will be considered before FDA takes action to improve the response rate. FDA may determine that quicker action—development of a public position paper—can be taken based on consistent responses from each of the surveys conducted. If there is a low response rate with no clear pattern of response, the national organization representing that stakeholder group will send a letter to all respondents reminding them to fill out the survey form.

FDA proposes to draw purposeful samples for these surveys. Since the survey data will not be used for estimates of incidence, there is no need for a probability sample. Because these proposed data collections are qualitative, not quantitative, and because FDA resources for processing incoming data limited, FDA proposes to keep these data collection efforts to a manageable size.

The response universe will be kept to those stakeholders that have been identified as appropriate respondents. These will be groups that focus on those specialties and have experience and expertise in those areas.

The sixth and final section of the comment stated that the notice doesn't address the mechanism by which the surveys will produce ''rapid responses'' from those surveyed. Whether the surveys will be conducted by mail, facsimile, telephone, or the Internet, there is a need to validate the source(s) and medical accuracy of the information provided. One of the hallmarks of responsible risk management is confirmation of the information upon which decisions are based. Decision should not be based on information gathered in haste if/when the source and validity of the data have not been confirmed.

FDA's response is depending on the criticality of the survey and the speed in which the data needs to be returned to FDA, respondents can use mail, faxes, or e-mail for their survey responses. More use of Internet based surveys will be made in the future.

FDA will employ great care in determining the validity of the information received. This will be done through the design of the survey instruments and keeping identifiers for followup if the Center has concerns about the data received. After the data has been verified, the respondents identifying information will be deleted.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
200	30 (maximum)	6,000	.5	3,000

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA projects 30 emergency risk related surveys per year with a sample of between 50 and 200 respondents per survey. FDA also projects a response time of 0.5 hours (30 minutes) per response.

These estimates are based on the maximum sample size per questionnaire that FDA can analyze in a timely manner. The annual frequency of response was determined by the maximum number of questionnaires that will be sent to any individual respondent. Some respondents may be contacted only one time per year, while other respondents may be contacted several times annually, depending on the human drug, biologic, or medical device under evaluation. It is estimated that, given the expected type of issues that will be addressed by the surveys, it will take 0.5 hours (30 minutes) for a respondent to gather the requested information and fill in the answers.

Dated: October 9, 2002.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 02–26324 Filed 10–15–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 02D–0303]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Guidance for Industry on Formal Dispute Resolution; Appeals Above the Division Level

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by November 15, 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: Karen L. Nelson, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1482.

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.

Guidance for Industry on Formal Dispute Resolution; Appeals Above the Division Level (OMB Control Number 0910–0430)—Extension

This information collection approval request is for an FDA guidance on the process for formally resolving scientific and procedural disputes in the Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER) that cannot be resolved at the division level. The guidance describes procedures for formally appealing such disputes to the office or center level and for submitting information to assist center officials in resolving the issue(s) presented. The guidance provides information on how the agency will interpret and apply provisions of the existing regulations regarding internal agency review of decisions § 10.75 (21 CFR 10.75) and dispute resolution during the investigational new drug application (IND) process (21 CFR 312.48) and the new drug application/abbreviated new drug application (NDA/ANDA) process (21 CFR 314.103). In addition, the guidance provides information on how the agency will interpret and apply the specific Prescription Drug User Fee Act (PDUFA) goals for major dispute resolution associated with the development and review of PDUFA products.

Existing regulations, which appear primarily in parts 10, 312, and 314 (21 CFR parts 10, 312, and 314), establish procedures for the resolution of scientific and procedural disputes between interested persons and the agency, CDER, and CBER. All agency decisions on such matters are based on information in the administrative file (§ 10.75(d)). In general, the information in an administrative file is collected under existing regulations in parts 312 (OMB control number 0910–0014), 314 (OMB control number 0910–0001), and part 601 (21 CFR part 601) (OMB control number 0910–0315), which specify the information that manufacturers must submit so that FDA may properly evaluate the safety and effectiveness of drugs and biological products. This information is usually submitted as part of an IND, NDA, or biologics license application (BLA), or as a supplement to an approved application. While FDA already possesses in the administrative file the information that would form the basis of a decision on a matter in dispute resolution, the submission of particular information regarding the request itself and the data and information relied on by the requestor in the appeal would facilitate timely resolution of the dispute. The guidance describes the following collection of information not expressly specified under existing regulations: The submission of the request for dispute resolution as an amendment to the application for the underlying product, including the submission of supporting information with the request for dispute resolution.

FDA's regulations (§§ 312.23(d), 314.50, 314.94, and 601.2) state that information provided to the agency as part of an IND, NDA, ANDA, or BLA is to be submitted in triplicate and with an appropriate cover form. Form FDA 1571 must accompany submissions under INDs and Form FDA 356h must accompany submissions under NDAs, ANDAs, and BLAs. Both forms have valid OMB control numbers as follows: FDA Form 1571, OMB control number 0910–0014, expires November 30, 2002; and FDA Form 356h, OMB control number 0910–0001, expires March 31, 2005. In the guidance document, CDER and CBER ask that a request for formal dispute resolution be submitted as an amendment to the application for the underlying product and that it be submitted to the agency in triplicate with the appropriate form attached, either Form FDA 1571 or Form FDA 356h. The agency recommends that a request be submitted as an amendment in this manner for the following two reasons: (1) To ensure that each request is kept in the administrative file with the entire underlying application, and (2) to ensure that pertinent information about the request is entered into the appropriate tracking databases. Use of the information in the agency's tracking databases enables the appropriate agency official to monitor progress on the resolution of the dispute and to ensure that appropriate steps will be taken in a timely manner.

CDER and CBER have determined and the guidance recommends that the following information should be submitted to the appropriate center with each request for dispute resolution so that the center may quickly and efficiently respond to the request: (1) A brief but comprehensive statement of each issue to be resolved, including a description of the issue, the nature of the issue (i.e., scientific, procedural, or both), possible solutions based on information in the administrative file, whether informal dispute resolution was sought prior to the formal appeal, whether advisory committee review is sought, and the expected outcome; (2) a statement identifying the review division/office that issued the original decision on the matter and, if applicable, the last agency official that attempted to formally resolve the matter; (3) a list of documents in the administrative file, or additional copies of such documents, that are deemed necessary for resolution of the issue(s); and (4) a statement that the previous supervisory level has already had the opportunity to review all of the material relied on for dispute resolution. The information that the agency suggests submitting with a formal request for dispute resolution consists of: (1) Statements describing the issue from the perspective of the person with a dispute, (2) brief statements describing the history of the matter, and (3) the documents previously submitted to FDA under an OMB approved collection of information.

Based on FDA's experience with dispute resolution, the agency expects that most persons seeking formal dispute resolution will have gathered the materials listed previously when identifying the existence of a dispute with the agency. Consequently, FDA anticipates that the collection of information attributed solely to the guidance will be minimal.

Description of Respondents: A sponsor, applicant, or manufacturer of a drug or biological product regulated by the agency under the act or section 351 of the Public Health Service Act who requests formal resolution of a scientific or procedural dispute.

Burden Estimate: Provided below is an estimate of the annual reporting burden for requests for dispute resolution. Based on data collected from review divisions and offices within CDER and CBER, FDA estimates that approximately seven sponsors and applicants (respondents) submit requests for formal dispute resolution to CDER annually and approximately one respondent submits requests for formal dispute resolution to CBER annually. The total annual responses are the total number of requests submitted to CDER and CBER in 1 year, including requests for dispute resolution that a single respondent submits more than one time. FDA estimates that CDER receives approximately 10 requests annually and CBER receives approximately 1 request annually. The hours per response is the estimated number of hours that a respondent would spend preparing the information to be submitted with a request for formal dispute resolution in accordance with this guidance, including the time it takes to gather and copy brief statements describing the issue from the perspective of the person with the dispute, brief statements describing the history of the matter, and supporting information that has already been submitted to the agency. Based on experience, FDA estimates that approximately 8 hours on average would be needed per response. Therefore, FDA estimates that 96 hours will be spent per year by respondents requesting formal dispute resolution under the guidance.

In the **Federal Register** of July 18, 2002 (67 FR 47385), the agency requested comments on the proposed collections of information. No comments were received.

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

Request for Formal Dispute Resolution	No. of Respondents	No. of Respondents per Response	Total Annual Responses	Hours per Response	Total Hours
CDER	7	1.4	10	8	80
CBER	1	2	2	8	16
Total					96

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: October 9, 2002.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 02–26326 Filed 10–15–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 02N–0284]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Food Labeling: Health Claims; Record Retention Requirements for the Soy Protein and Risk of Coronary Heart Disease Health Claim

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by November 15, 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: 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 compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Food Labeling: Health Claims; Record Retention Requirements for the Soy Protein and Risk of Coronary Heart Disease Health Claim—21 CFR 101.82(c)(2)(ii)(B) (OMB Control Number 0910–0428)—Extension

This regulation authorizes a health claim for food labels about soy protein and coronary heart disease (CHD). Section 403(r)(3)(A)(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(r)(3)(A)(i)) provides for the use of food label statements characterizing a relationship of any nutrient of the type required to be in the label or labeling of the food to a disease or a health related condition only where that statement meets the requirements of the regulations issued by the Secretary of Health and Human Services to authorize the use of such a health claim. To bear the soy protein and CHD health claim, foods must contain at least 6.25-gram soy protein per reference amount customarily consumed. Analytical methods for measuring total protein can be used to quantify the amount of soy protein in foods that contain soy as the sole source of protein. At the present time, there is no validated analytical methodology available to quantify the amount of soy protein in foods that contain other sources of protein. For these latter foods, FDA must rely on information known only to the manufacturer to assess compliance with the qualifying amount of soy protein. Thus, FDA requires manufacturers to have and keep records to substantiate the amount of soy protein in a food that bears the health claim and contains sources of protein other than soy, and to make such records available to appropriate regulatory officials upon written request. The information collected includes nutrient databases or analyses, recipes or formulations, purchase orders for ingredients, or any other information that reasonably substantiates the ratio of soy protein to total protein.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

21 CFR Section	No. of Recordkeepers	Annual Frequency of Recordkeepers	Total Annual Records	Hours per Record-keeper	Total Hours
101.82(c)(2)(ii)(B)	25	1	25	1	25

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based upon its experience with the use of health claims, FDA estimates that only about 25 firms would be likely to market products bearing a soy protein/CHD health claim and that only, perhaps, one of each firm's products might contain nonsoy sources of protein along with soy protein. The records required to be retained by 21 CFR 101.82(c)(2)(ii)(B) are the records, e.g., the formulation or recipe, that a manufacturer has and maintains as a normal course of its doing business. Thus, the burden to the food manufacturer is that involved in assembling and providing the records to appropriate regulatory officials for review or copying.

Dated: October 9, 2002.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 02–26327 Filed 10–15–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 02N–0309]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Reclassification Petitions for Medical Devices

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by November 15, 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: 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 compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Reclassification Petitions for Medical Devices—21 CFR 860.123 (OMB Control Number 0910–0138)—Extension

FDA has the responsibility under sections 513(e) and (f), 514(b), 515(b), and 520(l) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c(e) and (f), 360d(b), 360e(b), and 360j(l)) and part 860 (21 CFR part 860), subpart C, to collect data and information contained in reclassification petitions. The reclassification provisions of the act allow any person to petition for reclassification of a device from any one of the three classes (I, II, and III) to another class. The reclassification content regulation (§ 860.123) requires the submission of sufficient, valid scientific evidence demonstrating that the proposed classification will provide a reasonable assurance of safety and effectiveness of the device for its intended use. The reclassification provisions of the act serve primarily as a vehicle for manufacturers to seek reclassification from a higher to a lower class, thereby reducing the regulatory requirements applicable to a particular device. The reclassification petitions requesting classification from class III to class II or class I, if approved, provide an alternative route to the market in lieu of premarket approval for class III devices.

Description of respondents: Device manufacturers.

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
860.123	6	1	6	500	3,000

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on current trends and actual reclassification petitions received, FDA anticipates that six petitions will be submitted each year. The time required to prepare and submit a reclassification petition, including the time needed to assemble supporting data, averages 500 hours per petition. This average is based upon estimates by FDA administrative and technical staff who are familiar with the requirements for submission of a reclassification petition, have consulted and advised manufacturers on these requirements, and have reviewed the documentation submitted.

Dated: October 9, 2002.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 02–26329 Filed 10–15–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Dermatologic and Ophthalmic Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Dermatologic and Ophthalmic Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA'S regulatory issues.

Date and Time: The meeting will be held on November 4, 2002, from 8:30 a.m. to 5:30 p.m. and November 5, 2002, from 8 a.m. to 1 p.m.

Location: Holiday Inn, Versailles Ballroom, 8120 Wisconsin Ave., Bethesda, MD.

Contact Person: Karen M. Templeton-Somers, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–7001, e-mail: SomersK@cder.fda.gov, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12534. Please call the Information Line for up-to-date information on this meeting.

Agenda: On both the days, committee will make recommendations for the development of a proposed draft guidance concerning the development of products for mild to moderate acne vulgaris. Issues to be considered include: (1) The evidence for effectiveness; (2) appropriate outcome measures and their analyses; (3) possible acceptable indications such as inflammatory, noninflammatory or just mild to moderate acne vulgaris; and (4) means for conveying evidence for effectiveness in the label to enhance its usefulness for clinicians and patients. Time will be included in the agenda for the pharmaceutical industry to present their views on the development of the draft guidance. Please register to present (see *Contact Person*) by October 18, 2002.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by October 18, 2002. Oral presentations from the public will be scheduled between approximately 8:45 a.m. and 9:15 a.m. on November 4, 2002, and between approximately 8:15 a.m. and 8:45 a.m. on November 5, 2002. Time allotted for each presentation may be limited. If you wish to make a brief statement during the open public hearing, please contact the Executive Secretary (see Contact Person), by October 18, 2002.

You will be asked to submit a brief summary of your planned statement and provide information on how we may contact you before the meeting.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Karen Templeton-Somers at least 7 days in advance of the meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: October 9, 2002.

Linda Arey Skladany,

Senior Associate Commissioner for External Relations.

[FR Doc. 02–26330 Filed 10–15–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Infant Formula Subcommittee of the Food Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Infant Formula Subcommittee of the Food Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on scientific issues and principals related to FDA's regulatory issues.

Date and Time: The meeting will be held on November 18, 2002, from 8 a.m. to 6 p.m. and November 19, 2002, from 8 a.m. to 5 p.m.

Location: U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Conference Center, 4700 River Rd., Riverdale, MD, 301–734–8010.

Contact Person: Jeanne E. Latham, Center for Food Safety and Applied Nutrition (HFS–800), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 301–436–1756, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 10564. Please call the Information Line for up-to-date information on this meeting.

Agenda: The meeting's purpose is to discuss the scientific issues and principles involved in assessing and evaluating whether a ''new'' infant formula supports normal physical growth in infants when consumed as a sole source of nutrition. This is the second meeting of a series of advisory committee meetings to discuss the scientific issues involved in evaluating whether a new infant formula supports normal physical growth.

FDA will post information relating to this meeting on the Internet at *http://www.cfsan.fda.gov/~lrd/vidtel.html*.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by November 1, 2002. Oral presentations from the public will be scheduled between approximately 8:30 a.m. and 9:30 a.m. on November 19, 2002. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before November 13, 2002, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Jeanne E. Latham at least 7 days in advance of the meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: October 9, 2002.

Linda Arey Skladany,

Senior Associate Commissioner for External Relations.

[FR Doc. 02–26325 Filed 10–15–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; Electroencephalogram and Event-Related Potential Intermediate Phenotypes for Alcoholism in a Low Prevalence American Indian Tribe

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, regarding the opportunity for public comment on proposed data collection projects, the National Institute on Alcohol Abuse and Alcoholism (NIAAA), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection Title: Electroencephalogram (EEG) and Event-Related Potential (ERP) intermediate phenotypes for alcoholism in a low prevalence American Indian tribe. Type of Information Collection Request: New. Need and Use of Information Collection: An extensive data set has already been collected by the Laboratory of Neurogenetics, NIAAA, on 294 members of a Southeastern American Indian tribe. We propose to re-contact these individuals to collect additional information. Approximately 100 of the original participants were originally selected as a representative sample of the population. The remaining 194 individuals are family members of alcoholic probands from the population sample. We propose to expand the study to collect (a) measures of intermediate phenotypes for alcoholism and (b) survey-based selected personality characteristics from the same tribal members. Intermediate phenotypes are biological traits that may be influenced by variation at fewer genes and may mediate different aspects of the disease. The intermediate phenotype measurements that we will collect include resting EEG phenotypes (low voltage alpha (LVA) and beta spectral power), ERPs and heart rate variability (HRV). LVA has been found to be more abundant in alcoholics with co-morbid anxiety disorders. Increased beta power has been associated with increased risk of relapse. P300 ERP amplitude is reduced in alcoholics and their alcohol-naïve children. HRV is a potential intermediate phenotype for alcoholism and major depression. We also propose to administer the Temperament and Character Inventory, a standard, survey-based measure of harm avoidance, novelty seeking, reward dependence, and persistence. The use of such intermediate phenotypes and personality measures is likely to increase our ability to find vulnerability genes for alcoholism. We will use these EEG and EKG intermediate phenotypes and personality dimensions in (1) candidate gene analyses and (2) linkage analyses, utilizing the existing DNA, in order to determine the genes that increase an individual's risk for alcoholism and anxiety disorders.

The re-recruitment of the original study participants will start in spring 2003. The study is expected to run for 6 months. Frequency of response: Once per respondent. Affected Public: Individuals. Type of Respondents: Adult members of the Southeastern American Indian tribe who were participants in the original study.

The reporting burden is as follows: Estimated Number of Respondents: It is estimated, after a survey by tribal members, that we will be able to re-recruit approximately 280 of the 294 original participants. Estimated Number of Responses per Respondent" One response per respondent. Average Burden Hours per Response: Three hours per individual, for a total respondent burden of 840 hours. Estimated Total Annual Burden Hours Requested: 840 hours. There are no Costs to Respondents to report. There are no Capital Costs to report. There are no Operating or Maintenance costs to report.

Request for Comments: Written comments and suggestions from the public and affected agencies are invited on the following points: (1) Whether the data collection is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions; (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 those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Mary-Anne Enoch M.D., NIH/NIAAA/DICBR/LNG, 12420 Parklawn Drive, Park 5 Building, Room 451, MSC 8110, Bethesda, MD 20892–8110, or e-mail your request to: *maenoch@niaaa.nih.gov.* Dr. Enoch can be contacted by telephone at 301–496–2727.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60-days of the date of this publication.

Dated: October 7, 2002.

Stephen Long,

Executive Officer, NIAAA.

[FR Doc. 02–26212 Filed 10–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Request; Extended Lung Cancer Incidence Follow-Up for the Mayo Lung Project Participants

SUMMARY: Under the provisions of section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Cancer Institute (NCI), the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on August 5, 2002, page 50679–50680 and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, 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.

Proposed Collection

Title: Extended Lung Cancer Incidence Follow-Up for the Mayo Lung Project Participants. *Type of Information Collection Request:* EXTENSION, OMB No. 0925–0496, expiration date 10–31–2002. *Need and Use of Information Collection:* The Mayo Lung Project (MLP) was an NCI-funded randomized controlled trial (RCT) of lung cancer screening

conducted among 9,211 male smokers from 1971 to 1983. No reduction in lung cancer mortality was observed in the MLP with an intense regimen of x-ray and sputum cyotology screening. Recent analysis of updated mortality and case survival data (through 1996) suggests that lesions with little-to-no clinical relevance (over-diagnosis) may have been detected through screening in the MLP intervention arm. Over-diagnosis leads to unnecessary medical interventions, including diagnostic and treatment procedures that carry with them varying degrees of risk. Consequently, over-diagnosis can result in considerable harm, including premature death, that would not have occurred in the absence of screening. The persistence, after screening ends, of an excess of lung cancer cases in the intervention arm is the strongest evidence in support of over-diagnosis, but this information cannot be adequately obtained with available MLP data. Therefore, we propose to re-contact the MLP participants and/or their next-of-kin to determine the participants who were diagnosed with lung cancer after the formal end of the Project. These data will allow the NCI to either more-convincingly state or perhaps refute the possibility of over-diagnosis in lung cancer screening, and may be used to guide future research agendas and lung cancer screening policies. *Frequency of response:* Once. *Affected public:* Individuals. *Type of respondents:* MLP participants or their next-of-kin. The annual reporting burden is as follows: *Maximum number of respondents:* 6,223; *Estimated number of Responses per Respondent:* 1. *Average Burden Hours Per Response:* 0.25; *Estimated Maximum Total Annual Burden Hours Requested:* 1,556. The annualized cost to respondents is estimated at zero. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

Request for Comments

Written comments and/or suggestions from the public and affected agencies should address one or more of the following points: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of 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 colletion of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments to OMB

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20530, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Dr. Pamela Marcus, Epidemiologist, Biometry, Research Group, Division of Cancer Prevention, National Cancer Institute, Suite 3131 EPN, 6130 Executive Blvd, Bethesda, MD 20892–7354; or call non-toll free 301–496–7468; or e-mail *pm145q@nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30 days of the date of this publication.

Dated: October 7, 2002.

Reesa L. Nichols,

NCI Project Clearance Liaison.

[FR Doc. 02–26213 Filed 10–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications and issued patents listed below may be obtained by contacting Peter A. Soukas, J.D., at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7056 ext. 268; fax: 301/402–0220; e-mail: *soukasp@od.nih.gov.* A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Novel Spore Wall Proteins and Genes From Microsporidia

J. Russell Hayman, John T. Conrad, Theodore Nash (NIAID)
DHHS Reference No. E–125–01/0
Filed 04 Dec 2001

Microsporidia are obligate intracellular organisms that infect a wide variety of animals ranging from insects and fish to mammals, including humans. Of over 1,000 microsporidial species identified, at least 13 are known to infect humans. The species most commonly identified in humans are members of the families Encephalitozoonidae and Enterocytozoonidae. In humans, microsporidiosis is most often found in HIV/AIDS patients and commonly results in severe diarrhea and wasting. However, microsporidiosis also occurs in immunocompetent individuals and common farm animals. The disease is transmitted via environmentally resistant spores.

This invention claims two spore wall constituents (SWP1 and SWP2) from the microsporidian *Encephalitozoon intestinalis* and the genes from which these two proteins are derived. Further claimed are methods of diagnosing and treating microsporidiosis in a subject. Also claimed are methods for producing an immunoprotective response in a subject. SWP1 is expressed on the surfaces of developing sporonts and SWP2 is expressed on the surfaces of fully formed sporonts. Therefore, they should be exposed to the host cell environment. Based on this theory, antibody responses to SWP1 and SWP2 were addressed in an in vivo mouse model. Immunoprecipitation and Western blot analyses indicated that SWP1 and SWP2 are immunogenic in mouse infections.

This invention is further described in Hayman *et al.*, ''Developmental expression of two spore wall proteins during maturation of the microsporidian *Encephalitozoon intestinalis*,'' *Infect. Immun.* 2001 Nov;69(11):7057–66.

Method for Determining Sensitivity to a Bacteriophage

Carl R. Merril (NIMH), Sankar Adhya (NCI), Dean M. Scholl (NIMH)
DHHS Reference No. E–318–00/0
Filed 23 Jan 2002

Traditionally, chemical antibiotics have been used to treat a variety of bacterial infections. However, bacterial resistance to current antibiotics is an increasingly serious problem in human and veterinary health as well as agriculture. Many experts believe that strains of disease-causing bacteria resistant to all common antibiotics will arise in the next ten to twenty years. Bacteriophages offer a promising therapeutic alternative to antibiotics for these antibiotic resistant bacteria. There are also situations in which bacteriophage may be more suitable than antibiotics to treat infections caused by against antibiotic-sensitive bacteria. Bacteriophages are highly host-specific, thus determining whether a phage would be therapeutically useful against a particular bacterium or strain of bacteria is very important but can be a time-consuming and labor-intensive process.

The current invention claims a method for selecting a therapeutic bacteriophage that would be effective against a particular disease-causing bacteria, comprising a number of bacteriophages containing reporter nucleic acids capable of being expressed when the bacteriophage infects a bacterial cell. These bacteriophages are separately contacted with a sample contaminated by a bacterium. Expression of the reporter is then detected, indicating which bacteriophage has infected a bacterial cell and is thus a potential therapeutic phage against the particular bacteria. Also claimed in the application are kits allowing for the rapid identification of potentially therapeutic bacteriophages.

Four Chimpanzee Monoclonal Antibodies That Neutralize Hepatitis A Virus

Darren Schofield, Suzanne Emerson, Robert Purcell (NIAID)
DHHS Reference No. E–356–01/0
Filed 07 Nov 2001

This invention claims antibodies and/or fragments thereof specific for hepatitis A virus (HAV) and the use of the antibodies in the diagnosis, prevention, and treatment of hepatitis A. Hepatitis A is the most common type of hepatitis reported in the United States, which reports an estimated 134,000 cases annually, and infects at least 1.4 million people worldwide each year. HAV is a positive sense RNA virus that is transmitted via the fecal-oral route, mainly through contaminated water supplies and food sources. HAV is thought to replicate in the oropharynx and epithelial lining of the intestines, where it initiates a transient viremia and subsequently infects the liver. Humoral immunity has been shown to provide an effective defense against Hepatitis A. Prior to the availability of the current inactivated virus vaccines, pooled human immune globulin preparations were routinely used to protect individuals traveling to areas of the world where HAV is endemic. Chimpanzees are susceptible to infection with HAV and can produce antibodies that neutralize the virus. Chimpanzee immunoglobulins are virtually identical to those of humans; thus, they have the same potential as human antibodies for clinical applications. The inventors have shown that the four chimpanzee monoclonal antibodies described in the patent application neutralized HAV strains HM–175, AGM–27, and the HM–175 VP3–070 mutant. Since only a single serotype of HAV has been identified, these antibodies are predicted to neutralize most, if not all, isolates of HAV.

Efficient Inhibition of HIV–1 Viral Entry Through a Novel Fusion Protein Including CD4

James Arthos, Claudia Cicala, Anthony Fauci (NIAID)

DHHS Reference No. E–337–01/0

Filed 25 Oct 2001

This invention relates to CD4 fusion proteins for use in the treatment of an immunodeficiency virus infection such as human immunodeficiency virus (HIV). These polypeptides have been shown by the inventors to inhibit the entry of primary isolates of HIV–1 into CD4+ T cells by targeting the gp120 subunit of the HIV–1 envelope. The invention claims recombinant polypeptides comprising a CD4 polypeptide ligated at its C-terminus with a portion of a human immunoglobulin comprising a hinge region and two constant domains of an immunoglobulin heavy chain. The portion of the IgG is fused at its C-terminus with a polypeptide comprising a tailpiece from the C terminus of the heavy chain of an IgA antibody. This protein is very large (greater than 800 kilodaltons), which may contribute to its ability to inhibit entry of primary isolates of HIV–1 into T cells. It presents twelve gp120 binding domains (D1D2) and can bind at least ten gp120s simultaneously. The inventors have shown that the construct efficiently neutralizes primary isolates from different HIV subgroups. Also claimed are use of the construct as a component of a vaccine and as a diagnostic.

Novel Antimalarial Compounds, Methods of Synthesis Thereof, Pharmaceutical Compositions Comprising Same, and Methods of Using Same for Treatment and Prevention of Malaria

Michael R. Boyd (NCI), Gerhard Bringmann (EM), Sven Harmsen (EM) Roland Gotz (EM), T. Ross Kelly (EM), Matthias Wenzel (EM), Guido Francois (EM), J. D. Phillipson (EM), Laurent A. Assi (EM), Christopher Schneider (EM)
DHHS Reference No. E–090–94/0, Issued as U.S. Patent 5,639,761 on 17 Jun 1997
DHHS Reference No. E–090–94/1, Filed 16 Apr 1997
DHHS Reference No. E–200–94/0, Issued as U.S. Patent 5,552,550 on 03 Sep 1996
DHHS Reference No. E–200–94/1, Issued as U.S. Patent 5,763,613 on 09 Jun 1998
DHHS Reference No. E–200–94/2, Issued as U.S. Patent 6,140,339 on 31 Oct 2000
DHHS Reference No. E–200–94/4, Filed 16 Mar 2000
DHHS Reference No. E–201–94/0, Issued as U.S. Patent 5,571,919 on 05 Nov 1996
DHHS Reference No. E–201–94/2, Issued as U.S. Patent 5,578,729 on 26 Nov 1996
DHHS Reference No. E–201–94/3, Issued as U.S. Patent 5,789,594 on 04 Aug 1998
DHHS Reference No. E–201–94/4, Issued as U.S. Patent 5,786,482 on 28 Jul 1998

According to data recently reported by the World Health Organization (WHO), the death rate from malaria exceeds one million individuals per year. The Public Health Service seeks exclusive or non-exclusive licensee(s) to develop and commercialize the technology claimed within the portfolio of U.S. patents issued and pending, and corresponding international patents issued and pending. These patents and pending applications claim an exceptionally broad universe of novel naphthylisoquinoline alkaloid compounds, and methods of total synthesis thereof. Representative examples of these compounds have been shown to have potent *in vitro* activity against malaria parasites, including parasites that are highly resistant to available antimalarial drugs. Representative examples have also been shown to have potent *in vivo* activity against malaria parasites in animal models. Pharmaceutical compositions comprising these compounds, as well as methods of using the compounds to

treat or prevent a malarial infection of a host, are claimed. The relative structural simplicity of this class of compounds, and the ready synthetic access thereto, provide unprecedented opportunities for structure-activity relationship (SAR), lead-optimization and antimalarial drug development. The technology is further described in the following publications: *J. Nat Prod.* 1997 Jul.;60(7):677–83 and *Bioorg. Med. Chem. Lett.* 1998 Jul.;8(13): 1729–34.

A Novel Chimeric Protein for Prevention and Treatment of HIV Infection

Edward A. Berger (NIAID), Christie M. Del Castillo
DHHS Reference No. E–039–99/0 Filed 16 Mar 1999; PCT/US00/06946 Filed 16 Mar 2000
DHHS Reference No. E–039–99/2 Filed 13 Sep 2001

This invention relates to bispecific fusion proteins effective in viral neutralization. Specifically, the invention is a genetically engineered chimeric protein containing a soluble extracellular region of human CD4 attached via a flexible polypeptide linker to a single chain human monoclonal antibody directed against a CD4-induced, highly conserved HIV gp120 determinant involved in coreceptor interaction. Binding of the sCD4 moiety to gp120 induces a conformational change that enables the antibody moiety to bind, thereby blocking Env function and virus entry. This novel bispecific protein displays neutralizing activity against genetically diverse primary HIV–1 isolates, with potency at least 10-fold greater than the best described HIV–1 neutralizing monoclonal antibodies. The agent has considerable potential for prevention of HIV–1 infection, both as a topical microbicide and as a systemic agent to protect during and after acute exposure (*e.g.* vertical transmission, post-exposure prophylaxis). It also has potential utility for treatment of chronic infection. Such proteins, nucleic acid molecules encoding them, and their production and use in preventing or treating viral infections are claimed.

Bacteriophage Having Multiple Host Range

Carl Merril (NIMH), Sankar Adhya (NCI), Dean Scholl (NIMH)
DHHS Reference No. E–257–00/0 Filed 25 Jul 2000; PCT/US01/22390 Filed 25 Jul 2001

Recently, there has been a renewed interest in the use of phages to treat bacterial infections. The inventors have discovered FK1–5, a highly lytic, non-lysogenic, stable bacteriophage with the ability to kill bacteria rapidly, making it a good candidate for phage therapy. The designation FK1–5 denotes the phage's ability to infect *E. coli* strains that contain the K1 polysaccharide in their outer capsule as well as *E. coli* strains that contain the K5 polysaccharide in their outer capsule. Sequence analysis of the tail proteins of phage FK1–5 by the inventors has shown that they are arranged in a cassette structure, suggesting that the host range of phages can be broadened to other K antigens, and even possibly other species of bacteria by recombinant techniques. FK1–5 has a particular advantage because it recognizes and attaches to the structures that confer virulence to bacteria. The inventors' demonstration that a phage can contain multiple tail proteins that expand its host range is useful for generating phage with broad-spectrum antibacterial properties for the treatment of infectious diseases. The inventors have completed *in vitro* studies on this phage. Furthermore, because of the possibility of engineering the expression of recombinant tail proteins, gene transfer to organisms that are not normally infected by phages is also contemplated by the invention.

Vaccine for Protection Against *Shigella sonnei* Disease

Dennis J. Kopecko, De-Qi Xu, John O. Cisar (FDA)
DHHS Reference No. E–210–01/0 Filed 16 Jan 2002

Shigellosis is a global human health problem. Transmission usually occurs by contaminated food and water or through person-to-person contact. The bacterium is highly infectious by the oral route, and ingestion of as few as 10 organisms can cause an infection in volunteers. An estimated 200 million people worldwide suffer from shigellosis, with more than 650,000 associated deaths annually. A recent CDC estimate indicates the occurrence of over 440,000 annual shigellosis cases in the United States alone, approximately eighty percent (80%) of which are caused by *Shigella sonnei*. *Shigella sonnei* is more active in developed countries. *Shigella* infections are typically treated with a course of antibiotics. However, due to the emergence of multidrug resistant *Shigella* strains, a safe and effective vaccine is highly desirable. No vaccines against *Shigella* infection currently exist. Immunity to *Shigellae* is mediated largely by immune responses directed against the serotype specific O-polysaccharide. Claimed in the invention are compositions and methods for inducing an immunoprotective response against *S. sonnei.* Specifically, an attenuated bacteria capable of expressing an *S. sonnei* antigen comprised of the *S. sonnei* form I O-polysaccharide expressed from the *S. sonnei* rfb/rfc gene cluster is claimed. The inventors have shown that the claimed vaccine compositions showed 100 percent protection against parenteral challenge with virulent *S. sonnei* in mice.

Vaccine Against *Eschericha coli* 0157 Infection, Composed of Detoxified LPS Conjugated to Proteins

Shousun C. Szu, Edward Konadu, and John B. Robbins (NICHD)
DHHS Reference No. E–158–98/0 Filed 20 July 1998 (PCT/US98/14976)
DHHS Reference No. E–158–98/1 Filed 22 Jan 2001

This invention is a conjugate vaccine to prevent infection, in particular in young children under 5 years of age, by *E. coli* 0157:H7, an emerging human pathogen which causes a spectrum of illnesses with high morbidity and mortality, ranging from diarrhea to hemorrhagic colitis and hemolytic-uremic syndrome (HUS). Infection is due to the consumption of water or meat contaminated by feces from infected animals, such as cattle. The conjugate is composed of the O-specific polysaccharide isolated from *E. coli* 0157, or other Shiga-toxin producing bacteria, conjugated to carrier proteins, such as non-toxic *P. aeruginosa* exotoxin A or Shiga toxin 1. A Phase I clinical trial, involving adult humans, showed the vaccine is safe and highly immunogenic. Adults, after one injection containing 25 μg of antigen, responded with high titers of bactericidal antibodies. Thus the conjugates of the invention are promising vaccines, especially for children and the elderly, who are most likely to suffer serious consequences from infection. The clinical study is described in *J. Infectious Diseases* 177, 383–387, 1998.

Murine Monoclonal Antibodies Effective To Treat Respiratory Syncytial Virus

Robert Chanock, Brian Murphy, Judy Beeler, and Kathleen van Wyke Coelingh (NIAID)
DHHS Reference No. B–056–94/1

Available for licensing through a Biological Materials License Agreement are the murine MAbs described in Beeler, J.A. *et al,* ''Neutralization Epitopes of the F Glycoprotein of Respiratory Syncytial Virus: Effect of Mutation Upon Fusion Function,'' *J. Virology* 63:2941–2950 (1989). The

MAbs that are available for licensing are the following: 1129, 1153, 1142, 1200, 1214, 1237, 1121, 1112, 1269, and 1243. One of these MAbs, 1129, is the basis for a humanized murine MAb (see U.S. Patent Number 5,824,307 to humanized 1129 owned by MedImmune, Inc.), recently approved for marketing in the United States. MAbs in the panel reported by Beeler, *et al.* have been shown to be effective therapeutically when administered into the lungs of cotton rats by small-particle aerosol. Among these MAbs several exhibited a high affinity (approximately 10^{9-1}) for the RSV F glycoprotein and are directed at epitopes encompassing amino acid 262, 272, 275, 276 or 389. These epitopes are separate, nonoverlapping and distinct from the epitope recognized by the human Fab of U.S. Patent 5,762,905 owned by The Scripps Research Institute.

Cloned Genomes of Infectious Hepatitis C Virus and Uses Thereof

Masayuki Yanagi, Jens Bukh, Suzanne U. Emerson, Robert H. Purcell (NIAID)

DHHS Reference No. E–050–98/0, Issued as U.S. Patent 6,153,421 on 28 Nov 2000

DHHS Reference No. E–050–98/2 Filed 14 Sep 2000; Canadian Application 2295552; Australian Application 84889/98; European Application 98935702.5

The current invention provides nucleic acid sequences comprising the genomes of infectious hepatitis C viruses (HCV) of genotype 1a and 1b. It covers the use of these sequences, and polypeptides encoded by all or part of the sequences, in the development of vaccines and diagnostic assays for HCV and the development of screening assays for the identification of antiviral agents for HCV. Additional information can be found in Yanagi *et al.*, (1997) *Proc. Natl. Acad. Sci.,* USA 94, 8738–8743 and Yanagi *et al.*, (1998) *Virology* 244, 151–172.

Infectious cDNA Clone of GB Virus B and Uses Thereof

Jens Bukh, Masayuki Yanagi, Robert H. Purcell, Suzanne U. Emerson (NIAID)

DHHS Reference No. E–173–99/0

Filed 04 Jun 1999; PCT/US00/15293 Filed 02 Jun 2000

DHHS Reference No. E–173–99/2 Filed 03 Dec 2001

The current invention provides nucleic acid sequences comprising the genomes of infectious GB virus B, the most closely related member of the Flaviviridae to hepatitis C virus (HCV). It also covers chimeric GBVB–HCV sequences and polypeptides for use in the development of vaccines and diagnostic assays for HCV and the development of screening assays for the identification of antiviral agents for HCV. Additional information can be found in Bukh *et al.* (1999), *Virology* 262, 470–478.

HCV/BVDV Chimeric Genomes and Uses Thereof

Jae-Hwan Nam, Jens Bukh, Robert H. Purcell, Suzanne U. Emerson (NIAID)

DHHS Reference No. E–102–99/0

Filed 04 June 1999

PCT/US00/15527 Filed 02 Jun 2000

DHHS Reference No. E–102–99/2

Filed 04 Dec 2001

The current invention provides nucleic acid sequences comprising chimeric viral genome of hepatitis C Virus (HCV) and bovine viral diarrhea viruses (BVDV). The chimeric viruses are produced by replacing the structural region or a structural gene of an infectious BVDV clone with the corresponding region or gene of an infectious HCV. It covers the use of these sequences and polypeptides encoded by all or part of the sequences in the development of vaccines and diagnostic assays for HCV and the development of screening assays for the identification of antiviral agents for HCV.

Cloned Genome of Infectious Hepatitis C Virus of Genotype 2a and Uses Thereof

Jens Bukh, Masayuki Yanagi, Robert H. Purcell, Suzanne U. Emerson (NIAID)

DHHS Reference No. E–100–99/0 Filed 04 Jun 1999

PCT/US00/15466

Filed 02 Jun 2000

DHHS Reference No. E–100–99/2

Filed 03 Dec 2001

The current invention provides a nucleic acid sequence comprising the genome of infectious hepatitis C viruses (HCV) of genotype 2a. The encoded polyprotein differs from those of the infectious clones of genotypes 1a and 1b (U.S. Patent 6,153,421) by approximately 30 percent. It covers the use of this sequence and polypeptides encoded by all or part of the sequence, in the development of vaccines and diagnostic assays for HCV and the development of screening assays for the identification of antiviral agents for HCV. Additional information can be found in Yanagi *et al.* (1999), *Virology* 262, 250–263.

Dated: September 30, 2002.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 02–26211 Filed 10–15–02; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors, National Cancer Institute.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Cancer Institute, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Cancer Institute, Subcommittee 1—Clinical Sciences and Epidemiology.

Date: November 18, 2002.

Time: 8 a.m. to 9 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Cancer Institute, Building 31, C Wing, 6th Floor, Conference Rooms 6, 9000 Rockville Pike, Bethesda, MD 20892.

Contact Person: Abby B. Sandler, PhD, Scientific Review Administrator, Institute Review Office, Office of the Director, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 2114, Rockville, MD 20852, (301) 496–7628.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show a photo I.D. and sign-in at the security desk upon entering the building.

(Catalog of Federal Domestic Assistant Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention

Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: October 9, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–26297 Filed 10–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors, National Cancer Institute.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Cancer Institute, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Cancer Institute, Subcommittee 2—Basic Sciences.

Date: November 18–19, 2002.

Time: 7 p.m. to 4:30 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Holiday Inn—Chevy Chase, Palladian East and Center Rooms, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Florence E. Farber, PhD, Executive Secretary, Institute Review Office, Office of the Director, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 2115, Rockville, MD 20852, (301) 496–7628.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show a photo I.D. and sign-in at the security desk upon entering the building.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: October 9, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–26298 Filed 10–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel, NEI Core (P30), Infrastructure (R24) and Basic Science (K08, K23) Award Applications.

Date: November 19, 2002.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites, 4300 Military Road, NW., Chevy Chase, MD 20015.

Contact Person: Anne E. Schaffner, PhD, Scientific Review Administrator, Division of Extramural Research, National Eye Institute, 6120 Executive Blvd., Suite 350, Bethesda, MD 20892, 301–451–2020.

(Catalog of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: October 9, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–26296 Filed 10–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provision set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel, Clinical AIDS Trial.

Date: November 21, 2002.

Time: 6 p.m. to 9 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites, 4300 Military Road, NW., Chevy Chase, MD 20015.

Contact Person: Jeanette M. Hosseini, PhD, Scientific Review Administrator, Division of Extramural Research, National Eye Institute, Bethesda, MD 20892, (301) 451–2020.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: October 4, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–26300 Filed 10–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material,

and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group, Population Research Subcommittee, Demographic and Behavioral Sciences (DBS) Review Committee.

Date: October 31–November 1, 2002.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Hyatt Regency Hotel, 100 Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Jon M. Ranhand, PhD., Scientist Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, 6100 Executive Blvd., Rm. 5E01, MSC 7510, Bethesda, MD 20892, (301) 435–6884.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: October 4, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–26299 Filed 10–16–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Natural Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Biophysical and Chemical Sciences Integrated Review Group, Molecular and Cellular Biophysics Study Section.

Date: October 17–18, 2002.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Churchill Hotel, 1914 Connecticut Avenue NW, Washington, DC 20009.

Contact Person: Nancy Lamontagne, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4170, MSC 7806, Bethesda, MD 20892, (301) 435–1726, *lamontan@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Cardiovascular Sciences Integrated Review Group, Pathology A Study Section.

Date: October 22–23, 2002.

Time: 8:30 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Larry Pinkus, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4132, MSC 7802, Bethesda, MD 20892, (301) 435–1214.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 SSS–C (03) BBBP–5 Member reviews in Mental Disorders.

Date: November 1, 2002.

Time: 2 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Mary Sue Krause, MED, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7848, Bethesda, MD 20892, (301) 435–0902, *krausem@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1–SSS–X (40) Site Visit at Irvine.

Date: November 3–5, 2002.

Time: 7 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Crown Plaza, 17941 Von Karman Avenue, Irvine, CA 92614–6253.

Contact Person: Lee Rosen, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7854, Bethesda, MD 20892, (301) 435–1171.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337–93.396, 93.837–93.844, 93.846–93.878, 93.893, National Institutes of Health, HHS)

Dated: October 9, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–26295 Filed 10–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Bureau of Indian Affairs

Office of the Special Trustee for American Indians

Tribal Consultation on Indian Trust Asset Management

AGENCY: Office of the Secretary, Bureau of Indian Affairs, Office of the Special Trustee for American Indians, Interior.

ACTION: Notice of Tribal Consultation Meeting.

SUMMARY: The Office of the Secretary, along with the Bureau of Indian Affairs and the Office of the Special Trustee for American Indians, will conduct a meeting on Indian trust asset management. The purpose of the meeting is to discuss any proposed reorganization of the Department's trust responsibility functions to improve the management of Indian trust assets. Any tribe, band, nation or individual is encouraged to attend the meeting and to submit written comments.

DATES: The meeting will be held on October 23, 2002, in Billings, Montana.

ADDRESSES: The address for the consultation meeting, which will begin promptly at 9 a.m. and continue until 3:30 p.m., is Billings Hotel and Convention Center, 1223 Mullowney Lane, Billings, Montana. Telephone number is 406/248–7151.

FOR FURTHER INFORMATION CONTACT: Aurene Martin, Deputy Assistant Secretary-Indian Affairs, 1849 C Street, NW., MS 4140 MIB, Washington, DC 20240, telephone 202/208–7163.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to involve affected and interested parties in the process of organizing the Department's trust asset management responsibility functions. The Department has determined that there is a need for dramatic change in the management of Indian trust assets. Accordingly, the Department has already held seven (7) tribal consultation meetings on this matter across the country. However, based upon the comments received from those meetings and further inquiries from tribal entities, this additional meeting was felt to be in the best interest of consultation.

Written comments may be submitted at the Billings, Montana, meeting or may be mailed to the address indicated under the heading **FOR FURTHER INFORMATION CONTACT.** Interested persons may examine written comments during regular business house (7:45 a.m.

to 4:15 p.m. ET) in the Office of the Assistant Secretary—Indian Affairs, Washington, DC, Monday through Friday, except for Federal holidays. Commenters who wish to remain anonymous must clearly state this preference at the beginning of their written comments. The Department will honor requests for anonymity to the extent allowable by law.

These meetings support administrative policy on tribal consultation by encouraging maximum direct participation of representatives of tribal governments, tribal organizations and other interested persons in important Department processes.

Dated: October 10, 2002.

Neal A. McCaleb,

Assistant Secretary—Indian Affairs.

[FR Doc. 02–26372 Filed 10–15–02; 8:45 am]

BILLING CODE 4310–02–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–962–1410–HY–P; AA–9262; Parcels A and B, CAA–11]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, DOI.

ACTION: Notice of decision approving lands for conveyance.

SUMMARY: As required by 43 CFR 2650.7(d), notice is hereby given that an appealable decision approving lands for conveyance pursuant to the Alaska Native Claims Settlement Act will be issued to Calista Corporation for approximately 16 acres of land located on Nunivak Island. Notice of this decision will be published four consecutive weeks in the *Anchorage Daily News.*

DATES: The time limits for filing an appeal are:

1. Any party claiming a property interest which is adversely affected by the decision, shall have until November 15, 2002 to file an appeal.

2. Parties receiving service by certified mail shall have until 30 days from the receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

ADDRESSES: Copies of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, # 13, Anchorage, Alaska 99513–7599.

FOR FURTHER INFORMATION CONTACT: Chris Sitbon, (907) 271–3226.

Chris Sitbon,

Land Law Examiner, Branch of ANCSA Adjudication.

[FR Doc. 02–26251 Filed 10–15–02; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–960–1430–ET; MIES–12614, MIES–50201]

Public Land Order No. 7544; Revocation of Executive Order Dated October 16, 1866; Michigan

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes in its entirety, an Executive Order which reserved 857.62 acres of public lands for use by the United States Coast Guard for the Gull Rock and Big Sable Lighthouses. The reservation is no longer needed. This action will open 57.5 acres to surface entry. The remaining lands have either been conveyed out of Federal ownership or have been declared as excess property and reported to the General Services Administration.

EFFECTIVE DATE: November 15, 2002.

FOR FURTHER INFORMATION CONTACT: Ed Ruda, BLM Eastern States Office, 7450 Boston Boulevard, Springfield, Virginia 22153, (703) 440–1663.

SUPPLEMENTARY INFORMATION: The lands occupied by Gull Rock Lighthouse reservation have been determined to be unsuitable for return to public domain status and have been reported as excess property to the General Services Administration. All other lands, except those described in Paragraph 2 below, have been conveyed out of Federal ownership.

Order

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. The Executive Order dated October 16, 1866, which reserved 857.62 acres of public lands for lighthouse purposes, is hereby revoked in its entirety.

2. At 10 a.m. on November 15, 2002, the following described land will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 15, 2002, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Michigan Meridian

T. 19 N., R. 18 W.,
Sec. 7, S½ lot 1 and lot 2.
The area described contains 57.5 acres in Mason County as shown by the May 28, 1839 survey plat.

Dated: October 1, 2002.

Rebecca W. Watson,

Assistant Secretary—Land and Minerals Management.

[FR Doc. 02–26249 Filed 10–15–02; 8:45 am]

BILLING CODE 4310–GJ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–032–1430–EU; WIES–051103]

Realty Action: Direct Sale of Public Lands, Wisconsin

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action; direct sale of public lands in Milwaukee County, Wisconsin.

SUMMARY: The Bureau of Land Management has determined that the below listed public lands located in Milwaukee County, Wisconsin are suitable for sale utilizing direct noncompetitive procedures, at not less than the fair market value. In accordance with section 7 of the Act of June 28, 1934, as amended, 43 U.S.C. 315f and EO 6964, the described lands are hereby classified as suitable for disposal under the authority of section 203 of the Act of October 21, 1976; 43 U.S.C. 1713.

Fourth Principle Meridian

T. 28 N., R. 39 W.,
Tract 37 and Tract 38

The above lands aggregate 3.97 acres.

FOR FURTHER INFORMATION CONTACT: Paul J. Salvatore, Realty Specialist, Bureau of Land Management, Milwaukee Field Office, 310 West Wisconsin Avenue, Suite 450, Milwaukee, Wisconsin 53203, (414) 297–4413.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management proposes to sell the surface estate of the above described lands to the National Audubon Society—Schlitz Audubon Center, by direct sale, at fair market value. The disposal of this land will resolve an inadvertent unauthorized use

on public land. It has been determined that the subject lands contain no mineral values; therefore, mineral interests may be conveyed simultaneously.

The proposed sale is consistent with the Wisconsin Resource Management Plan Amendment and would serve important public objectives which could not be achieved by other means. The lands contain no other known public values. The planning document and environmental assessment covering the proposed sale are available for review at the Bureau of Land Management, Milwaukee Field Office, Milwaukee, Wisconsin.

Upon publication of this notice in the **Federal Register**, the above described lands will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for leasing under the mineral leasing laws.

For a period of 45 days after issuance of this notice, interested parties may submit comments to the Field Manager, Milwaukee Field Office, Bureau of Land Management, P.O. Box 631, Milwaukee, Wisconsin 53201. Any adverse comments will be evaluated by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this proposed realty action will become final.

Dated: July 2, 2002.

James W. Dryden,

Milwaukee Field Manager.

[FR Doc. 02–26250 Filed 10–15–02; 8:45 am]

BILLING CODE 4310–PN–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Central Valley Project Improvement Act, Criteria for Evaluating Water Conservation Plans

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: To meet the requirements of the Reclamation Reform Act of 1982 and the Central Valley Project Improvement Act of 1992 (CVPIA), the Bureau of Reclamation (Reclamation) developed and published the Criteria for Evaluating Water Management Plans (Criteria). Note: For the purpose of this announcement, Water Management Plans are considered the same as Water Conservation Plans (Plans). The CVPIA requires Reclamation to evaluate, and revise if necessary, the Criteria every 3 years. Reclamation is publishing this notice to allow the public to comment on the revised draft 2002 Criteria. Public comment on the revised Criteria is invited at this time. The draft revision is available for review and comment. A copy of the draft revision can be found at the following website: *http://www.mp.usbr.gov/watershare/documents/files/cvpia/draft2002cvpiacriteria.pdf.*

A copy of the draft revision can be obtained by contacting persons at the address below. After the review period, if no significant changes are made based on comments from the public, the Criteria will be final. After the Criteria is final, it will be used to evaluate water conservation plans.

DATES: All public comments must be received by November 15, 2002.

ADDRESSES: Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure. We will honor such requests to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety. For copies contact Leslie Barbre, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, 916–978–5232 (TDD 978–5608), or e-mail at *lbarbre@mp.usbr.gov.* Please mail comments to Bryce White, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California, 95825, or contact at 916–978–5208 (TDD 978–5608), or e-mail at *bwhite@mp.usbr.gov.*

FOR FURTHER INFORMATION CONTACT: To be placed on a mailing list for any subsequent information, please contact Leslie Barbre or Bryce White at the e-mail address or telephone number above.

SUPPLEMENTARY INFORMATION: We are inviting the public to comment on the revision of the Criteria. Section 3405(e) of the CVPIA (Title 34 Pub. L. 102–575), requires the ''Secretary of the Interior to establish and administer an office on Central Valley Project water conservation best management practices that shall * * * develop Criteria for evaluating the adequacy of all water conservation plans developed by project contractors, including those plans required by Section 210 of the Reclamation Reform Act of 1982.'' Also, according to Section 3405(e)(1), these criteria must be developed ''* * * with the purpose of promoting the highest level of water use efficiency reasonably achievable by project contractors using best available cost-effective technology and best management practices.'' The Criteria have the following applicability statements:

Who Must Use These Criteria. These Criteria apply to water management plans submitted to Reclamation as required by applicable Central Valley Project water delivery contract or any contract that specifically invokes these criteria.

Exceptions. The following are excepted from the requirement to prepare a water management plan using these criteria:

- All Contractors that receive only irrigation water from any Federal Reclamation project, and deliver said water to less than 2,000 acres of land.
- All Contractors that receive only municipal and industrial (urban) water from any Federal Reclamation project, and provide said water to less than 3,300 people.
- All Contractors that receive less than an annual average of 2,000 acre-feet from any Federal Reclamation project.

Reclamation will evaluate Plans based on the Criteria. The CVPIA requires Reclamation to evaluate, and revise if necessary, the Criteria every 3 years. The Criteria were previously revised in 1996 and 1999.

Dated: October 1, 2002.

Donna E. Tegelman,

Regional Resources Manager.

[FR Doc. 02–26068 Filed 10–15–02; 8:45 am]

BILLING CODE 4310–MN–P

LEGAL SERVICES CORPORATION

Notice of Intent To Award—Grant Awards for the Provision of Civil Legal Services to Eligible Low-Income Clients Beginning January 1, 2003

AGENCY: Legal Services Corporation.

ACTION: Announcement of intention to make FY 2003 Competitive Grant Awards.

SUMMARY: The Legal Services Corporation (LSC) hereby announces its intention to award grants and contracts to provide economical and effective delivery of high quality civil legal services to eligible low-income clients, beginning January 1, 2003.

DATES: All comments and recommendations must be received on

or before the close of business on November 15, 2002.

ADDRESSES: Legal Services Corporation—Competitive Grants, Legal Services Corporation, 750 First Street NE., 10th Floor, Washington, DC 20002–4250.

FOR FURTHER INFORMATION CONTACT: Reginald Haley, Office of Program Performance, (202) 336–8827.

SUPPLEMENTARY INFORMATION: Pursuant to LSC's announcement of funding availability on April 22, 2002 (67 FR 19596), June 24, 2002 (67 FR 42588), and Grant Renewal applications due on August 12, 2002, LSC will award funds to one or more of the following organizations to provide civil legal services in the indicated service areas. Funding amounts shown are based on the 2000 census data as discussed in LSC Program Letter 02–8. Amounts are subject to change.

State & service area	Applicant name	Anticipated FY 2003 award
Alabama:		
AL–1	Legal Services Corp of Alabama, Inc	$4,385,466.
AL–2	Legal Services of North-Central Alabama	556,985.
AL–3	Legal Services of Metro Birmingham	871,136.
MAL	Texas Rural Legal Aid, Inc	27,150.
Alaska:		
AK–1	Alaska Legal Services Corporation	672,721.
NAK–1	Alaska Legal Services Corporation	489,766.
Arkansas:		
AR–6	Legal Aid of Arkansas, Inc	1,356,494.
AR–7	Center for Arkansas Legal Services	2,029,575.
MAR	Texas Rural Legal Aid, Inc	59,127.
Arizona:		
AZ–2	DNA-Peoples Legal Services, Inc	479,861.
AZ–3	Community Legal Services, Inc	3,500,408.
AZ–5	Southern Arizona Legal Aid, Inc	1,708,028.
MAZ,	Community Legal Services, Inc	157,226.
NAZ–5	DNA-Peoples Legal Services, Inc	2,363,143.
NAZ–6	Southern Arizona Legal Aid, Inc	577,248.
NM–1	DNA-Peoples Legal Services, Inc	196,533.
NNM–2	DNA-Peoples Legal Services, Inc	20,575.
California:		
CA–1	California Indian Legal Services, Inc	30,446.
CA–2	Greater Bakersfield Legal Assist	834,649.
CA–12	Inland Counties Legal Services, Inc	3,697,803.
CA–14	Legal Aid Society of San Diego, Inc	2,620,612.
CA–19	Legal Aid Society of Orange County, Inc	3,639,546.
CA–26	Central California Legal Services	2,634,576.
CA–27	Legal Services of Northern CA, Inc	3,256,152.
CA–28	Bay Area Legal Aid	3,870,775.
CA–29	Legal Aid Foundation of Los Angeles	7,298,912.
CA–30	Neigh. Legal Services of Los Angeles County	4,271,630.
CA–31	California Rural Legal Assist. Inc	4,289,877.
MCA	California Rural Legal Assist. Inc	2,929,593.
NCA–1	California Indian Legal Services, Inc	800,093.
Colorado:		
CO–6	Colorado Legal Services	3,122,528.
MCO	Colorado Legal Services	131,700.
NCO–1	Colorado Legal Services	86,971.
Connecticut:		
CT–1	Statewide Legal Services of Connecticut, Inc	2,154,255.
NCT–1	Pine Tree Legal Assistance, Inc	14,178.
Delaware: DE–1	Legal Services Corporation of Delaware, Inc	558,441.
District of Columbia: DC–1	Neighborhood Legal Services Program of DC	916,149.
Florida:		
FL–1	Central Florida Legal Services, Inc	1,178,134.
FL–2	LA Service of Broward County	1,455,991.
FL–3	Florida Rural Legal Services, Inc	2,672,193.
FL–4	Jacksonville Area Legal Aid	855,173.
FL–5	Legal Services of Greater Miami Inc	3,194,314.
FL–6	Legal Services of North Florida, Inc	899,650.
FL–7	Greater Orlando Area Legal Services, Inc	1,149,026.
FL–8	Bay Area Legal Services, Inc	1,254,731.
FL–9	Withlacoochee Area Legal Services, Inc	522,280.
FL–10	Three Rivers Legal Services, Inc	688,233.
FL–11	Northwest Florida Legal Services, Inc	420,098.
FL–12	Gulfcoast Legal Services Inc	1,112,012.
MFL	Florida Rural Legal Services, Inc	935,141.
Georgia:		
GA–1	Atlanta Legal Aid Society, Inc	2,322,525.
GA–2	Georgia Legal Services Program	5,951,253.
MGA	Georgia Legal Services Program	375,613.
Guam: GU–1	Guam Legal Services Corporation	291,093.

State & service area	Applicant name	Anticipated FY 2003 award
Hawaii:		
HI–1	Legal Aid Society of Hawaii	1,176,963.
MHI	Legal Aid Society of Hawaii	81,709.
NHI–1	Native Hawaiian Legal Corporation	207,446.
Idaho:		
ID–1	Idaho Legal Aid Services, Inc	1,062,281.
MID	Idaho Legal Aid Services, Inc	182,109.
NID–1	Idaho Legal Aid Services, Inc	58,835.
Iowa:		
IA–3	Legal Services Corporation of Iowa	2,131,573.
MIA	Legal Services Corporation of Iowa	27,091.
Illinois:		
IL–3	Land of Lincoln Legal Assist Foundation	2,249,250.
IL–6	Legal Assistance of Metropolitan Chicago	5,850,995.
IL–7	Prairie State Legal Services, Inc	2,501,178.
MIL	Legal Assistance of Metropolitan Chicago	207,945.
Indiana:		
IN–5	Indiana Legal Services, Inc	4,586,149.
MIN	Indiana Legal Services, Inc	94,861.
Kansas:		
KS–1	Kansas Legal Services, Inc	2,147,620.
MKS	Kansas Legal Services, Inc	9,546.
Kentucky:		
KY–2	Legal Aid Society, Inc	1,066,857.
KY–5	Appalachian Res. and Defense Fund of Kentucky	1,841,275.
KY–9	Kentucky Legal Aid	1,105,963.
KY–10	Northern Kentucky Legal Aid Society, Inc	1,149,244.
MKY	Texas Rural Legal Aid, Inc	33,157.
Louisiana:		
LA–1	Capital Area Legal Services Corporation	1,282,433.
LA–10	Acadiana Legal Service Corp	1,816,794.
LA–11	Legal Services of North Louisiana, Inc	1,704,664.
LA–12	Southeast Louisiana Legal Services Corporation	2,296,346.
MLA	Texas Rural Legal Aid, Inc	20,733.
Maine:		
ME–1	Pine Tree Legal Assistance, Inc	1,068,924.
MMX–1	Pine Tree Legal Assistance, Inc	116,346.
NME–1	Pine Tree Legal Assistance, Inc	58,371.
Maryland:		
MD–1	Legal Aid Bureau, Inc	3,581,699.
MDE	Legal Aid Bureau, Inc	26,397.
MMD	Legal Aid Bureau, Inc	88,553.
Massachusetts:		
MA–1	Volunteer Lawyers Project Boston Bar	1,646,181.
MA–2	South Middlesex Legal Services, Inc	195,403.
MA–3	Legal Svc for Cape Cod & Islands	230,476.
MA–4	Merrimack Valley Legal Services, Inc	750,740.
MA–5	New Center for Legal Advocacy	594,928.
MA–10	Massachusetts Justice Project	1,364,158.
Micronesia: MP–1	Micronesian Legal Services, Inc	1,491,917.
Minnesota:		
MN–1	Legal Aid Service of Northeastern Minnesota	383,569.
MN–2	Judicare of Anoka County, Inc	98,609.
MN–3	Central Minnesota Legal Services, Inc	1,096,576.
MN–4	Legal Services of Northwest Minnesota Corp.	345,727.
MN–5	Southern Minnesota Regional Legal Services, Inc	1,109,260.
MMN	Southern Minnesota Regional Legal Services, Inc	149,571.
NMN–1	Anishinabe Legal Services, Inc	216,423.
Mississippi:		
MS–2	North MS Rural Legal Services, Inc	1,898,001.
MS–3	South MS Legal Services Corp	525,945.
MS–7	Central SW MS Legal Services Corp	1,231,338.
MS–8	SE Mississippi Legal Services Corp	887,903.
MMS	Texas Rural Legal Aid, Inc	42,402.
NMS–1	SE Mississippi Legal Services Corp	75,279.
Missouri:		
MO–3	Legal Aid of Western Missouri	1,608,607.
MO–4	Legal Services of Eastern Missouri, Inc	1,774,785.
MO–5	Mid-Missouri Legal Services Corporation	353,692.
MO–7	Legal Services of Southern Missouri	1,532,889.
MMO	Legal Aid of Western Missouri	67,042.
Montana:		
MT–1	Montana Legal Services Assoc	1,025,894.

State & service area	Applicant name	Anticipated FY 2003 award
MMT	Montana Legal Services Assoc	48,008.
NMT–1	Montana Legal Services Assoc	144,197.
Nebraska:		
NE–4	Nebraska Legal Services	1,315,096.
MNE	Nebraska Legal Services	34,186.
NNE–1	Nebraska Legal Services	29,935.
Nevada:		
NV–1	Nevada Legal Services, Inc	1,717,198.
MNV	Nevada Legal Services, Inc	3,698.
NNV–1	Nevada Legal Services, Inc	120,422.
New Hampshire: NH–1	Legal Advice & Referral Center, Inc	647,362.
New Jersey:		
NJ–8	Essex-Newark Legal Services Project, Inc	982,438.
NJ–12	Ocean-Monmouth Legal Services, Inc	599,153.
NJ–15	Warren County Legal Services, Inc	353,207.
NJ–16	Camden Regional Legal Services, Inc	1,208,321.
NJ–17	Legal Aid Society of Mercer County	983,157.
MNJ	Camden Regional Legal Services, Inc	126,002.
New Mexico:		
NM–5	Southern New Mexico Legal Services, Inc	2,475,208.
NNM–4	Southern New Mexico Legal Services, Inc	420,781.
MNM	Southern New Mexico Legal Services, Inc	80,328.
New York:		
NY–1	Legal Aid Society of Northeastern New York	767,490.
NY–3	Legal Aid for Broome and Chenango	262,370.
NY–4	Neighborhood Legal Services, Inc	928,381.
NY–6	Chemung County Legal Services	268,176.
NY–7	Nassau/Suffolk Law Services	1,254,287.
NY–8	Legal Aid Society of Rockland County, Inc	762,980.
NY–9	Legal Services for New York City	13,789,897.
NY–10	Niagara County Legal Aid Society, Inc	188,668.
NY–13	Legal Services of Central NY, Inc	826,165.
NY–14	Legal Aid Society of Mid-New York, Inc	635,263.
NY–15	Westchester/Putnam Legal Services	850,521.
NY–16	North Country Legal Services, Inc	316,544.
NY–18	Monroe Co Legal Assistance	984,990.
NY–19	Southern Tier Legal Services	409,071.
MNY	Legal Aid Society of Mid-New York, Inc	279,923
North Carolina:		
NC–5	Legal Aid of North Carolina	7,491,194.
MNC	Legal Aid of North Carolina	529,643.
NNC–1	Legal Aid of North Carolina	197,645.
North Dakota:		
ND–3	Legal Assistance of North Dakota, Inc	532,078.
MND	Southern Minnesota Regional Legal Services, Inc	82,512.
NND–3	Legal Assistance of North Dakota, Inc	243,946.
Ohio:		
OH–5	The Legal Aid Society of Columbus	1,154,130.
OH–17	Ohio State Legal Services	1,525,944.
OH–18	Legal Aid Society of Greater Cincinnati	1,237,679.
OH–19	Lgl. Assist. of West Cent. OH Regional Entity	1,226,393.
OH–20	Community Legal Aid Services, Inc	1,657,803.
OH–21	The Legal Aid Society of Cleveland	1,920,641.
OH–22	Legal Services of Northwest Ohio, Inc	977,083.
MOH	Legal Services of Northwest Ohio, Inc	95,154.
Oklahoma:		
OK–3	Legal Aid Services of Oklahoma	4,058,422.
MOK	Legal Aid Services of Oklahoma	51,572.
NOK–1	Oklahoma Indian Legal Services, Inc	741,501.
Oregon:		
OR–2	Lane County Legal Aid Service, Inc	317,280.
OR–4	Marion-Polk Legal Aid Service, Inc	307,667.
OR–5	Legal Aid Services of Oregon	2,090,392.
MOR	Legal Aid Services of Oregon	537,114.
NOR–1	Legal Aid Services of Oregon	167,176.
Pennsylvania:		
PA–1	Philadelphia Legal Assistance	2,775,546.
PA–5	Laurel Legal Services, Inc	692,006.
PA–8	Neighborhood Legal Services Assoc	1,506,801.
PA–11	Southwestern Pennsylvania Legal Aid Society	503,062.
PA–23	LA of Southeastern Pennsylvania	1,017,327.
PA–24	North Penn Legal Services, Inc	1,625,583.
PA–25	MidPenn Legal Services, Inc	1,989,072.

State & service area	Applicant name	Anticipated FY 2003 award
PA–26	Northwestern Legal Services	657,653.
MPA	Philadelphia Legal Assistance	144,049.
Puerto Rico:		
PR–1	Puerto Rico Legal Services, Inc	14,686,125.
PR–2	Community Law Office, Inc	310,353.
MPR	Puerto Rico Legal Services, Inc	219,851.
Rhode Island: RI–1	Rhode Island Legal Services, Inc	1,006,618.
South Carolina:		
SC–8	The SC Centers for Equal Justice	4,404,793.
MSC	The SC Centers for Equal Justice	179,038.
South Dakota:		
SD–2	East River Legal Services	365,907.
SD–4	Dakota Plains Legal Services, Inc	433,384.
MSD	Dakota Plains Legal Services, Inc	3,071.
NSD–1	Dakota Plains Legal Services, Inc	845,567.
Tennessee:		
TN–4	Memphis Area Legal Services	1,287,285.
TN–7	West Tennessee Legal Services, Inc	600,676.
TN–9	LA of East Tennessee	1,964,918.
TN–10	LAS of Middle TN and the Cumberlands	2,340,865.
MTN	Texas Rural Legal Aid, Inc	54,383.
Texas:		
TX–13	Lone Star Legal Aid	8,677,335.
TX–14	West Texas Legal Services	6,844,410.
TX–15	Texas Rural Legal Aid, Inc	9,327,617.
MTX	Texas Rural Legal Aid, Inc	1,234,600.
NTX–1	Texas Rural Legal Aid, Inc	28,343.
Utah:		
UT–1	Utah Legal Services, Inc	1,664,061.
MUT	Utah Legal Services, Inc	62,214.
NUT–1	Utah Legal Services, Inc	74,504.
Vermont: VT–1	Legal Services Law Line of Vermont, Inc	457,196.
Virginia:		
VA–15	Southwest Virginia Legal Aid Society, Inc	745,846.
VA–16	Legal Services of Eastern Virginia, Inc	1,283,428.
VA–17	Virginia Legal Aid Society, Inc	773,673.
VA–18	Central Virginia Legal Aid Society, Inc	910,259.
VA–19	Blue Ridge Legal Services, Inc	641,564.
VA–20	Potomac Legal Aid Society	994,268.
MVA	Central Virginia Legal Aid Society, Inc	144,852.
Virgin Islands: VI–1	Legal Services of the Virgin Islands, Inc	292,256.
Washington:		
WA–1	Northwest Justice Project	4,385,249.
MWA	Northwest Justice Project	738,240.
NWA–1	Northwest Justice Project	257,978.
Wisconsin:		
WI–2	Wisconsin Judicare, Inc	801,802.
WI–5	Legal Action of Wisconsin, Inc	2,906,903.
MWI	Legal Action of Wisconsin, Inc	69,159.
NWI–1	Wisconsin Judicare, Inc	140,479.
West Virginia:		
WV–5	Legal Aid of West Virginia, Inc	2,613,517.
MWV	Legal Aid of West Virginia, Inc	28,622.
Wyoming:		
WY–4	Wyoming Legal Services	447,189.
MWY	Wyoming Legal Services	11,111.
NWY–1	Wyoming Legal Services	156,492.

These grants and contracts will be awarded under the authority conferred on LSC by the Legal Services Corporation Act, as amended (42 U.S.C. 2996e(a)(1)). Awards will be made so that each service area is served, although none of the listed organizations are guaranteed an award or contract. This public notice is issued pursuant to the LSC Act (42 U.S.C. 2996f(f)), with a request for comments and recommendations concerning the potential grantees within a period of thirty (30) days from the date of publication of this notice. Grants will become effective and grant funds will be distributed on or about January 1, 2003.

Dated: October 9, 2002.

Michael A. Genz,

Director, Office of Program Performance, Legal Services Corporation.

[FR Doc. 02–26222 Filed 10–15–02; 8:45 am]

BILLING CODE 7050–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 02–123]

NASA Advisory Council, Biological and Physical Research Advisory Committee Audio Teleconference

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.

DATES: Tuesday, November 12, 2002, from 2 p.m. until 4 p.m.

ADDRESSES: This meeting will be conducted via teleconference; hence participation will require contacting Dr. Bradley Carpenter (202/358–0826) before 4:30 p.m. Eastern, November 8, 2002, and leaving your name, affiliation, and phone number.

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 capability of the teleconferencing system. The agenda for the meeting is as follows:

—Strategic Planning/Performance Measures
—Program Update

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.

June W. Edwards,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 02–26209 Filed 10–15–02; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 02–124]

Aerospace Safety Advisory Panel; Meeting.

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting date change.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a change of date for the forthcoming meeting of the Aerospace Safety Advisory Panel; Notice No. 02–119.

PREVIOUSLY ANNOUNCED DATE: Thursday, October 31, 2002, 9 a.m. to 12 Noon Central Time.

CHANGES IN THE MEETING: Date changed to Thursday, November 7, 2002, 9 a.m. to 12 Noon Central Time.

ADDRESSES: Nassau Bay Hilton, 3000 NASA Road 1, Houston, TX 77058.

FOR FURTHER INFORMATION CONTACT: Mr. David M. Lengyel, Aerospace Safety Advisory Panel Executive Director, Code Q–1, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358–0391, if you plan to attend.

SUPPLEMENTARY INFORMATION: This meeting will be open to the public up to the seating capacity of the room (40). The agenda for the meeting is to conduct deliberations on CY '02 fact-finding activities and trip reports in preparation for the drafting of the Panel's annual report.

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.

June W. Edwards,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 02–26210 Filed 10–15–02; 8:45 am]

BILLING CODE 7510–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission

DATE: Weeks of October 14, 21, 28, November 4, 11, 18, 2002.

PLACE: Commissioner's Conference Room, 11555 Rockville Pike, Rockvillle, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of October 14, 2002

There are no meetings scheduled for the Week of October 14, 2002.

Week of October 21, 2002—Tentative

There are no meetings scheduled for the Week of October 21, 2002.

Week of October 28, 2002—Tentative

Wednesday, October 30, 2002.

2:00 p.m.
Discussion of Security Issues (Closed—Ex. 1 & 9).

Thursday, October 31, 2002.

9:25 a.m.
Affirmation Session (Public Meeting) (If needed).

9:30 a.m.
Briefing on EEO Program (Public Meeting) (Contact: Irene Little, 301–415–7380).

2:30 p.m.
Briefing on Proposed Rulemaking to Add New Section 10 CFR 50.69, ''Risk-Informed Categorization and Treatment of Structures, systems, and Components for Nuclear Power Reactors'' (Public Meeting) (Contact: Eileen McKenna, 301–415–2189, or Timothy Reed, (301) 415–1462.

This meeting will be webcast live at the Web address—www.nrc.gov

Week of November 4, 2002—Tentative

There are no meetings scheduled for the Week of November 4, 2002.

Week of November 11, 2002—Tentative

Thursday, November 14, 2002.

2:00 p.m.
Discussion of Management Issues (Closed—Ex. 2).

Week of November 18, 2002—Tentative

Thursday, November 21, 2002.

2:00 p.m.
Discussion of Security Issues (Closed—Ex. 1).

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: R. Michelle Schroll (301) 415–1662.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/what-we-do/policy-making/schedule.html*

* * * * *

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301) 415–1969. In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to *dkw@nrc.gov.*

Dated: October 10, 2002.

R. Michelle Schroll,

Acting Technical Coordinator, Office of the Secretary.

[FR Doc. 02–26437 Filed 10–11–02; 2:22 pm]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Civilian Acquisition Workforce Personnel Demonstration Project; Department of Defense (DoD)

AGENCY: Office of Personnel Management (OPM).

ACTION: Notice of intent to amend this demonstration by changing the method for determining and translating retention service credit.

SUMMARY: The Department of Defense (DoD), with the approval of OPM, may conduct a personnel demonstration within DoD's civilian acquisition workforce and those supporting personnel assigned to work directly with it. (*See* section 4308 of the National Defense Authorization Act for Fiscal Year 1996 (Pub. L. 104–106; 10 U.S.C.A. 1701 note), as amended by section 845 of the National Defense Authorization Act for Fiscal Year 1998 (Pub. L. 105–85)). This notice proposes to amend the project plan for this demonstration to change the method for determining and translating retention service credit.

DATES: OPM and DoD will consider written comments if received no later than November 15, 2002.

ADDRESSES: Send written comments to Mary Lamary, U.S. Office of Personnel Management, 1900 E Street NW., Room 7460, Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: *DoD*: Anthony D. Echols, Civilian Acquisition Workforce Personnel Demonstration Project, 2001 North Beauregard Street, Suite 750, Alexandria, VA 22311, 703–681–3553. *OPM*: Mary Lamary, U.S. Office of Personnel Management, 1900 E Street NW., Room 7460, Washington, DC 20415, 202–606–2820.

SUPPLEMENTARY INFORMATION:

1. Background

OPM approved and published the project plan for the Civilian Acquisition Workforce Personnel Demonstration Project in the **Federal Register** on January 8, 1999 (Volume 64, Number 5, part VII). Since that time, three amendments have been published. The first amendment was published in the May 21, 2001, **Federal Register**, Volume 66, Number 98 to (1) correct discrepancies in the list of occupational series included in the project and (2) authorize managers to offer a buy-in to Federal employees entering the project after initial implementation. The second amendment was published in the April 24, 2002, **Federal Register**, Volume 67, Number 79 to (1) make employees in the top broadband level of their career path eligible to receive a ''very high'' overall contribution score and (2) reduce the minimum rating period under the Contribution-based Compensation and Appraisal System (CCAS) to 90 calendar days. Finally, the third amendment was published in the July 1, 2002, **Federal Register**, Volume 67, Number 126 to (1) list all organizations that are eligible to participate in the project and (2) make the resulting adjustments to the table that describes the project's workforce demographics and union representation. This demonstration project involves hiring and appointment authorities, broadbanding, simplified classification, a contribution-based compensation and appraisal system, revised reduction-in-force procedures, academic degree and certificate training, and sabbaticals.

2. Overview

The project plan links employees' overall contribution scores (OCSs) to retention service credit for reduction in force. Experience during the first three rating cycles showed that the method for linkage causes two unintended results.

The first unintended result adversely affects high contributors (that is, employees with a high OCS for the expected contribution range of their broadband level). High contributors can only receive high retention service credit if their positions are toward the top of the salary rate range for the broadband level.

Second, high contributors receive less credit than lower contributors in some cases. The structure of Table 7, Retention Service Credit Associated with Appraisal Results, allows such outcomes.

This notice proposes to amend the project plan for this demonstration to change the method for determining retention service credit based on Contribution-based Compensation and Appraisal System (CCAS) process results. For consistency, this notice also proposes to change Table 8, Translation of Retention Service Credit.

Dated: October 4, 2002.

Office of Personnel Management,

Kay Coles James,

Director.

I. Executive Summary

The project was designed by a Process Action Team (PAT) under the authority of the Under Secretary of Defense for Acquisition and Technology, with the participation of and review by DoD and the Office of Personnel Management (OPM). The purpose of the project is to enhance the quality, professionalism, and management of the DoD acquisition workforce through improvements in the human resources management system.

II. Introduction

This demonstration project provides managers, at the lowest practical level, the authority, control, and flexibility they need to achieve quality acquisition processes and quality products. This project not only provides a system that retains, recognizes, and rewards employees for their contribution, but also supports their personal and professional growth.

A. Purpose

The purpose of this notice is to propose to amend this demonstration by changing the method for determining and translating retention service credit. Other provisions of the approved plan are unaffected by this proposal. Pursuant to 5 CFR 470.315, changes are hereby proposed to the **Federal Register**, Civilian Acquisition Workforce Personnel Demonstration Project; Department of Defense; Notice, Friday, January 8, 1999, Volume 64, Number 5, Part VII, pages 1479–82 and 1484.

B. Employee Notification and Collective Bargaining Requirements

The demonstration project program office shall notify employees of this proposed amendment by posting it on the demonstration project's web page (*http://www.acq.osd.mil/acqdemo/new_site*). Participating organizations must fulfill any collective bargaining obligations to unions that represent employees covered by the demonstration.

III. Personnel System Changes

Retention Service Credit

The following are the proposed changes to the demonstration project plan.

Delete all of Section III. D. 9., including Table 7.

Throughout the project plan, re-number Tables 8, 9, and 10 as Tables 7, 8, and 9, respectively.

Delete the second and third rows of the re-designated Table 7, Translation of Retention Service Credit, as follows: ''20: Outstanding or equivalent, Level 5'' and ''16: Highly Successful or equivalent, Level 4.'' A copy of the revised re-designated Table 7 appears at the end of this amendment.

Delete the fourth paragraph of Section III. F. and insert the following:

Employees shall receive additional years of retention service credit in RIF, based on their CCAS process results. Refer to Figure 2, CCAS Compensation

Categories, which depicts the three categories: A, B, and C. To calculate the number of additional years of retention service credit, average the number of additional years received for the employees' three most recent annual placements in category A, B, or C during the 4-year period before the issuance of RIF notices. Use the following rules to determine the number of years for a given annual placement.

Rule 1—Employees whose annual OCS places them above the upper rail in category A shall not receive any additional years.

Exception to Rule 1—Category A employees on retained pay may have lacked the opportunity to contribute at the level of their retained pay. Therefore, they shall receive 12 additional years.

Rule 2—Employees whose OCS places them in categories B or C shall receive 12 additional years.

Rule 3—Substitute the annual performance rating of record under the previous performance management system for one or more CCAS process results if, before the issuance of RIF notices, (1) three complete CCAS cycles have not yet occurred or (2) an individual has not completed three cycles to obtain three CCAS process results. In such cases, consistent with the re-designated Table 7, Translation of Retention Service Credit, employees with ratings of record at or above Fully Successful or equivalent (Level 3) shall receive 12 additional years, while those with lower ratings of record shall not receive any additional years. After including both CCAS results and previous ratings of record, employees who still have only received one or two of these shall receive credit for performance on the basis of adding the value and dividing by the number of CCAS results and/or ratings of record actually received. Those who have no annual performance rating of record or CCAS results shall receive 12 additional years.

Change Section V. B. 4. to read:

The demonstration project does not use summary level designators. In this regard, the project differs from non-demonstration appraisal systems and programs established under 5 U.S.C. Chapter 43 and 5 CFR part 430. To accommodate this difference and to allow the CCAS contribution information to be used as equivalent ratings under 5 CFR part 430, translate retention service credit based on the employee's OCS for the 3 most recent years of the last 4 years while under the demonstration project to summary level designators for use by the gaining agency. The re-designated Table 7, Translation of Retention Service Credit, shows how to do this translation.

Retention service credit	Appraisal rating level
12	Fully Successful or equivalent, Level 3.
0	Unsuccessful, Level 1.

[FR Doc. 02–26271 Filed 10–15–02; 8:45 am]

BILLING CODE 6325–43–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–46629; File No. SR–CBOE–2002–24]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment Nos. 1 and 2 by Chicago Board Options Exchange, Incorporated Amending Listing Standards for Options on Narrow-Based and Broad-Based Security Indexes

October 9, 2002.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1034 (''Act'' or ''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 7, 2002, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. The CBOE filed Amendments No. 1 and 2 to the proposed rule change on August 6, 2002 [3] and August 29, 2002,[4] respectively. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its rules regarding listing standards for options on narrow-based and broad-based security indexes. The text of the proposed rule change is set forth below. Additions are in italics; deletions are in brackets.

CHAPTER XXIV

Index Options

* * * * *

Rule 24.2 Designation of the Index

(a) The component securities of an index underlying an index option contract need not meet the requirements of Rule 5.3. Except as set forth in subparagraph (b) *and (c)* below, the listing of a class of index options on a new underlying index will be treated by the Exchange as a proposed rule change subject to filing with and approval by the Securities and Exchange Commission (''Commission'') under Section 19(b) of the Exchange Act.

(b) Notwithstanding paragraph (a) above, the Exchange may trade options on a narrow-based *security* index pursuant to Rule 19b–4(e) of the Securities Exchange Act of 1934, if each of the following conditions is satisfied:

(1) *The index is a security index.* [The options are designated as A.M.-settled index options:]

(i) that has 9 or fewer component securities; or

(ii) in which a component security comprises more than 30 percent of the index's weighting; or

(iii) in which the 5 highest weighted component securities in the aggregate comprise more than 60 percent of the index's weighting or

(iv) in which the lowest weighted component securities comprising, in the aggregate, 25 percent of the index's weighting have an aggregate dollar value of average daily trading volume of less than $50,000,000 (or in the case of an index with 15 or more component securities, $30,000,000), except that if there are two or more securities with equal weighting that could be included in the calculation of the lowest weighted component securities comprising, in the aggregate, 25 percent of the index's weighting, such securities shall be ranked from lowest to highest dollar value of average daily trading volume and shall be included in the calculation based on their ranking starting with the lowest ranked security;

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Letter dated August 6, 2002 from Madge Hamilton, Legal Division, CBOE, to Kelly Riley, Senior Special Counsel, Division of Market Regulation (''Division''), Commission (''Amendment No. 1''). Amendment No. 1 makes certain technical corrections to the proposed rule change.

[4] *See* Letter dated August 29, 2002 from Madge Hamilton, Legal Division, CBOE, to Florence Harmon, Senior Special Counsel, Division, Commission (''Amendment No. 2''). Amendment No. 2 makes certain technical corrections to the proposed rule text and adds a requirement that component securities be registered under Section 12 of the Act. Amendment No. 2 also adds a requirement that the total number of securities in an index may not increase or decrease by more than 33⅓% from the number of component securities in the index at the time of its initial listing. Amendment No. 2 also adds a requirement that cash settled index options be designated as AM-settled index options. Finally, Amendment No. 2 adds a new index weighting methodology known as ''share weighting.''

(2) The index is capitalization-weighted, *modified capitalization-weighted,* price-weighted*, share weighted,* [or] equal dollar-weighted*, or modified equal-dollar weighted*[, and consist of ten or more component securities:];

(3) Each component security *in the index* has a *minimum* market capitalization of at lest $75 million, except that [for] each of the lowest weighted [component] securities in the index that in the aggregate account for no more than 10% of the weight of the index[,] *may have a minimum* [the] market capitalization *of only* [is at least] $50 million[:]*;*

(4) *The average daily trading* [Trading] volume *in each* of *the preceding six months for* each component security *in the index is at least 45,500 shares,* [has been at least one million shares for each of the last six months,] except that [for] each of the lowest weighted component securities in the index that in the aggregate account for no more than 10% of the weight of the index[,] *may have an average daily* trading volume *of only 22,750* [has been at least 500,000] shares for each of the last six months[:]*;*

(5) In a capitalization-weighted index the lesser of*: (1)* the five highest weighted component securities in the index *each have had an average daily trading volume of at least 90,000 shares over the past six months;* or *(2)* the highest weighted component securities in the index that in the aggregate represent at least 30% of the total number of component securities in the index each have had an average *daily* [monthly] trading volume of at least *90,000* [2,000,000] shares over the past six months[:]*;*

[(6) No single component security represents more than 25% of the weight of the index, and the five highest weighted component securities in the index do not in the aggregate account for more than 50% (60% for an index consisting of fewer than 25 component securities) of the weight of the index:]

[(7)] *(6) Subject to subparagraphs (4) and (5) above, the c*[C]omponent securities that account for at least 90% of the *total index* weight [of the index] and at least 80% of the total number of component securities in the index [satisfy] *must meet* the requirements of Rule 5.3 applicable to individual underlying securities[:]*;*

[(8)] *(7)(i) Each* [All] component [securities] *security in the index is a* [are] ''reported *security* [securities]'' as defined in Rule 11Aa3–1 under the Exchange Act[:]*; or*

[(9)] *(ii)* [Non-U.S. component] *Foreign* securities [(stocks or ADRs)] *or ADRs thereon* that are not subject to comprehensive surveillance *sharing* agreements do not [in the aggregate] represent more than 20% of the weight of the index[:]*;*

[(10)] *(8)* The current underlying index value will be reported at least once every fifteen seconds during the time the index options are traded on the Exchange[:]*;*

[(11)] *(9)* An equal dollar-weighted index will be rebalanced at least once every calendar [quarter] *year*[:]*;*

[(12)] *(10)* If [an] *the* underlying index is maintained by a broker-dealer, the index is calculated by an third party who is not a broker-dealer, and the broker-dealer has *in place an information barrier* [erected a ''Chinese Wall''] around its personnel who have access to information concerning changes in and adjustments to the index[.]*;*

(11) *Each component security in the index is registered pursuant to section 12 of the Exchange Act; and*

(12) *Cash settled index options are designated as Am-settled index options.*

(c) Notwithstanding paragraph (a) above, the Exchange may trade options on a broad-based security index pursuant to Rule 19b–4(e) of the Securities Exchange Act of 1934, if each of the following conditions is satisfied;

(1) The index is a security index

(i) that has 10 or more component securities;

(ii) in which no component security comprises less than 30 percent of the index's weighting;

(iii) in which the 5 highest weighted component securities in the aggregate comprise less than 60 percent of the index's weighting; and

(iv) in which the lowest weighted component securities comprising, in the aggregate, 25 percent of the index's weighting have an aggregate dollar value of average daily trading volume of more than $50,000,000 (or in the case of an index with 15 or more component securities, $30,000,000), except that if there are two or more securities with equal weighting that could be included in the calculation of the lowest weighted component securities comprising, in the aggregate, 25 percent of the index's weighting, such securities shall be ranked from lowest to highest dollar value of average daily trading volume and shall be included in the calculation based on their ranking starting with the lowest ranked security;

(2) The index is capitalization-weighted, modified capitalization-weighted, price-weighted, share-weighted, equal dollar-weighted, or modified equal-dollar weighted;

(3) Each component security in the index has a minimum market capitalization of at least $75 million, except that each of the lowest weighted securities in the index that in the aggregate account for no more than 10% of the weight of the index may have a minimum market capitalization of only $50 million;

(4) The average daily trading volume in each of the preceding six months for each component security in the index is at least 45,500 shares, except that each of the lowest weighted component securities in the index that in the aggregate account for no more than 10% of the weight of the index may have an average daily trading volume of only 22,750 shares for each of the last six months;

(5) In a capitalization-weighted index the lesser of: (1) the five highest weighted component securities in the index each have had an average daily trading volume of at least 90,000 shares over the past six months; or (2) the highest weighted component securities in the index that in the aggregate represent at least 30% of the total number of component securities in the index each have had an average daily trading volume of at least 90,000 shares over the past six months;

(6) Subject to subparagraphs (4) and (5) above, the component securities that account for at least 90% of the total index weight and at least 80% of the total number of component securities in the index must meet the requirements of Rule 5.3 applicable to individual underlying securities;

(7)(i) Each component security in the index is a ''reported security'' as defined in Rule 11a 3–1 under the Exchange Act; or

(ii) Foreign securities or ADRs thereon that are not subject to comprehensive surveillance sharing agreements do not represent more than 20% of the weight of the index;

(8) The current underlying index value will be reported at least once every fifteen seconds during the time the index options are traded on the Exchange;

(9) An equal dollar-weighted index will be rebalanced at least once every calendar year;

(10) If the underlying index is maintained by a broker-dealer, the index is calculated by a third party who is not a broker-dealer, and the broker-dealer has in place an information barrier around its personnel who have access to information concerning changes in and adjustments to the index;

(11) Each component security in the index is registered pursuant to Section 12 of the Exchange Act; and

(12) Cash settled index options are designated as AM-settled index options.

[(c)]*(d)* The following maintenance listing standards shall apply to each class of index options originally listed pursuant to paragraph (b) *or (c)* above:

(1) *The index meets the criteria of paragraph (b)(1) or (c)(1) of this Rule;* [The conditions stated in subparagraphs (b)(1), (3), (6), (7), (8), (9), (10), (11) and (12) must continue to be satisfied, provided that the conditions stated in subparagraphs (b)(6) must be satisfied only as of the first day of January and July in each year:]

(2) Subject to subparagraphs (4) and (9) below, the component securities that account for at least 90% of the total index weight and at least 80% of the total number of component securities in the index must meet the requirements of Rule 5.3;

(3) Each component security in the index has a market capitalization of at least $75 million, except that each of the lowest weighted component securities that in the aggregate account for no more than 10% of the weight of the index may have a market capitalization of only $50 million;

(4) The average daily trading volume in each of the preceding six months for each component security in the index is at least 22,750 shares, except that each of the lowest weighted component securities in the index that in the aggregate account for not more than 10% of the weight of the index may have an average daily trading volume of at least 18,200 shares for each of the last six months;

(5) Each component security in the index is

(i) a ''reported security'' as defined in Rule 11A3–1 under the Exchange Act; or

(ii) Foreign securities or ADRs thereon that are not subject to comprehensive surveillance sharing agreements do not represent more than 20$ of the weight of the index;

(6) The current underlying index value will be reported at least once every fifteen seconds during the time the index options are traded on the Exchange;

(7) An equal dollar-weighted index will be rebalanced at least once every calendar year;

(8) If the underlying index is maintained by a broker-dealer, the index is calcualted by a third party who is not a broker-dealer, and the broker-dealer has in place an information barrier around its personnel who have access to information concerning changes in and adjustments to the index;

(9) In a capitalization-weighted index the lesser of: (1) the five highest weighted component securities in the index each have had an average daily trading volume of at least 45,500 shares over the past six months; or (2) the highest weighted component securities in the index that in the aggregate represent at least 30% of the total number of stocks in the index each have had an average daily trading volume of at least 45,500 shares over the past six months;

[(2)]*(10)* The total number of component securities in the index may not increase *n*or decrease by more than 33⅓% from the number of component securities in the index at the time of its initial listing*;* [and in no event may be less than nine component securities:

(3) Trading volume of each component security in the index must be at least 500,000 shares for each of the last six months, except that for each of the lowest weighted component securities in the index that in the aggregate account for no more than 10% of the weight of the index, trading volume must be at least 400,000 shares for each of the last six months:

(4) In a capitalization-weighted index, the lesser of the five highest weighted component securities in the index or the highest weighted component securities in the index that in the aggregate represent at least 30% of the total number of stocks in the index each have had an average monthly trading volume of at least 1,000,000 shares over the past six months.]

(11) Each component security in the index is registered pursuant to Section 12 of the Exchange Act; and

(12) In the event a class of index options listed on the Exchange fails to satisfy the maintenance listing standards set forth herein, the Exchange shall not open for trading any additional series of options of that class unless such failure is determined by the Exchange not to be significant and the Commission concurs in that determination, or unless the continued listing of that class of index options has been approved by the Commission under section 19(b)(2) of the Exchange Act.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The CBOE states that the proposed rule change amends CBOE Rule 24.2 to make it consistent with listing standards applicable to futures on narrow-based security indexes, as defined and permitted under the Commodity Futures Modernization Act of 2000 (''CFMA''), and adds listing standards for options on broad-based security indexes. The CBOE states that the proposed rule change adopts criteria, which follows, for the most part, the definition of ''narrow-based security index'' in the CFMA and makes changes to CBOE's current listing standards for options on narrow-based security indexes to conform with the Bulletin issued by the Division that suggested listing standards for futures on a narrow-based security index (''Division's Bulletin'').[5] The proposed rule change would amend the current initial listing standards for options on narrow-based security indexes in CBOE Rule 24.2, amend CBOE Rule 24.2 to add new initial listing standards for options on broad-based security indexes, and provide for maintenance standards for both narrow-based security indexes and broad-based security indexes.

The CBOE states that the proposed rule change incorporates the definition of a narrow-based security index in the CFMA[6] into the listing standards for options on a narrow-based security index. Thus, the proposed rule change would require that the index be a narrow-based security index:

(1) That has 9 or fewer component securities, or

(2) In which a component security comprises more than 30% of the index's weighting, or

(3) In which the 5 highest weighted component securities in the aggregate comprise more than 60% of the index's weighting, or

(4) In which the lowest weighted component securities comprising, in the

[5] U.S. Securities and Exchange Commission, Division of Market Regulation: Staff Legal Bulletin No. 15: Listing Standards for Trading Security Futures Products (September 5, 2001).

[6] Section 201 of the CFMA; 15 U.S.C. 78c(a)(55)(B).

aggregate, 25% of the index's weighting have an aggregate dollar value of averaged daily trading volume of less than $50 million (or in the case of an index with 15 or more component securities, $30 million), except that if there are 2 or more securities with equal weighting that could be included in the calculation of the lowest weighted component securities comprising, in the aggregate, 25% of the index's weighting, such securities shall be ranked from lowest to highest dollar value of average daily trading volume and shall be included in the calculation based on their ranking starting with the lowest ranked security.

The CBOE states that the proposed rule change also makes other modifications to be consistent with the Division's Bulletin. The proposed rule change requires that all component securities of a narrow-based and broad-based security index be registered pursuant to Section 12 of the Act. Consistent with the Division's Bulletin, the proposed rule change would also permit an index to be modified capitalization-weighted index. The Division's Bulletin lists modified capitalization-weighted in its sample initial eligibility criteria for a security futures product based on an index composed of two or more securities as comparable to listing standards for options traded on a national securities exchange or national securities association.[7] The proposed rule change proposes two additional weighting methodologies, modified equal-dollar weighted and share-weighted. The CBOE states that it is relevant that Commission has approved options on certain individual modified equal-dollar weighted indexes.[8]

The CBOE states that a share-weighted index is designed to mimic the value of a portfolio consisting of two or more securities. The weight of each component security is calculated by multiplying the price of the component security by an adjustment factor. Adjustment factors are chosen to reflect the investment objective deemed appropriate by the designer of the index.[9] The value of the index is calculated by adding the weight of each component security and dividing the total by an index divisor.[10]

Unlike other indexes currently available, share-weighted indexes do not require divisor changes in order to adjust for corporate actions. Rather, a change is made to the adjustment factor for a particular stock undergoing the corporate action. Thus, only the stock undergoing the corporate action is affected, which mimics the impact on a replicating portfolio. For example, the index is adjusted for a stock split by multiplying the adjustment factor of the affected stock by its split ratio. The index is adjusted for spin-offs and other distributions, excluding regular cash dividends, by taking the value of the property being distributed and then changing the adjustment factor to reflect the purchase of additional shares of the index component. Unlike a capitalization-weighted index, share-weighted indexes are not adjusted to reflect changes in the number of outstanding shares of its constituents. For example, if a company issued additional shares, this would not impact a share-weighted index. Example: Adjusting a share-weighted index to reflect a 2-for-1 stock split in the shares of one of its components.

Consider the following share-weighted index. Stock 2 has declared a 2-for-1 split and the prices listed below represent the closing prices for each index component on the business day immediately prior to the ex-distribution date. The index divisor, which was chosen to yield a benchmark level of 100, is 1.00. Therefore, the closing index level prior to the ex-date is 91.00.

Component	Price (P_i)	Adjustment factor (A_i)	P_i x A_i	Component weight (in percent)
Stock 1	$23	$1.25	28.75	31.59
Stock 2	92	0.5	46	50.55
Stock 3	5	1.25	6.25	6.87
Stock 4	8	1.25	10	10.99
Total			91	100.00

As shown in the table below, the adjustment to reflect the 2-for-1 split would require that the Adjustment Factor for Stock 2 be multiplied by the split ratio (2), thereby changing it from 0.5 to 1.0. The post-split price of Stock 2 ($46) is adjusted by dividing the pre-split price ($92) by the split ratio.

The product of the new Adjustment Factor and the post-split price of Stock 2 is exactly the same as product of the old Adjustment Factor and pre-split price of Stock 2. Furthermore, the sum of the products (P_i x A_i and individual component weights are exactly the same as before the split, and the index divisor remains unchanged at 1.00.

[7] *See* III.A.(ii)(a) of the Division's of Market Regulation: Staff Legal Bulletin No. 15: Listing Standards for Trading Security Futures Products (September 5, 2001). *See also* Securities Exchange Act Release No. 42787, 65 FR 33598 (May 24, 2000) (amending Rule 1000A to permit the index underlying a series of Index Fund Shares to be calculated based on modified market capitalization weighting methodology, among others); Securities Exchange Act Release No. 43912 (January 31, 2001), 66 FR 9401 (February 7, 2001) (permitting an index underlying a series of Index Fund Shares to be calculated on modified market capitalization); and Philadelphia Stock Exchange Rule 1009A(b)(2), which permits a narrow-based index to be modified capitalization-weighted.

[8] Securities Exchange Act Release No. 36623 (December 21, 1995), 60 FR 67379 (December 29, 1995) (approving options on the CBOE Automotive Index, which is modified equal-dollar weighted). In the Commission's release adopting final rules regarding new derivative securities products, it noted that ''[t]he index underlying a new derivative securities product should be constructed according to established criteria for initial inclusion of new component securities. SROs seeking to rely on the proposed amendment should employ objective index construction standards that include a minimum number of component securities and a fixed and objective weighting methodology (*e.g.,* capitalization weighted, price weighted, equal-dollar weighted or modified equal-dollar weighted.'') (footnote omitted.) Securities Exchange Act Release No. 40761, 63 FR 70952, 70961) (December 22, 1998). *See also* Securities Exchange Act Release No. 42787, 65 FR 33598 (May 24, 2000) (amending Rule 1000A to permit the index underlying a series of Index Fund Shares to be calculated based on modified equal-dollar weighting methodology, among others).

[9] For example, an index designer might want to apply an adjustment factor in order to prevent one or a few components from dominating the weight of the index. This is similar to an adjustment factor in other types of weighting methods such as modified capitalization weighted indexes.

[10] The index ''divisor'' is calculated to yield a benchmark index level (50, 100, 200, etc. as of a particular date.

Component	Price (P_i)	Adjustment factor (A_i)	P_i x A_i	Component weight (in percent)
Stock 1	$23	1.25	28.75	31.59
Stock 2	46	1.0	46	50.55
Stock 3	5	1.25	6.25	6.87
Stock 4	8	1.25	10	10.99
Total			91	100.00

The proposed rule change also amends paragraph (c) to add listing standards for options on a broad-based security index. The CBOE states that these listing standards follow, for the most part, the listing standards for options on narrow-based security indexes. However, the criteria specifically discussed above, regarding the composition of a narrow-based security index, was reversed for the composition of a broad-based security index. For example, for a broad-based security index the index must have 10 or more component securities.

The proposed rule change amends the maintenance standards by moving them to new paragraph (d) and making them applicable to both the narrow-based security indexes and the broad-based security indexes. The CBOE states that the maintenance standards listed in the proposed rule change also follows the Division's Bulletin for the most part. CBOE believes that the proposed rule change would assist CBOE in providing new products to the marketplace in an efficient and expeditious manner. The CBOE states that this in turn would benefit investors by providing them with new products, in a more timely fashion and provide more competition.

2. Statutory Basis

CBOE believes the proposed rule change, as amended, is consistent with Section 6(b) of the Act [11] in general and furthers the objectives of Section 6(b)(5) [12] in particular in that it should promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest. CBOE believes that the adoption of the proposed rule change will enable CBOE to act expeditiously in listing new options on narrow-based and broad-based security indexes. In addition, CBOE believes that the proposed rule change would remove impediments to a free and open market place by providing competition for new products. CBOE states that the proposed rule change would permit CBOE to more effectively bring new products to the marketplace for competition, as well as permit CBOE to compete with other new products in the marketplace, such as security futures.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE states that this proposed rule change, as amended, does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the CBOE consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. The Commission solicits comment on whether the existing position limits are adequate to address manipulation concerns for both cash settled and physically settled index options, particularly narrow-based index options. 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 CBOE. All submissions should refer to File No. SR–CBOE–2002–24 and should be submitted by November 6, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 02–26202 Filed 10–15–02; 8:45 am]

BILLING CODE 8010–01–M

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 4162]

Culturally Significant Objects Imported for Exhibition; Determinations: Giorgio De Chirico and the Myth of Ariadne

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition ''Giorgio De Chirico and the Myth of Ariadne,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan

agreements with the foreign owners. I also determine that the exhibition or display of the exhibit objects at the Philadelphia Museum of Art, Philadelphia, PA, from on or about November 3, 2002, to on or about January 5, 2003, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Julianne Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State, (telephone: 202/619–6529). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: October 10, 2002.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 02–26293 Filed 10–15–02; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 4089]

Advisory Committee on International Economic Policy; Notice of Committee Renewal

1. *Renewal of Advisory Committee.* The Department of State has renewed the Charter of the Advisory Committee on International Economic Policy. The Committee serves in a solely advisory capacity concerning major issues and problems in international economic policy. The Committee provides information and advice on the effective integration of economic interests into overall foreign policy and on the Department of State's role in advancing American commercial interests in a competitive global economy. The Committee also appraises the role and limits of international economic institutions and advises on the formulation of U.S. economic policy and positions.

This Committee includes representatives of American organizations and institutions having an interest in international economic policy, including representatives of American business, labor unions, public interest groups, and trade and professional associations. The Committee meets at least annually to advise the Department on the full range of international economic policies and issues.

For further information, please call Eliza Koch, Office of Economic Policy and Public Diplomacy, Economic Bureau, U.S. Department of State, at (202) 647–1310.

Daniel A. Clune,

Director, Office of Economic Policy and Public Diplomacy, Bureau of Economic and Business Affairs, Department of State.

[FR Doc. 02–26292 Filed 10–15–02; 8:45 am]

BILLING CODE 4710–07–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Comments and Notice of Public Hearing Concerning Proposed United States—Central America Free Trade Agreement

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of intent to initiate negotiations on a free trade agreement between the United States and Central America, request for comments, and notice of public hearing.

SUMMARY: The United States intends to initiate negotiations with five Central American countries on a free trade agreement. The interagency Trade Policy Staff Committee (TPSC) will convene a public hearing and seek public comment to assist the United States Trade Representative (USTR) in amplifying and clarifying negotiating objectives for the proposed agreement and to provide advice on how specific goods and services and other matters should be treated under the proposed agreement.

DATES: Persons wishing to testify orally at the hearing must provide written notification of their intention, as well as their testimony, by November 12, 2002. A hearing will be held in Washington, DC, beginning on November 19, 2002, and will continue as necessary on subsequent days. Written comments are due by noon, December 2, 2002.

ADDRESSES: *Submissions by electronic mail: FR0041@ustr.gov* (notice of intent to testify and written testimony); *FR0042@ustr.gov* (written comments).

Submissions by facsimile: Gloria Blue, Executive Secretary, Trade Policy Staff Committee, at (202) 395–6143.

The public is strongly encouraged to submit documents electronically rather than by facsimile. (See requirements for submissions below.)

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning written comments or participation in the public hearing, contact Gloria Blue, Executive Secretary, Trade Policy Staff Committee, at (202) 395–3475. All other questions should be directed to Andrea Gash Durkin, Director for Central America and the Caribbean, (202) 395–6135.

SUPPLEMENTARY INFORMATION:

1. Background

Under section 2104 of the Bipartisan Trade Promotion Authority Act of 2002 (TPA Act) (19 U.S.C. 3804), for agreements that will be approved and implemented through TPA procedures, the President must provide the Congress with at least 90 days written notice of his intent to enter into negotiations and must identify the specific objectives for the negotiations. Before and after the submission of this notice, the President must consult with appropriate Congressional committees and the Congressional Oversight Group regarding the negotiations. Under the Trade Act of 1974, as amended, the President must (i) afford interested persons an opportunity to present their views regarding any matter relevant to any proposed agreement, (ii) designate an agency or inter-agency committee to hold a public hearing regarding any proposed agreement, and (iii) seek the advice of the U.S. International Trade Commission (ITC) regarding the probable economic effects on U.S. industries and consumers of the removal of tariffs and non-tariff barriers on imports pursuant to any proposed agreement.

On October 1, 2002, after consulting with relevant Congressional committees and the Congressional Oversight Group, the USTR notified the Congress that the President intends to initiate free trade agreement negotiations with the five member countries of the Central American Economic Integration System (Costa Rica, El Salvador, Honduras, Guatemala, and Nicaragua) (hereinafter Central America) and identified specific objectives for the negotiations. In addition, the USTR has requested the ITC's probable economic effects advice. The ITC intends to provide this advice on December 27, 2002. This notice solicits views from the public on these negotiations and provides information on a hearing which will be conducted pursuant to the requirements of the Trade Act of 1974.

2. Public Comments and Testimony

To assist the Administration as it continues to develop its negotiating objectives for the proposed agreement, the Chairman of the TPSC invites written comments and/or oral testimony of interested persons at a public hearing. Comments and testimony may address the reduction or elimination of tariffs or non-tariff barriers on any articles provided for in the Harmonized Tariff Schedule of the United States (HTSUS)

that are products of a Central American country, any concession which should be sought by the United States, or any other matter relevant to the proposed agreement. The TPSC invites comments and testimony on all of these matters and, in particular, seeks comments and testimony addressed to:

(a) General and commodity-specific negotiating objectives for the proposed agreement.

(b) Economic costs and benefits to U.S. producers and consumers of removal of tariffs and non-tariff barriers to U.S.-Central American trade.

(c) Treatment of specific goods (described by Harmonized System tariff numbers) under the proposed agreement, including comments on (1) product-specific import or export interests or barriers, (2) experience with particular measures that should be addressed in the negotiations, and (3) in the case of articles for which immediate elimination of tariffs is not appropriate, a recommended staging schedule for such elimination.

(d) Adequacy of existing customs measures to ensure Central American origin of imported goods, and appropriate rules of origin for goods entering the United States under the proposed agreement.

(e) Existing Central American sanitary and phytosanitary measures and technical barriers to trade.

(f) Existing barriers to trade in services between the United States and Central America that should be addressed in the negotiations.

(g) Relevant trade-related intellectual property rights issues that should be addressed in the negotiations.

(h) Relevant investment issues that should be addressed in the negotiations.

(i) Relevant government procurement issues that should be addressed in the negotiations.

(j) Relevant environmental issues that should be addressed in the negotiations.

(h) Relevant labor issues that should be addressed in the negotiations.

(i) Relevant government procurement issues that should be addressed in the negotiations.

(j) Relevant environmental issues that should be addressed in the Negotiations.

(h) Relevant labor issues that should be addressed in the negotiations.

Comments identifying as present or potential trade barriers laws or regulations that are not primarily trade-related should address the economic, political and social objectives of such regulations and the degree to which they discriminate against producers of the other country. At a later date, the USTR, through the TPSC, will publish notice of reviews regarding (a) the possible environmental effects of the proposed agreement and the scope of the U.S. environmental review of the proposed agreement, and (b) the impact of the proposed agreement on U.S. employment and labor markets.

A hearing will be held on November 19, 2002, in Rooms 1 and 2, 1724 F Street, NW., Washington, DC. If necessary, the hearing will continue on subsequent days. Persons wishing to testify at the hearing must provide written notification of their intention by November 12, 2002. The notification should include: (1) The name, address, and telephone number of the person presenting the testimony; and (2) a short (one or two paragraph) summary of the presentation, including the subject matter and, as applicable, the product(s) (with HTSUS numbers), service sector(s), or other subjects (such as investment, intellectual property and/or government procurement) to be discussed. A copy of the testimony must accompany the notification. Remarks at the hearing should be limited to no more than five minutes to allow for possible questions from the TPSC. Persons with mobility impairments who will need special assistance in gaining access to the hearing should contact the TPSC Executive Secretary.

Interested persons, including persons who participate in the hearing, may submit written comments by noon, December 2, 2002. Written comments may include rebuttal points demonstrating errors of fact or analysis not pointed out in the hearing. All written comments must state clearly the position taken, describe with particularity the supporting rationale, and be in English. The first page of written comments must specify the subject matter, including, as applicable, the product(s) (with HTSUS numbers), service sector(s), or other subjects (such as investment, intellectual property and/or government procurement).

3. Requirements for Submissions

In order to facilitate prompt processing of submissions, the Office of the United States Trade Representative strongly urges and prefers electronic (e-mail) submissions in response to this notice. In the event that an e-mail submission is impossible, submissions should be made by facsimile.

Persons making submissions by e-mail should use the following subject line: ''United States—Central America Free Trade Agreement'' followed by (as appropriate) ''Notice of Intent to Testify,'' ''Testimony,'' or ''Written Comments.'' Documents should be submitted as either WordPerfect, MSWord, or text (.TXT) files. Supporting documentation submitted as spreadsheets are acceptable as Quattro Pro or Excel. For any document containing business confidential information submitted electronically, the file name of the business confidential version should begin with the characters ''BC-'', and the file name of the public version should begin with the characters ''P-''. The ''P-'' or ''BC-'' should be followed by the name of the submitter. Persons who make submissions by e-mail should not provide separate cover letters; information that might appear in a cover letter should be included in the submission itself. To the extent possible, any attachments to the submission should be included in the same file as the submission itself, and not as separate files.

Written comments, notice of testimony, and testimony will be placed in a file open to public inspection pursuant to 15 CFR 2003.5, except business confidential information exempt from public inspection in accordance with 15 CFR 2003.6. Business confidential information submitted in accordance with 15 CFR 2003.6 must be clearly marked ''Business Confidential'' at the top of each page, including any cover letter or cover page, and must be accompanied by a nonconfidential summary of the confidential information. All public documents and nonconfidential summaries shall be available for public inspection in the USTR Reading Room. The USTR Reading Room is open to the public, by appointment only, from 10 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday. An appointment to review the file must be scheduled at least 48 hours in advance and may be made by calling (202) 395–6186.

General information concerning the Office of the United States Trade Representative may be obtained by accessing its Internet Web site *(http://www.ustr.gov).*

Carmen Suro-Bredie,

Chairman, Trade Policy Staff Committee.

[FR Doc. 02–26200 Filed 10–15–02; 8:45 am]

BILLING CODE 3190–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Request Renewal From the Office of Management and Budget (OMB) of Six Current Public Collections of Information

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C 3501 *et seq.*), the FAA invites public comment on six currently approved

public information collections which will be submitted to OMB for renewal.

DATES: Comments must be received on or before December 16, 2002.

ADDRESSES: Comments must be mailed or delivered to the FAA at the following address: Ms. Judy Street, Room 613, Federal Aviation Administration, Standards and Information Division, APF–100, 800 Independence Ave., SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Street at the above address or on (202) 267–9895.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, 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. Therefore, the FAA solicits comments on the following current collections of information in order to evaluate the necessity of the collection, the accuracy of the agency's estimate of the burden, the quality, utility, and clarity of the information to be collected, and possible ways to minimize the burden of the collection in preparation for submission to renew the clearances of the following information collections.

1. 2120–0026, Domestic and International Flight Plans. Title 49 U.S.C., paragraph 40103(b) authorizes regulations governing the flight of the aircraft. 14 CFR 91 prescribes requirements for filing domestic and international flight plans. The information is collected to provide services to aircraft inflight and protection of persons and property of the ground. The current estimated annual reporting burden is 293,072 hours.

2. 2120–0039, Operating Requirements: Commuter and On-Demand Operation—14 CFR Part 135. Title 49 U.S.C., Section 44702, authorizes the issuance of air carrier operating certificates, 14 CFR Part 135 prescribes requirements for Air Carrier/Commercial Operators. The information collected shows compliance and applicant eligibility for these operating certificates. The current estimated annual reporting burden is 1,128,904 hours.

3. 2120–0043, Recording of Aircraft Conveyances and Security Documents. Title 49, U.S.C., Section 44108 provides for establishing and maintaining a system for recording of security conveyances affecting title to, or interest in, U.S. civil aircraft, as well as certain specifically identified engines, propellers, or spare parts locations, and for recording of releases relating to those conveyances. The information collected is used to ensure proper compliance with the provisions of this regulation and to ensure that the national air transportation system is secure. The current estimated annual reporting burden is 55,406 hours.

4. 2120–0606, Fleet and Operations Reporting: Grand Canyon National Park. The information is needed to establish accurate information on overflights of Grand Canyon National Park for noise and safety management purposes, validate noise models for use in mitigation studies, determine when and where noise mitigation is required, and provide the basis for a flexible and adaptable noise management system. The current estimated annual reporting burden is 48 hours.

5. 2120–0608, Commercial Space Transportation Licensing Regulations. The required information is used to determine if applicant proposals for conducting commercial space launches can be accomplished in a safe manner according to regulations and license orders by the Office of the Associate Administrator for Commercial Space Transportation. The current estimated annual reporting burden is 3,236 hours.

6. 2120–0652, Changes in Permissible Stage 2 Airplane Operations. The information collected is used by the FAA to issue special flight authorization for nonrevenue operations of Stage 2 airplanes at U.S. Airports. Since this information is voluntarily submitted, operators only need to provide information when they need a special flight authorization. The current estimated annual reporting burden is 25 hours.

Issued in Washington, DC, on October 8, 2002.

Judith D. Street,

FAA Information Collection Clearance Officer, APF–100.

[FR Doc. 02–26279 Filed 10–15–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2002–59]

Petitions for Exemption; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received.

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 certain petitions seeking relief from specified requirements of 14 CFR. 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 or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before November 15, 2002.

ADDRESSES: Send comments on any petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–200X–XXXXX at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to *http://dms.dot.gov*. You may review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1–800–647–5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Sandy Buchanan-Sumter, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. Tel. (202) 267–7271.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on October 10, 2002.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: FAA–2002–13154.

Petitioner: Lauda Air Luftfahrt AG.

Section of 14 CFR Affected: 14 CFR 129.28.

Description of Relief Sought: To permit Lauda Air Luftfahrt AG to operate its B–767 aircraft into U.S. airspace with cockpit doors that do not incorporate features to restrict the unwanted entry of persons into the

flightdeck that are operable from the flightdeck only.

[FR Doc. 02–26287 Filed 10–15–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Santa Barbara Municipal Airport, Goleta, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Santa Barbara Municipal Airport under the provisions of the 49 United States Code (U.S.C.) section 40117 and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before November 15, 2002.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Room 3012, Lawndale, CA 90261. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Ms. Karen Ramsdell, Airport Director, Santa Barbara Municipal Airport at the following address: 601 Firestone Road, Goleta, CA 93117. Air carriers and foreign air carriers may submit copies of written comments previously provided to the city of Santa Barbara under section 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Kevin Flynn, Supervisor, Arizona Standards Section, FAA Airports Division, 15000 Aviation Blvd., Lawndale, CA 90261, Telephone: (310) 725–3632. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Santa Barbara Municipal Airport under the provisions of the 49 U.S.C. section 40117 and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On September 27, 2002, the FAA determined that the application to impose and use the revenue from a PFC submitted by the city of Santa Barbara was substantially complete within the requirements of section 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than December 28, 2002.

The following is a brief overview of the impose and use application number 02–03–C–00–SBA.

Proposed charge effective date: July 1, 2005.

Proposed charge expiration date: May 1, 2006.

Level of the proposed PFC: $3.00.

Total estimated PFC revenue approved in this application: $1,142,000.

Brief description of proposed use of PFC revenue projects: Master Plan Implementation Plan Project/Taxiway A and Safety Area; Master Plan Implementation Aviation Facilities Plan/Runway Safety Areas.

Brief description of proposed impose and use Projects: Taxiway B Runway Relocation; Master Plan Implementation Plan Project/Taxiway M Runway Incursion Projects; Master Plan Implementation Plan Project/New Taxiway Q. Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Unscheduled Air Taxi Operators Operating under FAR part 135.

Any person may inspect the application in person at the FAA Regional Airports Division located at: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Lawndale, CA 90261. In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the city of Santa Barbara.

Issued in Lawndale, California, on October 2, 2002.

Mia P. Ratcliff,

Acting Manager, Airports Division, Western-Pacific Region.

[FR Doc. 02–26286 Filed 10–15–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Draft Environmental Impact Statement for the Monmouth-Ocean-Middlesex Rail; Monmouth, Ocean, and Middlesex Counties, NJ

AGENCY: Federal Transit Administration (FTA).

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: The Federal Transit Administration (FTA) is issuing this notice to advise agencies and the public that, in accordance with the National Environmental Policy Act, FTA and the NJ TRANSIT Corporation will prepare a Draft Environmental Impact Statement (DEIS) to evaluate and document the effects of potential rail service alternatives within a three county study area bounded by the Northeast Corridor, the North Jersey Coast Line and the southern Ocean County border, located within Monmouth, Ocean, and Middlesex Counties, New Jersey.

The purpose of the Monmouth-Ocean-Middlesex Rail Project DEIS is to examine the potential benefits, costs, and social, economic, and environmental impacts of feasible alternatives for improving mobility in the Monmouth-Ocean-Middlesex region. The DEIS will identify a preferred alternative that will improve mobility within that region. The DEIS will evaluate a Baseline Alternative and three Commuter Rail Alternatives of differing alignment. The Monmouth Junction Commuter Rail Alternative would use an existing rail corridor that runs from Monmouth Junction to Lakehurst along the Jamesburg Branch, the Freehold Secondary, and the Southern Secondary (Southern Branch) to provide diesel commuter rail service to communities in all three counties. The Red Bank Commuter Rail Alternative would also use an existing rail corridor—continuously from Red Bank to Lakehurst along the Southern Secondary (Southern Branch). The Matawan Commuter Rail Alternative would use the abandoned Freehold Branch, Freehold Secondary, and the Southern Secondary to provide diesel commuter rail service from Matawan to Lakehurst. All three alternatives would require improvements to the existing track and require the construction of some new transportation infrastructure, including tracks, stations and yards. The Commuter Rail Alternatives under consideration were identified and preliminarily assessed as part of the MOM Draft Major Investment Study (MIS) Report (February 1996), along with a recommended Enhanced Bus service.

DATES: *Comment Due Date:* Written comments on the scope of the DEIS should be sent to NJ TRANSIT by January 31, 2003. See **ADDRESSES** below.

Scoping meeting: Public scoping meetings for the Monmouth-Ocean-Middlesex Rail Project DEIS will be held on:

Middlesex County, Tuesday, December 3, 2002, 1:30 pm to 9:30 pm, Holiday

Inn—Monroe Township, 390 Forsgate Drive, Jamesburg, New Jersey 08831

Ocean County, Wednesday, December 4, 2002, 1:30 pm to 9:30 pm, Ramada Inn of Toms River, 2373 Route 9, Toms River, New Jersey 08755

Monmouth County, Monday, December 9, 2002, 1:30 pm to 9:30 pm, Freehold Gardens, 50 Gibbon Place, Freehold, New Jersey 07728

Registration to speak will begin at 1:30 pm and will remain open until 9 pm.

People with special needs should contact James Schwarzwalder at NJ TRANSIT at the address below or call the study toll-free information line at 1–866–MOM–DEIS. The buildings are accessible to people with disabilities. A sign language interpreter will be made available for the hearing impaired by calling the study toll-free information line at 1–866–MOM–DEIS.

Scoping material will be available at the meetings and may also be obtained in advance of the meetings by contacting James Schwarzwalder at the address below or by calling the study toll-free information line above. Oral and written comments may be given at the scoping meetings; a stenographer will record all comments.

ADDRESSES: Written comments on the project scope should be sent to James Schwarzwalder, Project Manager, NJ TRANSIT, One Penn Plaza East, Newark, NJ 07105–2246 or via e-mail to *MOMcomments@njtransit.com.* The scoping meetings will be held at the locations identified above.

FOR FURTHER INFORMATION CONTACT: If you wish to be placed on the mailing list to receive further information as the study develops, contact James Schwarzwalder at the above address or call the study toll-free information line at 1–866–MOM–DEIS. For further information you may also contact: Ms. Carmen Orta, AICP, Community Planner, Office of Planning and Program Development, Federal Transit Administration, Region II, One Bowling Green, Room 429, New York, 10004–1415; phone: 212–668–2170, fax: 212–668–2136.

SUPPLEMENTARY INFORMATION:

I. Scoping

The FTA and NJ TRANSIT invite all interested individuals and organizations, and federal, state, and local agencies to provide comments on the scope of the study. During the scoping process, comments should focus on identifying specific social, economic, or environmental issues to be evaluated and suggesting alternatives, which may be less costly or have less environmental impacts, while achieving the similar transportation objectives. Comments should focus on the issues and alternatives for analysis and not on a preference for a particular alternative. Scoping materials will be available at the meetings or in advance of the meetings by contacting James Schwarzwalder at NJ TRANSIT, as indicated above.

NJ TRANSIT is currently planning a major network expansion project that has relevance to the MOM DEIS. Access to the Region's Core Study (ARC) is a joint study being undertaken by NJ TRANSIT, the Port Authority of New York and New Jersey, and the Metropolitan Transportation Authority of New York. The ARC study is evaluating options for improved access to Midtown Manhattan from points east and west, with both near- and lone-term alternatives. Near-term alternatives focus on expanding the capacity of Penn Station, while the proposed long-term alternative would create a new trans-Hudson tunnel to Penn Station New York and potentially a new Midtown Manhattan rail tunnel connecting Penn Station and Grand Central Terminal. ARC will provide additional capacity to New York City, thereby potentially changing the effects of integrating MOM service into existing New Jersey Transit commuter rail services. The MOM DEIS will therefore incorporate these elements of ARC as needed.

Following the public scoping process, public outreach activities will include meetings with a Community Liaison Committee (CLC) established for the study and comprised of community leaders; public meetings and hearings; distribution of study newsletter(s); a MOM Study web site; and use of other outreach mechanisms. Every effort will be made to ensure that the widest possible range of public participants have the opportunity to attend general public meetings (e.g., scoping meetings and public hearing(s)) held by NJ TRANSIT to solicit input on the Monmouth-Ocean-Middlesex Rail Project DEIS. Attendance will be sought through mailings, notices, advertisements, and press releases.

II. Description of Primary Study Area and Transportation Needs

The primary study area is located in Monmouth, Ocean, and Middlesex Counties in New Jersey, east of the Northeast Corridor, and west of the North Jersey Coast Line. It is located approximately 22 to 50 miles south of Newark, NJ. The municipalities within the primary study area are listed below.

Monmouth County

Aberdeen
Colts Neck
Eatontown
Englishtown
Farmingdale
Freehold Borough
Freehold Township
Howell
Manalapan
Marlboro
Matawan
Red Bank
Shrewsbury Borough
Shrewsbury Township
Tinton Falls
Wall

Ocean County

Lakewood
Lakehurst
Manchester
Dover
Jackson

Middlesex County

Jamesburg
Monroe
South Brunswick

The purpose of the MOM DEIS is to examine in further detail the most promising solutions for addressing mobility issues in Monmouth, Ocean, and Middlesex Counties in New Jersey that were identified through the MIS process. The focus of the DEIS will be to identify a preferred alternative to improve mobility in the region while being sensitive to the economic and environmental considerations on a local and regional basis.

The following existing and forecasted reasons dictate the need for a transportation investment in the Monmouth-Ocean-Middlesex region:

- Growth and development in the region continue at high rates;
- Increased travel is causing congestion and stretching transit capability;
- Delay affects all transit users, but commutes by bus or rail from the southern part of the Study Area generally take at least two hours from door to door;
- Air quality is a serious problem;
- Most municipalities in the study area do not have direct access to public transit in their towns.
- Residents in these municipalities lack rail service and any nearly bus service is often inconvenient and limited.

III. Alternatives

The alternatives proposed for evaluation include: (1) The Baseline Alternative, which includes the current

transportation network plus all ongoing, programmed, and committed projects, such as the Secaucus Transfer Station and the Hudson-Bergen Light Rail Transit (HBLRT) system; (2) the Monmouth Junction Commuter Rail Alternative, which would use an existing 40.1-mile rail corridor that runs from Monmouth Junction to Lakehurst, through Middlesex, Monmouth, and Ocean Counties. It is comprised of three distinct railroad segments: the Jamesburg Branch, the Freehold Secondary, and the Southern Secondary (Southern Branch). Trains on the Monmouth Junction Commuter Rail Line would also operate on the Northeast Corridor between Monmouth Junction and Newark. The system would provide diesel commuter service to communities in all three counties. The line would begin at Monmouth Junction (South Brunswick) and would continue southeast through Jamesburg, Englishtown, Manalapan; Freehold Borough, Freehold Township, Howell, and Farmingdale. It would proceed southward from Farmingdale to Lakehurst passing through Howell, Lakewood, Jackson, Dover, and Manchester; (3) the Red Bank Commuter Rail Alternative uses the 27.65-mile long Southern Secondary, which runs continuously from Red Bank to Lakehurst. The line would be accessed from a direct connection with NJ TRANSIT's North Jersey Coast Line (NJCL) in Red Bank. The railroad is owned by the NJ TRANSIT and is operated as a freight railroad by Conrail Shared Assets Corporation. This commuter rail alternative would establish diesel commuter rail service from Red Bank junction through Shrewsburg, Eatontown, Tinton Falls, Howell, Farmingdale, Lakewood, Jackson, Dover, Manchester, and Lakehurst; and (4) the Matawan Commuter Rail Alternative would use an approximately 35.8-mile rail corridor that runs from Matawan to Lakehurst. This alternative is comprised of three distinct railroad segments: the Freehold Branch (currently abandoned), the Freehold Secondary, and the Southern Secondary (Southern Branch). This alternative would provide diesel commuter rail service to communities in Monmouth and Ocean Counties. The line would begin at Matawan, where the Freehold Branch would connect to the North Jersey Coast Line (NJCL). It would proceed south from Matawan, Marlboro, Manalapan, Freehold Borough, and Freehold Township. It would then continue to proceed southward from Farmingdale to Lakehurst, passing through Howell, Lakewood, Jackson, Dover, Manchester, and South Lakewood. Trains would operate on the North Jersey Coast Line (NJCL) between Matawana and Rahway and on the Northeast Corridor (NEC) from Rahway to Newark. Each of the commuter rail alternatives will involve improvements to existing tracks and construction of new transportation infrastructure, such as tracks, station structures, and yards.

IV. Probable Effects

The FTA and NJ TRANSIT will evaluate all potential changes to the social, economic, and physical environment, including land acquisition and displacements; land use, zoning and economic development; parklands; community disruption; aesthetics; historic and archaeological resources; traffic and parking; air quality; noise and vibration; water quality; wetlands; ecologically sensitive areas; endangered species; energy requirements and potential for conservation; hazardous waste; environmental justice; safety and security; and cumulative impacts. Key areas of environmental concern would be in the areas of potential new construction (*e.g.* structures, new stations, new track, etc.) The impacts will be evaluated both for the construction period and for the long-term period of operation of each alternative. Measures to mitigate any significant adverse impacts will be identified.

V. FTA Procedures

The DEIS is being prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, and implemented by the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500–1508), the FTA/Federal Highway Administration's Environmental Impact regulations (23 CFR Part 771), and the FTA/FHWA Statewide Planning/Metropolitan Planning regulations (23 CFR Part 450). This study will also comply with the requirements of the National Historic Preservation Act of 1966, as amended, Section 4(f) of the 1966 U.S. Department of Transportation Act, the 1990 Clean Air Act Amendments, the Executive Order 12898 on Environmental Justice, and other applicable rules, regulations, and guidance documents. A Draft Major Investment Study has been prepared for this project (1996). The DEIS will reference the results of that study, as well as the various supplemental studies conducted subsequent to the Draft (MIS), including an evaluation of the potential social, economic, and environmental impacts of the alternatives. Upon completion, the DEIS will be available for public and agency review and comment. Public hearing(s) will be held within the study area. On the basis of the DEIS and the public and agency comments received, a locally preferred alternative will be selected, to be further detailed in the FEIS.

Dated: October 9, 2002.

Letitia Thompson,

Regional Administrator, TRO–II, Federal Transit Administrator.

[FR Doc. 02–26289 Filed 10–15–02; 8:45 am]

BILLING CODE 4910–57–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Secretarial Extension of Authority: Marine War Risk Insurance Under Title XII of the Merchant Marine Act, 1936

On December 12, 2001, President George W. Bush approved the provision of vessel war risk insurance by memorandum to the Secretary of State and the Secretary of Transportation. The approval was for the provision by the Secretary of Transportation of insurance or reinsurance of vessels (including cargoes and crews) entering the Middle East region against loss or damage by war risks in the manner and to the extent approved in Title XII of the Act, 46 U.S.C. App. 128. 1281, *et seq.*

The President delegated to the Secretary of Transportation the authority vested in him by section 1202 of the Act to approve the provision of insurance or reinsurance after the expiration of six months and to bring this approval to the attention of all operators and to arrange for its publication in the **Federal Register.**

On August 23, 2002, the Secretary of Transportation approved the extension of the authority to provide such insurance for another six-month period, beginning June 13, 2002.

FOR FURTHER INFORMATION CONTACT: Joe Strassburg, Chief, Division of Marine Insurance, Maritime Administration, 400 Seventh St., SW., Washington, DC 20590, Phone Nunber (202) 366–4156.

By Order of the Maritime Administration.

Dated: October 9, 2002.

Joe C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–26241 Filed 10–15–02; 8:45 am]

BILLING CODE 4910–81–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 02–13571]

Motor Vehicle Safety: Reimbursement Prior to Recall

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

ACTION: Request for public comment on a 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 collection of information.

This document describes a collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before December 16, 2002.

ADDRESSES: Comments must refer to the docket and notice numbers cited at the beginning of this notice and is submitted to Docket Management, Room PL–401, 400 Seventh Street SW., Washington, DC 20590. Please identify the propose collection of information for which a comment is provided by referencing its OMB Clearance Number. It is requested, but not required, that one (1) original plus two (2) copies of the comments be provided. The Docket Section is open on weekdays from 9:30 a.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. George Person, Office of Defects Investigation, NHTSA, 400 Seventh Street, SW., Room 5326, Washington, DC 20590. Mr. Person's telephone number is (202) 366–5210.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions;

(iii) How to enhance the quality, utility, and clarity of the information to be collected; and

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks public comment on the following proposed collections of information:

Reimbursement Prior to Recall

Type of Request—Revision to existing collection.

OMB Clearance Number—2127–0004.

Requested Expiration Date of Approval—Three years from effective date of final rule on reimbursement prior to recall.

Summary of Collection of Information—The Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, was enacted on November 1, 2000, Pub. L. 106–414. Section 6(b) of the TREAD Act amended 49 U.S.C. 30120(d) to require a manufacturer's remedy program to include a plan for reimbursing an owner or purchaser who incurred the cost of the remedy within a reasonable time in advance of the manufacturer's notification under subsection (b) or (c) of section 30118. On December 11, 2001, NHTSA issued a notice of proposed rulemaking that would implement this section by amending 49 CFR 573.6 to require manufacturers to submit reimbursement plans to NHTSA and by adding a new section, 49 CFR 573.13, that sets forth what must be included in such plans.

Description of the Need for the Information and Proposed Use of the Information—This information is necessary to enable NHTSA to review manufacturers' reimbursement plans to ensure that they meet the requirements of the TREAD Act and 49 CFR 573.13, and to assure that the information will be available to the public.

Description of the Likely Respondents (Including Estimated Number and Proposed Frequency of Responses to the Collection of Information)—All manufacturers of motor vehicles and motor vehicle equipment that conduct safety recall campaigns would be required to comply with the reporting requirements. Based on recent history, we estimate that fewer than 500 safety recall campaigns will be conducted annually by no more than 170 different manufacturers. The rule would allow manufacturers to submit general reimbursement plans that may be incorporated into defect and noncompliance information reports submitted to NHTSA pursuant to 49 CFR part 573 (part 573 Reports) by reference rather than providing detailed plans to NHTSA for each safety recall campaign. Specific information regarding a particular campaign, such as the dates for the reimbursement period, would be submitted for each recall as part of the manufacturer's part 573 Reports.

Estimate of the Total Annual Reporting and Recordkeeping Burden Resulting from the Collection of Information—In order to provide the required information, manufacturers that conduct a recall must prepare a reimbursement plan and submit it to NHTSA. Ordinarily, we expect that this will consist of a general plan and supplemental information specific to each recall. We estimate that preparing the general plan would require 8 hours of a combination of types of staff at an average hourly rate of $60.00 per hour. Further, we estimate that no more than one hour would be required to include the additional information about a particular recall into individual part 573 Reports. The total burden hours would be 1,860 hours ((8×170)+(1×500)) and the total cost of the hours' burden would be $111,600 (1,860×$60).

Estimate of the Total Annual Costs of the Collection of Information—Other than the cost of the hours' burden, we estimate that there would be no additional annual costs associated with this information collection.

Authority: 44 U.S.C. 3506(c); delegation of authority at 49 CFR 1.50. and 501.3(c).

Issued on: October 9, 2002.

Kenneth N. Weinstein,

Associate Administrator for Enforcement.

[FR Doc. 02–26201 Filed 10–15–02; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safey Administration

[U.S. DOT Docket Number NHTSA–02–13553]

Reports, Forms, and Record Keeping Requirements

AGENCY: National Highway Traffic Safety Administration, 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 December 16, 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 clearance number. It is requested, but not required, that 2 copies of the comment be provided. The Docket Section is open on weekdays from 9 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 Ronald Filbert NHTSA 400 Seventh Street, SW., 5238, NTI 200,Washington, DC 20590. Mr. Filbert's telephone number is (202) 366–2121. 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 5CFR 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.* permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collections of information:

Title: 23 CFR part 1313 Certificate Requirements for Section 410 State Grants for Drunk Driving Prevention Programs.

OMB Control Number: 2127–0501.

Affected Public: State Government.

Form Number: NA.

Abstract: The National Transportation Equity Act for the 21st Century (TEA–21), enacted in 1998, revised the law, altering the criteria to qualify for a grant. On November 18, 1988, President Reagan signed into law the Drunk Driving Prevention Act of 1988 (23 USC 410) establishing a new anti-drunk driving incentive program. The purpose of the grant program is to promote highway traffic safety by encouraging the states to establish certain measures to prevent drinking and driving. It provides grant funds to states that adopt these measures.

The program provides for a two-tier grant system as an incentive to states to implement effective laws and programs to reduce the drunk driving problem. The first tier provides basic grants for those states that comply with specific Programmatic or Performance criteria. The second tier provides supplemental grants for meeting additional traffic safety program criteria.

To establish eligibility for the grants (basic and supplemental), a state must submit to NHTSA documentation demonstrating that it complies with each of the requirements of the rule. Much of the information required for the 410 application is already generated by the states as part of the development of their Section 402 Highway Safety Plan (HSP) or other ongoing impaired driving programs. To keep the reporting burden on the states to a minimum, states prepare and submit their Section 410 plans, that indicate how they intend to use the grant funds, as part of their existing HSP. The required Highway Safety Program Cost Summary Form HS 217, OMB Clearance Number 2127–0003, is currently used by the states to comply with other highway safety grant programs. Consequently, the state is not required under the rule to prepare or fill out new forms or develop a separate process to receive grants under Section 410.

Estimated Annual Burden: 45 hours per respondent per year.

Number of Respondents: all 50 States and the District of Columbia.

Issued on: October 9, 2002.

Marlene Markison,

Chief of Program Resources, Office of Injury Control Operations and Resources.

[FR Doc. 02–26274 Filed 10–15–02; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Modification of a Previously Approved Antitheft Device; Saab

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

ACTION: Grant of petition for modification of a previously approved antitheft device.

SUMMARY: On May 8, 2002, Saab Cars, USA, Inc. (Saab) filed a petition with the National Highway Traffic Safety Administration (NHTSA) asking for a third modification to an agency-approved exemption from the vehicle theft prevention standard for its 9–3 vehicle line which replaced its 900 vehicle line in MY 1999. NHTSA is granting Saab's petition for modification of its exemption from the parts-marking requirements of the vehicle theft prevention standard for its model year (MY) 2003 9–3 vehicle line because it has determined, based on substantial evidence, that the antitheft device described in Saab's petition to be placed on the vehicle line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements.

DATES: The exemption granted by this notice is effective at the beginning of the 2003 model year.

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

SUPPLEMENTARY INFORMATION: On July 26, 1993, NHTSA published in the **Federal Register** a notice granting a petition from Saab for an exemption from the parts marking requirements of the vehicle theft prevention standard for the Saab 900 car line beginning with MY 1994 (See 58 FR 39853). By letters dated September 8 and 12, 1994, Saab petitioned for the first modification to its device. The agency determined that the proposed changes made on Saab 900's antitheft device for MY 1995 were *de minimis* changes and did not require it to submit a petition to modify its exemption pursuant to 49 CFR Part 543.9(c)(2).

On June 20, 1997, Saab submitted a second petition for modification of its previously approved antitheft system for MY 1999. On October 24, 1997, NHTSA published in the **Federal Register** a notice granting in full Saab's second petition for modification for the MY 1999 9–3 vehicle line (See 62 FR 55453).

Saab's submission of May 8, 2002 is a complete petition, as required by 49 CFR part 543.9(d), in that it meets the general requirements contained in 49 CFR part 543.5 and the specific content requirements of 49 CFR part 543.6. Saab's petition provides a detailed description of the identity, design and location of the components of the antitheft system in the vehicle beginning with the 2003 model year. On July 3, 2002, the agency contacted Saab by telephone and obtained additional information which clarified the nature of the changes to its antitheft system for its MY 2003 9–3 vehicle line.

In its MY 2003 petition for modification, Saab stated that for MY 2003 its immobilizer system has been improved. Specifically, the system incorporates several electronic control units (ECU's) in the immobilizer chain for component theft protection. This improvement will prevent stolen components from working if they are mounted in other vehicles. Another improvement is the elimination of the conventional ignition key. A transponder unit with remote arm/disarm features has replaced the traditional mechanical key, unlike the previous antitheft system in which the remote transmitter would not arm or disarm the starter immobilization feature of the system. This is a change from the previously approved system, in which the driver/operator will be able to arm the system, activate the central-locking feature and monitor the protected areas of the vehicle from unauthorized tampering either by using the remote transmitter or locking the driver's or passenger's door with the correct ignition key.

Saab also stated that for MY 2003, there is only one exterior accessible mechanical door lock on the 2003 Saab 9–3. The exterior locking mechanism is capped with a plastic cover and is only meant to be used in emergency situations in which the vehicle or remote battery is dead. In these situations, the plastic cap can be removed and the vehicle can be locked/unlocked with a mechanical key found within the transponder unit. However, using the emergency key will not arm/disarm the alarm.

In order to ensure reliability and durability of the device, Saab stated that its system is designed to work maintenance free throughout the life of the vehicle. Necessary precaution has been taken with regard to electromagnetic compatibility such that radiation from an external source will not render the system inoperative. Saab has used similar systems in the United States since 1997.

The modified system is armed whenever the vehicle is locked using the transponder/ignition key unit. It is disarmed when unlocking using the same unit. In case of an emergency in which the vehicle must be unlocked using the emergency mechanical key, the alarm will be activated and will only deactivate when the transponder/ignition key unit is placed in the ignition slot and turned to the on position. At this point, the system recognizes the security code within the transponder unit and deactivates the alarm.

Saab states that in the Highway Loss Data Institute (HLDI) data published in September 2001, the 4-door 1998–2000 Saab 900/9–3 had a theft index of 65 (100 being the average result).

Saab believes that the antitheft system for model years 2003 and later will provide essentially the same functions and features as found on its MY 1999–2002 systems and therefore, its modified system will provide at least the same level of theft prevention as parts-marking. Saab believes that the antitheft system proposed for installation on its MY 2003 9–3 line is likely to be as effective in reducing thefts as compliance with the parts-marking requirements of part 541.

The agency has evaluated Saab's MY 2003 petition for modification of the exemption for the 9–3 vehicle line from the parts-marking requirements of 49 CFR part 541, and has decided to grant it. It has determined that the system is likely to be as effective as parts-marking in preventing and deterring theft of these vehicles, and therefore qualifies for an exemption under 49 CFR part 543. The agency believes that the modified device will continue to provide five types of performance listed in Section 543.6(b)(3): Promoting activation; preventing defeat or circumventing of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; attracting attention to the efforts of an unauthorized person; and ensuring the reliability and durability of the device.

NHTSA suggests that if the manufacturer contemplates making any changes the effects of which might be characterized as *de minimis*, it should consult the agency before preparing and submitting a petition to modify.

Authority: 49 U.S.C. 33106; delegation of authority at 49 CFR 1.50.

Issued on: October 8, 2002.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 02–26288 Filed 10–15–02; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–55 (Sub–No. 623X)]

CSX Transportation, Inc.—Abandonment Exemption—in Putnam County, IN

CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 0.47-mile line of railroad between milepost OOQ–189.18 (north side of Grant Street) and the end of track at milepost OOQ–189.65, in Cloverdale, Putnam County, IN. The line traverses United States Postal Service Zip Code 46120.

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within

the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R.Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on November 15, 2002, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by October 28, 2002. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by November 5, 2002, with: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to CSXT's representative: Natalie S. Rosenberg, CSX Transportation, Inc., 500 Water Street, J150, Jacksonville, FL 32202.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

CSXT has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. SEA will issue an environmental assessment (EA) by October 21, 2002. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565–1552. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each offer of financial assistance must be accompanied by the filing fee, which currently is set at $1,100. *See* 49 CFR 1002.2(f)(25).

Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CSXT shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned its line. If consummation has not been effected by CSXT's filing of a notice of consummation by October 16, 2003, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at *''WWW.STB.DOT.GOV.''*

Decided: October 8, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–26272 Filed 10–15–02; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–471 (Sub–No. 6X)]

South Kansas and Oklahoma Railroad Company—Abandonment Exemption—in Crawford County, KS

South Kansas and Oklahoma Railroad Company (SKO) has filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments* to abandon a 0.4-mile line of railroad between milepost 134.3 and milepost 134.7, within the city of Pittsburg, in Crawford County, KS. The line traverses United States Postal Service Zip Code 66762.

SKO has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on November 15, 2002, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by October 28, 2002. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by November 5, 2002, with: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to SKO's representative: Karl Morell, Ball Janik LLP, 1455 F Street, NW., Suite 225, Washington, DC 20005.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

SKO has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. SEA will issue an environmental assessment (EA) by October 21, 2002. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565–1552. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each offer of financial assistance must be accompanied by the filing fee, which currently is set at $1,100. *See* 49 CFR 1002.2(f)(25).

Pursuant to the provisions of 49 CFR 1152.29(e)(2), SKO shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned its line. If consummation has not been effected by SKO's filing of a notice of consummation by October 16, 2003, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at *www.stb.dot.gov.*

Decided: October 8, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–26273 Filed 10–15–02; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on this proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, is soliciting comments concerning the Application For Permit User Limited Display Fireworks (18 U.S.C. Chapter 40, Explosives).

DATES: Written comments should be received on or before December 16, 2002 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226; telephone (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Mary Jo Hughes, Chief, Firearms, Explosives and Arson Services Division, 650 Massachusetts Avenue, NW., Washington, DC 20226; telephone (202) 927–8300.

SUPPLEMENTARY INFORMATION:

Title: Application For Permit User Limited Display Fireworks (18 U.S.C. Chapter 40, Explosives).

OMB Number: 1512–0399.

Form Number: ATF F 5400.21.

Abstract: ATF F 5400.21 is used to verify the eligibility of and grant permission to the holder to buy or transport explosives in interstate commerce on a one-time basis. The record retention requirement for this information collection is indefinitely.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Business or other for-profit, individuals or households.

Estimated Number of Respondents: 1,800.

Estimated Total Annual Burden Hours: 540.

Request For Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: October 7, 2002.

William T. Earle,

Assistant Director (Management) CFO.

[FR Doc. 02–26199 Filed 10–15–02; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF VETERANS AFFAIRS

Research Advisory Committee on Gulf War Illnesses

Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Pub. L. 92–463 (Federal Advisory Committee Act) that the Research Advisory Committee on Gulf War Veterans' Illnesses will meet on October 28–29, 2002, at the Department of Veterans Affairs, 810 Vermont Avenue, NW., Room 230, Washington, DC. The meeting on October 28 will convene at 8:30 a.m. and adjourn at 5:30 p.m. The meeting on October 29 will convene at 8 a.m. and adjourn at 4 p.m. Both meetings will be open to the public.

The purpose of the Committee is to provide advice and make recommendations to the Secretary of Veterans Affairs on proposed research studies, research plans and research strategies relating to the health consequences of military service in the Southwest Asia theater of operations during the Persian Gulf War.

On October 28, the Committee will hear presentations on and discuss treatments and neurological mechanisms. On October 29, the panel will hear presentations on and discuss marker studies, merging databases and future health risks. The Committee will also develop recommendations and consider future topics. Time will be available for public comment on both days.

Members of the public may submit written statements for the Committee's review to Ms. Laura O'Shea, Committee Manager, Department of Veterans Affairs (008A1), 810 Vermont Avenue, NW., Washington, DC 20420. Any member of the public wishing future information should contact Ms. Laura O'Shea at (202) 273–5031.

Dated: October 9, 2002.

By direction of the Secretary.

Nora E. Egan,

Committee Management Officer.

[FR Doc. 02–26245 Filed 10–15–02; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF VETERANS AFFAIRS

National Commission on VA Nursing

Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Pub. L. 92–463 (Federal Advisory Committee Act) that the National Commission on VA Nursing will hold its third meeting on October 24–25, 2002 at the Sheraton Pentagon South Alexandria, 4641 Kenmore Ave, Alexandria, VA 22304. On October 24, the meeting will begin at 9 a.m. and adjourn at 5 p.m. On October 25, the meeting will begin at 8 a.m. and adjourn at 2 p.m. The meeting is open to the public.

The purpose of the Commission is to provide advice and make recommendations to Congress and the Secretary of VA regarding legislative

and organizational policy changes to enhance the recruitment and retention of nurses and other nursing personnel in VA. The Commission is required to submit to Congress and the Secretary of Veterans Affairs a report, not later than two years from May 8, 2002, on its findings and recommendations.

The Commission will meet to continue work on information gathering and analysis. On October 24, nursing data extracted from the 2001 VA Employee Survey will be presented and an update on Commission activities will be discussed. On October 25, sub-groups will make presentations on assignments from the previous meeting. The Commission will determine what additional information is needed and how it should be obtained.

Members of the public may direct written questions or submit prepared statements for review by the Commission in advance of the meeting to Ms. Oyweda Moorer, Director of the National Commission on VA Nursing, at Department of Veterans Affairs (108N), 810 Vermont Avenue, NW., Washington, DC 20420. Any member of the public wishing to attend the meeting should contact Ms. Stephanie Williams, Program Analyst at (202) 273–4944.

Dated: October 9, 2002.

By direction of the Secretary.

Nora E. Egan,

Committee Management Officer.

[FR Doc. 02–26244 Filed 10–15–02; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register

Vol. 67, No. 200

Wednesday, October 16, 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.

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Changes in Divisional Structure and Delegations of Authority

Correction

In rule document 02–25049 beginning on page 62350, in the issue of Monday, October 7, 2002, make the following correction:

PART 1 — CORRECTED

On page 62353, in the first column, in amendatory instruction 3., in the first line, ''1.4a'' should read ''1.41a''.

[FR Doc. C2–25049 Filed 10–15–02; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Grant of Exclusive or Partially Exclusive Licenses

Correction

In notice document 02–25181 beginning on page 62039 in the issue of Thursday, October 3, 2002 make the following corrections:

1. On page 62040, in the first colunn, in paragraph 5., in the seventh line, ''single'' should read ''suitable''.
2. On page 62041, in the third column, in paragraph 20., in the sixth line, ''ratably'' should read ''rotatably''.

[FR Doc. C2–25181 Filed 10–15–02; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 460

[CMS–1201–IFC]

RIN 0938–AL59

Medicare and Medicaid Programs; Programs of All-inclusive Care for the Elderly (PACE); Program Revisions

Correction

In rule doccument 02–24858 beginning on page 61496 in the issue of Tuesday, October 1, 2002 make the following correction:

§460.26 [Corrected]

On page 61505, in the first column, in §460.26(b), subparagraph heading ''(1)'' was repeated and should read '' (2)''.

[FR Doc. C2–24858 Filed 10–15–02; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 393

[FMCSA Docket No. FMCSA–97–2289]

RIN 2126–AA27

Development of a North American Standard for Protection Against Shifting and Falling Cargo

Correction

In rule document 02–23693 beginning on page 61212 in the issue of Friday, September 27, 2002 make the following correction:

§393.124 [Corrected]

On page 61233, in the second column, in §393.124, in the second paragraph from the top, designated as ''(a)'' should read ''(e)''.

[FR Doc. C2–23693 Filed 10–15–02; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Wednesday,
October 16, 2002

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for *Holocarpha macradenia* (Santa Cruz Tarplant); Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AG73

Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for *Holocarpha macradenia* (Santa Cruz Tarplant)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), designate critical habitat pursuant to the Endangered Species Act of 1973, as amended (Act), for *Holocarpha macradenia* (Santa Cruz tarplant). Approximately 1,175 hectares (2,902 acres) of land in Contra Costa, Santa Cruz, and Monterey Counties, California, fall within the boundaries of the critical habitat designation. This critical habitat designation provides additional protection under section 7 of the Act with regard to actions carried out, funded, or authorized by a Federal agency. Section 4 of the Act requires us to consider economic and other relevant impacts when specifying any particular area as critical habitat. We solicited data and comments from the public on all aspects of the proposed rule, including data on economic and other impacts of the designation, and our approaches for handling any future habitat conservation plans.

DATES: This rule becomes effective on November 15, 2002.

ADDRESSES: Comments and materials received, as well as supporting documentation, used in the preparation of this final rule, will be available for public inspection, by appointment, during normal business hours at the Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003.

FOR FURTHER INFORMATION CONTACT: Connie Rutherford, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, telephone 805/644–1766; facsimile 805/644–3958. Information regarding this proposal is available in alternate formats upon request.

SUPPLEMENTARY INFORMATION:

Background

Holocarpha macradenia (Santa Cruz tarplant) is an aromatic annual herb in the aster family (Asteraceae) that is restricted to coastal terrace prairie habitat along the coast of central California. *Holocarpha macradenia* is one of only four species of the genus *Holocarpha.* All four are geographically restricted to California. The plant is rigid with lateral branches that grow to the height of the main stem, which is 10 to 50 centimeters (cm) (4 to 20 inches (in)) tall. The lower leaves are broadly linear and up to 12 cm (5 in) long; the upper leaves are smaller, with rolled back margins, and are truncated by a distinctive craterform (open pitted) gland. The yellow daisy-like flower head is surrounded from beneath by individual bracts (small leaf-like structures associated with the flower head) that have about 25 stout gland-tipped projections (Keil 1993). *H. macradenia* is distinguished from other members of the genus by its numerous ray flowers and black anthers.

Holocarpha macradenia, like other closely related tarplants in the genus *Deinandra,* is self-incompatible, meaning that individuals will not produce viable seeds without cross pollinating with other individuals (B. Baldwin, *in litt.,* 2001). Gene flow from individual to individual and from population to population increases the likelihood of viability through the maintenance of genetic diversity; therefore gene flow is important for the long-term survival of self-incompatible species (Ellstrand 1992). Gene flow often occurs through pollen movement between populations, and likely occurs over short distances; most of the native insects thought to pollinate *H. macradenia* generally travel less than 0.5 kilometers (km) (0.3 miles (mi)) at one time (Waser, *in litt.,* 2002). Clusters of small populations of *H. macradenia* may facilitate greater gene flow; therefore, even the conservation of small occurrences may be critical to maintaining genetic diversity in this species. Native bees, bee flies, and wasps have been observed visiting *H. macradenia* flowers (Sue Bainbridge, Jepson Herbarium, University of California, Berkeley, pers. comm., 2001).

Seed production in *Holocarpha macradenia* is highly variable. A large, multi-branched individual may produce 25 seed heads with up to 15 seeds per head, while individuals growing in crowded conditions may be unbranched and produce only one seed head (S. Bainbridge, pers. comm., 2001). Floral heads produce two kinds of achenes (seeds), disc and ray. The disc achenes readily germinate under field and lab conditions, but appear to lose viability within 18 months of production (Bainbridge 1999; S. Bainbridge, pers. comm., 2001). In contrast, the ray achenes do not germinate readily under field and lab conditions; they represent the persistent soil seed bank (a reserve of dormant seeds, generally found in the soil) in the field, and germination may be delayed for many years until further environmental cues break their dormancy (Bainbridge 1999).

The disc achenes usually fall from the receptacle to the ground below the parent plant, while the ray achenes are enclosed in a sticky glandular phyllary (leaf-like structure) which aides dispersal by attaching to animals. Those animals likely to assist in seed dispersal include, but are not limited to, mule deer (*Odocoileus hemionus*), gray foxes (*Urocyon cinereoargenteus*), coyotes (*Canis latrans*), black-tailed jackrabbits (*Lepus californicus*), bobcats (*Felis rufus*), striped skunks (*Mephitis mephitis*), opossums (*Didelphis virginiana*), racoons (*Procyon lotor*), and other small mammals and small birds.

The *Holocarpha macradenia* seed bank is important to the species' year-to-year and long-term survival (Bainbridge 1999). A seed bank includes all seeds in a population and generally covers a larger area than the extent of observable plants seen in a given year. The extent of seed bank reserves is variable from population to population. For example, in 1999 at the Twin Lakes population of *H. macradenia* in Santa Cruz, the seed bank density averaged 240 seeds per square meter (m^2) (10 square feet (ft^2)); at the Watsonville Airport, the seed bank density averaged 887 seeds per m^2 (10 ft^2); at the Porter Ranch population in northern Monterey County, the seed bank density averaged 40,000 seeds per m^2 (10 ft^2) (Bainbridge 1999; S. Bainbridge, pers. comm., 2001).

The number and location of standing plants (observable plants) in a population varies annually. For example, the Graham Hill population near Santa Cruz comprised 12,000 standing plants in 1994 and 550 in 2001 (V. Haley, consultant, Felton, CA, pers. comm., 2001); the Apple Hill population near Watsonville comprised 0 standing plants in 1999; 4,049 in 2000; and 1,330 in 2002 (T. Edell, *in litt.,* 2000; 2002). This annual variation in standing plants is due to a number of factors, including the amount and timing of rainfall, temperature, soil conditions, and extent and nature of the seed bank.

Management activities can affect the balance between the number of standing plants and the extent of seed bank reserves. Burning, mowing, and scraping habitat for *Holocarpha macradenia* have been utilized to enhance populations at several sites, including Graham Hill, Arana Gulch, Twin Lakes, Tan, and Apple Hill, with variable results. At the Watsonville Airport site, *H. macradenia* habitat

adjacent to runways has been mowed, disced, and grazed to maintain visibility for airport operations. While this management has increased the density of *H. macradenia,* the vigor of individual plants appears to be in decline, and the seed bank reserve may be becoming depleted (Deb Hillyard, California Department of Fish and Game (CDFG), pers. comm., 2001).

Habitat for *Holocarpha macradenia* historically consisted of grasslands and prairies found on coastal terraces below 100 meters (m) (330 feet (ft)) in elevation, from Monterey County north to Marin County (CNDDB 2001). In the late 1800s, coastal prairies were estimated to cover 350,000 hectares (ha) (865,000 acres (ac)) in California (Huenneke 1989). Historically, four major factors contributed to changes in the distribution and composition of coastal prairies: Livestock grazing; the introduction of highly competitive, nonnative species; the elimination of periodic fire; and cultivation (Heady *et al.* 1988). The remaining coastal prairie habitat in the Monterey Bay area, as well as in the rest of the State, is becoming increasingly fragmented and restricted in distribution, largely due to these same factors as well as urban development.

In the Santa Cruz area, *Holocarpha macradenia* exists on flat to gently sloping marine terrace platforms that are separated by steep-sided gulches. A series of populations occur on older marine terraces inland from the communities of Santa Cruz and Soquel; these terraces range in elevation from about 34 to 122 m (110 to 400 ft). Two populations (Arana Gulch and Twin Lakes) occur on a more recent marine terrace at lower elevations (12 to 18 m (40 to 60 ft)) and closer to the ocean. In the Watsonville area in Santa Cruz County, a series of *H. macradenia* populations occur on a low-lying marine terrace (15 to 37 m (50 to 120 ft) in elevation) that is dissected by Harkins Slough, Hanson Slough, and Struve Slough; the close proximity of these populations suggest that they were once part of a larger population that has since been fragmented by changes in land use over the past 100 years. Approximately 6.4 km (4 mi) north of Watsonville, several *H. macradenia* populations are located on a marine terrace 55 m (180 ft) in elevation. Approximately 4.8 km (3 mi) south of Watsonville a population occurs at an elevation of 30 m (100 ft) on alluvium (sedimentary material deposited by flowing water) resulting from marine terrace deposits. On the east side of San Francisco Bay (Contra Costa County), the marine terraces are more extensively dissected, and *H. macradenia* populations historically occurred on the alluvium resulting from terrace deposits (Palmer 1986).

In Santa Cruz County, where most of the remaining native populations of *Holocarpha macradenia* occur, the soils most typically found on marine terraces and the alluvial deposits derived from them are of several soil series (Brabb 1989; SCS 1978, 1980). The Watsonville, Tierra, Elkhorn, and Pinto soil series are most frequently associated with occurrences of *H. macradenia.* These loams and sandy loams are deep and range from well drained to somewhat poorly drained. Other soil series, including Los Osos, Elder, and Diablo, are also located in the vicinity of known populations of *H. macradenia,* but due to the scale used for mapping the distribution of soils, we cannot determine the importance of these soils to this species.

Because the soils where *Holocarpha macradenia* occurs typically include a subsurface clay component, they hold moisture longer into the growing season compared to the surrounding sandy soils. As a summer-blooming species, *H. macradenia* may benefit from this late season moisture (CDFG 1995); alternatively, the saturated soil conditions during the spring season may be too wet for many other species to become established, and therefore maintain the reduced cover that *H. macradenia* prefers (Grey Hayes, University of California, Santa Cruz, pers. comm., 2001).

Today, the Santa Cruz tarplant is associated most frequently with grasses such as *Avena fatua* (nonnative wild oat), *Hordeum murinum* (barley), *Briza maxima* (rattlesnake grass), *Vulpia* spp. (vulpia), and *Bromus* sp. (bromes); frequent native associates include *Juncus* spp. (rushes) and *Danthonia californica* (California oatgrass). Associated native herbaceous species include other tarplants from the genus *Hemizonia.* At some locations, the plant is found with rare or sensitive species, including *Perideridia gairdneri* (Gairdner's yampah), *Plagiobothrys diffusus* (San Francisco popcorn flower), *Trifolium buckwestiorum* (Santa Cruz clover), and the Ohlone tiger beetle (*Cicindela ohlone*), a species listed as endangered (Service 2001). Other locally unique plant species such as *Plagiobothrys chorisianus* var. *chorisianus* (Choris's popcorn flower), *Triteleia ixiodes* (Triteleia), *Eryngium armatum* (coast coyote thistle), and *Grindelia hirsutula* var. *maritima* (San Francisco gumplant) also occur in these areas (CNDDB 2001; Hayes 2002; Stromberg, *et al.* 2001).

The distribution of *Holocarpha macradenia* has been severely reduced due to continuing destruction and alteration of coastal prairie habitat. All the native San Francisco Bay area populations have been extirpated. The last remaining native population in this area, known as the Pinole Vista population, consisting of 10,000 plants, was eliminated in 1993 by commercial development (CDFG 1997).

Along Monterey Bay in Santa Cruz and Monterey Counties, approximately 13 populations are extant. According to CNDDB, an additional nine populations along the Monterey Bay have been extirpated by development, most recently in 1993 when a population in Watsonville (Anna Street site) was destroyed during construction of office buildings and a parking lot (CDFG 1993, 1995). Other populations have declined or have recently disappeared due to changes in grassland management that favor species which compete with *Holocarpha macradenia.* Where habitat is still intact, management favorable to *H. macradenia* can reverse these trends and allow seeds in the dormant seed bank of the species to germinate and grow. The ability to provide appropriate management for the remaining occurrences of *H. macradenia* will be pivotal in the recovery of the species.

Holocarpha macradenia is currently known from approximately 13 native and 8 experimentally seeded populations (CNDDB 2001, CDFG 2000) in Contra Costa, Monterey, and Santa Cruz Counties. Some of the native populations may represent separate, fragmented patches of what historically was a single larger population. Seven of the native populations occur around the cities of Santa Cruz and Soquel. These populations, with the number of standing plants and year of the most recent survey, are: Graham Hill Road, 575–650 individuals (2002); De Laveaga, ''several thousand'' individuals (2001), Arana Gulch, 10,000 individuals (2002); Twin Lakes, 21 individuals (2002); O'Neill/Tan, 0 individuals (2001); Winkle (also referred to as Santa Cruz Gardens), 0 individuals (1994); and Fairway, 150 individuals (2001) (V. Haley, *in litt.,* 2002; Root 2001; Seals 2002; S. Bainbridge, *in litt.,* 2002; Rigney 2001; CNDDB 2001; Rutherford, pers. obs., 2001). The names of the populations used here are those used in the final rule to list the species published on March 20, 2000 (65 FR 14898).

The remaining six native populations occur around the city of Watsonville. Four of these are bounded generally by Corralitos Creek, Harkins Slough, Watsonville Slough, and the city of

Watsonville; they may represent remnants of a larger population. These four populations, with their number of standing plants and year of the most recent survey are: Watsonville Airport, 2,492,000 individuals (2001); Harkins Slough, 15,000 individuals (1993); Apple Hill, 1,330 individuals (2002); and Struve Slough, 1 individual (1994). Two outlying populations in the Watsonville area are: Spring Hills Golf Course, 4,000 individuals (1990); and Porter Ranch, 120,000 individuals (2001) (Duffy & Associates 2002; CNDDB 2001; Edell, *in litt.,* 2002; Bainbridge, *in litt.,* 2002).

The eight experimentally seeded populations of *Holocarpha macradenia* have resulted from the planting of seed in Wildcat Regional Park in the east San Francisco Bay area (East Bay). The final rule to list *H. macradenia* (65 FR 14898) included a discussion of these efforts to establish new populations within the historic range of the species. Twenty-two sites were seeded between 1982 and 1986 in what appeared to be suitable habitat but representing a range of conditions based on the following criteria: soil series (Tierra as well as five others), grazing pressure (light or moderate), and exposure to coastal fog (fog, wind but no fog, and out of wind). The seeds used for planting had been collected from East Bay populations at the northern end of the species' range. Although a number of populations did well for a few years, many have failed to persist. Of the eight populations that have persisted at least for 14 years, only one, Mezue, has consistently supported large numbers of individuals. In the year 2000, this population was the largest it has been since the initial seeding in 1983 and supported over 17,000 individuals (CDFG 2000).

Very recently, three population introductions have been attempted in conjunction with research on the effects of different grazing regimes on the suite of herb species (as opposed to grass species) within native coastal prairie. Two of the seeding attempts are located just north and west of the city of Santa Cruz, and one is in northern Monterey County within the Elkhorn critical habitat unit. Although it is too early to assess the degree of success these efforts will achieve, the population within the Elkhorn unit appears to be doing the best of the three at this point (Holl, *in litt.,* 2002).

Several agencies have taken the initiative to undertake efforts to enhance habitat for *H. macradenia.* In conjunction with the CDFG, the city of Santa Cruz has been applying a variety of habitat manipulations to plots within the Arana Gulch Open Space Preserve, including raking, scraping, mowing, and controlled burning with the objective of increasing the number of standing individuals, which had been in decline since grazing was terminated in the 1980s (CDFG 1997). The CDFG has been applying habitat manipulations (mowing, burning, and scraping) and carrying out seed bank studies (Bainbridge 1999). The California Department of Transportation (CalTrans) has been mowing the Apple Hill population west of Watsonville to reduce the biomass of nonnative grasses (T. Edell, *in litt.,* 1998). While the interpretation of results can be complex, these efforts generally show that the number of standing individuals may be increased by reducing the potential for competition between *H. macradenia* and nonnative grasses through these management practices. However, increasing the number of standing individuals may also deplete seed bank reserves; therefore, the goals of appropriate management should include not only increasing the number of standing individuals in small populations, but also maintaining the appropriate balance between standing individuals and seed bank reserves.

Several proposed development projects will impact habitat for *Holocarpha macradenia.* Housing developments have been approved for several sites including the Graham Hill site and the Fairway site, but management plans for *H. macradenia* have not yet been fully implemented. A management plan for *H. macradenia* has been initiated for the Tan population, but has not yet resulted in enhancement of the population. Approval for a housing development adjacent to the Winkle population is pending. A housing development for the Struve Slough was recently approved without any active management plan for *H. macradenia.* As a result of a legal challenge, Watsonville Wetlands Watch has been granted 3 years to raise funding to purchase a 2-ha (6-ac) portion of the site that supports *H. macradenia* for conservation purposes (Superior Court of the State of California 2001).

As has been observed at the Watsonville Airport, human activities, such as mowing and cattle grazing can favor the abundance of *Holocarpha macradenia* by reducing competition from other herbaceous species. However, because these activities can also promote the spread and establishment of nonnative species, they may need to be repeated at frequent intervals or at certain times to maintain the establishment of *H. macradenia.* Such intensive management may not be practical in all areas where *H. macradenia* habitat includes a complement of nonnative species. Moreover, while the presence of *H. macradenia* could be maintained in areas with a high abundance of nonnative species, the habitat quality of these areas for *H. macradenia* may be less than areas where the presence of nonnative species is minimal. Research on the effects of different frequencies of mowing, litter removal, and soil disturbances on habitat for *H. macradenia* is ongoing by researchers at the University of California (UC) at Santa Cruz and UC Berkeley's Jepson Herbarium (Holl, *in litt.,* 2002; Bainbridge, *in litt.,* 2002b) and will contribute to our understanding of how to optimize management efforts to benefit this species.

Based on the presence of other fragments of remaining coastal terrace prairie habitat, we believe that additional populations of *Holocarpha macradenia* may occur within the current range of the species but have not yet been detected. In particular, suitable habitat most likely remains on older coastal terraces that lie to the north of the cities of Santa Cruz and Soquel. These areas may contain a viable seed bank, even if no standing plants are found.

Holocarpha macradenia is threatened primarily by historic and recent habitat destruction caused by residential development and habitat alteration caused primarily by land management practices that favor the increase of other species which compete with *H. macradenia.* Most often, the establishment of invasive, competing species follows from the cessation of grazing by cattle or horses. Future loss of habitat may also result from recreational development, airport expansion, and agriculture. Habitat that has been set aside in preserves, conservation easements, and open spaces also suffers secondary impacts from: (1) Casual use by residents; (2) introduction of invasive species; (3) lack of active management; and (4) changes in hydrology. In particular, smaller preserve areas with *H. macradenia* suffer because they are cut off from many ecosystem functions dependent upon soil and hydrologic characteristics that would be present in larger, more contiguous sites. More often, these smaller areas are left as open spaces, but without the benefit of the grassland management needed to sustain them.

Nonnative species that have invaded and threaten habitat supporting native populations of *Holocarpha macradenia* include *Genista monspessulana* (French broom), *Eucalyptus* sp. (eucalyptus),

Acacia decurrens and *A. melanoxylon* (acacia), and a number of nonnative grass species, particularly *Phalaris aquatica* (Harding grass) and *Bromus* spp. (bromes). In Wildcat Regional Park in the East Bay area, *Cynara cardunculus* (artichoke thistle) has invaded habitat for *H. macradenia* at the one site that is being designated as critical habitat (Mezue), as well as many of the other sites where introduced populations of *H. macradenia* were attempted. Picris echiodes (Bristly ox-tongue) has recently invaded the population of *H. macradenia* at the Elkhorn unit (Holl, *in litt.,* 2002).

Previous Federal Action

Federal action on this plant began when the Secretary of the Smithsonian Institution, as directed by section 12 of the Act, prepared a report on those native U.S. plants considered to be endangered, threatened, or extinct in the United States. This report (House Doc. No. 94–51), was presented to Congress on January 9, 1975, and included *Holocarpha macradenia* as endangered. On July 1, 1975, we published a notice in the **Federal Register** (40 FR 27823) accepting the report as a petition within the context of section 4(c)(2) (now section 4(b)(3)) of the Act and of our intention thereby to review the status of the plant taxa named therein. On June 16, 1976, we published a proposed rule in the **Federal Register** (41 FR 24523) determining approximately 1,700 vascular plant species to be endangered pursuant to section 4 of the Act. *Holocarpha macradenia* was included in this June 16, 1976, **Federal Register** document.

In 1978, amendments to the Act required that all proposals over two years old be withdrawn. A one-year grace period was given to those proposed rules already more than two years old. Later, on December 10, 1979, we published a notice (44 FR 70796) of the withdrawal of the portion of the June 16, 1976, proposed rule that had not been made final, along with four other proposed rules that had expired. We published an updated notice of review (NOR) for plants on December 15, 1980 (45 FR 82480). This notice included *Holocarpha macradenia* as a category one candidate (species for which data in our possession was sufficient to support proposals for listing).

On February 15, 1983, we published a notice (48 FR 6752) of our prior finding that the listing of *Holocarpha macradenia* was warranted but precluded in accordance with section 4(b)(3)(B)(iii) of the Act as amended in 1982. Pursuant to section 4(b)(3)(C)(i) of the Act, this finding must be recycled annually, until the species is either proposed for listing, or the petitioned action is found to be not warranted. Each October from 1983 through 1990 further findings were made that the listing of *H. macradenia* was warranted, but that the listing of this species was precluded by other pending proposals of higher priority.

Holocarpha macradenia continued to be included as a category one candidate in plant NORs published September 27, 1985 (50 FR 39526), February 21, 1990 (55 FR 6184), and September 30, 1993 (58 FR 51144). Upon publication of the February 28, 1996, NOR (61 FR 7596), we ceased using category designations and included *H. macradenia* as a candidate. Candidate species are those for which we have on file sufficient information on biological vulnerability and threats to support proposals to list them as threatened or endangered. The 1997 NOR, published September 19, 1997 (62 FR 49398) retained *H. macradenia* as a candidate, with a listing priority of 2. On March 20, 1998, we published a proposed rule in the **Federal Register** (63 FR 15142) to list *H. macradenia.* The final rule listing *H. macradenia* as a threatened species was published on March 20, 2000 (65 FR 14898).

Section 4(a)(3) of the Act, as amended, and implementing regulations (50 CFR 424.12) require that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time the species is determined to be endangered or threatened. Our regulations (50 CFR 424.12(a)(1)) state that designation of critical habitat is not prudent when one or both of the following situations exist: (1) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of threat to the species, or (2) such designation of critical habitat would not be beneficial to the species. At the time *Holocarpha macradenia* was listed, we found that designation of critical habitat for *H. macradenia* was prudent, but that given our limited listing budget, designation of critical habitat would have to be deferred so as to allow us to concentrate limited resources on higher priority critical habitat and other listing actions.

On June 17, 1999, our failure to issue final rules for listing *Holocarpha macradenia* and eight other plant species as endangered or threatened, and our failure to make a final critical habitat determination for the nine species was challenged in *Southwest Center for Biological Diversity and California Native Plant Society* v. *Babbitt* (Case No. C99–2992 (N.D.Cal.)). On May 22, 2000, the judge signed an order for the Service to propose critical habitat for the species by September 30, 2001. In mid-September 2001, plaintiffs agreed to a brief extension of this due date until November 2, 2001. The proposed rule to designate critical habitat for the species was signed on November 2, 2001, and sent to the **Federal Register**.

The proposed rule to designate critical habitat for the species was published on November 15, 2001 (66 FR 57526). In the proposal, we determined it was prudent to designate approximately 1,360 ha (3,360 ac) of land in Santa Cruz and Monterey Counties as critical habitat for *Holocarpha macradenia.* Publication of the proposed rule opened a 60-day public comment period, which closed on January 14, 2002.

On May 7, 2002, we published a notice announcing the reopening of the comment period on the proposal to designate critical habitat for *Holocarpha macradenia* and a notice of availability of the draft economic analysis on the proposed determination (67 FR 30642). This second public comment period closed on June 6, 2002. On May 16, 2002, the plaintiffs agreed to extend the date upon which we are to make a final rule determination for critical habitat to September 30, 2002.

Summary of Comments and Recommendations

We contacted appropriate Federal, State, and local agencies, scientific organizations, and other interested parties and invited them to comment. In addition, we invited public comment through the publication of notices in the Santa Cruz Sentinel on November 21; the Monterey Herald on November 20; the San Jose Mercury on November 20; and the Oakland Tribune on November 22; all in the year 2001. We received individually written letters from 18 parties, which included 4 designated peer reviewers, 1 Federal agency, 2 State agencies, and 3 local jurisdictions. Of these 18 parties, 13 supported the proposed designation and 5 were neutral regarding the designation of critical habitat for this species; however, 1 of those supporting the designation and 3 of those that were neutral requested that areas they own, manage, or have planning jurisdiction over, be excluded from critical habitat designation.

We reviewed all comments received for substantive issues and new information regarding critical habitat and *Holocarpha macradenia.* Similar comments were grouped into general

issues and are addressed in the following summary.

Biological Issues

1. *Comment:* The need for the 9 smaller units, ranging in size from 7 to 170 acres, is well justified given specific information about the status of the *Holocarpha macradenia* populations. However, the need for the two larger units (I and J near Watsonville), which together comprise almost half of the 3,360 acres proposed for designation, is not adequately justified.

Our Response: The varying size of the units is in part due to their location relative to the configuration of the coastal terraces in the vicinity as well as patterns of development. For instance, in the hills north of Santa Cruz and extending down to the Soquel area, the coastal terrace is strongly dissected by a series of drainages, leaving small fingers of terrace jutting southward. Populations of *Holocarpha macradenia* that occur on these terraces are necessarily restricted in distribution by geography, and then more so by human development. In contrast, the coastal terrace in the vicinity of Watsonville occurs as a larger block that is only weakly dissected by swales and drainages, resulting in a more rolling hill landscape. As discussed in this rule, numerous historic locations of *H. macradenia* have been noted in the Watsonville area. This leads us to conclude that *H. macradenia* was once widespread throughout the coastal terraces in the area. We believe the designation of larger critical habitat units in the Watsonville area is consistent with the available information on landforms, soils and historic occurrences of the species.

As discussed below, Units I and J are essential because they support many populations of *H. macradenia,* as well as the grassland habitat that is important to expanding existing populations and maintaining connectivity between them. These units also represent two of the three areas in the central Monterey Bay area and the southern end of the range of the species that support populations of *H. macradenia.* Unit J also contains the most inland distribution of the species. Preserving the genetic variability within a species, by conserving populations with unique characteristics such as the ability to persist at the edge of the species' range, allows it to adapt to changing environmental conditions, and is therefore is essential to the long-term survival and conservation of the species.

2. *Comment*: The proposed designation of 3,360 acres seems excessive for a species that is only listed as threatened.

Our Response: The Act and its implementing regulations do not provide for different standards when considering critical habitat for a threatened species as opposed to an endangered species. Other species listed as threatened have had much larger acreages designated. The extent of acreage designated in this rule, as in all of our critical habitat rules, is tied to the amount of habitat that supports the primary constituent elements for the species, and where the species is known to occur. Based on the remaining amount of habitat and what is known about the historic and current range of *Holocarpha macradenia,* we conclude that the amount of critical habitat being designated is essential for maintaining populations of *H. macradenia,* as well as the grassland habitat and the ecological functions that are important for the expansion of existing populations and maintaining connectivity between them.

3. *Comment*: Three commenters indicated that additional critical habitat should be designated in the East Bay region (Alameda and Contra Costa Counties) in support of additional reintroduction efforts for *Holocarpha macradenia* within its historic range. One commenter specified that habitat for at least five populations should be designated in this area and that seed used should represent the remains of the ''northern'' gene stock.

Our Response: We agree that maintaining the northern gene stock is important to the conservation and recovery of the species, and that attempting to establish additional populations in the East Bay region is an important recovery task. Although we are only designating one area in the East Bay region as critical habitat, we believe that the relatively large size and long-term stability of the population in this unit made it the most important to designate at this time. We are required to designate those areas we know to be critical habitat, using the best information available to us at the time. When we designate critical habitat at the time of listing, as required under Section 4 of the Act, or under court-ordered deadlines, we may not have the information necessary to identify all areas that are essential for the conservation of the species. Additional habitat outside the designated areas may later be discovered to be critical for the recovery of the species. We will soon be developing a recovery plan for *Holocarpha macradenia*, and look forward to developing specific recovery recommendations for the species, including the need for establishing additional populations within the historic range of the species in the East Bay.

Management Considerations

4. *Comment*: We received comments from several land managers as well as academic researchers that are currently evaluating the role that grazing and fire may have in maintaining habitat for *Holocarpha macradenia.* A number of suggestions were offered about how the species responds to different types of management and how discussion of these management options should be framed in the rule.

Our Response: We appreciate the numerous suggestions we received to expand discussions regarding management, and we have incorporated some of these suggestions into the rule in the Background section and the Special Management Considerations section. However, we have limited the level of detail to which the discussion has been expanded, because it could go well beyond the scope of the current critical habitat designation process. We suggest that these issues be discussed further at the time we are developing a recovery plan for the species.

Economic Comments

5. *Comment*: We received one comment recommending that we use the contingent valuation method (CVM) to determine the hypothetical nonuse values for the plant species and its habitat that comprise this rulemaking.

Our Response: Economists recognize that in addition to a ''use value'' that society places on natural resources these goods may also exhibit a ''non-use value'' by society. For example, while many people may elect to visit a public park and ''use'' it for a variety of recreational purposes, the presence of this park may provide a variety of benefits to additional members of society even though their enjoyment may not be directly observable. Certain individuals may also derive benefits from the park because of the protection it offers to certain natural resources including a diverse ecosystem that harbors endangered and threatened species. While these members of society may value the park merely for its existence, their behavior is not directly observable and thus economists have developed certain tools, including the CVM for measuring these values.

CVM is an approach used by economists to directly elicit non-use values from individuals through the use of carefully designed survey instruments. A CVM study will provide respondents with a framework wherein

they are asked to value the resource given the parameters of the framework. For the CVM to work properly, and provide meaningful information on non-use values, considerable resources must be expended to adequately design and administer this tool. However, it is not currently feasible for us to conduct CVM studies to capture the non-use values certain individuals may place on critical habitat designation due to our limited resources.

In conducting our analyses, we do review economic literature to determine whether or not there are any existing studies that can provide information that would allow us to better describe and accurately quantify such benefits associated with the survival and recovery of the species and its habitat in question. However, even when such studies are identified, they usually do not allow for the separation of the benefits of listing (including the Act's take provisions) from the benefits of critical habitat designation.

While we are often unable to quantify benefits that may be associated with the designation, our analyses do discuss potential benefits in a qualitative manner. This discussion is not intended to provide a complete analysis of the benefits that could result from section 7 of the Act in general or critical habitat designation in particular. In short, we believe that we are currently best able to express the benefits of critical habitat designation in biological terms that can be weighed against the expected cost impacts of the rulemaking.

We believe that this approach is consistent with the statutory requirements of the Act. Section 4(b)(2) of the Act requires the Secretary to designate critical habitat on the basis of the best scientific data available after taking into consideration the economic impact and any other relevant impact of specifying any particular area as critical habitat. This section of the Act continues on to state that the Secretary may exclude areas from the designation if he (she) determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the designation. This language does not imply that the Secretary must apply a strict cost-benefit test to the exclusion process but instead gives her broad discretion in considering the best scientific and commercial data available when making a final decision. As a result, critical habitat decisions do not hinge solely on the results of a benefit-cost analysis. The designation of critical habitat units is first made on biological grounds, and when these decisions significantly impinge on economic activities, then the weighing of the costs and benefits of the proposed action are considered. In this particular instance, the economic analysis did not identify any significant economic impact associated with the designation.

6. *Comment*: One commenter asserted that the designation of critical habitat causes officials of California's resource agencies, namely the California Coastal Commission (CCC) and the CDFG to identify the designated areas as Environmentally Sensitive Habitat Areas (ESHA), and that land use within the ESHAs are restricted through the implementation of requirements of the California Coastal Act (CCA). Thus ESHAs could impose additional costs on the regulated community.

Our Response: As stated in our addendum to the draft economic analysis, the CCA charges the CCC with implementing coastal management policies in conjunction with local governments in coastal zones in 15 counties and 58 cities in California. These policies generally require the protection of fragile and/or scenic coastal habitat, improvement of public access (physical and visual) to the coast, the protection of agricultural land, and measures to direct growth towards urban areas and away from undeveloped coastal areas. The CCC also established the Local Coastal Program (LCP), which requires local coastal governments to prepare management plans for their coastal areas that must be approved by the CCC. Once a local government obtains CCC approval of its LCP, the authority to approve local development proposals is transferred from the CCC to the local government in most circumstances. The CCC maintains ''original jurisdiction'' over areas where no approved LCP exists, proposals on the immediate shoreline (below mean high tide), and proposals involving major public works or energy projects.

In the process of approving and/or amending LCPs, or through reviewing applications under ''original jurisdiction,'' the CCC may establish certain coastal areas as ESHAs, depending on the habitat resources present and their role in healthy ecosystem function. ESHAs are established based on a site-specific field study of the project area in question by CCC biologists. Once established, the presence of an ESHA limits the type of development that can be approved to ''uses dependent only on those resources'' present in the ESHA.

The most likely potential effect of critical habitat on the CCC's implementation of the CCA would be through the increased likelihood that an ESHA might be established following its designation. CCC personnel indicate that the presence of listed species nearly always results in the establishment of an ESHA. As a result, the designation of critical habitat would increase the likelihood of ESHA establishment in areas not previously known to be occupied by endangered or threatened species.

While the presence of designated critical habitat is typically correlated with an ESHA, CCC staff confirm that the designation itself does not automatically result in an area becoming an ESHA. Rather, the designation of critical habitat is considered by CCC biologists as a potential source of additional information to be evaluated in the context of the quality of the underlying data and checked against existing knowledge and field surveys. CCC staff also indicate, however, that if habitat represents significant biological value for a State- or Federally-listed species, it is very likely this habitat would have already been identified through CCC biological surveys, and probably would have already been recommended as an ESHA. As a result, only if the designation of critical habitat adds new biological information might ESHAs be adjusted or established.

In the case of the designation of critical habitat for *Holocarpha macradenia,* staff from the CCC's Central Coast District Office indicate that the proposed designation is unlikely to result in the establishment of any new ESHAs. The proposed critical habitat area falls within existing LCPs and, more importantly, the designation adds no new information regarding occupied or essential habitat areas. Consequently, the proposed designation of critical habitat is not likely to result in additional costs associated with the implementation of the CCA.

Comments on Site-Specific Areas

7. *Comment:* The East Bay Regional Parks District (EBRPD) requested that we make minor modifications to the boundaries of Unit A (Mezue) that occurs on lands they manage. The modifications are based on more detailed topographic and vegetation data that they were able to provide. The proposed modifications would remove some riparian habitat from the unit and add one small area at the top of the watershed upslope to where a population of *Holocarpha macradenia* is located.

Our Response: We have modified the boundary to remove a few areas of riparian vegetation and a small area that was not within the subwatershed where the plant occurs. We are not able to include the small area at the top of the watershed within the final boundary

because we had not previously proposed to include it. These modifications resulted in a reduction of acreage in this unit from 61 ha (150 ac) to 52 ha (130 ac).

8. *Comment:* The California Army National Guard (CANG) requested that we remove 3 ha (7 ac) of lands that they own and manage known as the Santa Cruz Armory from Unit C (De Laveaga) of the proposed critical habitat designation. They fully support the efforts of the Service to protect *Holocarpha macradenia* and its habitat, and point out that they are directed by the Sikes Act (16USC 670a *et seq.*) to develop and implement an Integrated Natural Resources Management Plan (INRMP) for the Armory with certain criteria for maintaining biodiversity and using an adaptive management approach. They submitted a list of 11 management elements, some of which have already been implemented, that will be included in their INRMP.

Our Response: Critical habitat is defined in section 3 of the Act as—(i) the specific areas within the geographic area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. Special management and protection are not required if adequate management and protection are already in place. Adequate special management or protection is provided by a legally operative plan/agreement that addresses the maintenance and improvement of the primary constituent elements important to the species and that manages for the long-term conservation of the species. Areas that are currently being managed to address the conservation needs of *Holocarpha macradenia,* in accordance with plans we have reviewed and determined to be adequate, do not require special management within the meaning of section 3(5)(a)(i) of the Act and will not be included in this final rule.

To determine if a plan provides adequate management or protection we consider—(1) Whether there is a current plan specifying the management actions and whether such actions provide sufficient conservation benefit to the species; (2) whether the plan provides assurances that the conservation management strategies will be implemented; and (3) whether the plan provides assurances that the conservation management strategies will be effective. In determining if management strategies are likely to be implemented, we consider whether—(a) A management plan or agreement exists that specifies the management actions being implemented or to be implemented; (b) there is a timely schedule for implementation; (c) there is a high probability that the funding source(s) or other resources necessary to implement the actions will be available; and (d) the party(ies) have the authority and long-term commitment to implement the management actions, as demonstrated, for example by a legal instrument providing enduring protection and management of the lands. In determining whether an action is likely to be effective, we consider whether—(a) The plan specifically addresses the management needs, including reduction of threats to the species; (b) such actions have been successful in the past; (c) there are provisions for monitoring and assessment of the effectiveness of the management actions; and (d) adaptive management principles have been incorporated into this plan.

The Sikes Act Improvement Act of 1997 (Sikes Act) requires each military installation that encompasses land and water suitable for the conservation and management of natural resources to have completed, by November 17, 2001, an INRMP. An INRMP integrates implementation of the military mission of the installation with stewardship of the natural resources found on the installation. Each INRMP includes an assessment of the ecological needs of the installation, including needs to provide for the conservation of listed species; a statement of goals and priorities; a detailed description of management actions to be implemented to provide for these ecological needs; and a monitoring and adaptive management plan. Under section 7 of the Act, we consult with the military on the development and implementation of INRMPs for installations with listed species. Military installations with approved INRMPs which address the needs of species generally do not meet the definition of critical habitat discussed above as they require no additional special management or protection. Therefore, we do not include these areas in critical habitat designations if they meet the following three criteria: (1) A current INRMP must be complete and provide a benefit to the species; (2) the plan must provide assurances that the conservation management strategies will be implemented; and (3) the plan must provide assurances that the conservation management strategies will be effective, by providing for period monitoring and revisions as necessary. If all of these criteria are met, then the lands covered under the plan would not meet the definition of critical habitat.

We conclude that the CANG does not yet have an INRMP for the Santa Cruz Armory that sufficiently addresses the criteria above. These lands do not warrant exclusion from critical habitat designation because the proposed management plan has not been approved and does not contain assurances that the management actions it describes will be implemented or effective. Concerning the likelihood that management actions will be implemented, we note that the plan does not include a timely schedule for implementation and does not contain a commitment of financial resources. Concerning the likelihood that management actions will be effective, we note that there are no provisions for monitoring or assessing of their effectiveness, and adaptive management principles have not been incorporated into the draft plan. We appreciate the efforts that CANG has already made toward restoring and protecting habitat on these lands, including the removal of eucalyptus logs from *Holocarpha macradenia* habitat, and the removal of wood chips that were inadvertently spread on top of a portion of the population. The Service has agreed to work with CANG in the development of their INRMP, particularly as it pertains to the conservation of *H. macradenia.* If the INRMP sufficiently meets the criteria for exclusion from critical habitat upon its completion, the Service will consider revising the critical habitat designation to exclude the Santa Cruz Armory lands at a future date.

Based upon a site visit with CANG staff to the Santa Cruz Armory, the Service has determined that a portion of the proposed critical habitat unit does not contain the primary constituent elements, specifically, the parking lot. By eliminating this area, the final critical habitat unit has been reduced from 3 ha (7 ac) to 2 ha (5 ac).

9. *Comment:* The Pajaro Valley Unified School District (District) requested that we remove 28 ha (70 ac) of land they own, known as the Millennium High School site, from Unit I (Watsonville) of the critical habitat designation for two reasons. They contend that the site has been under cultivation for over a decade and that there is no evidence of the species or the habitat conditions that would support it. In addition, they are concerned that the

designation will ''create obstacles'' to the construction of the New Millennium High School. They also request the removal of Harkins Slough Road from critical habitat designation, because the planned improvements for this road, which will provide access to the High School, will be facing ''considerable difficulties.''

Our Response: Section 4(b)(2) of the Act states ''The Secretary shall designate critical habitat, and make revisions thereto, under subsection (a)(3) on the basis of the best scientific data available and after taking into consideration the economic impact, and any other relevant impact, of specifying any particular area as critical habitat.'' Absent a finding by us that the economic or other relevant impacts of a critical habitat designation would outweigh the benefits of designation, the Act does not provide for the exclusion from critical habitat of private lands essential to the conservation of listed species. We believe that this parcel of land contains components essential to the conservation of *H. macradenia* because: (1) The site contains the primary constituent elements including the appropriate soils (Watsonville loams) and hydrology that are suitable for the species, and the site occurs within 1 km (0.5 mi) of 3 known locations for the species. Therefore, this site could provide habitat for the expansion of existing populations as well as maintain connectivity between existing populations by allowing gene flow between these populations through pollinator activity and seed dispersal. The importance of this site is also discussed in the description of the Watsonville unit. We believe that the designation of these lands in this final rule as critical habitat outweighs the benefits of their exclusion from being designated as critical habitat. The possible removal of these lands from the designation is also addressed in the Exclusions Under Section 4(b)(2) section of this rule.

With respect to the critical habitat designation creating ''obstacles'' and ''difficulties'' in completing construction of the High School, the District did not specify what they believed these to be. However, we believe that the designation at this site will have little additional regulatory burden for the District because there will probably be little federal nexus to the project and therefore minimal requirement for them to consult under section 7 of the Act, if any. Just as this rule was being finalized, we received information indicating that construction of the High School had been initiated. Because this construction will remove the primary constituent elements from approximately 32 acres of the parcel on which the High School is being built, we are removing this portion that will be converted to buildings, paved surfaces, and playing fields from critical habitat designation. Because this information was received so close to the time of publication, we did not have the opportunity to redraw the map for this unit. The remaining 36 acres of the site will be slated for conservation and protected from development through permanent deed restrictions. Because the planned Harkins Slough Road improvements are partially funded with Federal funds, the Federal Highway Administration (FHWA) will be consulting with us on the road due to the presence of California red-legged frog. The inclusion of critical habitat for *Holocarpha macradenia* in the same consultation is not expected to significantly increase the economic impact of the project on FHWA or the District.

10. *Comment:* The City of Watsonville requested that a number of areas be removed from the critical habitat designation, including the following: the Millennium High School site; the Sea View Ranch site; an illegal fill site with an existing grading permit for remediation; the City's golf driving range; and the State Highway 1 right of way within the city limits. They believe these areas should be removed because they have recently been surveyed for the presence of *Holocarpha macradenia* and it was found not to be present. The City provided some additional information extracted from planning documents for some of these projects. In addition, CalTrans requested that areas within their right of way be excluded because the disturbance from routine maintenance activities makes them inappropriate for species recovery activities.

Our Response: As stated in the section on Mapping in the body of this rule, some critical habitat units were mapped with greater precision than others, based on the available information, and the size of the unit. We appreciate the additional information that the City of Watsonville was able to provide to us. As discussed in the section on Primary Constituent Elements in this rule, we tried to map areas that contained soils associated with coastal terrace prairies, plant communities that support associated species, and the physical attributes, particularly the soils and hydrologic processes that produce the seasonally saturated soils characteristic of *Holocarpha macradenia* habitat. We have therefore removed portions of these areas from this critical habitat designation, including portions of the landfill parcel that are steep-sided canyons below the level of the coastal terrace, and the landfill itself. We have also removed the golf driving range because the soils have been altered by the placement of other soils on top of the native soils during the development of the range. Even though the proposed rule contains language to indicate that paved surfaces are not considered critical habitat, we have removed most of the State Highway 1 corridor from the area mapped as critical habitat. We have also removed 3 m (9 ft) on either side of the highway from critical habitat designation because this area needs to be kept free of vegetation for human health and safety reasons, and because the soil profile along the road shoulder has been modified such that it does not now contain the primary constituent elements for this taxon. However, we have not removed the remaining area within right of ways or other parcels from the critical habitat designation because, to the best of our knowledge, they occur on coastal terrace habitat that has native soils with the attendant hydrologic and edaphic processes still in place. They are essential to the conservation of the species because they are important for the expansion of existing populations and maintaining connectivity between them. Even though some of these locations have been converted to agriculture or have recently been graded, the native soils are still in place and these areas have the potential to be restored as habitat for *H. macradenia.* We believe that designating of these lands as critical habitat in this final rule outweighs the benefits of excluding them. The possible removal of these lands from the designation is also addressed in the Exclusions Under Section 4(b)(2) section of this rule.

11. *Comment:* The City of Watsonville requested that only those portions of the Watsonville Airport that are identified in the Tarplant Mitigation Plan (Gilchrist 2001) be included in the critical habitat designation, thus excluding other portions of the airport.

Our Response: The portions of the Airport that are paved with runways and roads or support buildings are not considered critical habitat for the species even though they are within the critical habitat boundaries; due to the scale of mapping, however, these areas could not be excluded on our maps. Of the remaining portions of the Airport, some are included in the Tarplant Mitigation Plan and some are not. However, we have included all of these areas within the critical habitat designation because they are contiguous

with areas that currently support *Holocarpha macradenia,* provide areas for expansion of the population, and provide connectivity between patches of the plant. In addition, this site supports the largest population of *H. macradenia,* and therefore is important as a seed bank should it become necessary to reseed other sites where populations are declining.

Peer Review

In accordance with our policy published on July 1, 1994 (59 FR 34270), we solicited independent opinions from the Sustainable Ecosystems Institute (which provided two peer reviewers) as well as two other knowledgeable individuals with expertise in one or several fields, including familiarity with the species, familiarity with the geographic region in which the species occurs, and familiarity with the principles of conservation biology. All four peer reviewers supported the proposal, and provided us with comments which we incorporated into the final rule. Their comments included discussion on the following issues: The importance of maintaining the genetic stock from the northern portion of the species' range, as represented by the introduced populations in the East Bay area; the importance of appropriate management in maintaining populations of the species; the necessity of maintaining all critical habitat units for the species; and the relationship between annual population fluctuations and the areas being designated. One peer reviewer suggested that the discussion concerning the role of offsite hydrology in maintaining habitat for the species needed to be strengthened.

Summary of Changes From the Proposed Rule

Based on a review of public comments received on the proposed determination of critical habitat, we reevaluated our proposed designation and the draft Economic Analysis and made several changes to the final designation of critical habitat. These include the following:

(1) We made minor changes to the boundary lines on the Mezue Unit to remove riparian corridors and a small portion of habitat outside the subwatershed where *Holocarpha macradenia* occurs. These changes resulted in a reduction of 9 ha (21 ac) in this unit.

(2) We made minor changes to the boundary lines on the De Laveaga Unit. The purpose of these changes was to draw the boundaries more precisely to eliminate the parking lot of the Santa Cruz Armory from within the boundary of the unit. This change resulted in a reduction of 1 ha (2 ac) in this unit.

(3) We made minor changes to the boundary lines on the Watsonville Unit. The purpose of these changes was to avoid areas that obviously did not contain the primary constituent elements, and for which we were unable to draw more precise boundaries at the time of the proposed designation. The use of recently acquired high-resolution aerial photographs dating from April 2000 enabled us to undertake this more precise mapping. These changes resulted in a total reduction of 174 ha (430 ac) in this final critical habitat designation. For all three of the units, the new boundary lines were drawn within the boundary lines shown in the proposed designation; in no case were the new boundary lines drawn outside of those described in the legal description for the units in the proposed designation.

(4) We corrected the acreage figure for the Graham Hill Unit (Unit B) from 14 ha (35 ac) to 12 ha (30 ac). We had intended to propose 2 additional hectares (5 ac) to the south of the current unit boundary. However, the boundaries showing this additional habitat and the Universal Transverse Mercator (UTM) coordinates describing their location were inadvertently left out of the proposed rule. The unit boundaries as depicted in this final rule encompass 12 ha (30 ac). Under the Act and the Administrative Procedure Act, we are required to allow the public an opportunity to comment on the proposed rulemaking. Therefore, because these new areas were not included in the proposed rule, we are not including them in the final rule. Although these areas were not included in the critical habitat proposal, they may be important to the recovery of the species and could be included in recovery activities in the future.

(5) We added a section describing the Special Management Considerations or Protections that *Holocarpha macradenia* may require. We believe that this new section will assist land managers in developing management strategies for *H. macradenia* on their lands.

Critical Habitat

Section 3 of the Act defines critical habitat as—(i) the specific areas within the geographic area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. ''Conservation'' means the use of all methods and procedures that are necessary to bring an endangered or a threatened species to the point at which listing under the Act is no longer necessary.

Critical habitat receives protection under section 7 of the Act through the prohibition of destruction or adverse modification of critical habitat with regard to actions carried out, funded, or authorized by a Federal agency. Section 7 also requires conferences on Federal actions that are likely to result in the destruction or adverse modification of proposed critical habitat. Aside from the added protection that may be provided under section 7, the Act does not provide other forms of protection to lands designated as critical habitat. Because consultation under section 7 of the Act does not apply to activities on private or other non-Federal lands that do not involve a Federal nexus, critical habitat designation would not afford any additional regulatory protections under the Act with regard to such activities.

Critical habitat also provides nonregulatory benefits to the species by informing the public and private sectors of areas that are important for species recovery and where conservation actions would be most effective. Designation of critical habitat can help focus conservation activities for a listed species by identifying areas that contain the physical and biological features essential for the conservation of that species, and can alert the public as well as land-managing agencies to the importance of those areas. Critical habitat also identifies areas that may require special management considerations or protection, and may help provide protection to areas where significant threats to the species have been identified, by helping people to avoid causing accidental damage to such areas.

In order to be included in a critical habitat designation, the habitat must first be ''essential to the conservation of the species.'' Critical habitat designations identify, to the extent known using the best scientific and commercial data available, habitat areas that provide essential life cycle needs of the species (primary constituent elements, as defined at 50 CFR 424.12(b)). Section 3(5)(C) of the Act states that not all areas that can be occupied by a species should be designated as critical habitat unless the

Secretary determines that all such areas are essential to the conservation of the species. Our regulations (50 CFR 424.12(e)) also state that, ''The Secretary shall designate as critical habitat areas outside the geographic area presently occupied by the species only when a designation limited to its present range would be inadequate to ensure the conservation of the species.''

Section 4(b)(2) of the Act requires that we take into consideration the economic impact, and any other relevant impact, of specifying any particular area as critical habitat. We may exclude areas from critical habitat designation when the benefits of exclusion outweigh the benefits of including the areas within critical habitat, provided the exclusion will not result in extinction of the species.

Our Policy on Information Standards Under the Endangered Species Act, published in the **Federal Register** on July 1, 1994 (59 FR 34271), provides criteria, establishes procedures, and provides guidance to ensure that our decisions represent the best scientific and commercial data available. It requires our biologists, to the extent consistent with the Act and with the use of the best scientific and commercial data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat. When determining which areas are critical habitat, a primary source of information should be the listing package for the species. Additional information may be obtained from a recovery plan, articles in peer-reviewed journals, conservation plans developed by States and counties, scientific status surveys and studies, and biological assessments or other unpublished materials (*i.e.*, gray literature).

Section 4 of the Act requires that we designate critical habitat based on what we know at the time of designation. Habitat is often dynamic, and populations may move from one area to another over time. Furthermore, we recognize that designation of critical habitat may not include all of the habitat areas that may eventually be determined to be necessary for the recovery of the species. For these reasons, critical habitat designations do not signal that habitat outside the designation is unimportant or may not be required for recovery. Areas that support newly discovered populations in the future, but are outside the critical habitat designation will continue to be subject to conservation actions that may be implemented under section 7(a)(1) of the Act and to the regulatory protections afforded by the section 7(a)(2) jeopardy standard and the prohibitions of section 9 of the Act, as determined on the basis of the best available information at the time of the action. Federally funded or assisted projects affecting listed species outside their designated critical habitat areas may still result in jeopardy findings in some cases. Similarly, critical habitat designations made on the basis of the best available information at the time of designation will not control the direction and substance of future recovery plans, habitat conservation plans, or other species conservation planning efforts if new information available to these planning efforts calls for a different outcome.

Methods of Selecting Areas for Critical Habitat Designation

As required by the Act and regulations (section 4(b)(2) and 50 CFR 424.12) we used the best scientific information available to determine areas that contain the physical and biological features that are essential for the conservation of *Holocarpha macradenia*. This included information from the California Natural Diversity Data Base (CNDDB 2001), geologic and soil survey maps (Brabb 1989; SCS 1980, 1978), aerial photos available through TerraServer (*http://terraserver.homeadvisor.msn.com*), aerial photos on loan from the County of Santa Cruz Planning Department, recent biological surveys and reports, additional information provided by interested parties, and discussions with botanical experts. Frequently accompanied by agency representatives, we also conducted site visits, either cursory or more extensive, at a number of locations managed by, or with involvement from, local, State or Federal agencies, including Graham Hill, De Laveaga Park, Twin Lakes State Beach, Arana Gulch Open Space Area (City of Santa Cruz), Anna Jean Cummings County Park (Santa Cruz County), and the Watsonville Airport (City of Watsonville). We also visited the Porter Ranch site, which is owned and managed by the Elkhorn Slough Foundation.

Special Management Considerations or Protections

Much of what is known about the specific physical and biological requirements of *Holocarpha macradenia* is described in the Background section of this final rule. Additional information about appropriate management techniques is being generated by ongoing management efforts and research on life history. As discussed in the Background section, several agencies such as the CDFG, California Department of Parks and Recreation (CDPR), CalTrans, County of Santa Cruz, City of Santa Cruz, and EBRPD are undertaking efforts to learn how to better enhance habitat for *H. macradenia*. Some of these efforts are being carried out with the cooperation of researchers from UC Santa Cruz and Berkeley's Jepson Herbarium. Preliminary management and seed bank studies show that habitat manipulation such as burning, mowing, grazing, and scraping can increase standing numbers of plants and may be necessary to enhance and maintain populations of *H. macradenia*. Active management is often necessary to preserve habitat that is essential for the long-term conservation of *H. macradenia*.

Special management considerations or protections may be needed to maintain the primary constituent elements for *Holocarpha macradenia* within the units being designated as critical habitat. In some cases, protection of existing habitat and current ecological processes may be sufficient to ensure that populations of *H. macradenia* are maintained, and have the ability to reproduce and disperse into surrounding habitat at those sites. In other cases, however, active management may be needed to maintain the primary constituent elements for *H. macradenia*. We have outlined below the most likely special management or protection that *H. macradenia* may require.

(1) The native soils on which *Holocarpha macradenia* is found should be maintained to optimize conditions for the species. Physical properties of the soil, such as its chemical composition, salinity, texture, and drainage capabilities would best be maintained by limiting or restricting deep tilling and the use of herbicides, fertilizers, or other soil amendments.

(2) The hydrologic regime of the area surrounding *Holocarpha macradenia* habitat should be maintained to provide for the seasonally moist soils that the species favors. Increasing or decreasing surface and subsurface water flow to these areas through habitat alteration that either artificially adds water (*e.g.*, through irrigation) or reduces water (*e.g.*, through diversions associated with construction projects) could decrease the suitability of these areas to support *H. macradenia*.

(3) The grassland communities should be maintained to ensure that the habitat needs of pollinators and dispersal agents are maintained. The use of pesticides should be limited or restricted so that viable populations of pollinators are present to facilitate reproduction of *Holocarpha*

macradenia. Fragmentation of habitat through construction of roads and certain types of fencing should be sufficiently limited to allow seed dispersal agents to move *H. macradenia* seed throughout the unit.

(4) The grassland communities need to be maintained to facilitate germination and the establishment of seedlings, because this is a critical bottleneck in the life cycle of the species (Bainbridge, *in litt.*, 2002b). In particular, this portion of the species' life cycle requires a reduced litter layer and canopy height of surrounding vegetation. This can be achieved through either mowing or livestock grazing. A discussion of more detailed prescriptions is beyond the scope of this rule, as the optimal regime will vary from site to site, depending on a number of variables. However, research efforts that are currently underway will assist in developing more site-specific recommendations.

(5) In the grassland communities where *Holocarpha macradenia* occurs, invasive, nonnative species such as French broom, eucalyptus, acacia, Harding grass, bromes, artichoke thistle, and bristly ox-tongue and other species need to be actively managed to reduce competition and maintain the open habitat that *H. macradenia* needs.

(6) Certain areas where *Holocarpha macradenia* occurs may need to be fenced to protect them from accidental or intentional trampling by humans and livestock, and to facilitate management of the habitat through intentional grazing or other means.

Primary Constituent Elements

In accordance with section 3(5)(A)(i) of the Act and regulations at 50 CFR 424.12, in determining which areas to propose as critical habitat, we consider those physical and biological features (primary constituent elements) that are essential to the conservation of the species and that may require special management considerations or protection. These include, but are not limited to: Space for individual and population growth, and for normal behavior; food, water, air, light, minerals or other nutritional or physiological requirements; cover or shelter; sites for germination, or seed dispersal; and habitats that are protected from disturbance or are representative of the historic geographic and ecological distributions of a species.

Based on our knowledge to date, the primary constituent elements for *H. macradenia* consist of, but are not limited to:

(1) Soils associated with coastal terrace prairies, including the Watsonville, Tierra, Elkhorn, Santa Inez, and Pinto series.

(2) Plant communities that support associated species, including native grasses such as *Nassella* sp. (needlegrass) and *Danthonia californica* (California oatgrass); native herbaceous species such as members of the genus *Hemizonia* (other tarplants), *Perideridia* gairdneri (Gairdner's yampah), *Plagiobothrys diffusus* (San Francisco popcorn flower), and *Trifolium buckwestiorum* (Santa Cruz clover); and

(3) Physical processes, particularly soils and hydrologic processes, that maintain the soil structure and hydrology that produce the seasonally saturated soils characteristic of *Holocarpha macradenia* habitat.

Site Selection

We identified critical habitat areas essential for the conservation of *Holocarpha macradenia* in the three primary areas where it is known to occur: In the East Bay (Contra Costa County); in the Santa Cruz-Soquel area (Santa Cruz County); and the Watsonville area (Santa Cruz and Monterey Counties). Historic locations for which there are no recent records of occupancy (within the last 20 years) were not proposed for designation, including those previously found in Marin and Alameda Counties that have become urbanized over the last 100 years; locations to the north of Santa Cruz where *H. macradenia* has not been seen in over 50 years; and locations around the Watsonville area that have been destroyed by fill, agricultural activities, and parking lot construction. In the East Bay, only one of the eight sites that support an introduced population of *H. macradenia* in Wildcat Regional Park is being proposed for designation because it is the largest seeded population that represents the genetic variability of the northern portion of the species' range. Several commenters suggested that additional critical habitat should have been proposed in the northern portion of the species range (East Bay area). While we agree that additional areas in the northern portion of its range may be required for the long term conservation of the species, the information necessary to propose other areas was not available to us at the time the proposal was prepared, and is therefore not included here. However, additional habitat outside the designated areas may later be discovered to be critical for the recovery of the species, and may be included in recovery activities for the species in the future.

Due to the historic loss of the habitat that supported *Holocarpha macradenia*, we believe that future conservation and recovery of this species depends not only on protecting it in the limited areas that it currently occupies, but also on providing the opportunity to expand its distribution by protecting currently unoccupied habitat within its historic range. Protection of each of the locations where *H. macradenia* occurs is essential for the conservation of this species to reduce the risks of extirpation that is inherent in having so few extant populations, especially when so many of the populations comprise so few individuals. The slight variations in elevation, coastal influence, and soil types found among the critical habitat units are important in shaping the phenological (*e.g.*, timing of reproduction), morphological (*i.e.*, physical structure and form), and physiological adaptations of plant populations to specific environments (Clausen *et al.* 1948, Clausen 1951). For example, elevation and distance from the coast influence precipitation and average daily temperatures to which a population is subjected, while soil type can influence nutrient and water availability. The heritable local adaptations that develop as a result of such environmental variations reflect genetic variability within the species. Preserving this genetic variability in endemic species that allows for adaptation to changing climatic and other environmental influences is important to improve the likelihood that the species will be able to survive and adapt to such future environmental changes (Falk 1992).

In addition to maintaining existing populations, the persistence of the species requires surrounding habitat needed to maintain the ecological processes that allow the populations and the primary constituent elements to persist. These ecological processes include the expansion and shifting of populations over time, the maintenance of pollinator interactions that maintain the gene flow between populations over time, and the maintenance of seed dispersal vectors that serve to distribute seed between existing sites as well as to new sites. The ability to maintain disturbance factors (for example, grazing, mowing, or fire disturbance) that maintain the openness of vegetation that the species requires for successful germination is also critical to the long term persistence of the species. Threats to the remaining habitat of *H. macradenia* include: Urban development and its associated impacts, such as habitat fragmentation, recreational use, and changes in grazing regimes that may have facilitated the

increase in nonnative plant species that compete with *H. macradenia*. The areas we are designating as critical habitat provide some or all of the habitat components essential for the conservation of *H. macradenia*. Given the species' need for a reduced litter layer and canopy height and the threat of competition from nonnative species, we believe that these areas require special management considerations or protection.

In our delineation of the critical habitat units, we believe it is important to designate all areas that currently support native populations of *Holocarpha macradenia* because the number of populations that have been extirpated and the reduction in range that the species has undergone place a great importance on the conservation of all the known remaining sites. In the area just west of Watsonville, a number of populations that are in close geographic proximity to each other are included in the same unit because the distribution of *H. macradenia* in this area was probably once greater, prior to fragmentation of populations into smaller units. Maintaining the connectivity between these populations through gene flow and seed dispersal is important for maintaining the genetic variability that will contribute to the long term persistence of the species.

With regard to the experimental seeded populations of *H. macradenia*, we acknowledge the importance these seeding trials have offered with respect to understanding the range of habitat characteristics that *H. macradenia* may tolerate. However, based on current information, we believe that only the area that supports the Mezue population is essential to the recovery of the species. This population is the best expression of the genetic variability that once occurred in the northern end of the range of the species; native stands in this portion of the range have now been extirpated.

Even though we did not have sufficient information to propose sites other than where populations are currently known to occur, we do not imply that habitat outside the designation is unimportant or may not be required for recovery of the species. Areas that support newly discovered populations in the future, but are outside the critical habitat designation, will continue to be subject to conservation actions that may be implemented under section 7(a)(1) of the Act and to the regulatory protections afforded by the section 7(a)(2) jeopardy standard and the prohibitions of section 9 of the Act, as determined on the basis of the best available information at the time an action is being proposed.

Mapping

The critical habitat units were delineated by creating data layers in a geographic information system (GIS) format of the areas where *Holocarpha macradenia* is known to occur, using information from the California Natural Diversity Data Base (CNDDB 2001), aerial photos, recent biological surveys and reports, and discussions with botanical experts. These data layers were created on a base of USGS 7.5' quadrangles obtained from the State of California's Stephen P. Teale Data Center. Critical habitat units were mapped using UTM coordinates. Some units were mapped with a greater precision than others, based on the available information, and the size of the unit.

In selecting areas of designated critical habitat we made an effort to avoid developed areas, such as housing developments, that are unlikely to contain the primary constituent elements or otherwise contribute to the conservation of *Holocarpha macradenia*. However, we could not map critical habitat in sufficient detail to exclude all developed areas, or other lands unlikely to contain the primary constituent elements essential for the conservation of *H. macradenia*. Areas within the boundaries of the mapped units, such as buildings, roads, parking lots, railroads, airport runways and other paved areas, lawns, and other urban landscaped areas will not contain any of the primary constituent elements. Federal actions limited to these areas, therefore, would not trigger a section 7 consultation, unless they affect the species and/or primary constituent elements in adjacent critical habitat.

Critical Habitat Designation

The critical habitat areas described below constitute our best assessment at this time of the areas needed for the conservation and recovery of *Holocarpha macradenia*. Critical habitat being designated for *H. macradenia* consists of 11 units that currently sustain the species. The geographic range that *H. macradenia* occupies has been reduced to so few sites that the species may well be threatened with extinction in the near future, particularly if appropriate management of the remaining habitat is not employed. Protection of this designated critical habitat is essential for the conservation of the species because it would reduce the threat to the species from future population extirpations due to stochastic events. Further, because this species cannot self-pollinate, maintenance of adequate gene flow between populations, which is critical to producing the genetic variability necessary for the species' survival and recovery, is dependent on the retention of lands containing suitable habitat in sufficiently close proximity to existing populations to allow for their expansion as well as for gene flow to other nearby populations. The areas being designated as critical habitat are within the three primary areas that currently support *H. macradenia* and include the appropriate coastal terrace prairie habitat necessary for the species. We are designating approximately 2,902 ha (1,174 ac) of land as critical habitat for *H. macradenia*.

The approximate areas of designated critical habitat by land ownership are shown in Table 1. Lands proposed are under private, county, State, and Federal jurisdiction.

TABLE 1.—APPROXIMATE AREAS, GIVEN IN HECTARES (HA) AND ACRES (AC) [1] OF CRITICAL HABITAT FOR *Holocarpha macradenia* BY LAND OWNERSHIP

Unit name	State	Private	County/City	Federal	Total
A. Mezue	0 ha (0 ac)	0 ha (0 ac)	50 ha (130 ac)	0 ha (0 ac)	50 ha (130 ac)
B. Graham Hill	0 ha (0 ac)	12 ha (30 ac)	0 ha (0 ac)	0 ha (0 ac)	12 ha (30 ac)
C. De Laveaga	2 ha (5 ac)	0 ha (0 ac)	0 ha (0 ac)	0 ha (0 ac)	2 ha (5 ac)
D. Arana Gulch	0 ha (0 ac)	0 ha (0 ac)	26 ha (65 ac)	0 ha (0 ac)	26 ha (65 ac)

TABLE 1.—APPROXIMATE AREAS, GIVEN IN HECTARES (HA) AND ACRES (AC) [1] OF CRITICAL HABITAT FOR *Holocarpha macradenia* BY LAND OWNERSHIP—Continued

Unit name	State	Private	County/City	Federal	Total
E. Twin Lakes	11 ha (26 ac)	0 ha (0 ac)	0 ha (0 ac)	0 ha (0 ac)	11 ha (26 ac)
F. Rodeo Gulch	0 ha (0 ac)	11 ha (26 ac)	0 ha (0 ac)	0 ha (0 ac)	11 ha (26 ac)
G. Soquel	0 ha (0 ac)	18 ha (45 ac)	22 ha (55 ac)	0 ha (0 ac)	40 ha (100 ac)
H. Porter Gulch	0 ha (0 ac)	14 ha (35 ac)	0 ha (0 ac)	0 ha (0 ac)	14 ha (35 ac)
I. Watsonville	23 ha (56 ac)	340 ha (840 ac)	125ha (309 ac)	0 ha (0 ac)	488 ha (1,205 ac)
J. Casserly	0 ha (0 ac)	450 ha (1,110 ac)	0 ha (0 ac)	0 ha (0 ac)	450 ha (1,110 ac)
K. Elkhorn	0 ha (0 ac)	70 ha (170 ac)	0 ha (0 ac)	0 ha (0 ac)	70 ha (170 ac)
Total	27 ha (66 ac)	920 ha (2,270 ac)	230 ha (570 ac)	0 ha (0 ac)	1,175 ha (2,902 ac)

[1] Approximate acres from GIS map data have been converted to hectares (1 ha = 2.47 ac). Based on the level of imprecision of mapping, approximate hectares and acres greater than or equal to 30 (≥ 30) have been rounded to the nearest 5; totals are sums of columns and rows.

A brief description of each critical habitat unit is given below:

East Bay Area Unit

Unit A: Mezue

Unit A consists of grassland habitat on sloping alluvial deposits from old marine terraces within Wildcat Regional Park in Contra Costa County. This entire unit of approximately 50 ha (130 ac) is on lands managed by the EBRPD. Management activities at this site include controlled grazing, removal of invasive artichoke thistle, and annual population monitoring (EBRPD 1992, 2001). Of the 22 sites that were used as sites to introduce *Holocarpha macradenia* seed in the East Bay region between 1982 and 1986, this population has been the only one that has consistently supported a large population of *H. macradenia*. In the year 2000, this population supported over 17,000 individuals (CDFG 2000). Although this population is an introduced population, this unit is essential to the survival and conservation of the species because this population represents the genetic variability in the northernmost portion of the plant's range and is important for the expansion of the existing population. In recognition of the conservation value of this population, the Service is contributing funding toward nonnative species removal at this site (Service 2002).

Santa Cruz—Soquel Area Units

Unit B: Graham Hill

Unit B consists of grasslands on a relatively flat coastal terrace prairie on the west side of Graham Hill Road, approximately 1 mile north of the City of Santa Cruz in Santa Cruz County. This entire unit of approximately 12 ha (30 ac) is on privately owned lands. The unit includes a 7-ha (17-ac) area that has been set aside through a conservation easement to the County of Santa Cruz for conservation of coastal prairie habitat and *Holocarpha macradenia* as mitigation for an adjacent development that comprises 52 residences and associated amenities. The population has been fenced and nonnative species have been removed; however, efforts to enhance the population, as called for in a management plan (Environmental Science Associates 1996), have not yet been initiated. In 1994, this population numbered 12,000 individuals; by 1998, 675 individuals were counted; and in 2001, approximately 550 individuals were counted (V. Haley, consultant, Felton, California, pers. comm., 2001). This unit is important because it currently supports a population of *H. macradenia* and because it represents the western limit of the cluster of populations that are found on the northern end of Monterey Bay. This unit, along with the Fairway Unit, occurs at the highest elevation of the native populations (122 m (400 ft)) and consequently the farthest away from the influence of the coastal climate. Preserving the genetic variability within the species that has allowed it to adapt to these different environmental conditions is essential for the long-term survival and conservation of the species.

Unit C: De Laveaga

Unit C consists of grasslands on a relatively flat coastal terrace prairie within De Laveaga Park just north of the City of Santa Cruz in Santa Cruz County. This entire unit of approximately 2 ha (5 ac) is on State lands managed by the CANG and supported by Federal funds from the National Guard Bureau. The CANG does not anticipate undertaking any new military activities on this parcel beyond its current use as an assembly point for monthly drills and as storage for equipment. In 2001, a maintenance crew from the adjacent city-owned golf course spread wood chips from a felled tree over half the population. The CANG has initiated management actions to restore and enhance habitat for *H. macradenia*, including removal of the wood chips and chunks of eucalyptus logs. In addition, the CANG has initiated development of an INRMP (CANG 2002); if the final plan meets the criteria outlined earlier in our response to comment number eight, the critical habitat designation may be removed from this unit in the future. This unit is essential because it currently supports a population of *H. macradenia* and because it is one of only seven populations in the cluster of populations that are found on the northern end of Monterey Bay. Despite its small size, this unit is essential because it is located between the Graham Hill, Arana Gulch, and Rodeo Gulch Units, and is important for maintaining connectivity between these other units.

Unit D: Arana Gulch

Unit D consists of grasslands on a relatively flat coastal terrace prairie within an open space preserve just

north of Woods Lagoon in the City of Santa Cruz. This entire unit of approximately 26 ha (65 ac) is on lands owned and managed by the City of Santa Cruz. It is bounded on the west, east, and north sides by existing development and on the south side by the Santa Cruz Harbor. Huge population fluctuations have occurred on this site, ranging from 100,000 individuals in the late 1980s when the site was being grazed by cattle, to no plants in 1995 (K. Lyons, *in litt.*, 2001). The City entered into a Memorandum of Understanding with the CDFG in 1997 to manage *Holocarpha macradenia*, which includes utilizing a variety of management techniques to enhance the population. As of 1998, individuals numbered approximately 12,820; in 2000, they numbered 234; and in 2002 they numbered approximately 10,000 (K. Lyons, *in litt.*, 2001; Seals 2002). This unit is essential because it currently supports a population of *H. macradenia* and because it is one of only seven populations in the cluster of populations that are found on the northern end of Monterey Bay. This unit and the Twin Lakes Unit occur at the lowest elevation of the native populations in the northern Monterey Bay area (12 to 18 m (40 to 60 ft)) and are consequently the closest to the influence of the coastal climate. Moreover, these two units are within one-half mile of each other and therefore could retain connectivity between them. It is also essential for the recovery of the species because current management by the City of Santa Cruz has allowed this site to support the third largest standing native population of tarplant. It therefore contributes significantly to the seed bank reserve for the species and is large enough to support management activities that may be necessary to maintain the population at this site.

Unit E: Twin Lakes

Unit E consists of grasslands on relatively flat coastal terrace prairie just north of Schwan Lagoon within the City of Santa Cruz. This entire unit of approximately 11 ha (26 ac) is on lands owned by the CDPR within Twin Lakes State Park. It is bounded on the west, north, and east sides by existing development, and on the south side by Schwan Lagoon. Since 1997, CDPR has been actively managing *Holocarpha macradenia* habitat by removing invasive, nonnative species and attempting various methods of enhancing the population (Service 2000). CDPR has also funded research on *H. macradenia* seed bank dynamics (Bainbridge 1999). This population has ranged in size from 120 individuals in 1986 to 21 individuals in 2002 (Hyland 2002). This unit is essential because it currently supports a population of *H. macradenia* and because it is one of only seven populations in the cluster of populations that are found on the northern end of Monterey Bay. As with the Arana Gulch Unit, it occurs at the lowest elevation of the native populations in the northern Monterey Bay area (12 to 18 m (40 to 60 ft)) and consequently the closest to the influence of the coastal climate. Moreover, the two units are within one-half mile of each other and therefore could retain connectivity between them.

Unit F: Rodeo Gulch

Unit F consists of sloping alluvial deposits and adjacent relatively flat coastal terrace prairie that straddles the Arana Gulch and Rodeo Gulch drainages north of the community of Soquel in Santa Cruz County. It is bounded on the north, east, and south sides by existing development; the western side is bounded by lands that have not been developed. This entire unit of approximately 11 ha (26 ac) is on privately owned lands. This unit includes a parcel that has recently been proposed for a housing development known as Santa Cruz Gardens Subdivision Unit 12 (Denise Duffy and Associates 2001). This parcel was previously set aside in a ''temporary open space easement'' as mitigation for destroying a portion of the *H. macradenia* population by an earlier phase of the development in 1986 (Service 2000). The current development proposal calls for setting aside approximately 23 ha (56 ac) for conservation and recreation purposes, and includes much of the habitat that supports *H. macradenia*. Salvage of soil and an *H. macradenia* seed bank is being proposed for another portion of the project site that will be impacted by development (Lyons 1999). This population numbered approximately 60 individuals in 1993; none have been observed since then (CNDDB 2001). However, a seed bank likely persists at this site. This unit is essential because of the likely presence of an *H. macradenia* seed bank and because it is one of only seven populations in the cluster of populations that are found on the northern end of Monterey Bay. In addition to the seed bank for this population, this unit supports grassland habitat that provides for future expansion of the population. Also, it is within one-half mile of the Soquel Unit, and therefore could retain connectivity between the units.

Unit G: Soquel

Unit G consists of grasslands on sloping alluvial deposits and adjacent relatively flat coastal terrace prairie that straddles the Rodeo Gulch and Soquel Creek drainages north of the community of Soquel in Santa Cruz County. It is bounded on the north, east, and south sides by existing development; the western side is bounded by lands that have not been developed. Approximately 22 ha (55 ac) of this 40-ha (100-ac) unit is within Anna Jean Cummings Regional Park (also known as O'Neill Ranch), which is managed by the County of Santa Cruz. The remaining portion is privately owned. On the park lands, the population has been fenced, and portions of the habitat for the plant are being mowed and raked in accordance with a management plan (Ecosystems West 1999; Joe Rigney, consultant, pers. comm., 2001). The County of Santa Cruz approved a housing development for the privately-owned parcel (previously known as Tan, but now called Seacrest) in 1997. The development included an approximately 4-ha (10-ac) parcel to be set aside for conservation and a plan to manage the habitat for *Holocarpha macradenia*. Although part of the same population, the CNDDB has maintained two separate entries (O'Neill and Tan) to reflect the two land ownerships. The total number of individuals in the combined population has never been larger than 200 individuals, with the private parcel supporting only a portion of those (CNDDB 2001). To date, management activities have not resulted in enhancing the population of the species on either parcel. This unit is essential because it has recently supported a population of *H. macradenia* and the seed bank is still present, and because it is one of only seven populations in the cluster of populations that are found on the northern end of Monterey Bay. In addition to the seed bank for this population, this unit supports grassland habitat that provides for future expansion of the population. Also, it is within one-half mile of the Rodeo Gulch Unit, and therefore could retain connectivity between the units. Moreover, the acreage in Anna Jean Cummings Park represents one of the best remaining fragments of habitat on which to attempt recovery activities for *H. macradenia*, as it has been subject to fewer impacts than other sites.

Unit H: Porter Gulch

Unit H consists of grasslands on gently sloping alluvial deposits derived from a coastal terrace that straddles the

Bates Creek and Porter Gulch drainages north of the community of Soquel in Santa Cruz County. It is bounded on all sides by undeveloped lands. This entire unit of approximately 14 ha (35 ac) is on privately owned lands. The population of *Holocarpha macradenia* at this site includes an approximately 12-ha (30-ac) parcel that was proposed for a lot split. A management plan for the species was developed as part of the proposed split (Greening Associates 1995); however, the management plan for *H. macradenia* has not been fully implemented. This unit also includes adjacent coastal prairie habitat, of which approximately 4 ha (9 ac) was deeded in 2001 to the Land Trust of Santa Cruz County for preservation. In 1993, the population of *H. macradenia* numbered approximately 1,500 individuals (CNDDB 2001). The population numbered only several hundred individuals in 2001 when the site was observed to support a large cover of rattlesnake grass that likely competed with *H. macradenia* (C. Rutherford, Service, pers. obs., 2001). This unit is essential because it currently supports a population of *H. macradenia*, and because it is one of only seven populations in the cluster of populations that are found on the northern end of Monterey Bay. Also, along with the Graham Hill Unit, this one occurs at the highest elevation of the native populations (122 m (400 ft)) and consequently the farthest away from the influence of the coastal climate. Preserving the genetic variability within the species that has allowed it to adapt to these slightly different environmental conditions is essential for the long-term survival and conservation of the species.

Watsonville Area Units

Unit I: Watsonville

Unit I consists of grasslands on alluvial fans and marine terraces west of the City of Watsonville in Santa Cruz County; during the remapping for the final rule we removed most of the low-lying drainages that interdigitate with the grasslands. The northern and eastern boundaries reach toward the Corralitos Creek drainage except where it runs up against existing development. The southeastern and southern boundary is formed by the Pajaro River drainage. The western boundary is formed by the Harkins Slough drainage and then generally follows Buena Vista Drive north until it intersects with the northern perimeter of the Watsonville Airport (Airport). This unit excludes paved areas of the Airport, but includes the unpaved portions surrounding the runways. This approximately 488-ha (1,205-ac) unit is partly owned by the City of Watsonville (the Airport and High School) (approximately 125 ha (309 ac)); a small portion is under easement to CalTrans (approximately 8 ha (19 ac)); a portion is designated as a Reserve by the CDFG (approximately 15 ha (37 ac)); and the remaining portion is privately owned (approximately 340 ha (840 ac)). This unit overlaps in part with an area that is targeted for regional conservation planning by the CDFG. Through its Conceptual Area Protection Plan process, CDFG, along with other Federal, State, and local agencies and organizations, are identifying opportunities to preserve sensitive species and habitats, including the Harkins Slough and Watsonville Slough wetlands and adjacent habitats (J. DeWald, *in litt.,* 2001). This unit is essential because it currently supports multiple populations of *H. macradenia* including the populations known from the Airport, Harkins Slough, Apple Hill, and Bay Breeze (see Background for additional population information). This unit also supports grassland habitat that is important for the expansion of existing populations and for maintaining connectivity between the populations. It is also one of only three areas that support populations of *H. macradenia* that are found in the central Monterey Bay area and in the southern end of the range of the species. Preserving any genetic variability within the species that has allowed it to adapt to these slightly different environmental conditions is essential for the long-term survival and conservation of the species. Just prior to publication of this final rule, we were informed that construction of the Millennium High School had been initiated. Therefore, with this unit description, we are removing the 32 acres that are being converted to building, paved surfaces, and playing fields because these areas will no longer support the primary constituent elements. Note, however, that the 32 acres have not been removed from the map depicting this unit; nor have they been subtracted from the unit total and overall total number of acres being designated as critical habitat for the species.

Unit J: Casserly

Unit J consists of open patches of grassland interspersed with golf course greens, cattle pastures, croplands, and orchards. This entire unit of approximately 450 ha (1,110 ac) consists of privately owned lands. It is the unit for which the least amount of information is available, particularly with respect to existing land uses. The Spring Hills population of *Holocarpha macradenia* occurs within this unit. The population numbered approximately 4,000 individuals in 1990 (CNDDB 2001); the population was observed in 1995 and 2001, though not counted. The population was fragmented by development of the Spring Hills Golf Course, and now consists of five separate occurrences. This unit is essential because it currently supports multiple occurrences of *H. macradenia* that are found in the Monterey Bay area, including the five populations known from the Spring Hills Golf Course. This unit also supports grassland habitat that is important for the expansion of existing populations, and for maintaining connectivity between these populations. It is one of only three areas that support populations of *H. macradenia* that are found in the central Monterey Bay area and in the southern end of the range of the species as well as the most inland distribution of the species. Preserving genetic variability within the species that has allowed it to adapt to these slightly different environmental conditions is essential for the long-term survival and conservation of the species.

Unit K: Elkhorn

Unit K consists of sloping terrain on the edges of a coastal terrace, just south of the Pajaro River in northern Monterey County. The population of *Holocarpha macradenia* that is found here is unusual in that it occurs on a canyon bottom; it is also the only population that occurs primarily on the Santa Ynez soil series. This unit of approximately 70 ha (170 ac) is privately owned by the Elkhorn Slough Foundation (Foundation). The CDFG holds a conservation easement on an approximately 16-ha (40-ac) parcel that overlaps in part with this unit; the Foundation is managing the parcel for its biological values. Multiple Federal, State, and local government and private agencies have recently developed a conservation plan for the Elkhorn Slough watershed; this critical habitat unit is within the 18,210-ha (45,000-ac) area on which the conservation plan focuses (Scharffenberger 1999). In 1993, the population at this site comprised approximately 3,200 individuals (CNDDB 2001). *Salix* spp. (willow) planting that has been undertaken as part of a riparian enhancement project may increase shading on an adjacent population of *H. macradenia,* leading to a reduction in the size of that population (Holl, *in litt.,* 2002). This unit is essential because it currently supports a population of *H. macradenia* and because it is one of only three areas that support populations of *H.*

macradenia that are found on the central Monterey Bay area and in the southern end of the range of the species. Also, this is the only population that occurs primarily on the Santa Ynez soil series. Preserving any genetic variability within the species that has allowed it to adapt to these slightly different environmental conditions is essential for the long-term survival and conservation of the species. In addition to the current population, this unit comprises grassland habitat that is important for the expansion of the population.

Effects of Critical Habitat Designation

Section 7 Consultation

Section 7(a)(2) of the Act requires Federal agencies, including the Service, to ensure that actions they fund, authorize, permit, or carry out do not destroy or adversely modify critical habitat. Destruction or adverse modification of critical habitat occurs when a Federal action directly or indirectly alters critical habitat to the extent it appreciably diminishes the value of critical habitat for the conservation of the species. Individuals, organizations, States, local governments, and other non-Federal entities are affected by the designation of critical habitat only if their actions occur on Federal lands, require a Federal permit, license, or other authorization, or involve Federal funding.

Section 7(a) of the Act requires Federal agencies, including the Service, to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened, and with respect to its critical habitat, if any is designated or proposed. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402.

Section 7(a)(4) of the Act requires Federal agencies to confer with us on any action that is likely to jeopardize the continued existence of a species proposed for listing, or result in destruction or adverse modification of proposed critical habitat. Conference reports provide conservation recommendations to assist action agencies in eliminating conflicts that may be caused by their proposed action(s). The conservation measures in a conference report are advisory.

We may issue a formal conference report, if requested by the Federal action agency. Formal conference reports include an opinion that is prepared according to 50 CFR 402.14, as if the species was listed or critical habitat designated. We may adopt the formal conference report as the biological opinion when the species is listed or critical habitat designated, if no substantial new information or changes in the action alter the content of the opinion (50 CFR 402.10(d)).

If a species is listed or critical habitat is designated, section 7(a)(2) of the Act requires Federal agencies to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency (action agency) must enter into consultation with us. Through this consultation the Federal action agency would ensure that the permitted actions do not destroy or adversely modify critical habitat.

If we issue a biological opinion concluding that a project is likely to result in the destruction or adverse modification of critical habitat, we also provide ''reasonable and prudent alternatives'' to the project, if any are identifiable. Reasonable and prudent alternatives are defined at 50 CFR 402.02 as alternative actions identified during consultation that can be implemented in a manner consistent with the intended purpose of the action, that are consistent with the scope of the Federal agency's legal authority and jurisdiction, that are economically and technologically feasible, and that the Director believes would avoid destruction or adverse modification of critical habitat. Reasonable and prudent alternatives can vary from slight project modifications to extensive redesign or relocation of the project.

Regulations at 50 CFR 402.16 require Federal agencies to reinitiate consultation on previously reviewed actions under certain circumstances, including instances where critical habitat is subsequently designated and the Federal agency has retained discretionary involvement, or control has been retained, or it is authorized by law. Consequently, some Federal agencies may request reinitiation of consultation or conference with us on actions for which formal consultation has been completed, if those actions may affect designated critical habitat, or adversely modify or destroy proposed critical habitat.

Activities that may affect *Holocarpha macradenia* or its critical habitat will require consultation under section 7 of the Act. Activities on private or State lands, that require a permit from a Federal agency, such as a permit from the U.S. Army Corps of Engineers (Corps) under section 404 of the Clean Water Act (33 U.S.C. 1344 *et seq.*), a section 10(a)(1)(B) of the Act permit from the Service, or any other activity requiring a Federal action (*i.e.*, funding or authorization from the Federal Highway Administration or Federal Emergency Management Agency), will also be subject to the section 7 consultation process. Federal actions not affecting listed species or critical habitat, and actions on non-Federal land that are not federally funded, authorized, or permitted do not require section 7 consultation.

To properly portray the effects of critical habitat designation, we must first compare the section 7 requirements for actions that may affect critical habitat with the requirements for actions that may affect a listed species. Section 7 ensures that actions funded, authorized, or carried out by Federal agencies are not likely to jeopardize the continued existence of a listed species, or destroy or adversely modify the listed species' critical habitat. Actions likely to ''jeopardize the continued existence'' of a species are those that would appreciably reduce the likelihood of the species' survival and recovery. Actions likely to ''destroy or adversely modify'' critical habitat are those that would appreciably reduce the value of critical habitat for the survival and recovery of the listed species.

The relationship between a species' survival and its recovery has been a source of confusion to some in the past. We believe that a species' ability to recover depends on its ability to survive into the future when its recovery can be achieved; thus, the concepts of long-term survival and recovery are intricately linked. However, in the March 15, 2001, decision of the United States Court of Appeals for the Fifth Circuit (*Sierra Club* v. *U.S. Fish and Wildlife Service et al.*, 245 F.3d 434) regarding our previous not prudent finding, the Court found our definition of destruction or adverse modification as currently contained in 50 CFR 402.02 to be invalid. In response to this decision, we are reviewing the regulatory definition of adverse modification in relation to the conservation of the species.

Section 4(b)(8) of the Act requires us to evaluate briefly and describe in any proposed or final regulation that designates critical habitat those activities involving a Federal action that may adversely modify such habitat or that may be affected by such designation. Activities that may destroy or adversely modify critical habitat would be those that alter the primary constituent elements to the extent that the value of critical habitat for both the survival and recovery of *Holocarpha*

macradenia is appreciably reduced. We note that such activities may also jeopardize the continued existence of the species.

Activities that, when carried out, funded, or authorized by a Federal agency, may directly or indirectly destroy or adversely modify critical habitat for *Holocarpha macradenia* include, but are not limited to:

(1) Activities that alter watershed characteristics in ways that would appreciably alter or reduce the quality or quantity of surface and subsurface flow of water needed to maintain the coastal terrace prairie habitat. Such activities adverse to *Holocarpha macradenia* could include, but are not limited to, maintaining an unnatural fire regime either through fire suppression or prescribed fires that are too frequent or poorly-timed; residential and commercial development, including road building and golf course installations; agricultural activities, including orchardry, viticulture, row crops, and livestock grazing; and vegetation manipulation such as harvesting firewood in the watershed upslope from *H. macradenia;* and

(2) Activities that appreciably degrade or destroy coastal terrace prairie habitat, including but not limited to livestock grazing, clearing, discing, introducing or encouraging the spread of nonnative species, and heavy recreational use. As noted earlier in the rule, some form of grazing may be helpful if it maintains open habitat and decreases competition from other species.

If you have questions regarding whether specific activities will likely constitute adverse modification of critical habitat, contact the Field Supervisor, Ventura Fish and Wildlife Office (*see* **FOR FURTHER INFORMATION CONTACT** section). Requests for copies of the regulations on listed wildlife and inquiries about prohibitions and permits may be addressed to the U.S. Fish and Wildlife Service, Portland Regional Office, 911 NE 11th Avenue, Portland, OR 97232–4181 (503/231–6131, FAX 503/231–6243).

Exclusions Under Section 4(b)(2)

Subsection 4(b)(2) of the Act allows us to exclude areas from the critical habitat designation where the benefits of exclusion outweigh the benefits of designation, provided the exclusion will not result in extinction of the species. We received requests for exclusion from critical habitat designation from the following parties: California Army National Guard, Pajaro Unified School District, City of Watsonville, and California Department of Transportation; our response to these requests are contained under Comment Nos. 8, 9, and 10 in the Response to Comments section earlier in this rule. As discussed in this final rule and in our economic analysis for this rulemaking, we have determined that the adverse economic effects resulting from this critical habitat designation will be minimal. We believe all the areas included in this designation, including those for which exclusions were requested, are essential for the conservation of *Holocarpha macradenia* because native populations have already been extirpated from the northern two-thirds of its range, and the only remaining expression of the northern gene stock persists as introduced populations in the middle portion of its range (East Bay area). This designation would protect the remaining existing populations, adjacent suitable areas needed for the expansion of populations and would maintain connectivity between populations through pollinator activity and seed dispersal mechanisms, and the ecological functions upon which the species depends. The role that these lands play in the long term persistence of the species is also discussed under the Site Selection and Critical Habitat Designation sections earlier in this rule. We believe that the designation of the lands in this final rule as critical habitat outweigh the benefits of their exclusion from being designated as critical habitat. Consequently, none of the proposed lands have been excluded from the designation based on economic impacts or other relevant factors pursuant to section 4(b)(2).

Relationship to Habitat Conservation Plans and Other Planning Efforts

Currently, there are no habitat conservation plans (HCPs) that include *Holocarpha macradenia* as a covered species. Section 10(a)(1)(B) of the Act authorizes us to issue permits for the take of listed species incidental to otherwise lawful activities. An incidental take permit application must be supported by an HCP that identifies conservation measures that the permittee agrees to implement for the species to minimize and mitigate the impacts of the permitted take. Although ''take'' of listed plants is not prohibited by the Act, listed plant species may also be covered in an HCP for wildlife species. In most instances we believe that the benefits of excluding HCPs from critical habitat designations will outweigh the benefits of including them. In the event that future HCPs covering *H. macradenia* are developed within the boundaries of the designated critical habitat, we will work with applicants to ensure that the HCPs provide for protection and management of habitat areas essential for the conservation of this species. This will be accomplished by either directing development and habitat modification to nonessential areas, or appropriately modifying activities within essential habitat areas so that such activities will not adversely modify the primary constituent elements. The HCP development process would provide an opportunity for more intensive data collection and analysis regarding the use of particular habitat areas by *H. macradenia.* The process would also enable us to conduct detailed evaluations of the importance of such lands to the long-term survival of the species in the context of constructing a biologically configured system of interlinked habitat blocks.

We will provide technical assistance and work closely with applicants throughout the development of any future HCPs to identify lands essential for the long-term conservation of *H. macradenia* and appropriate management for those lands. Furthermore, we will complete intra-Service consultation on our issuance of section 10(a)(1)(B) permits for these HCPs to ensure permit issuance will not destroy or adversely modify critical habitat.

Economic Analysis

Section 4(b)(2) of the Act requires us to designate critical habitat on the basis of the best scientific and commercial information available and to consider the economic and other relevant impacts of designating a particular area as critical habitat. We may exclude areas from critical habitat upon a determination that the benefits of such exclusions outweigh the benefits of specifying such areas as critical habitat. We cannot exclude such areas from critical habitat when such exclusion will result in the extinction of the species concerned.

Following the publication of the proposed critical habitat designation, a draft economic analysis was conducted to estimate the potential economic effect of the designation. The draft analysis was made available for review on May 7, 2002 (67 FR 30642). We accepted comments on the draft analysis until this second public comment period closed on June 6, 2002.

Our economic analysis evaluated the potential future effects associated with the listing of *H. macradenia* as a threatened species under the Act, as well as any potential effect of the critical habitat designation above and beyond those regulatory and economic impacts associated with listing. To

quantify the proportion of total potential economic impacts attributable to the critical habitat designation, the analysis evaluated a ''without section 7'' baseline and compared it to a ''with section 7'' scenario. The ''without section 7'' baseline represents the level of protection currently afforded to the species under the Act, absent section 7 protective measures, and includes protections afforded by other Federal, State, and local laws such as the California Environmental Quality Act. The ''with section 7'' scenario identifies land-use activities likely to involve a Federal nexus that may affect the species or its designated critical habitat, which accordingly may trigger future consultations under section 7 of the Act.

Upon identifying section 7 impacts, the analysis proceeds to consider the subset of impacts that can be attributed exclusively to the critical habitat designation. The upper-bound estimate includes both jeopardy and critical habitat impacts. The subset of section 7 impacts likely to be affected solely by the designation of critical habitat represents the lower-bound estimate of the analysis. The categories of potential costs considered in the analysis included the costs associated with: (1) Conducting section 7 consultations associated with the listing or with the designation of critical habitat, including reinitiated consultations and technical assistance; (2) modifications to projects, activities, or land uses resulting from the section 7 consultations; (3) uncertainty and public perceptions resulting from the designation of critical habitat; and (4) potential offsetting beneficial costs associated with critical habitat including educational benefits.

Our economic analysis recognizes that there may be costs from delays associated with reinitiating completed consultations after the critical habitat designation is made final. There may also be economic effects due to the reaction of the real estate market to critical habitat designation, as real estate values may be lowered due to a perceived increase in the regulatory burden. However, we believe these impacts will be short-term.

Based on our analysis, we have concluded that the designation of critical habitat would not result in a significant economic impact, and estimate the potential economic effects over a 10-year period would be $338,000. Costs to Federal agencies are expected to be approximately $62,000, primarily resulting from consultations and project modifications in the Watsonville Unit. Costs to State agencies are expected to be approximately $57,000, primarily resulting from consultations and project modifications by CalTrans in the Watsonville Unit. Costs to local agencies are expected to be approximately $179,000, primarily resulting from consultations and project modifications in the Mezue and Watsonville Units. Costs to private landowners are expected to be approximately $32,000, primarily resulting from consultations and modifications within the Rodeo Gulch and Watsonville Units. These estimates are based on the existing consultation history with agencies in this area and increased public awareness regarding the actual impacts of critical habitat designation on land values. Because of *Holocarpha macradenia's* limited distribution and the small amount of available suitable habitat, it is assumed that most projects would be subject to consultation on their potential impacts to the species, regardless of this critical habitat designation. Therefore, most potential costs are attributable co-extensively to the listing of *H. macradenia.* The designation of critical habitat is not expected to result in any significant additional regulatory protection..

Following the close of the comment period on the draft Economic Analysis, a final addendum was completed which incorporated public comments on the draft analysis. The values presented above may be an overestimate of the potential economic effects of the designation because the final designation has been reduced to encompass 1,175 ha (2,902 ac) versus the 1,360 ha (3,360 ac) proposed as critical habitat, a difference of 185 ha (458 ac).

A copy of the final economic analysis and a description of the exclusion process with supporting documents are included in our administrative record and may be obtained by contacting our Ventura Fish and Wildlife Office (*see* **ADDRESSES** section).

Required Determinations

Regulatory Planning and Review

In accordance with Executive Order 12866, this document is a significant rule and was reviewed by the Office of Management and Budget (OMB), as OMB determined that this rule may raise novel legal or policy issues. The Service has prepared an economic analysis of this action. The Service used this analysis to meet the requirement of section 4(b)(2) of the Act to determine the economic consequences of designating the specific areas as critical habitat. This analysis was made available for public comment, and we considered comments on it during the preparation of this rule.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (*i.e.*, small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that the rule will not have a significant economic effect on a substantial number of small entities. SBREFA also amended the Regulatory Flexibility Act to require a certification statement. In this rule, we are certifying that the critical habitat designation for *Holocarpha macradenia* will not have a significant economic impact on a substantial number of small entities. The following discussion explains our rationale.

According to the Small Business Administration (*http://www.sba.gov/size/*), small entities include small organizations, such as independent nonprofit organizations, and small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents, as well as small businesses. The Small Business Administration defines small businesses by their principal trade. For example, manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than $5 million in annual sales, general and heavy construction businesses with less than $27.5 million in annual business, special trade contractors doing less than $11.5 million in annual business, and agricultural businesses with annual sales less than $750,000 are considered by the Small Business Administration to be small. To determine if potential economic impacts to these small entities are significant, we consider the types of activities that might trigger regulatory impacts under this rule as well as the types of project modifications that may result. In general, the term ''significant

economic impact'' is meant to apply to a typical small business firm's business operations.

In determining whether this rule could ''significantly affect a substantial number of small entities,'' the economic analysis first determined whether critical habitat could potentially affect a ''substantial number'' of small entities in counties supporting critical habitat areas. While SBREFA does not explicitly define ''substantial number,'' the Small Business Administration, as well as other Federal agencies, have interpreted this to represent an impact on 20 percent or greater of the number of small entities in any industry. In some circumstances, especially with critical habitat designations of limited extent, we may aggregate across all industries and consider whether the total number of small entities affected is substantial; though this is not one of those circumstances. In estimating the numbers of small entities potentially affected, we also considered whether their activities have any Federal involvement. Designation of critical habitat only affects activities conducted, funded, or permitted by Federal agencies. Some kinds of activities are unlikely to have any Federal involvement and so will not be affected by critical habitat designation.

Outside the existing developed areas, the projected land uses for the majority of the critical habitat consist of recreation, military storage, housing development, agriculture, cattle grazing, conservation lands for natural resource values, and possible airport expansion. Of the 11 critical habitat units identified in the proposed rule, 9 consist of fewer than 10 parcels each, and 6 of these are only 3 parcels or fewer. Future development is not likely in six of these nine units because they are primarily park lands or lands dedicated to conservation. Future development has already been permitted in the remaining three of these nine units; in these cases, we are coordinating with the appropriate State, county, and city agencies. We do not anticipate that this designation of critical habitat will result in any additional regulatory impacts on development projects already permitted in these units, and we are not aware of any Federal activities in these units that would require consultation or reinitiation of already-completed consultations for ongoing projects. As these three units are small (14 ha (35 ac) or less), it is unlikely that additional development beyond that already permitted could occur here.

The two remaining units are significantly larger in acreage and therefore encompass a more diverse array of possible future land uses. At the current time, the 450-ha (1,110-ac) Casserly Unit consists of lands primarily designated for noncommercial agriculture, and includes hobby farms, rural residences, cattle grazing, and small animal husbandry. It also includes two golf courses. Lands within this unit may be developed in the future, although we are not aware of any plans for development at this time. The 488-ha (1,205-ac) Watsonville Unit primarily consists of lands zoned for commercial agriculture, including row crops as well as cattle grazing. The remaining portion of the unit is within the city limits of the City of Watsonville. We are aware of several possible future projects in this unit, including airport expansion, a high school development, Federal Highway Administration projects (such as rebuilding bridges or widening freeways), and housing development. Future development projects in this area will also be affected by coastal zone permitting and other State and local planning and zoning requirements.

Several of these projects may have Federal involvement, including the airport expansion that is being funded and permitted by the Federal Aviation Administration; a high school development that may require section 404 authorizations from the Army Corps of Engineers and an incidental take permit, pursuant to section 10(a)(1)(B) of the Act, from the Service; housing developments that may require 404 authorizations; and watershed and restoration management projects sponsored by the Natural Resources Conservation Service (NRCS). The requirement in section 7(a)(2) to avoid jeopardizing listed species and destroying or adversely modifying designated critical habitat may result in Federal agencies requiring certain modifications to proposed projects.

Based on our experience with section 7 consultations for all listed species, virtually all projects—including those that, in their initial proposed form, would result in jeopardy or adverse modification determinations in section 7 consultations—can be implemented successfully with, at most, the adoption of reasonable and prudent alternative measures. These measures, by definition, must be economically feasible and within the scope of authority of the Federal agency involved in the consultation. As we have a very limited consultation history for *Holocarpha macradenia,* we can only describe the general kinds of actions that may be identified in future reasonable and prudent alternatives. These are based on our understanding of the needs of the species and the threats it faces, especially as described in the final listing rule and in this critical habitat designation, as well as our experience with similar listed plants in California. In addition, the State of California listed *H. macradenia* as an endangered species under the California Endangered Species Act in 1979, and we have also considered the kinds of actions required through State consultations for this species. The kinds of actions that may be included in future reasonable and prudent alternatives include conservation set-asides, management of competing nonnative species, restoration of degraded habitat, construction of protective fencing, and regular monitoring.

Our economic analysis identified two categories of small entities that could potentially be affected by this rule: real estate developers and the Watsonville Municipal Airport, which is operated by the City of Watsonville. The Small Business Administration defines small businesses in this sector to be entities with $5.0 million or less in annual receipts. In determining whether this rule could ''significantly affect a substantial number of these small entities,'' the economic analysis first determined whether critical habitat could potentially affect a ''substantial number.'' While SBREFA does not explicitly define ''substantial number,'' our economic analysis has interpreted this to represent an impact on 20 percent or greater of the number of small entities in any single industry. This standard is similar to that adopted by other Federal agencies in their rulemaking analyses.

To be conservative, (*i.e.*, more likely to overstate impacts than understate them), the analysis assumed that a unique company will undertake each of the projected consultations in a given year, and so the number of businesses affected is equal to the total annual number of consultations (both formal and informal). The analysis estimated that, over the next ten years, the annual number of small real estate developers and airport industries that would be affected by section 7 consultations would be 0.1 and 0.2, respectively. Given that the total number of small real estate development businesses in the area is approximately 286, the annual percentage of small real estate developers affected by this rulemaking was estimated to be 0.03 percent, well below the 20 percent threshold considered to be ''substantial.'' Given that the total number of small airports and flying fields in the state (the area of analysis due to the regional aspects of the airport) is approximately 115, the

annual percentage of small airports affected by this rulemaking was estimated to be 0.13 percent, also well below the 20 percent threshold considered to be ''substantial.'' While the economic analysis concluded that a substantial number of small entities would not be affected, it further analyzed whether any of the businesses likely to be affected would be ''significantly'' affected. Operating under the assumption that an establishment would be significantly affected if the cost of compliance exceeded three percent of its sales, the analysis determined that less than one percent of small developers and airport industries would, on average, experience a significant effect as a result of this rulemaking. Therefore, we are certifying that the designation of critical habitat for *Holocarpha macradenia* will not have a significant economic impact on a substantial number of small entities. A regulatory flexibility analysis is not required.

Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 804(2))

As discussed above, this rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This final designation of critical habitat: (a) Does not have an annual effect on the economy of $100 million or more; (b) will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. Refer to the final economic analysis for a discussion of the effects of this determination.

Proposed and final rules designating critical habitat for listed species are issued under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). Competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises will not be affected by the final rule designating critical habitat for this species. Therefore, we anticipate that this final rule will not place significant additional burdens on any entity.

Executive Order 13211

On May 18, 2001, the President issued an Executive Order (E.O. 13211) on regulations that significantly affect energy supply, distribution, and use. Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. The primary land uses within this designated critical habitat include urban and agricultural development, recreation, open space, conservation, airport facilities, and military storage facilities. We are not aware of any energy-related facilities located within designated critical habitat. Although this rule is a significant regulatory action under Executive Order 12866, it is not expected to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501, *et seq.*):

(a) This rule will not ''significantly or uniquely'' affect small governments. A Small Government Agency Plan is not required. Small governments will be affected only to the extent that they must ensure that any programs having Federal funds, permits, or other authorized activities must ensure that their actions will not adversely modify or destroy designated critical habitat.

(b) This rule will not produce a Federal mandate of $100 million or greater in any year; that is, it is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act. The designation of critical habitat imposes no obligations on State or local governments.

Takings

In accordance with Executive Order 12630 (''Government Actions and Interference with Constitutionally Protected Private Property Rights''), we have analyzed the potential takings implications of designating critical habitat for *Holocarpha macradenia* in a takings implication assessment. The takings implications assessment concludes that this final rule does not pose significant takings implications.

Federalism

In accordance with Executive Order 13132, the rule does not have significant Federalism effects. A Federalism assessment is not required. In keeping with Department of the Interior policy, we requested information from, and coordinated development of this critical habitat designation, with appropriate State resource agencies in California. We will continue to coordinate any future changes in the designation of critical habitat for the *Holocarpha macradenia* with the appropriate State agencies. Where the species is present, the designation of critical habitat imposes no additional restrictions to those currently in place, and therefore, has little incremental impact on State and local governments and their activities. The designation of critical habitat in unoccupied areas may require consultation under section 7 of the Act on non-Federal lands (where a Federal nexus occurs) that might otherwise not have occurred.

The designations may have some benefit to these governments in that the areas essential to the conservation of these species are more clearly defined, and the primary constituent elements of the habitat necessary to the survival of the species are identified. While this definition and identification does not alter where and what federally sponsored activities may occur, it may assist these local governments in long-range planning (rather than waiting for case-by-case section 7 consultation to occur).

Civil Justice Reform

In accordance with Executive Order 12988, the Department of the Interior's Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order. We have designated critical habitat in accordance with the provisions of the Endangered Species Act, as amended. The rule uses standard property descriptions and identifies the primary constituent elements within the designated areas to assist the public in understanding the habitat needs of *Holocarpha macradenia.*

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This rule does not contain any information collection requirements for which OMB approval under the Paperwork Reduction Act is required. This rule will not impose new record-keeping or reporting requirements on State or local governments, individuals, businesses, or organizations. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB Control Number.

National Environmental Policy Act

We have determined that an Environmental Assessment and/or an Environmental Impact Statement as defined by the National Environmental Policy Act of 1969 need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Act. We published a notice outlining our reason for this determination in the **Federal**

Register on October 25, 1983 (48 FR 49244). This determination does not constitute a major Federal action significantly affecting the quality of the human environment.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations With Native American Tribal Governments'' (59 FR 22951), Executive Order 13175, and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with federally recognized Tribes on a Government-to-Government basis. The designated critical habitat for *Holocarpha macradenia* does not contain any Tribal lands or lands that we have identified as impacting Tribal trust resources.

References Cited

A complete list of all references cited herein, as well as others, is available upon request from the Ventura Fish and Wildlife Office (see **ADDRESSES** section).

Author

The author of this final rule is Constance Rutherford, Ventura Fish and Wildlife Office (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and record keeping requirements, and Transportation.

Regulation Promulgation

Accordingly, we hereby amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

2. Section § 17.12(h) is amended by revising the entry for *Holocarpha macradenia* under ''FLOWERING PLANTS,'' to read as follows:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
FLOWERING PLANTS							
*	*	*	*	*	*		*
Holocarpha macradenia.	Santa Cruz tarplant	U.S.A. (CA)	Asteraceae—Sunflower.	T	690	17.96(a)	NA
*	*	*	*	*	*		*

3. In § 17.96, amend paragraph (a) by adding an entry for *Holocarpha macradenia* in alphabetical order under Family Asteraceae to read as follows:

§ 17.96 Critical habitat—plants.

* * * * *

(a) * * *

Family Asteraceae: *Holocarpha macradenia* (Santa Cruz tarplant)

(1) Critical habitat units are depicted for Contra Costa, Santa Cruz, and Monterey Counties, California, on the maps below.

(2) The primary constituent elements of critical habitat for *Holocarpha macradenia* are the habitat components that provide:

(i) Soils associated with coastal terrace prairies, including the Watsonville, Tierra, Elkhorn, Santa Inez, and Pinto series.

(ii) Plant communities that support associated species, including native grasses such as *Nassella* sp.(needlegrass) and *Danthonia californica* (California oatgrass); native herbaceous species such as members of the genus *Hemizonia* (other tarplants), *Perideridia gairdneri* (Gairdner's yampah), *Plagiobothrys diffusus* (San Francisco popcorn flower), and *Trifolium buckwestiorum* (Santa Cruz clover); and

(iii) Physical processes, particularly soils and hydrologic processes, that maintain the soil structure and hydrology that produce the seasonally saturated soils characteristic of *Holocarpha macradenia* habitat.

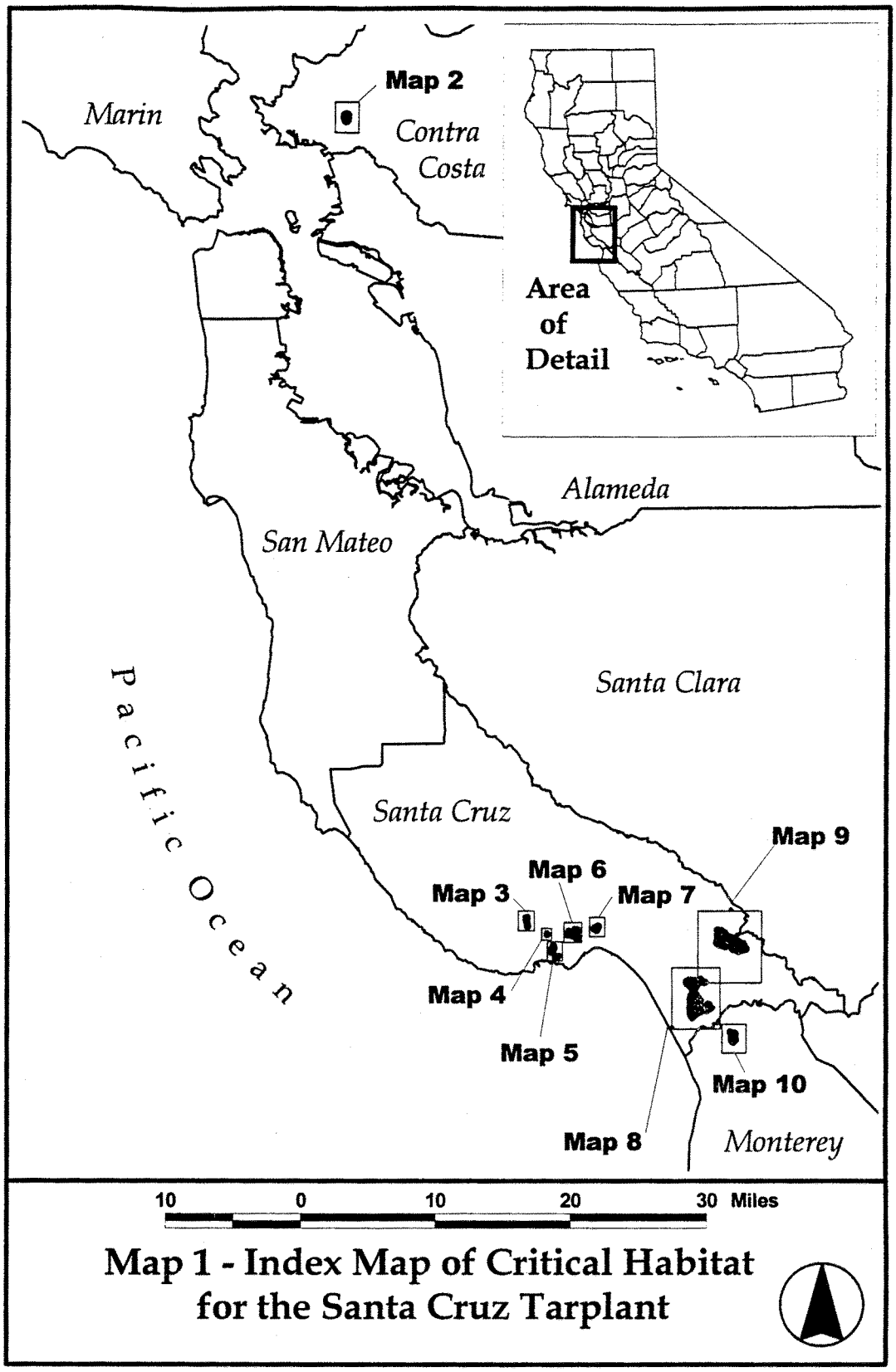
(3) Critical habitat does not include existing features and structures, such as buildings, roads, aqueducts, railroads, airport runways and buildings, other paved areas, lawns, and other urban landscaped areas not containing one or more of the primary constituent elements.

(4) *Critical Habitat Map Units.*

(i) Data layers defining map units were created on a base of USGS 7.5′ quadrangles obtained from the State of California's Stephen P. Teale Data Center. Critical habitat units were then mapped using UTM coordinates.

(ii) Map 1—Index map follows:

BILLING CODE 4310–55–P

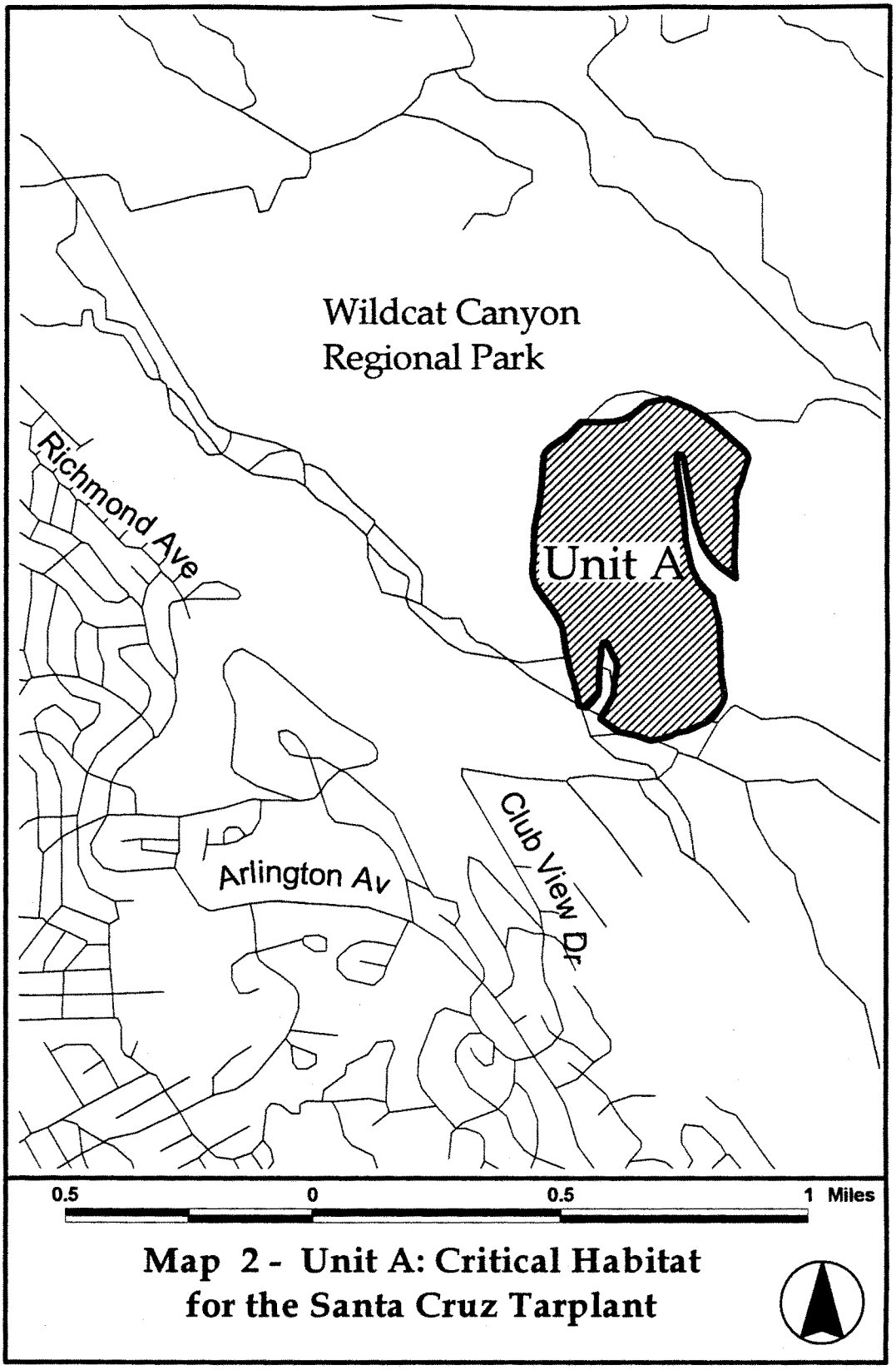


Map 1 - Index Map of Critical Habitat for the Santa Cruz Tarplant

(5) *Unit A: Mezue*. Contra Costa County, California.

(i) From USGS 1:24,000 quadrangle map Richmond. Lands bounded by the following UTM zone 10, NAD83 coordinates (E, N): 562046, 4199420; 562047, 4199460; 562063, 4199550; 562066, 4199570; 562070, 4199600; 562073, 4199650; 562074, 4199670; 562076, 4199690; 562076, 4199690; 562079, 4199700; 562085, 4199710; 562100, 4199720; 562116, 4199730; 562133, 4199740; 562149, 4199750; 562179, 4199780; 562190, 4199800; 562230, 4199800; 562270, 4199800; 562299, 4199800; 562324, 4199800; 562357, 4199820; 562382, 4199840; 562403, 4199860; 562466, 4199870; 562548, 4199840; 562579, 4199820; 562616, 4199790; 562703, 4199720; 562717, 4199700; 562723, 4199690; 562724, 4199680; 562722, 4199670; 562712, 4199650; 562705, 4199620; 562699, 4199600; 562690, 4199580; 562684, 4199550; 562687, 4199490; 562684, 4199440; 562683, 4199390; 562680, 4199340; 562686, 4199300; 562629, 4199340; 562599, 4199370; 562577, 4199410; 562556, 4199480; 562520, 4199680; 562513, 4199690; 562500, 4199690; 562496, 4199680; 562498, 4199650; 562520, 4199510; 562526, 4199420; 562537, 4199380; 562544, 4199340; 562567, 4199290; 562598, 4199250; 562615, 4199240; 562621, 4199200; 562629, 4199170; 562636, 4199120; 562637, 4199070; 562638, 4199010; 562640, 4198990; 562645, 4198960; 562649, 4198920; 562648, 4198910; 562632, 4198880; 562615, 4198860; 562592, 4198840; 562554, 4198820; 562530, 4198810; 562499, 4198800; 562483, 4198800; 562465, 4198790; 562417, 4198780; 562371, 4198800; 562314, 4198810; 562255, 4198850; 562280, 4198890; 562291, 4198910; 562299, 4198930; 562299, 4198950; 562301, 4198970; 562309, 4199010; 562308, 4199030; 562306, 4199040; 562293, 4199060; 562288, 4199070; 562276, 4199090; 562271, 4199090; 562264, 4199090; 562264, 4199090; 562258, 4199080; 562258, 4199060; 562253, 4199020; 562251, 4198990; 562252, 4198940; 562251, 4198930; 562250, 4198930; 562242, 4198920; 562229, 4198900; 562212, 4198880; 562188, 4198890; 562184, 4198920; 562174, 4198960; 562163, 4199000; 562155, 4199030; 562151, 4199050; 562146, 4199070; 562136, 4199130; 562135, 4199140; 562132, 4199150; 562118, 4199180; 562108, 4199190; 562092, 4199220; 562078, 4199230; 562058, 4199270; 562049, 4199280; 562045, 4199290; 562043, 4199300; 562041, 4199310; 562041, 4199330; 562042, 4199350; 562044, 4199360; 562046, 4199420.

(ii) Map 2 of Unit A follows:



Map 2 - Unit A: Critical Habitat for the Santa Cruz Tarplant

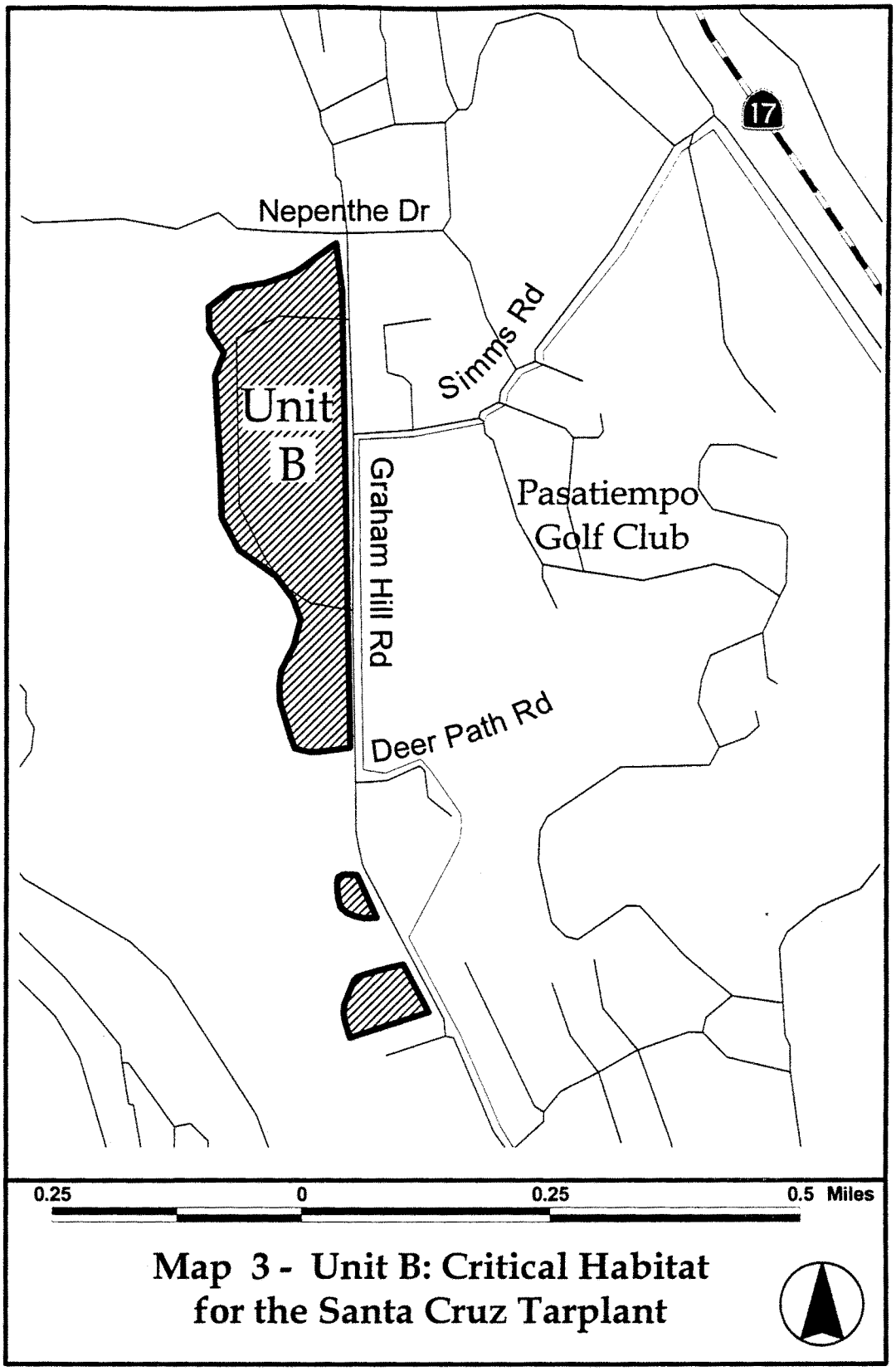
(6) *Unit B: Graham Hill.* Santa Cruz County, California.

(i) Unit B (Graham Hill north subunit). From USGS 1:24,000 quadrangle map Felton. Lands bounded by the following UTM zone 10, NAD83 coordinates (E, N): 585905, 4096930; 585915, 4096850; 585930, 4096130; 585930, 4096110; 585879, 4096100; 585863, 4096100; 585841, 4096110; 585833, 4096130; 585817, 4096180; 585815, 4096210; 585819, 4096240; 585840, 4096280; 585850, 4096320; 585837, 4096350; 585810, 4096390; 585749, 4096430; 585721, 4096480; 585719, 4096560; 585710, 4096710; 585724, 4096750; 585701, 4096790; 585699, 4096820; 585739, 4096850; 585791, 4096860; 585839, 4096880; 585905, 4096930.

(ii) Unit B (Graham Hill central subunit). From USGS 1:24,000 quadrangle map Felton. Lands bounded by the following UTM zone 10, NAD83 coordinates (E, N): 585912, 4095900; 585919, 4095900; 585928, 4095910; 585942, 4095900; 585974, 4095840; 585954, 4095830; 585939, 4095840; 585925, 4095840; 585915, 4095850; 585912, 4095870; 585910, 4095880; 585910, 4095890; 585912, 4095900.

(iii) Unit B (Graham Hill south subunit). From USGS 1:24,000 quadrangle map Felton. Lands bounded by the following UTM zone 10, NAD83 coordinates (E, N): 586017, 4095760; 586058, 4095680; 585931, 4095640; 585928, 4095650; 585922, 4095670; 585920, 4095680; 585922, 4095690; 585930, 4095710; 585937, 4095730; 585944, 4095740; 585955, 4095740; 585976, 4095750; 586017, 4095760.

(iv) Map 3 of Unit B follows:

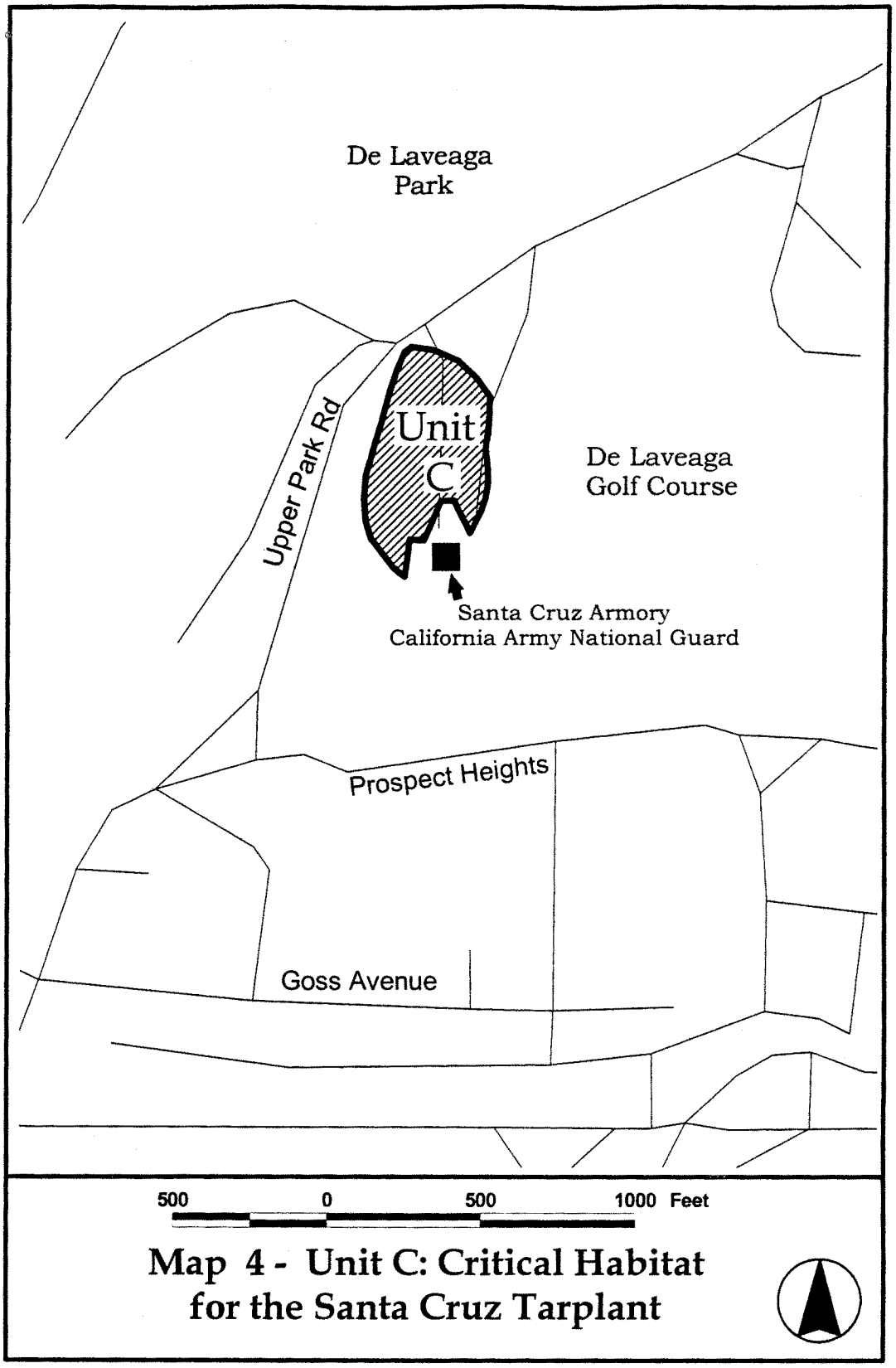


Map 3 - Unit B: Critical Habitat for the Santa Cruz Tarplant

(7) *Unit C: (De Laveaga).* Santa Cruz County, California.

(i) From USGS 1:24,000 quadrangle map Santa Cruz. Lands bounded by the following UTM zone 10, NAD83 coordinates (E, N): 588446, 4094810; 588468, 4094810; 588492, 4094800; 588510, 4094780; 588523, 4094760; 588523, 4094740; 588522, 4094730; 588519, 4094710; 588522, 4094690; 588522, 4094680; 588519, 4094660; 588515, 4094650; 588504, 4094630; 588488, 4094660; 588476, 4094660; 588459, 4094620; 588445, 4094620; 588440, 4094590; 588429, 4094590; 588417, 4094610; 588406, 4094620; 588401, 4094640; 588399, 4094660; 588401, 4094690; 588410, 4094720; 588416, 4094740; 588424, 4094770; 588432, 4094790; 588439, 4094810; 588446, 4094810.

(ii) Map 4 of Unit C follows:



Map 4 - Unit C: Critical Habitat for the Santa Cruz Tarplant

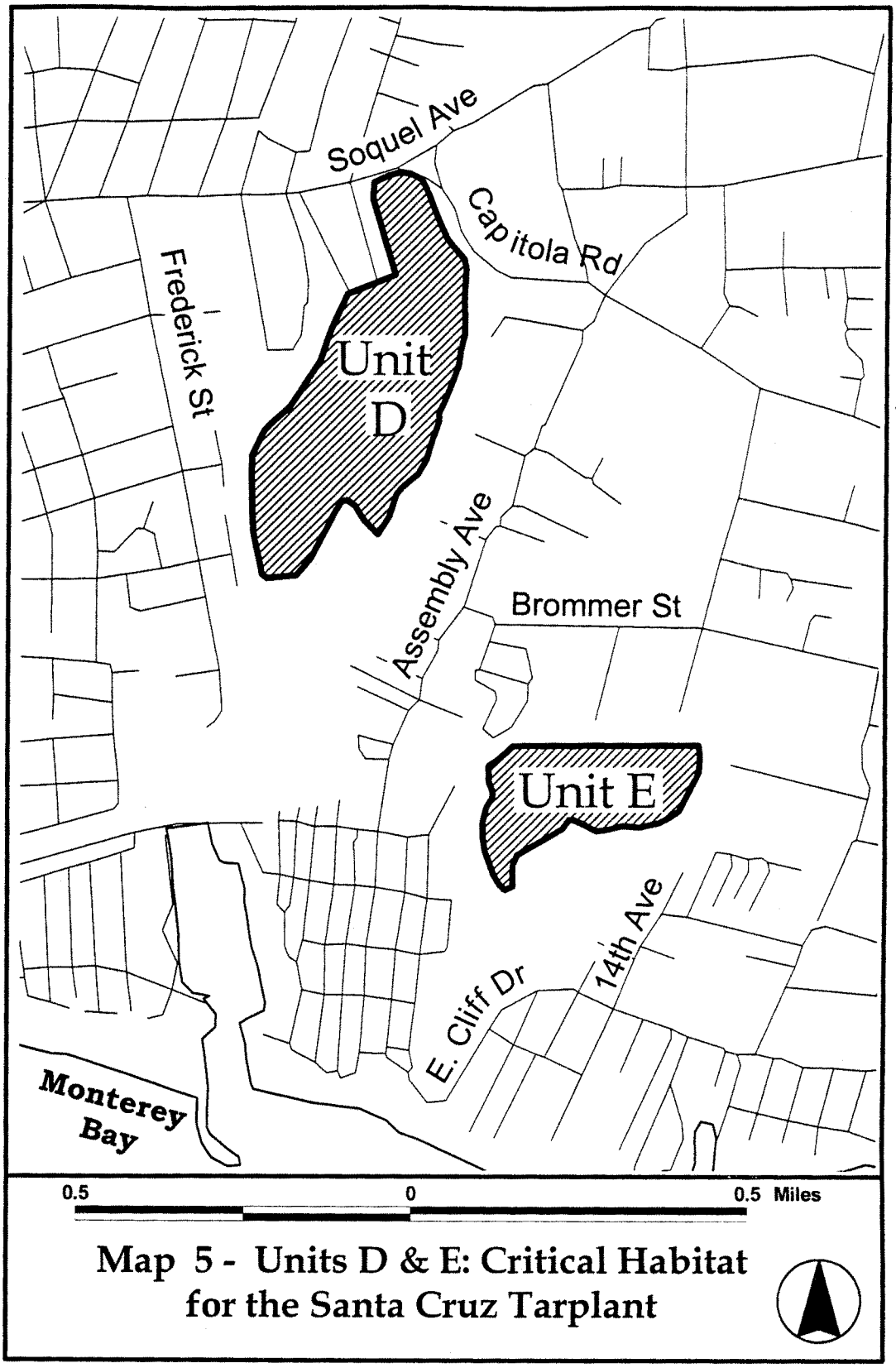
(8) *Unit D: Arana Gulch.* Santa Cruz County, California.

From USGS 1:24,000 quadrangle maps Santa Cruz and Soquel. Lands bounded by the following UTM zone 10, NAD83 coordinates (E, N): 589295, 4093310; 589315, 4093270; 589338, 4093210; 589358, 4093170; 589399, 4093120; 589404, 4093100; 589399, 4093030; 589401, 4092990; 589400, 4092940; 589391, 4092900; 589386, 4092860; 589375, 4092830; 589353, 4092780; 589340, 4092750; 589340, 4092730; 589325, 4092690; 589310, 4092640; 589290, 4092600; 589272, 4092590; 589252, 4092570; 589238, 4092550; 589229, 4092530; 589221, 4092500; 589195, 4092460; 589161, 4092490; 589139, 4092530; 589120, 4092540; 589108, 4092540; 589092, 4092510; 589057, 4092450; 589033, 4092400; 588999, 4092360; 588929, 4092350; 588916, 4092360; 588894, 4092470; 588891, 4092560; 588890, 4092650; 588919, 4092710; 588946, 4092730; 588980, 4092760; 589053, 4092880; 589080, 4092950; 589119, 4093040; 589234, 4093080; 589178, 4093270; 589181, 4093310; 589214, 4093320; 589245, 4093330; 589268, 4093330; 589295, 4093310.

(9) *Unit E: Twin Lakes.* Santa Cruz County, California.

(i) From USGS 1:24,000 quadrangle map Soquel. Lands bounded by the following UTM zone 10, NAD83 coordinates (E, N): 589964, 4091950; 589967, 4091930; 589964, 4091890; 589918, 4091800; 589899, 4091780; 589871, 4091770; 589823, 4091760; 589784, 4091760; 589744, 4091750; 589722, 4091750; 589692, 4091760; 589667, 4091780; 589656, 4091770; 589640, 4091750; 589616, 4091740; 589559, 4091710; 589532, 4091690; 589521, 4091660; 589521, 4091640; 589522, 4091620; 589504, 4091610; 589489, 4091620; 589476, 4091640; 589455, 4091700; 589450, 4091730; 589449, 4091770; 589458, 4091800; 589472, 4091830; 589473, 4091840; 589465, 4091860; 589464, 4091890; 589463, 4091900; 589482, 4091920; 589506, 4091940; 589522, 4091950; 589964, 4091950.

(ii) Map 5 of Units D and E follows:



Map 5 - Units D & E: Critical Habitat for the Santa Cruz Tarplant

(10) *Unit F: Rodeo Gulch.* Santa Cruz County, California.

From USGS 1:24,000 quadrangle map Soquel. Lands bounded by the following UTM zone 10, NAD83 coordinates (E, N): 590971, 4094630; 590995, 4094740; 591007, 4094780; 591037, 4094830; 591069, 4094860; 591095, 4094900; 591125, 4094960; 591182, 4094940; 591196, 4094940; 591199, 4094950; 591207, 4094980; 591216, 4095000; 591225, 4095030; 591220, 4095050; 591225, 4095090; 591232, 4095130; 591241, 4095160; 591252, 4095180; 591265, 4095180; 591291, 4095170; 591321, 4095140; 591353, 4095050; 591393, 4094970; 591301, 4094960; 591293, 4094950; 591299, 4094910; 591300, 4094850; 591293, 4094810; 591275, 4094750; 591252, 4094660; 591224, 4094650; 591185, 4094630; 591097, 4094630; 590971, 4094630.

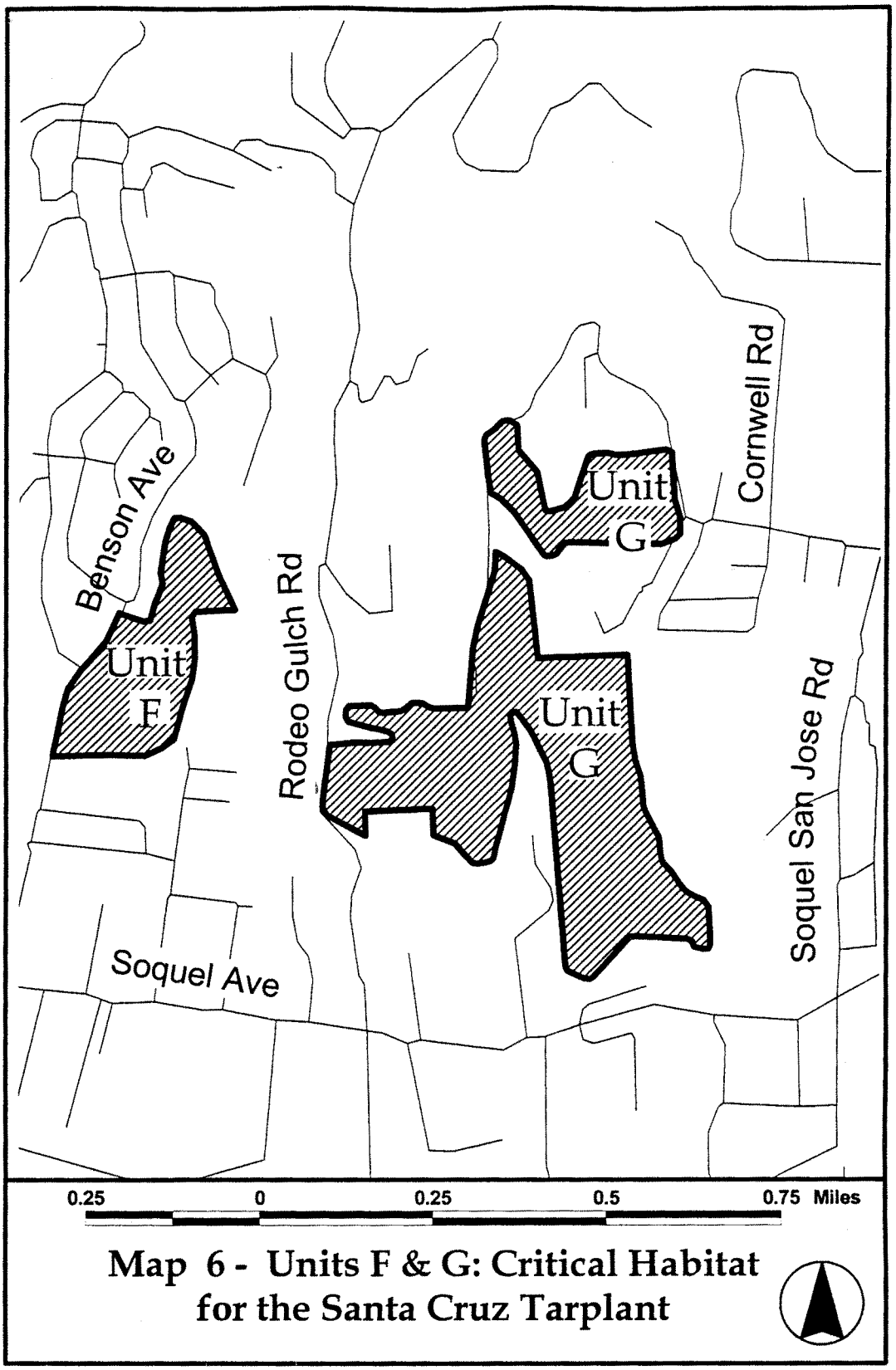
(11) *Unit G: Soquel Unit.* Santa Cruz County, California.

(i) Unit G (Soquel north subunit). From USGS 1:24,000 quadrangle maps Soquel and Laurel. Lands bounded by the following UTM zone 10, NAD83 coordinates (E, N): 592050, 4095340; 592094, 4095290; 592102, 4095240; 592112, 4095200; 592119, 4095200; 592130, 4095200; 592158, 4095210; 592173, 4095220; 592180, 4095230; 592193, 4095270; 592211, 4095320; 592218, 4095330; 592227, 4095330; 592257, 4095330; 592275, 4095330; 592299, 4095330; 592393, 4095340; 592404, 4095330; 592411, 4095220; 592423, 4095180; 592425, 4095140; 592414, 4095130; 592381, 4095120; 592290, 4095120; 592177, 4095120; 592165, 4095120; 592159, 4095120; 592149, 4095110; 592138, 4095100; 592129, 4095090; 592116, 4095090; 592109, 4095100; 592041, 4095190; 592009, 4095220; 591986, 4095240; 591980, 4095270; 591970, 4095360; 591971, 4095360; 591973, 4095370; 591995, 4095390; 592012, 4095400; 592021, 4095410; 592031, 4095400; 592046, 4095390; 592050, 4095340.

(ii) Unit G (Soquel north area). From USGS 1:24,000 quadrangle maps Soquel and Laurel. Lands bounded by the following UTM zone 10 NAD83 coordinates (E, N). 592050, 4095340; 592094, 4095290; 592102, 4095240; 592112, 4095200; 592119, 4095200; 592130, 4095200; 592158, 4095210; 592173, 4095220; 592180, 4095230; 592193, 4095270; 592211, 4095320; 592218, 4095330; 592227, 4095330; 592257, 4095330; 592275, 4095330; 592299, 4095330; 592393, 4095340; 592404, 4095330; 592411, 4095220; 592423, 4095180; 592425, 4095140; 592414, 4095130; 592381, 4095120; 592290, 4095120; 592177, 4095120; 592165, 4095120; 592159, 4095120; 592149, 4095110; 592138, 4095100; 592129, 4095090; 592116, 4095090; 592109, 4095100; 592041, 4095190; 592009, 4095220; 591986, 4095240; 591980, 4095270; 591970, 4095360; 591971, 4095360; 591973, 4095370; 591995, 4095390; 592012, 4095400; 592021, 4095410; 592031, 4095400; 592046, 4095390; 592050, 4095340.

(iii) Unit G (Soquel south subunit). From USGS 1:24,000 quadrangle maps Soquel and Laurel. Lands bounded by the following UTM zone 10, NAD83 coordinates (E, N): 592076, 4095040; 592097, 4094850; 592304, 4094860; 592315, 4094660; 592322, 4094620; 592334, 4094580; 592341, 4094510; 592347, 4094490; 592354, 4094480; 592375, 4094440; 592378, 4094430; 592380, 4094400; 592385, 4094380; 592406, 4094360; 592430, 4094320; 592442, 4094310; 592460, 4094300; 592478, 4094290; 592491, 4094280; 592494, 4094210; 592495, 4094190; 592491, 4094180; 592478, 4094180; 592458, 4094180; 592452, 4094200; 592442, 4094200; 592326, 4094210; 592311, 4094210; 592224, 4094110; 592216, 4094110; 592204, 4094110; 592165, 4094130; 592161, 4094140; 592126, 4094560; 592123, 4094590; 592117, 4094610; 592105, 4094630; 592087, 4094670; 592074, 4094690; 592057, 4094720; 592047, 4094730; 592036, 4094730; 592032, 4094720; 592036, 4094700; 592043, 4094680; 592047, 4094650; 592043, 4094610; 592036, 4094550; 592000, 4094420; 591994, 4094390; 591987, 4094380; 591973, 4094380; 591957, 4094380; 591944, 4094380; 591904, 4094420; 591855, 4094440; 591853, 4094500; 591833, 4094500; 591696, 4094500; 591696, 4094440; 591606, 4094490; 591597, 4094510; 591596, 4094520; 591613, 4094650; 591617, 4094650; 591676, 4094660; 591718, 4094660; 591751, 4094660; 591759, 4094670; 591757, 4094680; 591749, 4094680; 591738, 4094690; 591704, 4094690; 591656, 4094710; 591651, 4094720; 591651, 4094730; 591657, 4094740; 591711, 4094750; 591720, 4094740; 591726, 4094730; 591736, 4094730; 591777, 4094730; 591790, 4094740; 591797, 4094740; 591806, 4094750; 591819, 4094750; 591831, 4094750; 591845, 4094740; 591856, 4094740; 591935, 4094740; 591946, 4094880; 591956, 4094930; 591995, 4095060; 591998, 4095100; 592017, 4095090; 592059, 4095060; 592076, 4095040.

(iv) Map 6 of Units F and G follows:

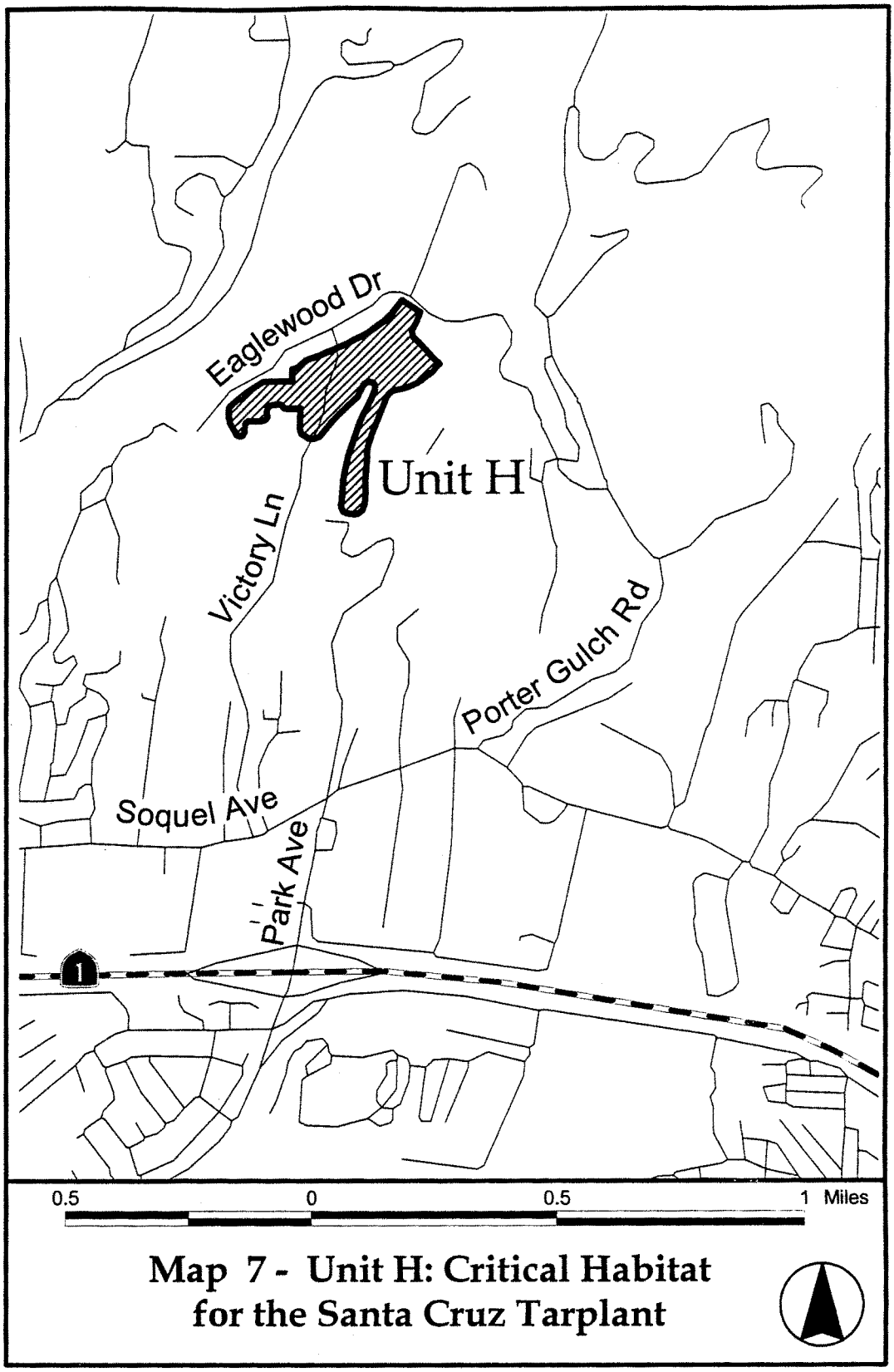


Map 6 - Units F & G: Critical Habitat for the Santa Cruz Tarplant

(12) *Unit H: Porter Gulch.* Santa Cruz County, California.

(i) From USGS 1:24,000 quadrangle maps Soquel and Laurel. Lands bounded by the following UTM zone 10, NAD83 coordinates (E, N): 594615, 4095600; 594643, 4095630; 594684, 4095640; 594774, 4095680; 594850, 4095720; 594898, 4095750; 594929, 4095780; 594958, 4095820; 595017, 4095780; 595008, 4095760; 594990, 4095720; 594993, 4095700; 595020, 4095680; 595057, 4095630; 595081, 4095610; 595068, 4095600; 595061, 4095590; 595045, 4095580; 595013, 4095550; 594989, 4095540; 594967, 4095530; 594929, 4095520; 594917, 4095520; 594907, 4095500; 594893, 4095470; 594857, 4095380; 594846, 4095340; 594843, 4095320; 594842, 4095290; 594839, 4095250; 594838, 4095180; 594835, 4095150; 594828, 4095130; 594816, 4095120; 594800, 4095120; 594785, 4095120; 594772, 4095130; 594765, 4095130; 594760, 4095140; 594758, 4095150; 594760, 4095170; 594766, 4095230; 594779, 4095310; 594819, 4095420; 594856, 4095500; 594867, 4095520; 594869, 4095540; 594863, 4095550; 594848, 4095560; 594837, 4095550; 594833, 4095540; 594828, 4095540; 594810, 4095500; 594776, 4095470; 594747, 4095440; 594718, 4095410; 594689, 4095370; 594669, 4095370; 594652, 4095370; 594639, 4095380; 594627, 4095380; 594622, 4095400; 594624, 4095470; 594606, 4095470; 594587, 4095460; 594571, 4095470; 594565, 4095480; 594557, 4095480; 594549, 4095480; 594530, 4095480; 594518, 4095470; 594514, 4095460; 594517, 4095440; 594509, 4095430; 594498, 4095430; 594473, 4095430; 594462, 4095430; 594453, 4095430; 594444, 4095420; 594442, 4095410; 594441, 4095390; 594436, 4095380; 594427, 4095380; 594415, 4095380; 594411, 4095390; 594394, 4095420; 594390, 4095440; 594390, 4095450; 594391, 4095470; 594410, 4095490; 594457, 4095530; 594502, 4095550; 594542, 4095560; 594597, 4095560; 594597, 4095600; 594615, 4095600.

(ii) Map 7 of Unit H follows:



Map 7 - Unit H: Critical Habitat for the Santa Cruz Tarplant

(13) *Unit I: Watsonville Unit.* Santa Cruz County, California.

(i) Unit I (Watsonville north subunit). From USGS 1:24,000 quadrangle map Watsonville West. Lands bounded by the following UTM zone 10, NAD83 coordinates (E, N): 606195, 4088630; 606299, 4088730; 606331, 4088750; 606365, 4088760; 606454, 4088750; 606492, 4088750; 606515, 4088750; 606535, 4088760; 606555, 4088800; 606560, 4088840; 606580, 4088880; 606607, 4088890; 606660, 4088900; 606927, 4088910; 606938, 4088530; 606930, 4088220; 606810, 4088090; 606689, 4087970; 606652, 4088040; 606596, 4088110; 606522, 4088170; 606490, 4088210; 606437, 4088250; 606362, 4088300; 606303, 4088340; 606274, 4088370; 606263, 4088390; 606252, 4088430; 606234, 4088450; 606219, 4088480; 606215, 4088520; 606199, 4088590; 606195, 4088630.

(ii) Unit I (Airport subunit). From USGS 1:24,000 quadrangle map Watsonville West. Lands bounded by the following UTM zone 10, NAD83 coordinates (E, N): 607026, 4087500; 606967, 4087520; 607005, 4087620; 607031, 4087670; 607046, 4087710; 607073, 4087750; 607095, 4087820; 607136, 4087830; 607137, 4087860; 607146, 4087980; 607140, 4088020; 607145, 4088050; 607158, 4088060; 607202, 4088060; 607247, 4088050; 607252, 4088090; 607292, 4088090; 607378, 4088100; 607383, 4088250; 607306, 4088240; 607226, 4088240; 607201, 4088250; 607184, 4088270; 607159, 4088300; 607147, 4088310; 607147, 4088340; 607158, 4088380; 607195, 4088470; 607203, 4088510; 607212, 4088560; 607222, 4088620; 607226, 4088650; 607227, 4088710; 607240, 4088750; 607241, 4088780; 607236, 4088820; 607246, 4088840; 607340, 4088840; 607846, 4088860; 607947, 4089000; 608079, 4089030; 608191, 4088860; 608477, 4088700; 608460, 4088620; 608641, 4088590; 608652, 4088610; 608746, 4088570; 608602, 4088450; 607932, 4088550; 607689, 4088150; 607267, 4087440; 607312, 4087430; 607297, 4087340; 607239, 4087340; 607201, 4087350; 607181, 4087320; 607148, 4087320; 607031, 4087350; 606969, 4087370; 607026, 4087500.

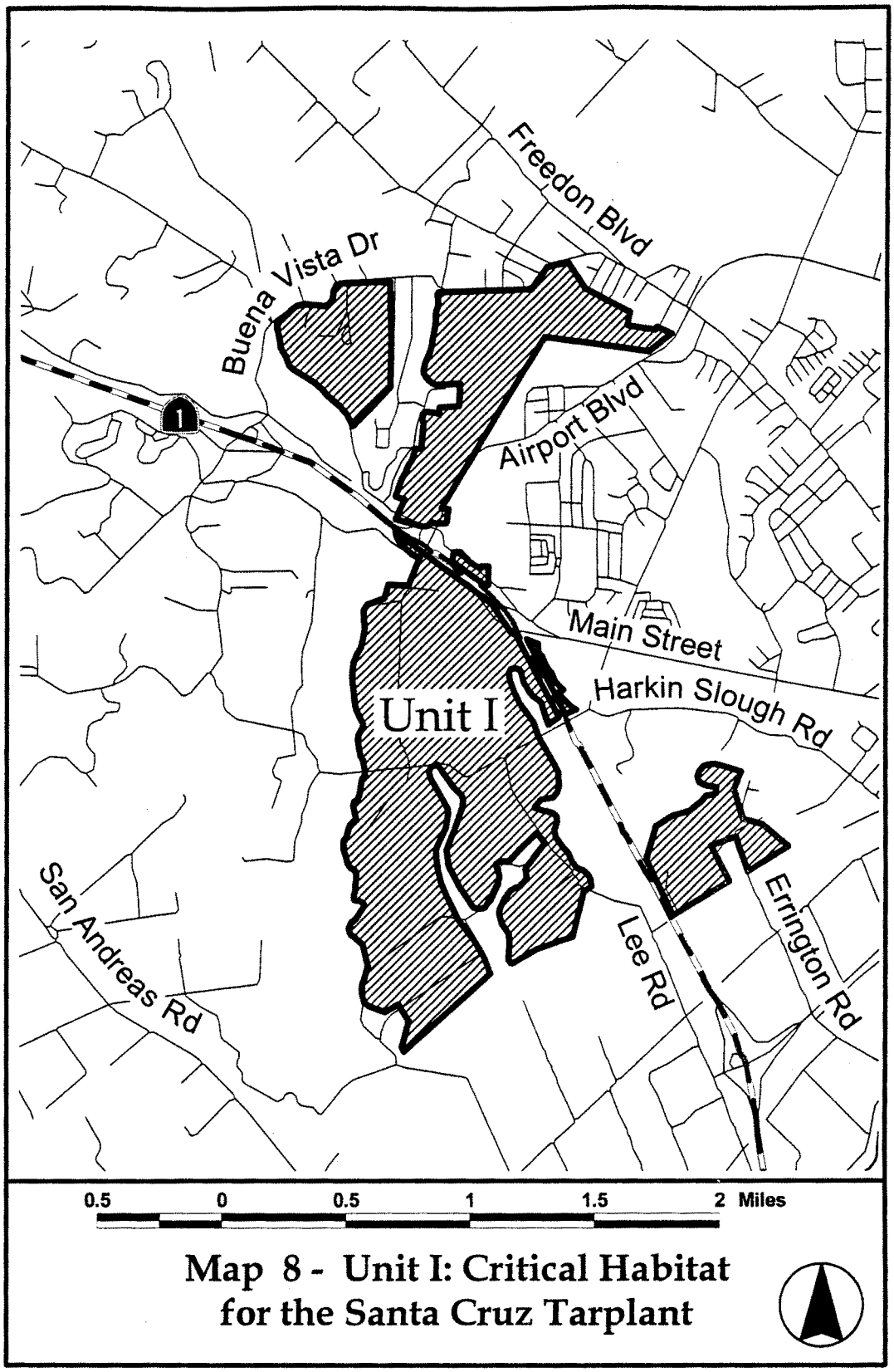
(iii) Unit I (Watsonville south subunit). From USGS 1:24,000 quadrangle map Watsonville West. Lands bounded by the following UTM zone 10, NAD83 coordinates (E, N): 609032, 4085780; 609074, 4085770; 609198, 4085730; 609153, 4085610; 609208, 4085430; 609333, 4085390; 609504, 4085250; 609242, 4085080; 609191, 4085230; 609164, 4085310; 609006, 4085250; 609123, 4085020; 608761, 4084800; 608590, 4085160; 608651, 4085380; 608760, 4085450; 608869, 4085480; 608941, 4085530; 608976, 4085570; 609032, 4085580; 609040, 4085630; 608979, 4085640; 608931, 4085660; 608920, 4085700; 608928, 4085730; 608957, 4085760; 608995, 4085780; 609032, 4085780.

(iv) Unit I (Highway 1 north subunit). From USGS 1:24,000 quadrangle map Watsonville West. Lands bounded by the following UTM zone 10, NAD83 coordinates (E, N): 607333, 4087090; 607348, 4087150; 607389, 4087150; 607449, 4087090; 607498, 4087060; 607570, 4087060; 607570, 4086940; 607558, 4086930; 607333, 4087090.

(v) Unit I (Highway 1 south subunit). From USGS 1:24,000 quadrangle map Watsonville West. Lands bounded by the following UTM zone 10, NAD83 coordinates (E, N): 607819, 4086590; 607892, 4086560; 607893, 4086520; 607900, 4086500; 607920, 4086470; 607931, 4086440; 607946, 4086410; 607978, 4086370; 608003, 4086320; 608031, 4086280; 608057, 4086260; 608029, 4086240; 608063, 4086190; 608101, 4086160; 608138, 4086130; 608069, 4086100; 607819, 4086590.

(vi) Unit I (Harkins Slough subunit). From USGS 1:24,000 quadrangle map Watsonville West. Lands bounded by the following UTM zone 10, NAD83 coordinates (E, N): 606736, 4084900; 606721, 4084900; 606703, 4084900; 606698, 4084920; 606703, 4084940; 606709, 4084960; 606710, 4085000; 606715, 4085030; 606715, 4085050; 606715, 4085080; 606707, 4085090; 606698, 4085100; 606678, 4085110; 606661, 4085140; 606634, 4085230; 606632, 4085260; 606635, 4085290; 606651, 4085310; 606667, 4085370; 606677, 4085390; 606695, 4085410; 606713, 4085420; 606695, 4085510; 606701, 4085540; 606721, 4085550; 606733, 4085580; 606742, 4085610; 606745, 4085650; 606756, 4085690; 606773, 4085710; 606759, 4085800; 606744, 4085830; 606736, 4085870; 606725, 4085930; 606729, 4085960; 606741, 4085990; 606761, 4086020; 606756, 4086050; 606735, 4086090; 606715, 4086130; 606704, 4086180; 606689, 4086350; 606690, 4086390; 606696, 4086440; 606715, 4086490; 606746, 4086540; 606762, 4086620; 606767, 4086650; 606766, 4086700; 606762, 4086780; 606786, 4086810; 606896, 4086850; 606923, 4086940; 607053, 4086940; 607125, 4087120; 607085, 4087130; 607002, 4087200; 606976, 4087250; 606968, 4087280; 607157, 4087140; 607286, 4087040; 607497, 4086890; 607591, 4086820; 607719, 4086630; 607746, 4086620; 608027, 4086080; 607960, 4086030; 607945, 4086070; 607914, 4086180; 607889, 4086200; 607861, 4086220; 607830, 4086260; 607799, 4086310; 607782, 4086380; 607764, 4086400; 607738, 4086400; 607715, 4086390; 607705, 4086370; 607705, 4086350; 607713, 4086320; 607741, 4086240; 607771, 4086180; 607825, 4086100; 607863, 4086050; 607891, 4085970; 607999, 4085770; 608023, 4085720; 608026, 4085670; 608026, 4085630; 608016, 4085590; 607990, 4085560; 607945, 4085560; 607911, 4085550; 607871, 4085500; 607932, 4085480; 607985, 4085460; 608013, 4085440; 608016, 4085410; 608006, 4085380; 607995, 4085350; 608006, 4085310; 608054, 4085240; 608087, 4085210; 608107, 4085160; 608143, 4085110; 608184, 4085090; 608219, 4085060; 608233, 4085030; 608237, 4084990; 608186, 4084950; 608118, 4084660; 607891, 4084590; 607817, 4084540; 607733, 4084490; 607718, 4084490; 607703, 4084510; 607705, 4084540; 607708, 4084590; 607708, 4084640; 607703, 4084680; 607659, 4084750; 607643, 4084810; 607647, 4084850; 607672, 4084900; 607715, 4084960; 607746, 4084980; 607777, 4084990; 607821, 4085040; 607812, 4085100; 607937, 4085270; 607886, 4085330; 607769, 4085220; 607709, 4085150; 607649, 4085150; 607619, 4085130; 607642, 4085070; 607644, 4085050; 607639, 4085020; 607562, 4084870; 607547, 4084850; 607527, 4084850; 607499, 4084850; 607474, 4084850; 607385, 4084990; 607313, 4085120; 607306, 4085190; 607301, 4085230; 607313, 4085260; 607359, 4085370; 607405, 4085500; 607407, 4085550; 607397, 4085580; 607341, 4085640; 607242, 4085780; 607199, 4085760; 607186, 4085730; 607196, 4085690; 607293, 4085520; 607308, 4085490; 607311, 4085460; 607295, 4085370; 607241, 4085250; 607232, 4085220; 607232, 4085190; 607242, 4085100; 607269, 4085010; 607303, 4084920; 607375, 4084780; 607484, 4084640; 607545, 4084530; 607586, 4084420; 607028, 4083920; 607011, 4083950; 607058, 4084120; 607036, 4084150; 606990, 4084230; 606906, 4084180; 606797, 4084220; 606768, 4084240; 606753, 4084300; 606753, 4084330; 606758, 4084360; 606765, 4084380; 606774, 4084410; 606791, 4084480; 606759, 4084610; 606696, 4084670; 606680, 4084680; 606672, 4084700; 606667, 4084720; 606684, 4084760; 606698, 4084770; 606712, 4084780; 606736, 4084810; 606756, 4084840; 606770, 4084860; 606758, 4084890; 606736, 4084900.

(vii) Map 8 of Unit I follows:

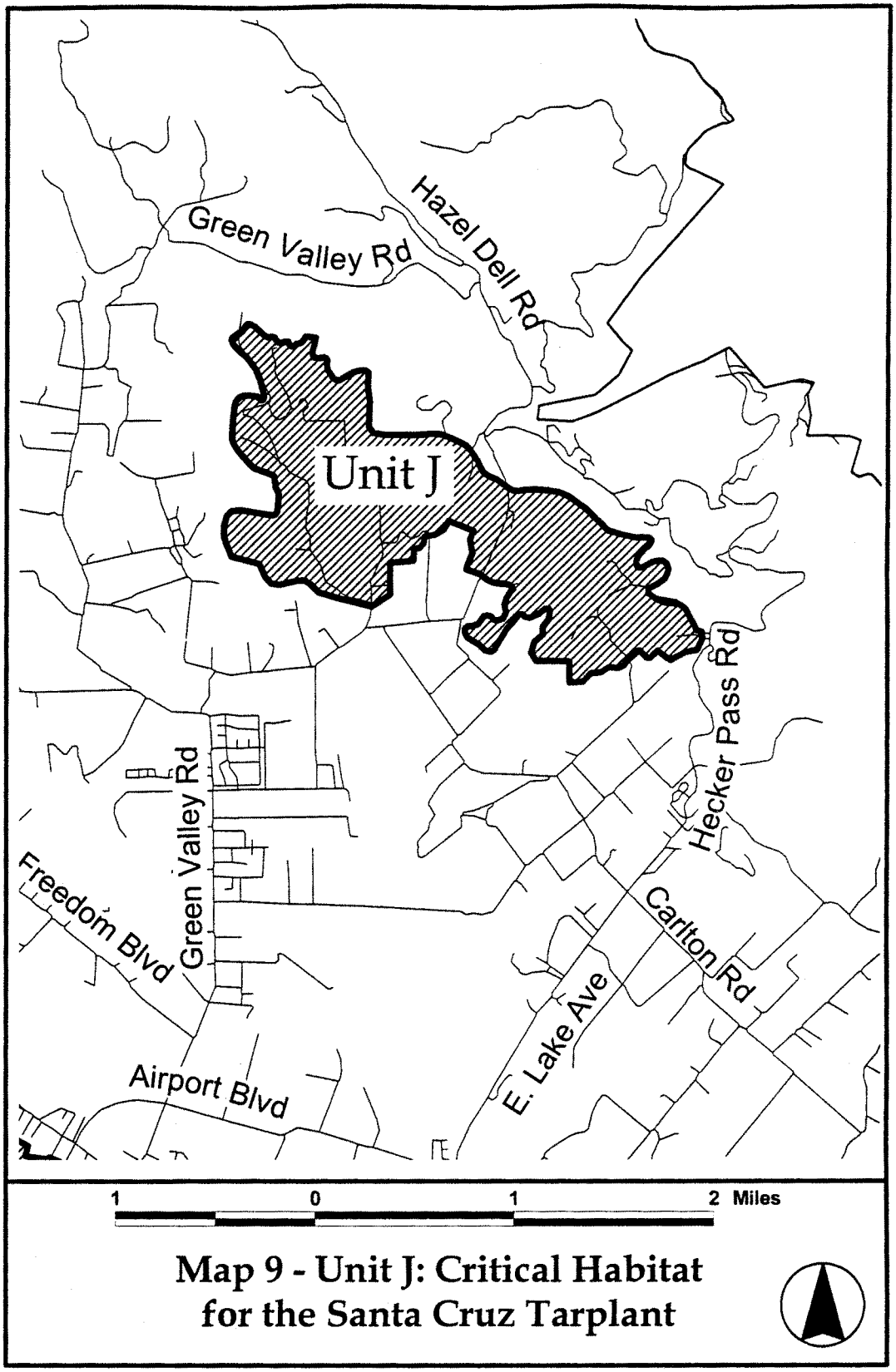


Map 8 - Unit I: Critical Habitat for the Santa Cruz Tarplant

(14) *Unit J: Casserly.* Santa Cruz County, California.

(i) From USGS 1:24,000 quadrangle maps Loma Prieta, Mt. Madona, Watsonville East, and Watsonville West. Lands bounded by the following UTM zone 10, NAD83 coordinates (E, N): 610201, 4094760; 610253, 4094770; 610315, 4094760; 610340, 4094730; 610351, 4094720; 610366, 4094730; 610368, 4094750; 610363, 4094780; 610346, 4094860; 610330, 4094910; 610300, 4094980; 610231, 4095070; 610143, 4095150; 610117, 4095190; 610107, 4095220; 610111, 4095230; 610169, 4095280; 610196, 4095290; 610217, 4095330; 610236, 4095340; 610262, 4095340; 610289, 4095330; 610366, 4095260; 610399, 4095240; 610412, 4095240; 610428, 4095240; 610453, 4095240; 610471, 4095210; 610499, 4095190; 610524, 4095200; 610548, 4095210; 610563, 4095200; 610577, 4095170; 610599, 4095160; 610619, 4095170; 610630, 4095180; 610659, 4095190; 610678, 4095200; 610695, 4095220; 610702, 4095240; 610711, 4095250; 610730, 4095240; 610750, 4095240; 610789, 4095230; 610783, 4095210; 610777, 4095180; 610768, 4095150; 610761, 4095120; 610763, 4095090; 610779, 4095070; 610809, 4095070; 610832, 4095070; 610851, 4095080; 610872, 4095070; 610880, 4095050; 610878, 4095010; 610879, 4094990; 610881, 4094980; 610911, 4094930; 610924, 4094910; 610946, 4094890; 610964, 4094890; 610982, 4094890; 611082, 4094950; 611126, 4094960; 611161, 4094970; 611190, 4094970; 611213, 4094950; 611216, 4094930; 611211, 4094870; 611210, 4094830; 611226, 4094710; 611217, 4094510; 611258, 4094460; 611358, 4094440; 611566, 4094440; 611639, 4094440; 611754, 4094460; 611806, 4094450; 611867, 4094430; 612002, 4094360; 612045, 4094320; 612071, 4094280; 612100, 4094230; 612136, 4094160; 612158, 4094130; 612214, 4094100; 612248, 4094090; 612354, 4094010; 612393, 4094000; 612433, 4093990; 612493, 4094000; 612575, 4094010; 612678, 4094000; 612764, 4093980; 612836, 4093950; 612974, 4093850; 613106, 4093720; 613136, 4093690; 613169, 4093670; 613269, 4093640; 613373, 4093620; 613483, 4093620; 613505, 4093590; 613499, 4093570; 613482, 4093550; 613451, 4093520; 613409, 4093480; 613386, 4093440; 613380, 4093410; 613391, 4093380; 613409, 4093380; 613441, 4093380; 613522, 4093420; 613553, 4093430; 613596, 4093430; 613625, 4093410; 613641, 4093360; 613631, 4093320; 613615, 4093290; 613563, 4093250; 613496, 4093210; 613479, 4093190; 613480, 4093170; 613542, 4093120; 613617, 4093090; 613699, 4093090; 613732, 4093080; 613772, 4093050; 613790, 4093020; 613855, 4092900; 613866, 4092870; 613909, 4092860; 613918, 4092810; 613905, 4092770; 613871, 4092710; 613783, 4092690; 613730, 4092670; 613661, 4092630; 613624, 4092650; 613555, 4092700; 613496, 4092640; 613468, 4092650; 613409, 4092710; 613316, 4092620; 613285, 4092580; 613240, 4092560; 613167, 4092570; 613101, 4092530; 613023, 4092520; 612958, 4092450; 612847, 4092450; 612846, 4092620; 612576, 4092620; 612538, 4092680; 612564, 4092770; 612630, 4092830; 612631, 4092890; 612676, 4092950; 612688, 4093020; 612680, 4093040; 612651, 4093040; 612603, 4093000; 612561, 4092980; 612529, 4092970; 612490, 4092980; 612464, 4093000; 612439, 4093000; 612409, 4092950; 612333, 4092870; 612269, 4092760; 612242, 4092710; 612214, 4092690; 612167, 4092710; 612109, 4092760; 612022, 4092810; 612003, 4092850; 612002, 4092880; 612023, 4092900; 612065, 4092900; 612111, 4092920; 612145, 4092970; 612159, 4092990; 612183, 4092990; 612212, 4092980; 612227, 4092960; 612259, 4092950; 612312, 4092970; 612336, 4093010; 612323, 4093080; 612339, 4093130; 612369, 4093180; 612390, 4093200; 612383, 4093220; 612353, 4093240; 612307, 4093250; 612235, 4093250; 612181, 4093280; 612123, 4093320; 612011, 4093360; 612028, 4093410; 612061, 4093490; 612043, 4093600; 612069, 4093670; 611870, 4093750; 611832, 4093680; 611760, 4093640; 611676, 4093620; 611667, 4093570; 611636, 4093530; 611587, 4093520; 611584, 4093430; 611398, 4093410; 611395, 4093160; 611331, 4093110; 611251, 4093060; 610986, 4093130; 610818, 4093180; 610752, 4093240; 610709, 4093270; 610662, 4093270; 610498, 4093240; 610429, 4093250; 610382, 4093310; 610351, 4093370; 610333, 4093410; 610109, 4093470; 610090, 4093520; 610066, 4093570; 610046, 4093640; 610050, 4093710; 610070, 4093790; 610114, 4093830; 610182, 4093840; 610443, 4093800; 610465, 4093800; 610477, 4093820; 610483, 4093860; 610489, 4093950; 610489, 4093980; 610467, 4094020; 610456, 4094100; 610442, 4094120; 610426, 4094130; 610385, 4094150; 610296, 4094180; 610278, 4094190; 610255, 4094210; 610220, 4094250; 610188, 4094290; 610152, 4094330; 610121, 4094380; 610115, 4094410; 610110, 4094460; 610121, 4094590; 610133, 4094680; 610140, 4094710; 610154, 4094730; 610175, 4094750; 610201, 4094760.

(ii) Map 9 of Unit J follows:

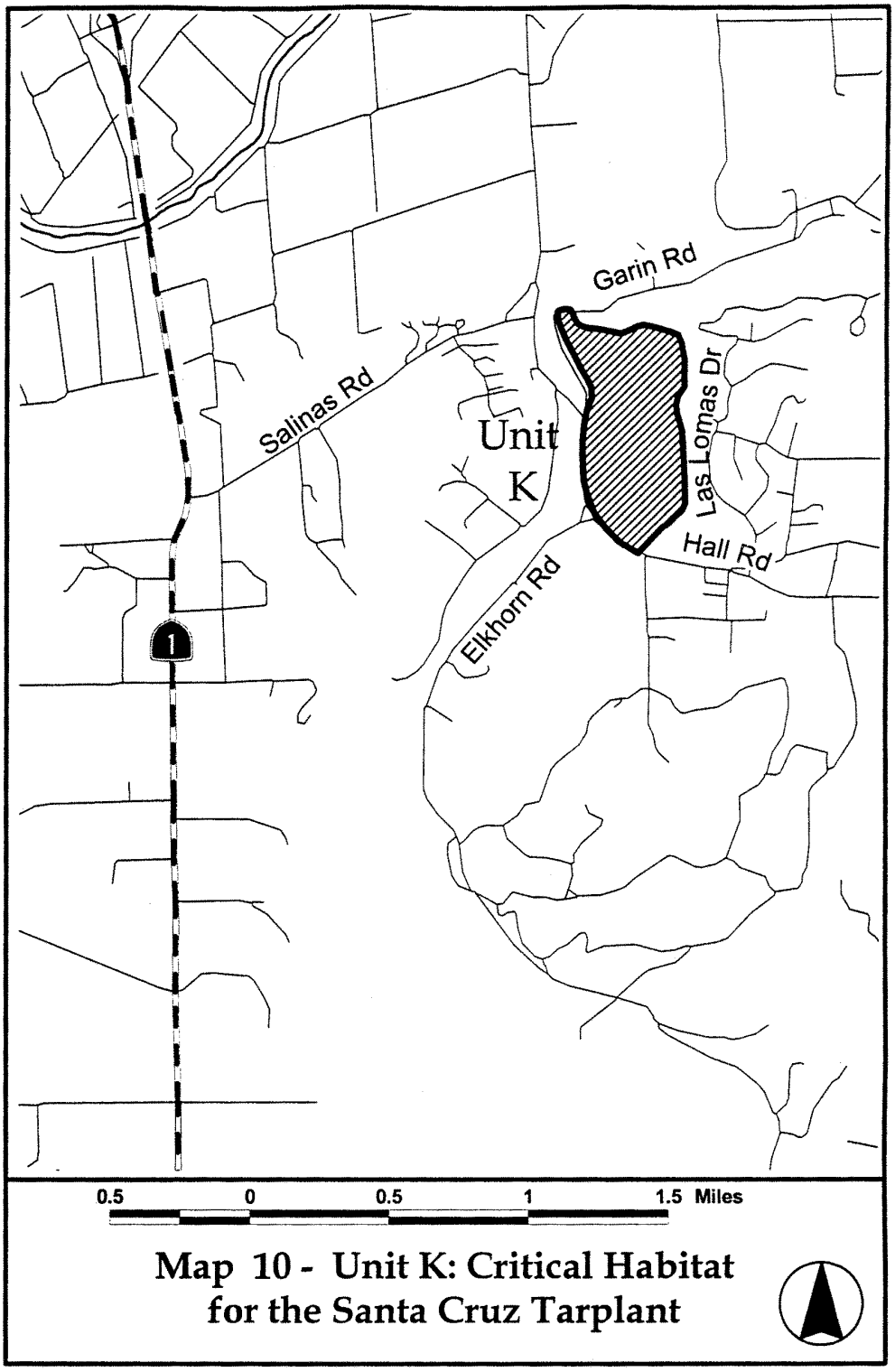


Map 9 - Unit J: Critical Habitat for the Santa Cruz Tarplant

(15) *Unit K: Elkhorn.* Santa Cruz County, California.

(i) From USGS 1:24,000 quadrangle maps Watsonville East, Prunedale. Lands bounded by the following UTM zone 10, NAD83 coordinates (E, N): 611931, 4081300; 611930, 4081420; 611939, 4081530; 611956, 4081610; 611983, 4081680; 611981, 4081740; 611956, 4081790; 611918, 4081860; 611877, 4081940; 611839, 4082020; 611806, 4082090; 611787, 4082150; 611788, 4082180; 611796, 4082190; 611834, 4082200; 611862, 4082190; 611875, 4082170; 611885, 4082140; 611902, 4082110; 611916, 4082100; 611967, 4082090; 612005, 4082090; 612065, 4082080; 612155, 4082060; 612210, 4082080; 612247, 4082100; 612283, 4082110; 612348, 4082090; 612423, 4082080; 612481, 4082050; 612501, 4082000; 612519, 4081910; 612517, 4081840; 612517, 4081750; 612499, 4081720; 612478, 4081690; 612469, 4081640; 612473, 4081600; 612504, 4081490; 612509, 4081400; 612518, 4081210; 612520, 4081080; 612504, 4081040; 612475, 4081010; 612428, 4080960; 612393, 4080940; 612333, 4080880; 612255, 4080790; 612142, 4080860; 612070, 4080930; 612001, 4081020; 611957, 4081120; 611940, 4081200; 611931, 4081300.

(ii) Map 10 of Unit K follows:



Map 10 - Unit K: Critical Habitat for the Santa Cruz Tarplant

* * * * *

Dated: September 30, 2002.

Craig Manson,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 02–25370 Filed 10–15–02; 8:45 am]

BILLING CODE 4310–55–C

Federal Register

Wednesday,
October 16, 2002

Part III

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Parts 2, 11, and 23

Federal Acquisition Regulation; Energy-Efficient Standby Power Devices; Proposed Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 2, 11, and 23

[FAR Case 2001–028]

RIN 9000–AJ47

Federal Acquisition Regulation; Energy-Efficient Standby Power Devices

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are proposing to amend the Federal Acquisition Regulation (FAR) to implement Executive Order (E.O.) 13221 of July 31, 2001, Energy Efficient Standby Power Devices, and clarify requirements for the purchase of Environmental Protection Agency (EPA)-designated products.

DATES: Interested parties should submit comments in writing on or before December 16, 2002 to be considered in the formulation of a final rule.

ADDRESSES: Submit written comments to—

General Services Administration, FAR Secretariat (MVA), 1800 F Street, NW., Room 4035, Attn: Laurie Duarte, Washington, DC 20405.

Submit electronic comments via the Internet to—*farcase.2001–028@gsa.gov.*

Please submit comments only and cite FAR case 2001–028 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405, at (202) 501–4755 for information pertaining to status or publication schedules. For clarification of content, contact Ms. Laura Smith, Procurement Analyst, at (202) 208–7279. Please cite FAR case 2001–028.

SUPPLEMENTARY INFORMATION:

A. Background

This proposed rule amends the FAR to implement E.O. 13221 and clarify requirements when purchasing EPA-designated products. The rule adds—

1. A definition for ''energy-efficient standby power devices'' in FAR Subpart 2.1, Definitions; and

2. Guidance on energy-efficient standby power devices at FAR Parts 11, Describing Agency Needs, and 23, Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace; and

3. Guidance on purchasing EPA-designated products in FAR sections 23.405 and 23.406.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Councils do not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because this rule simply provides additional guidance to Government contracting and technical personnel with respect to the Government's preference, set forth in FAR Subparts 11.1, 23.2, and 23.4, for buying energy-efficient products and services and EPA-designated products that meet applicable EPA minimum recovered material content recommendations. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. We invite comments from small businesses and other interested parties. The Councils will consider comments from small entities concerning the affected FAR subparts in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (FAR case 2001–028), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 2, 11, and 23

Government procurement.

Dated: October 9, 2002.

Al Matera,

Director, Acquisition Policy Division.

Therefore, DoD, GSA, and NASA propose amending 48 CFR parts 2, 11, and 23 as set forth below:

1. The authority citation for 48 CFR parts 2, 11, and 23 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 2—DEFINITIONS OF WORDS AND TERMS

2. Amend section 2.101 by adding, in alphabetical order, the definition ''Energy-efficient standby power devices'' to read as follows:

2.101 Definitions.

* * * * *

Energy-efficient standby power devices means products that—

(1) Include an external or internal power supply; and

(2) Use no more than one watt of electricity in their standby power consuming mode or meet recommended low standby levels as designated by the Department of Energy Federal Energy Management Program.

* * * * *

PART 11—DESCRIBING AGENCY NEEDS

3. Amend section 11.002 by revising paragraph (d)(1) and the introductory text of (d)(2) to read as follows:

11.002 Policy.

* * * * *

(d)(1) The Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901, *et seq.*), Executive Order 13101 of September 14, 1998, Greening the Government through Waste Prevention, Recycling, and Federal Acquisition, Executive Order 13123 of June 3, 1999, Greening the Government through Efficient Energy Management, and Executive Order 13221 of July 31, 2001, Energy Efficient Standby Power Devices, establish requirements for acquiring—

(i) Products containing recovered materials;

(ii) Environmentally preferable products and services;

(iii) Energy-efficient products and services;

(iv) Products and services that utilize renewable energy technologies; and

(v) Products containing energy-efficient standby power devices.

(2) Executive agencies shall consider use of recovered materials, energy- and water-efficient products and services, products containing energy-efficient standby power devices, environmentally preferable purchasing criteria developed by the EPA, and environmental objectives (see subparts 23.2, 23.4, and 23.703(b)) when—

* * * * *

4. Amend section 11.101 in the introductory text of paragraph (b) by removing ''must'' and adding ''shall'' in its place; and by revising paragraph (b)(1) to read as follows:

11.101 Order of precedence for requirements documents.

* * * * *

(b) * * *

(1) Energy efficiency, including using products containing energy-efficient standby power devices and renewable energy technologies; and

* * * * *

PART 23—ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

5. Amend section 23.201 by adding paragraph (e) to read as follows:

23.201 Authorities.

* * * * *

(e) Executive Order 13221 of July 31, 2001, Energy Efficient Standby Power Devices.

6. Revise section 23.203 to read as follows:

23.203 Energy-efficient products.

(a) If life-cycle cost-effective and available—

(1) When acquiring energy-using products—

(i) Agencies shall purchase ENERGY STAR® or other energy-efficient items listed on the Department of Energy's Federal Energy Management Program (FEMP) Product Energy Efficiency Recommendations product list; and

(ii) For products that consume power in a standby mode and are listed on FEMP's Standby Power Devices product listing, agencies shall—

(A) Purchase items which meet FEMP's standby power wattage recommendation or document the reason for not purchasing such items; or

(B) If FEMP has listed a product without a corresponding wattage recommendation, purchase items which use no more than one watt in their standby power consuming mode. When it is impracticable to meet the one watt requirement, agencies shall purchase items with the lowest standby wattage practicable; and

(2) When contracting for services that will include the provision of energy-using products, including contracts for design, construction, renovation, or maintenance of a public building, the specifications shall incorporate the applicable requirements in paragraph (a)(1) of this section.

(b) The requirements in paragraph (a) of this section only apply when the relevant product's utility and performance meet the agency's need.

(c) Information is available via the Internet about—

(1) ENERGY STAR® at *http://www.energystar.gov/;* and

(2) FEMP at *http://www.eren.doe.gov/femp/procurement.*

7. Amend section 23.405 by revising the introductory text of paragraph (c) to read as follows:

23.405 Procedures.

* * * * *

(c) The contracting officer shall place in the contract file a written justification if an acquisition of EPA-designated products above the micro-purchase threshold does not meet applicable minimum recovered material content recommended by EPA guidelines. If the agency has designated an Environmental Executive, the contracting officer shall give a copy of the written justification to that official. The contracting officer shall base the justification on the inability to acquire the product—

* * * * *

8. Amend section 23.406 by revising paragraph (a) to read as follows:

23.406 Solicitation provision and contract clause.

(a) Insert the provision at 52.223–4, Recovered Material Certification, in solicitations that are for, or specify the use of, EPA-designated products containing recovered materials.

* * * * *

[FR Doc. 02–26243 Filed 10–15–02; 8:45 am]

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Federal Register

Wednesday,
October 16, 2002

Part IV

Environmental Protection Agency

40 CFR Part 60

Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983; and Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD–FRL–7394–3]

RIN 2060–AJ68

Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983; and Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; amendments.

SUMMARY: The EPA is proposing to amend certain provisions in the new source performance standards (NSPS) for electric arc furnaces (EAF) constructed after October 21, 1974, and on or before August 17, 1983, and the NSPS for EAF constructed after August 17, 1983. The proposed changes add alternative requirements for monitoring emissions from EAF exhausts. In addition, minor editorial corrections are being made.

DATES: *Comments.* Comments must be received on or before December 16, 2002.

Public Hearing. If anyone contacts the EPA requesting to speak at a public hearing by November 5, 2002, a public hearing will be held on November 15, 2002.

ADDRESSES: *Comments.* By U.S. Postal Service, send comments (in duplicate if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A–79–33, U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. In person or by courier, deliver comments (in duplicate if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A–79–33, U.S. EPA, Room Number M1500, 401 M Street, SW., Washington, DC 20460. Effective August 27, 2002, send comments (in duplicate if possible) to: Air and Radiation Docket and Information Center (6102T), Attention Docket Number A–79–33, U.S. EPA, 1301 Constitution Avenue, NW., Room Number B108, Washington, DC 20460. We request that a separate copy of each public comment be sent to the contact person listed below (see **FOR FURTHER INFORMATION CONTACT**).

Public Hearing. If a public hearing is held, it will be held at the new EPA facility complex in Research Triangle Park, NC.

Docket. Docket No. A–79–33 contains supporting information used in developing the standards. The docket is located at the U.S. EPA, 401 M Street, SW., Washington, DC 20460 in Room M–1500, Waterside Mall (ground floor), and may be inspected from 8:30 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays. Effective August 27, 2002, the docket will be located at: U.S. EPA, 1301 Constitution Avenue, NW., Room Number B108, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Cavender, Metals Group, Emission Standards Division (C439–02), U.S. EPA, Research Triangle Park, NC 27711, telephone number: (919) 541–2364, electronic mail address: *cavender.kevin@epa.gov.*

To request a public hearing, to request to speak at a public hearing, or to find out if a public hearing will be held, contact Ms. Cassie Posey, Metals Group, Emission Standards Division (C439–02), U.S. EPA, Research Triangle Park, NC 27711, telephone number (919) 541–0069, electronic mail address: *posey.cassie@epa.gov.*

For information concerning applicability and rule determinations, contact your State or local permitting authority or the appropriate EPA regional office representatives.

SUPPLEMENTARY INFORMATION: *Comments.* Comments and data may be submitted by electronic mail (e-mail) to: *a-and-r-docket@epa.gov.* Electronic comments must be submitted as an ASCII file to avoid the use of special characters and encryption problems and will also be accepted on disks in WordPerfect format. All comments and data submitted in electronic form must note the docket number: Docket No. A–79–33. No confidential business information (CBI) should be submitted by e-mail. Electronic comments may be filed online at many Federal Depository Libraries.

Commenters wishing to submit proprietary information for consideration must clearly distinguish such information from other comments and clearly label it as CBI. Send submissions containing such proprietary information directly to the following address, and not to the public docket, to ensure that proprietary information is not inadvertently placed in the docket: OAQPS Document Control Office (C404–02), Attention: Mr. Kevin Cavender, Emission Standards Division, U.S. EPA, Research Triangle Park, NC 27711. The EPA will disclose information identified as CBI only to the extent allowed by the procedures set forth in 40 CFR part 2. If no claim of confidentiality accompanies a submission when it is received by the EPA, the information may be made available to the public without further notice to the commenter.

Public Hearing. Persons interested in presenting oral testimony or inquiring as to whether a hearing is to be held should contact Ms. Cassie Posey, telephone number: (919) 541–0069. Persons interested in attending the public hearing must also contact Cassie Posey to verify the time, date, and location of the hearing. The address, telephone number, and e-mail address for Ms. Posey are listed in the preceding **FOR FURTHER INFORMATION CONTACT** section. A public hearing, if held, will provide interested parties the opportunity to present data, views, or arguments concerning the proposed emission standards.

Docket. The docket is an organized and complete file of all the information considered by the EPA in rule development. The docket is a dynamic file because material is added throughout the rulemaking process. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the proposed and promulgated standards and their preambles, the contents of the docket will serve as the record in the case of judicial review. (See section 307(d)(7)(A) of the Clean Air Act (CAA).) The regulatory text and other materials related to the rulemaking are available for review in the docket or copies may be mailed on request from the Air Docket by calling (202) 260–7548. A reasonable fee may be charged for copying docket materials.

World Wide Web (WWW). In addition to being available in the docket, an electronic copy of today's proposed rule will also be available on the WWW through the Technology Transfer Network (TTN). Following signature, a copy of the proposed rule will be posted on the TTN's policy and guidance page for newly proposed or promulgated rules at *http://www.epa.gov/ttn/oarpg.* The TTN provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541–5384.

Regulated Entities. Entities potentially regulated by this action include steel manufacturing facilities who operate electric arc furnaces. Affected categories and entities include certain sources in

the North American Information Classification System code 331111.

This description is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. To determine whether your facility is regulated by this action, you should examine the applicability criteria in the rule. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Outline. The information presented in this preamble is organized as follows:

I. Background
A. What is an EAF?
B. What are the current NSPS requirements for an EAF?
C. Why are the current NSPS requirements being amended?
D. What is a bag leak detection system, and how is it used to monitor baghouse performance?
II. Summary of Proposed Amendment
A. What is the alternative monitoring option being proposed?
B. What are the editorial corrections being made?
III. Administrative Requirements
A. Executive Order 12866, Regulatory Planning and Review
B. Executive Order 13132, Federalism
C. Executive Order 13175, Consultation and Coordination with Indian Tribal Governments
D. Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks
E. Unfunded Mandates Reform Act of 1995
F. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 *et seq.*
G. Paperwork Reduction Act
H. National Technology Transfer and Advancement Act of 1995
I. Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution or Use

I. Background

A. What Is an EAF?

An EAF is a metallurgical furnace used to produce carbon and alloy steels. The input material to an EAF is typically 100 percent scrap steel. Cylindrical, refractory lined EAF are equipped with carbon electrodes to be raised or lowered through the furnace roof. With electrodes retracted, the furnace roof can be rotated to permit the charge of scrap steel by overhead crane. Alloying agents and fluxing materials usually are added through doors on the side of the furnace. Electric current is passed between the electrodes and through the scrap, generating arcing and the generation of enough heat to melt the scrap steel charge. After the melting and refining periods, impurities (in the form of a slag) and the refined steel are poured from the furnace.

The production of steel in an EAF is a batch process. Cycles, or heats, range from about 1½ to 5 hours to produce carbon steel and from 5 to 10 hours to produce alloy steel. Scrap steel is charged to begin a cycle, and alloying agents and slag forming materials are added for refining. Stages of each cycle normally are charging, melting, refining (which usually includes oxygen blowing), and tapping.

All of those operations generate particulate matter (PM) emissions. Emission control techniques involve an emission capture system and a gas cleaning system. Emission capture systems used in the industry include direct shell (fourth hole) evacuation, side draft hoods, combination hoods, canopy hoods, scavenger ducts, and furnace enclosures. Direct shell evacuation (DEC) consists of ductwork attached to a separate opening, or ''fourth hole'', in the furnace roof which draws emissions to a gas cleaner. The direct shell evacuation system works only when the furnace is up-right and the roof is in place. The side draft hoods collect furnace offgases from around the electrode holes and the work doors after the gases leave the furnace. The combination hood incorporates elements from the side draft and direct shell evacuation systems. Canopy hoods and scavenger ducts are used to address charging and tapping emissions. Baghouses are typically used as the gas cleaning system.

B. What Are the Current NSPS Requirements for an EAF?

The NSPS for EAF constructed after October 21, 1974, and on or before August 17, 1983 (40 CFR part 60, subpart AA) were first promulgated in the **Federal Register** on September 23, 1975 (40 FR 43850). The NSPS for EAF constructed after August 17, 1983 (40 CFR part 60, subpart AAa) were first promulgated in the **Federal Register** on October 31, 1984 (49 FR 43845). Both subparts limit the allowable PM concentration in the exhaust of an EAF emission control device to 12 milligrams per dry standard cubic meter (mg/dscm). In addition to the PM emission limit, both subparts limit visible emissions from the EAF control device to less than 3 percent opacity, as determined by EPA Method 9 of 40 CFR part 60, appendix A.

In both subparts, if the control device is equipped with a single stack, the owner or operator is required to install, calibrate, maintain, and operate a continuous opacity monitoring system (COMS). The owner and operator must report each 6-minute average COM reading of 3 percent or greater as an excess emission. A COMS is not required on any modular or multiple-stack fabric filter if opacity readings are taken at least once per day during a melting and refining period, in accordance with EPA Method 9.

The subparts also contain requirements for the EAF capture systems. However, those requirements are not being amended by today's action. As such, we do not discuss the capture system requirements here.

C. Why Are the Current NSPS Requirements Being Amended?

Today's action is being taken in response to a petition to reopen the NSPS that we received from the American Iron and Steel Institute (AISI), the Specialty Steel Industry of North America (SSINA), and the Steel Manufacturers Association (SMA), who jointly will be referred to as ''the Petitioner.'' In their request to reopen the EAF NSPS, the Petitioner argues that COMS are not capable of accurately monitoring opacity emissions from an EAF shop at the 3 percent excess emissions threshold level and that the EAF NSPS should be amended to address the technological shortcomings associated with COMS. In making their argument, the Petitioner points to our recent revision to the performance specification for COMS (PS–1, 65 FR 48914) in which we acknowledge that there is potential for measurement error associated with COM readings. A conservative approach to estimating the upper range of the potential measurement error resulted in an estimate of approximately 4 percent opacity. The Petitioner also points out that the American Society for Testing and Materials (ASTM) Standard for COMS (ASTM D 6216–98), which is incorporated in PS–1, expressly limits the scope of the ASTM Standard to COMS used to monitor opacity subject to an opacity limit of 10 percent or greater due to the potential error associated with opacity measurements.

The Petitioner argues that COMS generate inaccurate data which can trigger Federal and State reporting requirements and expose a facility to potential liability even when the facility is meeting the opacity standard. As pointed out above, owners and operators are required by the NSPS to report all 6-minute average COMS readings above 3 percent as periods of excess emissions. Since the potential COMS measurement error is high in comparison to the 3 percent opacity

standard, the Petitioner believes that the COMS can and do produce readings above the 3 percent excess emissions threshold when the actual opacity is below 3 percent. The Petitioner points out that the credible evidence revisions (62 FR 8313, February 24, 1997) clarify our intent to use COMS data as evidence of a potential emissions violation. Therefore, the Petitioner argues, COMS data falsely indicating emissions above 3 percent opacity could be used as evidence of violations of the opacity standard. Even if the erroneous COMS data are eventually determined not to be credible, the Petitioner argues, companies must bear the burden and cost of defending against such allegations.

The revisions to PS–1 explained that we did not believe it was appropriate to limit the applicability of PS–1 based on the level of the emission limit that would be monitored. Instead of limiting the applicability of PS–1, we determined that PS–1 should acknowledge the measurement uncertainty associated with COMS measurements below 10 percent opacity, and allow for a consideration of the potential error (through statistical procedures or otherwise) when evaluating compliance with opacity standards below 10 percent.

We agree that it is appropriate to provide an alternative monitoring option for EAF owners and operators who are concerned with the accuracy of COMS measurements at levels below 10 percent opacity. In addition, we believe that bag leak detection systems, the alternative monitoring option being proposed, are a viable alternative to COMS for the purpose of monitoring the performance of baghouses.

D. What Is a Bag Leak Detection System, and How Is It Used To Monitor Baghouse Performance?

A bag leak detection system is a device that is used to measure relative particulate loadings in the exhaust of a baghouse on a continuous basis in order to detect bag leaks and other conditions that result in increases in particulate loadings. Bag leak detection systems have been developed based on a number of principles including triboelectric effect, electrodynamic effect, and light scattering. A bag leak detection system does not need to provide an output in terms of particulate concentration, but must provide an output that is proportionate to the particulate concentration such that if particulate concentrations increase the output from the bag leak detection system increases.

A bag leak detection system identifies leaks by the resulting increase in particulate loadings. A properly designed baghouse will control particulate emissions to very low levels when in good operating condition. However, if the baghouse develops a leak, due to a torn bag or seal, there will be a measurable increase in particulate emissions. A bag leak detection system is capable of quickly (within a few seconds) determining that an abnormal increase in particulate concentrations has occurred and can then trigger an alarm to alert the operator so that the leak can be stopped as soon as possible. Bag leak detection systems are capable of detecting small leaks while particulate emissions are well below the levels that would result in observable opacity. For that reason, we believe that bag leak detection systems are well suited for monitoring the performance of a baghouse.

II. Summary of Proposed Amendment

A. What Is the Alternative Monitoring Option Being Proposed?

We are proposing bag leak detection coupled with a once per day opacity observation as an alternative monitoring option to COMS. Under the proposed alternative, a facility could elect to install, calibrate, maintain, and operate a bag leak detection system. Owners or operators would be required to develop a site specific monitoring plan describing how the system would be selected, installed, and operated, including how the alarm levels would be established. Within 30 minutes of an alarm, the owner or operator would be required to initiate procedures to determine the cause of the alarm and alleviate the cause of the alarm within 3 hours. In addition, the owner or operator would be required to maintain and operate their baghouse such that the alarm on the bag leak detector does not alarm for more than 3 percent of the operating hours in any 6-month reporting period.

The owner or operator would also be required to conduct an opacity observation at least once per day when the furnace is in the melting or refining operation day, in accordance with EPA Method 9. All opacity observations greater than 3 percent opacity would be reported as a violation of the opacity standard. In addition, if the alarm on the bag leak detection system was not alarming during the time the opacity was observed to be greater than 3 percent, the alarm on the bag leak detection system would have to be lowered to a point that an alarm would have occurred during the observation.

B. What Are the Editorial Corrections Being Made?

Two typographical errors are being corrected in the amendment. In 40 CFR 60.274(c) and in 40 CFR 60.274a(c), the references to paragraphs (b)(1) and (2) are being corrected to refer to paragraph (b). The paragraphs (b)(1) and (2) of 40 CFR 60.274(c) and 40 CFR 60.274a(c) were incorporated into paragraph (b) during the last revision to the NSPS (64 FR 10105, March 2, 1999). In 40 CFR 60.274a(b), the reference to paragraph (d) is being corrected to refer to paragraph (e).

In addition, 40 CFR 60.274a(d) and 40 CFR 60.274a(e) are being revised to clarify that owners and operators may petition the Administrator to approve alternatives to the monitoring requirements specified in 40 CFR 60.274a(b), as well as alternatives to the monthly operational status inspections specified in 40 CFR 60.274a(d). This revision does not change the rule requirements because owners and operators are currently allowed to petition for alternative monitoring requirements under 40 CFR 60.13(i) of the General Provisions.

III. Administrative Requirements

A. Executive Order 12866, Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), we must determine whether the regulatory action is ''significant'' and, therefore, subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. The Executive Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligation of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, it has been determined that the proposed rule amendments are not a ''significant regulatory action'' because none of the listed criteria apply

to the action. Consequently, the action was not submitted to OMB for review under Executive Order 12866.

B. Executive Order 13132, Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires us to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

The proposed rule amendments do not have federalism implications. They 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. None of the affected facilities are owned or operated by State governments, and the requirements of the proposed rule amendments will not supercede State regulations that are more stringent. Thus, Executive Order 13132 does not apply to the proposed rule amendments.

In the spirit of Executive Order 13132 and consistent with our policy to promote communications between us and State and local governments, we specifically solicit comments on the proposed rule amendments from State and local officials.

C. Executive Order 13175, Consultation and Coordination with Indian Tribal Governments

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

The proposed rule amendments do not have tribal implications. They will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. No tribal governments own or operate an affected source. Thus, Executive Order 13175 does not apply to the proposed rule amendments.

D. Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks

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

We interpret Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the rule. The proposed rule amendments are not subject to Executive Order 13045 because they are based on technology performance and not on health or safety risks. No children's risk analysis was performed because the action only provides affected EAF owners and operators with alternative monitoring options. Furthermore, the proposed rule amendments have been determined not to be ''economically significant'' as defined under Executive Order 12866.

E. Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, we generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any 1 year. Before promulgating a rule for which a written statement is needed, section 205 of the UMRA generally requires us to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows us to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before we establish any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, we must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of our regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

We have determined that the proposed rule amendments do not contain a Federal mandate that may result in estimated costs of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any 1 year. The maximum total annual cost of the proposed rule amendments for any year has been estimated to be less than $62,000. Thus, today's proposed rule amendments are not subject to the requirements of sections 202 and 205 of the UMRA. In addition, we have determined that the proposed rule amendments contain no regulatory requirements that might significantly or uniquely affect small governments because they contain no requirements that apply to such governments or impose obligations upon them. Therefore, today's proposed rule amendments are not subject to the requirements of section 203 of the UMRA.

F. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1966 (SBREFA), 5 U.S.C. 601 et seq.

The RFA generally requires an agency to prepare a regulatory flexibility analysis for any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses,

small organizations, and small governmental jurisdictions. The proposed amendments will not have a significant impact on a substantial number of small entities because the amendments only provide alternative compliance options designed to provide facilities with increased flexibility. Therefore, I certify that the action will not have a significant economic impact on a substantial number of small entities.

G. Paperwork Reduction Act

The information collection requirements in the proposed rule amendments have been submitted for approval to OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* We have prepared an Information Collection Request (ICR) document (ICR No. 1060.11), and you may obtain a copy from Susan Auby by mail at the Office of Environmental Information, Collection Strategies Division, U.S. EPA (2822), 1200 Pennsylvania Avenue NW., Washington, DC 20460; by e-mail at *auby.susan@epa.gov;* or by calling (202) 566–1672. You may also download a copy off the Internet at *http://www.epa.gov/icr.* The information requirements are not effective until OMB approves them.

The information requirements are based on notification, recordkeeping, and reporting requirements in the NSPS General Provisions (40 CFR part 60, subpart A), which are mandatory for all operators subject to NSPS. The recordkeeping and reporting requirements are specifically authorized by section 114 of the CAA (42 U.S.C. 7414). All information submitted to us pursuant to the recordkeeping and reporting requirements for which a claim of confidentiality is made is safeguarded according to our policies set forth in 40 CFR part 2, subpart B.

The annual increase to monitoring, recordkeeping, and reporting burden for the proposed rule amendments are estimated at 1750 labor hours at a total cost of $61,267 nationwide, and the annual average increase in burden is 175 labor hours and $6,127 per source. We estimate that there will be no increase in the annualized capital costs due to the proposed rule amendments. We estimate that the annualized costs associated with purchasing and installing a bag leak detection system are equal to the offsetting annualized cost savings associated with the discontinued use and periodic replacement of a COMS. In making the estimates, it was assumed that ten existing facilities currently required to install and operate COMS would elect to use the proposed alternative monitoring option. The cost estimates reflect increased costs associated with the installation and operation of a bag leak detection system and with daily opacity observations partially offset by the cost savings from no longer having to operate and maintain a COMS.

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. This 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 existing data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

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 OMB control numbers for our regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

Comments are requested on our need for the information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques. Send comments on the ICR to the Director, Collection Strategies Division, U.S. EPA (2822), 1200 Pennsylvania Avenue NW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503; marked ''Attention: Desk Officer for EPA.'' Include the ICR number in any correspondence. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after October 16, 2002, a comment to OMB is best assured of having its full effect if OMB receives it by November 15, 2002. The final action will respond to any OMB or public comments on the information collection requirements contained in this proposal.

H. National Technology Transfer and Advancement Act of 1995

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) Public Law 104–113 (15 U.S.C. 272 note) directs us to use voluntary consensus standards in our regulatory and procurement activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, business practices) developed or adopted by one or more voluntary consensus bodies. The NTTAA directs us to provide Congress, through annual reports to OMB, with explanations when an agency does not use available and applicable voluntary consensus standards. The proposed rulemaking does not involve a technical standard.

I. Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

The proposed rule amendments are not subject to Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: October 9, 2002.

Christine Todd Whitman,

Administrator.

For the reasons set out in the preamble, title 40, chapter I, part 63 of the Code of Federal Regulations is amended as follows:

PART 60—[AMENDED]

1. The authority citation for part 60 continues to read as follows:

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

2. Section 60.271 is amended by adding new paragraphs (o) and (p) to read as follows:

§ 60.271 Definitions.

* * * * *

(o) *Bag Leak detection system* means a system that is capable of continuously monitoring relative particulate matter (dust) loadings in the exhaust of a baghouse to detect bag leaks and other conditions that result in increases in particulate loadings. A bag leak detection system includes, but is not limited to, an instrument that operates on triboelectric, electrodynamic, light scattering, light transmittance, or other effect to continuously monitor relative particulate matter loadings.

(p) *Operating time* means the period of time in hours that an affected source is in operation beginning at a startup and ending at the next shutdown.

3. Section 60.273 is amended by revising paragraph (c) and adding new paragraphs (e), (f), (g), and (h) to read as follows:

§ 60.273 Emission monitoring.

* * * * *

(c) A continuous monitoring system for the measurement of the opacity of emissions discharged into the atmosphere from the control device(s) is not required on any modular, multi-stack, negative-pressure or positive-pressure fabric filter if observations of the opacity of the visible emissions from the control device are performed by a certified visible emission observer; or on any single-stack fabric filter if visible emissions from the control device are performed by a certified visible emission observer and the owner installs and continuously operates a bag leak detection system according to paragraph (e) of this section. Visible emission observations shall be conducted at least once per day for at least three 6-minute periods when the furnace is operating in the melting and refining period. All visible emissions observations shall be conducted in accordance with Method 9 of appendix A to this part. If visible emissions occur from more than one point, the opacity shall be recorded for any points where visible emissions are observed. Where it is possible to determine that a number of visible emission sites relate to only one incident of the visible emission, only one set of three 6-minute observations will be required. In that case, the Method 9 observations must be made for the site of highest opacity that directly relates to the cause (or location) of visible emissions observed during a single incident. Records shall be maintained of any 6-minute average that is in excess of the emission limit specified in § 60.272(a).

* * * * *

(e) A bag leak detection system must be installed and continuously operated on all single-stack fabric filters if the owner or operator elects not to install and operate a continuous opacity monitoring system as provided for under paragraph (c) of this section. In addition, the owner or operator shall meet the visible emissions observation requirements in paragraph (c) of this section. The bag leak detection system must meet the specifications and requirements of paragraphs (e)(1) through (8) of this section.

(1) The bag leak detection system must be certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations of 10 milligrams per actual cubic meter (0.0044 grains per actual cubic foot) or less.

(2) The bag leak detection system sensor must provide output of relative particulate matter loadings and the owner or operator shall continuously record the output from the bag leak detection system using electronic or other means (*e.g.*, using a strip chart recorder or a data logger.)

(3) The bag leak detection system must be equipped with an alarm system that will sound when an increase in relative particulate loading is detected over the alarm set point established according to paragraph (e)(4) of this section, and the alarm must be located such that it can be heard by the appropriate plant personnel.

(4) For each bag leak detection system required by paragraph (e) of this section, the owner or operator shall develop and submit, to the Administrator or delegated authority, for approval, a site-specific monitoring plan that addresses the items identified in paragraphs (e)(4)(i) through (v) of this section. For each bag leak detection system that operates based on the triboelectric effect, the monitoring plan shall be consistent with the recommendations contained in the U.S. Environmental Protection Agency guidance document ''Fabric Filter Bag Leak Detection Guidance'' (EPA–454/R–98–015). The owner or operator shall operate and maintain the bag leak detection system according to the site-specific monitoring plan at all times. The plan shall describe:

(i) Installation of the bag leak detector system;

(ii) Initial and periodic adjustment of the bag leak detector system including how the alarm set-point will be established;

(iii) Operation of the bag leak detection system including quality assurance procedures;

(iv) How the bag leak detection system will be maintained including a routine maintenance schedule and spare parts inventory list; and

(v) How the bag leak detection system output shall be recorded and stored.

(5) The initial adjustment of the system shall, at a minimum, consist of establishing the baseline output by adjusting the sensitivity (range) and the averaging period of the device, and establishing the alarm set points and the alarm delay time (if applicable).

(6) Following initial adjustment, the owner or operator shall not adjust the averaging period, alarm set point, or alarm delay time without approval from the Administrator or delegated authority except as provided for in paragraphs (e)(6)(i) and (ii) of this section.

(i) Once per quarter, the owner or operator may adjust the sensitivity of the bag leak detection system to account for seasonal effects including temperature and humidity according to the procedures identified in the site-specific monitoring plan required under paragraph (e)(4) of this section.

(ii) If opacities greater than zero percent are observed over four consecutive 15-second observations during the daily opacity observations required under paragraph (c) of this section and the alarm on the bag leak detection system does not sound, the owner or operator shall lower the alarm set point on the bag leak detection system to a point where the alarm would have sounded during the period when the opacity observations were made.

(7) For negative pressure, induced air baghouses, and positive pressure baghouses that are discharged to the atmosphere through a stack, the bag leak detector sensor must be installed downstream of the baghouse and upstream of any wet scrubber.

(8) Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.

(f) For each bag leak detection system installed according to paragraph (e) of this section, the owner or operator shall initiate procedures to determine the cause of all alarms within 30 minutes of an alarm. The cause of the alarm must be alleviated within 3 hours of the time the alarm occurred by taking whatever corrective action(s) are necessary. If additional time is required to alleviate the cause of the alarm, the owner or operator shall notify the Administrator or delegated authority. Corrective actions may include, but are not limited to the following:

(1) Inspecting the baghouse for air leaks, torn or broken bags or filter media, or any other condition that may cause an increase in particulate emissions;

(2) Sealing off defective bags or filter media;

(3) Replacing defective bags or filter media, or otherwise repairing the control device;

(4) Sealing off a defective baghouse compartment;

(5) Cleaning the bag leak detection system probe, or otherwise repairing the bag leak detection system; or

(6) Shutting down the process producing the particulate emissions.

(g) The owner or operator shall maintain each baghouse monitored by a bag leak detection system such that the alarm on the bag leak detection system does not sound for more than 3 percent

of the total operating time in a 6-month reporting period.

(h) The percentage of time the alarm on a bag leak detection system sounds shall be determined according to paragraphs (h)(1) through (5) of this section.

(1) An alarm that occurs due solely to a malfunction of the bag leak detection system shall not be included in the calculation.

(2) An alarm that occurs during startup, shutdown, or malfunction shall not be included in the calculation if the owner or operator follows all requirements contained in § 60.11(d).

(3) For each alarm where the owner or operator initiates procedures to determine the cause of an alarm within 1 hour of the alarm, 1 hour of alarm time shall be counted.

(4) For each alarm where the owner or operator does not initiate procedures to determine the cause of the alarm within 1 hour of the alarm, alarm time will be counted as the actual amount of time taken by the owner or operator to initiate procedures to determine the cause of the alarm.

(5) The percentage of time the alarm on the bag leak detection system sounds shall be calculated as the ratio of the sum of alarm times to the total operating time multiplied by 100.

4. Section 60.274 is amended by revising the first sentence of paragraph (c) to read as follows:

§ 60.274 Monitoring of operations.

* * * * *

(c) When the owner or operator of an affected facility is required to demonstrate compliance with the standards under § 60.272(a)(3) and at any other time the Administrator may require that (under section 114 of the CAA, as amended) either: the control system fan motor amperes and all damper positions; the volumetric flow rate through each separately ducted hood; or the volumetric flow rate at the control device inlet and all damper positions shall be determined during all periods in which a hood is operated for the purpose of capturing emissions from the affected facility subject to paragraph (b) of this section. * * *

* * * * *

5. Section 60.275 is amended by revising paragraph (i) to read as follows:

§ 60.275 Test methods and procedures.

* * * * *

(i) If visible emissions observations are made in lieu of using a continuous opacity monitoring system, as allowed for by § 60.273(c), visible emission observations shall be conducted at least once per day for at least three 6-minute periods when the furnace is operating in the melting and refining period. All visible emissions observations shall be conducted in accordance with Method 9. If visible emissions occur from more than one point, the opacity shall be recorded for any points where visible emissions are observed. Where it is possible to determine that a number of visible emission sites relate to only one incident of the visible emission, only one set of three 6-minute observations will be required. In that case, the Method 9 observations must be made for the site of highest opacity that directly relates to the cause (or location) of visible emissions observed during a single incident. Records shall be maintained of any 6-minute average that is in excess of the emission limit specified in § 60.272(a).

* * * * *

6. Section 60.276 is amended by adding new paragraphs (e) and (f) to read as follows:

§ 60.276 Recordkeeping and reporting requirements.

* * * * *

(e) The owner or operator shall maintain the following records for each bag leak detection system required under § 60.273(e):

(1) Records of the bag leak detection system output;

(2) Records of bag leak detection system adjustments, including the date and time of the adjustment, the initial bag leak detector settings, and the final bag leak detector settings;

(3) An identification of the date and time of all bag leak detection system alarms, the time that procedures to determine the cause of the alarm were initiated, if procedures were initiated within 30 minutes of the alarm, the cause of the alarm, an explanation of the actions taken, the date and time the cause of the alarm was alleviated, and if the alarm was alleviated within 3 hours of the alarm; and

(4) The calculation of the percent of time the alarm on the bag leak detection system sounded during each 6-month reporting period.

(f) In addition to the information required by § 60.7(c), the percent of time the alarm on the bag leak detection system sounded during each 6-month reporting period shall be reported to the Administrator semi-annually.

7. Section 60.271(a) is amended by adding, in alphabetical order, definitions for ''Bag leak detection system'' and ''Operating time'' as follows:

§ 60.271a Definitions.

Bag leak detection system means a system that is capable of continuously monitoring relative particulate matter (dust) loadings in the exhaust of a baghouse to detect bag leaks and other conditions that result in increases in particulate loadings. A bag leak detection system includes, but is not limited to, an instrument that operates on triboelectric, electrodynamic, light scattering, light transmittance, or other effect to continuously monitor relative particulate matter loadings.

* * * * *

Operating time means the period of time in hours that an affected source is in operation beginning at a startup and ending at the next shutdown.

* * * * *

8. Section 60.273a is amended by revising paragraph (c) and adding new paragraphs (e), (f), (g), and (h) to read as follows:

§ 60.273a Emission monitoring.

* * * * *

(c) A continuous monitoring system for the measurement of the opacity of emissions discharged into the atmosphere from the control device(s) is not required on any modular, multi-stack, negative-pressure or positive-pressure fabric filter if observations of the opacity of the visible emissions from the control device are performed by a certified visible emission observer; or on any single-stack fabric filter if visible emissions from the control device are performed by a certified visible emission observer and the owner installs and continuously operates a bag leak detection system according to paragraph (e) of this section. Visible emission observations shall be conducted at least once per day for at least three 6-minute periods when the furnace is operating in the melting and refining period. All visible emissions observations shall be conducted in accordance with Method 9. If visible emissions occur from more than one point, the opacity shall be recorded for any points where visible emissions are observed. Where it is possible to determine that a number of visible emission sites relate to only one incident of the visible emission, only one set of three 6-minute observations will be required. In that case, the Method 9 observations must be made for the site of highest opacity that directly relates to the cause (or location) of visible emissions observed during a single incident. Records shall be maintained of any 6-minute average that

is in excess of the emission limit specified in § 60.272a(a).

* * * * *

(e) A bag leak detection system must be installed and continuously operated on all single-stack fabric filters if the owner or operator elects not to install and operate a continuous opacity monitoring system as provided for under paragraph (c) of this section. In addition, the owner or operator shall meet the visible emissions observation requirements in paragraph (c) of this section. The bag leak detection system must meet the specifications and requirements of paragraphs (e)(1) through (8) of this section.

(1) The bag leak detection system must be certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations of 10 milligrams per actual cubic meter (0.0044 grains per actual cubic foot) or less.

(2) The bag leak detection system sensor must provide output of relative particulate matter loadings and the owner or operator shall continuously record the output from the bag leak detection system using electronic or other means (*e.g.*, using a strip chart recorder or a data logger.)

(3) The bag leak detection system must be equipped with an alarm system that will sound when an increase in relative particulate loading is detected over the alarm set point established according to paragraph (e)(4) of this section, and the alarm must be located such that it can be heard by the appropriate plant personnel.

(4) For each bag leak detection system required by paragraph (e) of this section, the owner or operator shall develop and submit, to the Administrator or delegated authority, for approval, a site-specific monitoring plan that addresses the items identified in paragraphs (e)(4)(i) through (v) of this section. For each bag leak detection system that operates based on the triboelectric effect, the monitoring plan shall be consistent with the recommendations contained in the U.S. Environmental Protection Agency guidance document ''Fabric Filter Bag Leak Detection Guidance'' (EPA–454/R–98–015). The owner or operator shall operate and maintain the bag leak detection system according to the site-specific monitoring plan at all times. The plan shall describe the following:

(i) Installation of the bag leak detector system;

(ii) Initial and periodic adjustment of the bag leak detector system including how the alarm set-point will be established;

(iii) Operation of the bag leak detection system including quality assurance procedures;

(iv) How the bag leak detection system will be maintained including a routine maintenance schedule and spare parts inventory list; and

(v) How the bag leak detection system output shall be recorded and stored.

(5) The initial adjustment of the system shall, at a minimum, consist of establishing the baseline output by adjusting the sensitivity (range) and the averaging period of the device, and establishing the alarm set points and the alarm delay time (if applicable).

(6) Following initial adjustment, the owner or operator shall not adjust the averaging period, alarm set point, or alarm delay time without approval from the Administrator or delegated authority except as provided for in paragraphs (e)(6)(i) and (ii) of this section.

(i) Once per quarter, the owner or operator may adjust the sensitivity of the bag leak detection system to account for seasonal effects including temperature and humidity according to the procedures identified in the site-specific monitoring plan required under paragraph (e)(4) of this section.

(ii) If opacities greater than zero percent are observed over four consecutive 15-second observations during the daily opacity observations required under paragraph (c) of this section and the alarm on the bag leak detection system does not sound, the owner or operator shall lower the alarm set point on the bag leak detection system to a point where the alarm would have sounded during the period when the opacity observations were made.

(7) For negative pressure, induced air baghouses, and positive pressure baghouses that are discharged to the atmosphere through a stack, the bag leak detector sensor must be installed downstream of the baghouse and upstream of any wet scrubber.

(8) Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.

(f) For each bag leak detection system installed according to paragraph (e) of this section, the owner or operator shall initiate procedures to determine the cause of all alarms within 30 minutes of an alarm. The cause of the alarm must be alleviated within 3 hours of the time the alarm occurred by taking whatever corrective action(s) are necessary. If additional time is required to alleviate the cause of the alarm, the owner or operator shall notify the Administrator or delegated authority. Corrective actions may include, but are not limited to, the following:

(1) Inspecting the baghouse for air leaks, torn or broken bags or filter media, or any other condition that may cause an increase in particulate emissions;

(2) Sealing off defective bags or filter media.

(3) Replacing defective bags or filter media, or otherwise repairing the control device;

(4) Sealing off a defective baghouse compartment.

(5) Cleaning the bag leak detection system probe, or otherwise repairing the bag leak detection system; and

(6) Shutting down the process producing the particulate emissions.

(g) The owner or operator shall maintain each baghouse monitored by a bag leak detection system such that the alarm on the bag leak detection system does not sound for more than 3 percent of the total operating time in a 6-month reporting period.

(h) The percentage of time the alarm on a bag leak detection system sounds shall be determined according to paragraphs (h)(1) through (5) of this section.

(1) An alarm that occurs due solely to a malfunction of the bag leak detection system shall not be included in the calculation.

(2) An alarm that occurs during startup, shutdown, or malfunction shall not be included in the calculation if the owner or operator follows all requirements contained in § 60.11(d).

(3) For each alarm where the owner or operator initiates procedures to determine the cause of an alarm within 1 hour of the alarm, 1 hour of alarm time shall be counted.

(4) For each alarm where the owner or operator does not initiate procedures to determine the cause of the alarm within 1 hour of the alarm, alarm time will be counted as the actual amount of time taken by the owner or operator to initiate procedures to determine the cause of the alarm.

(5) The percentage of time the alarm on the bag leak detection system sounds shall be calculated as the ratio of the sum of alarm times to the total operating time multiplied by 100.

9. Section 60.274a is amended by revising the first sentence of paragraph (b), revising the first sentence of paragraph (c), revising the first sentence of paragraph (d), and revising paragraph (e) to read as follows:

§ 60.274a Monitoring of operations.

* * * * *

(b) Except as provided under paragraph (e) of this section, the owner

or operator subject to the provisions of this subpart shall check and record on a once-per-shift basis the furnace static pressure (if DEC system is in use, and a furnace static pressure gauge is installed according to paragraph (f) of this section) and either: check and record the control system fan motor amperes and damper position on a once-per-shift basis; install calibrate, and maintain a monitoring device that continuously records the volumetric flow rate through each separately ducted hood; or install, calibrate, and maintain a monitoring device that continuously records the volumetric flow rate at the control device inlet and check and record damper positions on a once-per-shift basis. * * *

(c) When the owner or operator of an affected facility is required to demonstrate compliance with the standards under § 60.272a(a)(3) and at any other time the Administrator may require that (under section 114 of the CAA, as amended) either: the control system fan motor amperes and all damper positions; the volumetric flow rate through each separately ducted hood; or the volumetric flow rate at the control device inlet and all damper positions shall be determined during all periods in which a hood is operated for the purpose of capturing emissions from the affected facility subject to paragraph (b) of this section. * * *

(d) Except as provided under paragraph (e) of this section, the owner or operator shall perform monthly operational status inspections of the equipment that is important to the performance of the total capture system (*i.e.*, pressure sensors, dampers, and damper switches). * * *

(e) The owner or operator may petition the Administrator to approve any alternative to either the monitoring requirements specified in paragraph (b) of this section or the monthly operational status inspections specified in paragraph (d) of this section if the alternative will provide a continuous record of operation of each emission capture system.

* * * * *

10. Section 60.276a is amended by adding new paragraphs (h) and (i) to read as follows:

§ 60.276a Recordkeeping and reporting requirements.

* * * * *

(h) The owner or operator shall maintain the following records for each bag leak detection system required under § 60.273a(e):

(1) Records of the bag leak detection system output;

(2) Records of bag leak detection system adjustments, including the date and time of the adjustment, the initial bag leak detector settings, and the final bag leak detector settings;

(3) An identification of the date and time of all bag leak detection system alarms, the time that procedures to determine the cause of the alarm were initiated, if procedures were initiated within 30 minutes of the alarm, the cause of the alarm, an explanation of the actions taken, the date and time the cause of the alarm was alleviated, and if the alarm was alleviated within 3 hours of the alarm; and

(4) The calculation of the percent of time the alarm on the bag leak detection system sounded during each 6-month reporting period.

(i) In addition to the information required by § 60.7(c), the percent of time the alarm on the bag leak detection system sounded during each 6-month reporting period shall be reported to the Administrator semi-annually.

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Federal Register

Wednesday,
October 16, 2002

Part V

The President

Proclamation 7607—General Pulaski Memorial Day, 2002

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Vol. 67, No. 200
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Presidential Documents

Title 3—

The President

Proclamation 7607 of October 10, 2002

General Pulaski Memorial Day, 2002

By the President of the United States of America

A Proclamation

Americans celebrate our friendship and common commitment to freedom with the people of Poland each year on October 11, when we honor Brigadier General Casimir Pulaski, a hero of the American Revolutionary War. As a brave Polish patriot, General Pulaski made the ultimate sacrifice for our Nation, giving his life in 1779 to help America gain its independence. His devotion to liberty continues to inspire us today as we join with our allies to secure peace and freedom around the globe.

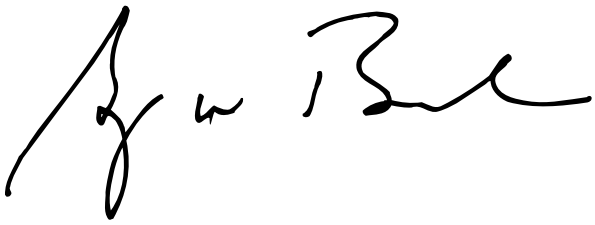
Before joining the American Revolution in 1777, Casimir Pulaski struggled against oppression in his native Poland, fighting alongside his father and brothers to defend their homeland from Prussian and Imperial Russian invaders. Though his cause was ultimately overcome by those powerful forces, Pulaski was widely recognized for his courageous actions as a cavalry officer and leader of Polish forces. Benjamin Franklin lauded Pulaski as ''famous throughout Europe for his bravery and conduct in defense of the liberties of his country.''

When General Pulaski joined General George Washington's staff, he immediately made important contributions to the war effort. He led a critical counterattack at the Battle of Brandywine that avoided a potential military disaster, earning him a commission as a Brigadier General. American leaders valued Pulaski's experience in battle, his knowledge of military strategy, and his pioneering efforts that led to a recognition that he was the ''Father of the American cavalry.'' While leading cavalry forces in the Siege of Savannah, Pulaski was wounded, and died on October 11, 1779.

Two hundred and twenty-five years ago, Casimir Pulaski joined forces with Americans to establish liberty and overcome despotism. That inspiration and solidarity is mirrored today as we engage in a war against terrorism. As part of a global coalition, which includes the government and people of Poland, we are working to ensure that our two nations remain strong friends and allies in our effort to build a safer, more peaceful world for all.

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 Friday, October 11, 2002, as General Pulaski Memorial Day. I encourage all Americans to commemorate this occasion with appropriate programs and activities paying tribute to Casimir Pulaski and honoring all those who defend the freedom of our great Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of October, 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.



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Federal Register

Vol. 67, No. 200

Wednesday, October 16, 2002

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The United States Government Manual	**741–6000**
Other Services	
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FEDERAL REGISTER PAGES AND DATE, OCTOBER

61467–61760 1
61761–61974 2
61975–62164 3
62165–62310 4
62311–62626 7
62627–62862 8
62863–63048 9
63049–63236 10
63237–63528 11
63529–63812 15
63813–64026 16

CFR PARTS AFFECTED DURING OCTOBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
7598 62161
7599 62165
7600 62167
7601 62169
7602 62863
7603 62865
7604 62867
7605 63527
7606 63811
7607 64025

Executive Orders:
13275 62869

Administrative Orders:
Memorandums
October 1, 2002 62163

Presidential Determinations:
No. 2002-32 of September 30, 2002 62311

4 CFR

Proposed Rules:
21 61542

5 CFR

534 63049
2634 61761
2635 61761

7 CFR

1 63237
29 61467
300 63529
301 ..... 61975, 62627, 63529
319 63529
723 62871
729 62871
868 62313
905 62313
906 62318
920 62320
996 63503
997 63503
998 63503
999 63503
1260 61762
1400 61468
1412 61470
1421 63506
1437 62323
1470 63242
1942 ..... 63019, 63536
4284 63537

Proposed Rules:
97 61545
300 61547
319 61547
993 63568
1424 61565
1710 62652
1721 62652

8 CFR

103 61474
214 61474
217 63246

Proposed Rules:
103 ..... 61568, 63313
212 63313
214 ..... 61568, 63313
245 63313
248 ..... 61568, 63313
264 61568
299 63313

9 CFR

94 62171
331 61767
381 61767
417 62325

10 CFR

20 62872
32 62872
35 62872
63 62628

Proposed Rules:
30 62403
40 62403
70 62403

11 CFR

Proposed Rules:
110 62410

12 CFR

8 62872
204 62634
226 61769

Proposed Rules:
220 62214

13 CFR

121 ..... 62292, 62334, 62335
123 62335

Proposed Rules:
121 61829

14 CFR

21 63193
23 62636
25 ..... 62339, 63050, 63250
36 63193
39 ..... 61476, 61478, 61481, 61770, 61771, 61980, 61983, 61984, 61985, 62341, 62347, 63813, 63815, 63817, 63821
71 ..... 63823, 63824, 63825, 63826, 63827, 63828
91 63193
97 ..... 62638, 62640

Proposed Rules:
25 61836

39 .....61569, 61842, 61843, 62215, 62654, 63573, 63856
71 .....62410, 62412, 62413, 62414, 62415, 62416, 63858
121 .....61996, 62142, 62294
129.....62142
135.....62142
207.....61996
208.....61996
221.....61996
250.....61996
253.....61996
256.....61996
302.....61996
380.....61996
389.....61996
399.....61996

15 CFR

902.....63223
990.....61483
Proposed Rules:
30.....62911
50.....62657
806.....63860

17 CFR

1.....62350, 63966
3.....62350
4.....62350
9.....62350
11.....62350
16.....62350
17.....62350
18.....62350
19.....62350
21.....62350
31.....62350
36.....62350
37.....62350, 62873
38.....62350, 62873
39.....62350, 62873
40.....62350, 62873
41.....62350
140.....62350
145.....62350, 63538
150.....62350
170.....62350
171.....62350
190.....62350

18 CFR

Proposed Rules:
35.....63327
154.....62918
161.....62918
250.....62918
284.....62918

19 CFR

10.....62880
163.....62880
178.....62880
Proposed Rules:
24.....62920
101.....62920
111.....63576

21 CFR

101.....61773
163.....62171
173.....61783
510.....63054
520.....63054
522.....63054
558.....63054
1308.....62354
Proposed Rules:
310.....62218
358.....62218

22 CFR

22.....62884

23 CFR

450.....62370
650.....63539

24 CFR

92.....61752
Proposed Rules:
200.....63198

25 CFR

103.....63543
Proposed Rules:
170.....62417

26 CFR

Proposed Rules:
1.....62417, 63330
20.....63330
25.....61997, 63330

27 CFR

4.....62856
5.....62856
7.....62856
13.....62856
46.....63543
Proposed Rules:
4.....61998, 62860
5.....62860
7.....62860
13.....62860
55.....63862

28 CFR

Proposed Rules:
549.....63059

29 CFR

4022.....63544
4044.....63544

30 CFR

47.....63254

31 CFR

1.....62886

33 CFR

100.....63265
117 .....61987, 63255, 63259, 63546, 63547
165 .....61494, 61988, 62178, 62373, 63261, 63264
Proposed Rules:
154.....63331
155.....63331

36 CFR

1201.....63267
1254.....63267

37 CFR

Proposed Rules:
201.....63578

38 CFR

1.....62642
17.....62887
36.....62646, 62889
39.....62642
Proposed Rules:
3.....63352

39 CFR

111.....63549
952.....62178
957.....62178
958.....62178
960.....62178
962.....62178
964.....62178
965.....62178
Proposed Rules:
111.....63582

40 CFR

52 .....61784, 61786, 62179, 62184, 62376, 62378, 62379, 62381, 62383, 62385, 62388, 62389, 62392, 62395, 62889, 62891, 63268, 63270
61.....62395
62.....62894
70.....63551
81.....61786, 62184
180.....63503
258.....62647
300.....61802
1518.....62189
Proposed Rules:
52 .....62221, 62222, 62425, 62426, 62427, 62431, 62432, 62926, 63353, 63354, 63583, 63586
60.....64014
61.....62432
81.....62222
122.....63867
228.....62659
300.....61844
372.....63060
450.....63867

42 CFR

81.....62096
413.....61496
457.....61956
460.....61496, 63966
482.....61805, 61808
483.....61808
484.....61808

43 CFR

4.....61506
268.....62618
271.....62618
2930.....61732
3430.....63565
3470.....63565
3800.....61732
6300.....61732
8340.....61732
8370.....61732
9260.....61732
Proposed Rules:
268.....62626
271.....62626
2930.....61746

44 CFR

64.....63271
65 .....63273, 63829, 63834
67 .....63275, 63837, 63849
201.....61512
206.....61512, 62896
Proposed Rules:
67 .....63358, 63360, 63867, 63872

45 CFR

Proposed Rules:
46.....62432

47 CFR

0.....63279
1.....63850
15.....63290
20.....63851
25.....61814
61.....63850
64.....62648
69.....63850
73 .....61515, 61816, 62399, 62400, 62648, 62649, 62650, 63290, 63852, 63853
90.....63279
95.....63279
Proposed Rules:
25.....61999
64.....62667
73 .....61572, 61845, 63873, 63874, 63875, 63876

48 CFR

206.....61516
207.....61516
217.....61516
223.....61516
237.....61516
242.....61516
245.....61516
247.....61516
1804.....62190
1833.....61519
1852.....61519
1872.....61519
Proposed Rules:
2.....64010
11.....64010
23.....64010
206.....62590
208.....62590
209.....62590
225.....62590
242.....62590
252.....62590

49 CFR

40.....61521
350.....61818, 63019
360.....61818
365.....61818
372.....61818
382.....61818
383.....61818
386.....61818
387.....61818
388.....61818
390.....61818, 63019
391.....61818
393.....61818, 63966
397.....62191
571.....61523
579.....63295
594.....62897
Proposed Rules:
27.....61996

37 61996
40 61996
177 62681
219 .....61996, 63022
225 63022
240 63022
376 61996
382 61996
397 62681
575 62528
653 61996
654 61996

50 CFR

16 62193
17 .....61531, 62897, 63968
600 .....61824, 62204
635 .....61537, 63854
648 .....62650, 63223, 63311
654 61990
660 .....61824, 61994, 62204, 62401, 63055, 63057
679 .....61826, 61827, 62212, 62651, 62910, 63312

Proposed Rules:

17 .....61845, 62926, 63064, 63066, 63067, 63738
600 62222
660 .....62001, 63599
679 63600

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT OCTOBER 16, 2002

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:

Colorado; published 9-16-02

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Boeing; published 9-11-02

Rolls-Royce plc; published 9-11-02

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Kiwifruit grown in—

California; comments due by 10-21-02; published 8-22-02 [FR 02-21364]

Mango promotion, research, and information order; comments due by 10-25-02; published 8-26-02 [FR 02-21535]

AGRICULTURE DEPARTMENT

Food Safety and Inspection Service

Meat and poultry inspection:

Federal Meat Inspection and Poultry Products Inspection Acts; State designations—

Maine; termination; comments due by 10-23-02; published 10-2-02 [FR 02-24979]

AGRICULTURE DEPARTMENT

Grain Inspection, Packers and Stockyards Administration

Review inspection requirements; comments due by 10-21-02; published 8-21-02 [FR 02-21158]

COMMERCE DEPARTMENT

Economic Analysis Bureau

International services surveys:

BE-22; annual survey of selected services transactions with unaffiliated foreign persons; comments due by 10-25-02; published 8-26-02 [FR 02-21691]

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Endangered and threatened species:

Incidental taking—

Southern California; drift gillnet fishing prohibited; loggerhead sea turtles; comments due by 10-21-02; published 9-20-02 [FR 02-23841]

Fishery conservation and management:

Caribbean, Gulf of Mexico, and South Atlantic fisheries—

South Atlantic shrimp; comments due by 10-21-02; published 9-4-02 [FR 02-22544]

Magnuson-Stevens Act provisions—

Domestic fisheries; exempted fishing permit applications; comments due by 10-21-02; published 10-4-02 [FR 02-25335]

West Coast States and Western Pacific fisheries—

Coral reef ecosystems; comments due by 10-24-02; published 9-24-02 [FR 02-24013]

West Coast salmon; comments due by 10-25-02; published 10-10-02 [FR 02-25865]

COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

District of Columbia sex offender registration; comments due by 10-21-02; published 8-21-02 [FR 02-20468]

DNA information; collection and use; comments due by 10-21-02; published 8-21-02 [FR 02-20606]

ENERGY DEPARTMENT

Financial assistance:

Grants and cooperative agreements with for-profit organizations; uniform administrative requirements; comments due by 10-25-02; published 8-26-02 [FR 02-20967]

ENVIRONMENTAL PROTECTION AGENCY

Air programs; State authority delegations:

New Hampshire; comments due by 10-21-02; published 9-19-02 [FR 02-23728]

Utah; comments due by 10-21-02; published 9-19-02 [FR 02-23378]

Air quality implementation plans; approval and promulgation; various States:

Utah; comments due by 10-21-02; published 9-20-02 [FR 02-23817]

Air quality implementation plans; approval and promulgation; various States:

California; comments due by 10-21-02; published 9-20-02 [FR 02-23987]

Kentucky; comments due by 10-24-02; published 9-24-02 [FR 02-24091]

Utah; comments due by 10-21-02; published 9-20-02 [FR 02-23816]

Superfund program:

National oil and hazardous substances contingency plan—

National priorities list update; comments due by 10-21-02; published 9-19-02 [FR 02-23585]

National priorities list update; comments due by 10-21-02; published 9-19-02 [FR 02-23586]

National priorities list update; comments due by 10-23-02; published 9-23-02 [FR 02-23988]

Toxic substances:

Significant new uses—

3-Hydroxy-1,1-dimethylbutyl derivative, etc.; comments due by 10-21-02; published 9-20-02 [FR 02-23749]

Water pollution; effluent guidelines for point source categories:

Construction and development; storm water discharges; comments due by 10-22-02; published 6-24-02 [FR 02-12963]

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services:

Telecommunications Act of 1996; implementation—

Customer proprietary network and other customer information; telecommunications carriers' use; non-accounting safeguards; unauthorized long distance changes; comments due by 10-21-02; published 9-20-02 [FR 02-23200]

Radio stations; table of assignments:

Colorado and Texas; comments due by 10-21-02; published 9-9-02 [FR 02-22757]

Ohio; comments due by 10-21-02; published 9-12-02 [FR 02-23140]

Oklahoma and Texas; comments due by 10-21-02; published 9-12-02 [FR 02-23141]

Oregon; comments due by 10-21-02; published 9-12-02 [FR 02-23139]

Texas; comments due by 10-21-02; published 9-12-02 [FR 02-23138]

FEDERAL DEPOSIT INSURANCE CORPORATION

State banks chartered as limited liability companies; insurance eligibility; comments due by 10-21-02; published 7-23-02 [FR 02-18467]

HEALTH AND HUMAN SERVICES DEPARTMENT

Centers for Medicare & Medicaid Services

Medicare:

National and local coverage determinations; review; comments due by 10-21-02; published 8-22-02 [FR 02-21530]

HEALTH AND HUMAN SERVICES DEPARTMENT

Inspector General Office, Health and Human Services Department

Medicare and State health care programs; fraud and abuse:

Beneficiary coinsurance and deductible amounts; waiver under anti-kickback statute; safe harbor; comments due by 10-25-02; published 9-25-02 [FR 02-24344]

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Mortgage and loan insurance programs:

Puerto Rico; condominium development; FHA approval; comments due by 10-21-02; published 8-21-02 [FR 02-21225]

Single family mortgage insurance—

One-time and up-front premiums; submission

schedule; comments due by 10-21-02; published 8-21-02 [FR 02-21227]

Rehabilitation Loan Insurance Program; comments due by 10-21-02; published 8-21-02 [FR 02-21228]

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species:

California tiger salamander; Sonoma County distinct population segment; comments due by 10-21-02; published 7-22-02 [FR 02-18451]

Hearing, etc.; comments due by 10-21-02; published 8-26-02 [FR 02-21628]

Critical habitat designations—

Cushenbury milk-vetch, etc. (carbonate plants from San Bernardino Mountains, CA); comments due by 10-21-02; published 9-20-02 [FR 02-23942]

Topeka shiner; comments due by 10-21-02; published 8-21-02 [FR 02-20939]

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

Permanent program and abandoned mine land reclamation plan submissions:

Kansas; comments due by 10-23-02; published 9-23-02 [FR 02-24016]

JUSTICE DEPARTMENT

Privacy Act; implementation; comments due by 10-24-02; published 9-24-02 [FR 02-24207]

NUCLEAR REGULATORY COMMISSION

Electronic maintenance and submission of information; comments due by 10-21-02; published 9-6-02 [FR 02-21888]

Rulemaking petitions:

Leyse, Robert H.; comments due by 10-23-02; published 8-9-02 [FR 02-20172]

Spent nuclear fuel and high-level radioactive waste; independent storage; licensing requirements:

Dry cask independent spent fuel and monitored retrievable storage installations; siting and design; geological and seismological characteristics; comments due by 10-22-02; published 9-5-02 [FR 02-22596]

SECURITIES AND EXCHANGE COMMISSION

Security futures products:

Margin related to security futures products; reserve requirements; comments due by 10-23-02; published 9-23-02 [FR 02-24027]

TRANSPORTATION DEPARTMENT

Coast Guard

Load lines:

Great Lakes—

Lake Michigan; river barges; limited service domestic voyages; comments due by 10-23-02; published 4-23-02 [FR 02-09834]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Air traffic operating and flight rules, etc.:

Niagara Falls, NY; special flight rules in vicinity—

Canadian flight management procedures; comments due by 10-21-02; published 9-4-02 [FR 02-22267]

Airworthiness directives:

Boeing; comments due by 10-21-02; published 9-25-02 [FR 02-24306]

Bombardier; comments due by 10-21-02; published 9-25-02 [FR 02-24282]

Britten Norman (Bembridge) Ltd.; comments due by 10-24-02; published 9-17-02 [FR 02-23515]

Cameron Balloons Ltd.; comments due by 10-21-02; published 9-13-02 [FR 02-23288]

Dornier; comments due by 10-25-02; published 9-25-02 [FR 02-24307]

Hartzell Propeller Inc.; comments due by 10-21-02; published 9-19-02 [FR 02-23777]

McDonnell Douglas; comments due by 10-21-02; published 9-4-02 [FR 02-22436]

Mitsubishi Heavy Industries, Ltd.; comments due by 10-21-02; published 9-13-02 [FR 02-23289]

Pilatus Britten-Norman Ltd.; comments due by 10-21-02; published 9-17-02 [FR 02-23514]

Pratt & Whitney; comments due by 10-21-02; published 9-19-02 [FR 02-23776]

Airworthiness standards:

Special conditions—

Raytheon Aircraft Co. Model HS.125 Series 700A airplanes; comments due by 10-24-02; published 9-24-02 [FR 02-24242]

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration

Motor vehicle safety standards:

Occupant crash protection—

Future air bags designed to create less risk of serious injuries for small women and young children, etc.; phase-in requirements; comments due by 10-24-02; published 9-24-02 [FR 02-24236]

TREASURY DEPARTMENT

Internal Revenue Service

Income taxes:

Foreign corporations; gross income; exclusions; comments due by 10-22-02; published 8-2-02 [FR 02-19127]

Correction; comments due by 10-22-02; published 9-17-02 [FR C2-19127]

Returned or recharacterized IRA contributions; earnings calculation; comments due by 10-21-02; published 7-23-02 [FR 02-18452]

Taxpayer identifying numbers; requirement on submissions; comments due by 10-23-02; published 7-26-02 [FR 02-18792]

VETERANS AFFAIRS DEPARTMENT

Disabilities rating schedule:

Respirator and cardiovascular conditions; evaluation of hypertension with heart disease; comments due by 10-21-02; published 8-22-02 [FR 02-21366]

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.nara.gov/fedreg/plawcurr.html*.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.access.gpo.gov/nara/nara005.html*. Some laws may not yet be available.

S. 238/P.L. 107–237

To authorize the Secretary of the Interior to conduct feasibility studies on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon. (Oct. 11, 2002; 116 Stat. 1485)

S. 1175/P.L. 107–238

Vicksburg National Military Park Boundary Modification Act of 2002 (Oct. 11, 2002; 116 Stat. 1486)

S. 1325/P.L. 107–239

To ratify an agreement between The Aleut Corporation and the United States of America to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island, and for other purposes. (Oct. 11, 2002; 116 Stat. 1488)

H.J. Res. 122/P.L. 107–240

Making further continuing appropriations for the fiscal year 2003, and for other purposes. (Oct. 11, 2002; 116 Stat. 1492)

Last List October 11, 2002

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